



Village of Roscoe

ZONING ORDINANCE

Adopted March 2, 2021

TABLE OF CONTENTS

Section 1. Title, Intent, and Purpose

Section 2. Zoning Districts and Map

Section 3. Residential District Regulations

Section 4. Commercial District Regulations

Section 5. Industrial District Regulations

Section 6. Special District Regulations

Section 7. General Provisions

Section 8. Use Provisions

Section 9. Non-Conforming Buildings and Uses

Section 10. Off-Street Parking and Loading

Section 11. Landscaping

Section 12. Signs

Section 13. Planned Unit Developments

Section 14. Definitions

Section 15. Administrative Procedures and Enforcement

SECTION 1. TITLE, INTENT, AND PURPOSE

155.1.1 – Title	1
155.1.2 – Purpose.....	1
155.1.3 – Intent	1
155.1.4 – Interpretation & Application	2

155.1.1 – TITLE

This ordinance shall be known, referred to, and recited as the “Village of Roscoe, Illinois Zoning Ordinance”.

155.1.2 – PURPOSE

The provisions of this chapter shall be held to be minimum requirements, unless otherwise specified, adopted for the purpose of:

- (A) Promoting the health, safety, morals, and general welfare;
- (B) Securing adequate light, pure air, and safety from fire and other dangers;
- (C) Conserving the taxable value of land and buildings throughout the Village; and
- (D) Preserving the enhancing aesthetic values, generally, throughout the Village.

155.1.3 – INTENT


This chapter is intended to establish and accomplish certain standards and objectives by:

- (A) Dividing the entire Village into districts and regulating in those districts the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, or other specified uses;
- (B) Permitting in each of the zoning districts only those uses, buildings, and structures that are compatible with the character of each district;
- (C) Providing controls governing the continuation of those uses, buildings, and structures which do not conform with the regulations of the districts in which they are located;
- (D) Regulating the intensity of land use by establishing building height and bulk limits, and regulating and limiting the building or setback lines on or along streets, alleys, or property lines;
- (E) Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings;

- (F) Providing controls over additions to and alterations of existing buildings and structures;
- (G) Defining the powers and duties of the administrative officers and bodies for the administration and enforcement of this chapter;
- (H) Advancing and implementing the recommendations of the Village of Roscoe Comprehensive Plan.

155.1.4 – INTERPRETATION & APPLICATION

- (A) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements, unless otherwise specified, for the promotion and protection of the public health, safety, morals, and general welfare.
- (B) Where the conditions imposed by any provisions of this chapter are either more or less restrictive than comparable standards imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulation which is more restrictive or which imposes higher standards or requirements shall govern.
- (C) This chapter is not intended to repeal or supersede any easement, covenant, or other private agreement, provided that, where the regulations of this chapter are more restrictive or impose higher standards or requirements than the easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- (D) No building, structure, or use not lawfully existing at the time of the adoption of this chapter shall become or be made lawful solely by reason of the adoption of this chapter. To the extent that the unlawful building, structure, or use is in conflict with the requirements of this chapter, the building, structure, or use remains unlawful as provided for under the terms of this chapter.
- (E) The language of this chapter shall be interpreted in accordance with the following rules of construction.
 - (1) words used in the present tense shall include the future,
 - (2) the singular number shall include the plural, and the plural the singular,
 - (3) the word ***BUILDING*** shall include the word ***STRUCTURE***,
 - (4) the word ***USED*** shall include ***ARRANGED, DESIGNED, CONSTRUCTED, ALTERED, CONVERTED, RENTED, LEASED*** or ***INTENDED TO BE USED***,
 - (5) the words ***MAY*** or ***SHOULD*** is permissive, and the word ***SHALL*** is mandatory and not discretionary, and

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- (6) all distances shall be measured horizontally except height, which shall be measured vertically.
- (F) This chapter shall apply to all property except railroad rights-of-way, underground utility lines and facilities, telephone cable and supporting poles, and electric distribution lines, not including transmission lines, whether owned by private persons, firms, corporations, or organizations; by the United States of America or any of its agencies; by the State of Illinois or any of its agencies or political subdivisions; by any Village or county, including the Village of Roscoe or any of its agencies; or by any authority or district organized under the laws of the State of Illinois.
- (G) If any section, subsection, sentence, clause, or phrase of this chapter is held invalid by the decision of any court having jurisdiction, the remainder of the chapter or its application to other persons or circumstances shall remain in full effect.

SECTION 2. ZONING DISTRICTS AND MAP

155.2.1 – Establishment of Districts	1
155.2.2 – District Boundaries	1
155.2.3 – Zoning Map	2
155.2.4 – Newly Annexed Land	2

155.2.1 – ESTABLISHMENT OF DISTRICTS


In order to carry out the purposes of this chapter, the following districts are established:

ABBREVIATION	TITLE
UT	Urban Transition
RE	Single-Family Rural Estate Residential District
R1	One-Family Residential District
R2	Two-Family Residential District
RM	Multiple-Family Residential District
CO	Limited Commercial Office District
CR	Retail and Service Commercial District
CH	Highway Commercial District
CG	General Commercial District
IL	Light Industrial District
IG	General Industrial District
IH	Heavy Industrial District
P/C	Public / Conservancy District
HC	Health Care District
PUD	Planned Unit Development Overlay District

155.2.2 – DISTRICT BOUNDARIES

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

- (A) Where a boundary line is indicated as following a street, alley, or watercourse, it shall be construed as following the centerline the street, alley, or watercourse;
- (B) Where a boundary line follows or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line;
- (C) Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the



boundary line shall be determined by the use of the scale designated on the zoning map; and

- (D) Where further uncertainty exists, the Zoning Board of Appeals, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of this chapter and the purposes set forth in the district regulations.

155.2.3 – ZONING MAP

The zoning map for the Village of Roscoe is hereby adopted by reference as if set out in full in this chapter. A copy is available through Village offices.

155.2.4 – NEWLY ANNEXED LAND

Any land that is newly annexed into the Village of Roscoe shall be, by default, designated as UT – Urban Transition, unless otherwise explicitly designated according to another zoning district by means of an annexation agreement or approved zoning designation at the time of annexation.

SECTION 3. RESIDENTIAL DISTRICT REGULATIONS

155.3.1 – Purpose and Intent	1
155.3.2 – Residential Bulk Standards	2
155.3.3 – Residential Permitted Uses	3
155.3.4 – Development Standards Applicable to Residential Districts	4

155.3.1 – PURPOSE AND INTENT

- (A) **Residential Districts Generally.** The intent of all residential districts is to:
- (1) Accommodate a reasonable range of population density consistent with sound standards of public health and safety and the Village of Roscoe Comprehensive Plan;
 - (2) Ensure adequate light, air, privacy, and open space for each dwelling;
 - (3) Provide space for public and semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;
 - (4) Minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
 - (5) Provide necessary space for off-street parking of automobiles and where appropriate;
 - (6) Protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences; and
 - (7) Protect residential properties from fire, explosion, noxious fumes, and other hazards.
- (B) **RE – Single-Family Rural Estate Residential District.** The RE – Single-Family Rural Estate Residential District is intended to reserve appropriately located areas for detached single-family homes on large lots that are consistent with the Village’s rural character.
- (C) **R1 – One-Family Residential District.** The R1 – One-Family Residential District is intended to reserve appropriately located areas for detached single-family homes on

lots that are typical of the development that predominates the Village's single-family neighborhoods.

- (D) **R2 – Two-Family Residential District.** The R2 – Two-Family Residential District is intended to accommodate increased population density compared to the R-1 District, including detached single-family homes, duplexes, and townhomes.
- (E) **RM – Multi-Family Residential District.** The RM – Multi-Family Residential District is intended to accommodate more compact and dense residential development compared to the R1 and R2 Districts, consisting of duplexes, townhomes, and multi-family residential development.

155.3.2 – RESIDENTIAL BULK STANDARDS

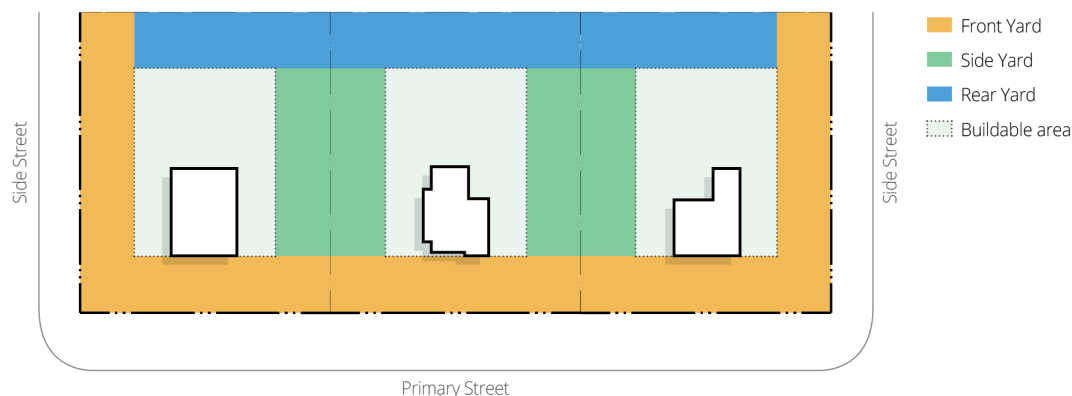
- (A) All development in Residential Districts must comply with the requirements in Table 155.3(A): Residential Districts – Bulk and Yard Standards unless otherwise expressly stated.

TABLE 155.3(A): RESIDENTIAL DISTRICTS – BULK AND YARD STANDARDS									
District	Minimum Site			Development Intensity			Min. Yards		
	Area	Width Interior Lot	Min. Depth	Max. Height	Max. Lot Coverage	Min. Site Area per DU	Front (1)	Side	Rear
RE	22,000 sf	110 ft	150 ft	35 ft	25%	22,000 sf	30 ft	30 ft in total with a min of 10 ft per side	30 ft
R1	9,500sf	75 ft	125 ft	35 ft	30%	9,500sf	30 ft	10 ft	30 ft
R2	15,000 sf	100 ft	125 ft	35 ft	30%	7,500 sf	30 ft	15 ft	30 ft
RM	19,800 sf	100 ft	125 ft	35 ft	30%	3,300 sf	30 ft	15 ft	30 ft

(1) The required front yard setback of lots fronting Main Street between Grove Street and Elevator Street or fronting Elevator Street between Highway 251 and Pearl Street shall be a minimum of ten (10) feet and a maximum of twenty (20) feet.

Graphic 3.1: Residential Required Yards

Not to Scale



155.3.3 – RESIDENTIAL PERMITTED USES

- (A) **Table 155.3(B): Residential Districts.** Permitted and Special Uses lists permitted and special uses for all residential districts. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Section 8.
- (1) **Permitted Uses.** A “P” indicates that a use is considered permitted within that district as of right.
 - (2) **Special Uses.** An “S” indicates that a use is permitted, though its approval requires review by the Village Board as required in Section 155.15.8 and is contingent upon the development/proposed use meeting certain special criteria.
 - (3) **Uses Not Permitted.** A blank space or the absence of the use from the table indicates that the use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on their evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

TABLE 155.3(B): RESIDENTIAL DISTRICTS – PERMITTED AND SPECIAL USES				
	RE	R1	R2	RM
RESIDENTIAL				
Single-family dwellings	P	P	P	P
Two-family dwellings			P	P
Multi-family dwellings				P
Community-based housing, fewer than 8 occupants			P	P
Community-based housing, equal to or more than 8 occupants			S	S
Senior housing and community based housing projects				P
RV residences, tents, and other structures not requiring an occupancy permit				
COMMERCIAL				
Home occupations conducted in accord with the regulations prescribed in Section 155.8.8	P	P	P	P
Daycare facilities and nursery schools	S	S	S	
Bed and breakfast		S	S	S
Boarding houses, hotel, motel and lodging houses				S
INSTITUTIONAL				
Place of Worship	S	S	S	S
Hospitals, sanitariums not for mental, drug addict, or liquor addict cases			S	S
Nursing homes	S	S	S	S
Public and parochial schools and colleges	S	S	S	S
Community service organizations				S
COMMUNITY FACILITIES (PUBLIC SERVICE)				
Public utility, public facility, and public services, pumping stations, power stations, equipment buildings and installations, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety, or welfare	S	S	S	S
Civic uses				P
RECREATIONAL				
Golf courses, public parks, and playgrounds	S	S	S	S

TABLE 155.3(B): RESIDENTIAL DISTRICTS – PERMITTED AND SPECIAL USES

	RE	R1	R2	RM
Private recreation parks and swim clubs	S	S	S	
Private recreation parks and swim clubs open to membership outside the homeowner or condominium owners' association				S
OTHER				
Apiary / bee keeping	P	P	P	
Chicken keeping	P	P	P	
Raising of fruit and nut trees, vegetables, and horticultural specialties	P	P		
Temporary outdoor portable storage unit	P	P	P	

155.3.4 – DEVELOPMENT STANDARDS APPLICABLE TO RESIDENTIAL DISTRICTS

(A) Garages.

- (1) A lot with a single-family dwelling that is one thousand one hundred and ninety nine (1,199) square feet or less in area shall be required to have a single-car garage at a minimum.
- (2) A lot with a single-family dwelling that is one thousand two hundred (1,200) square feet or more in area shall be required to have a two-car garage at a minimum.

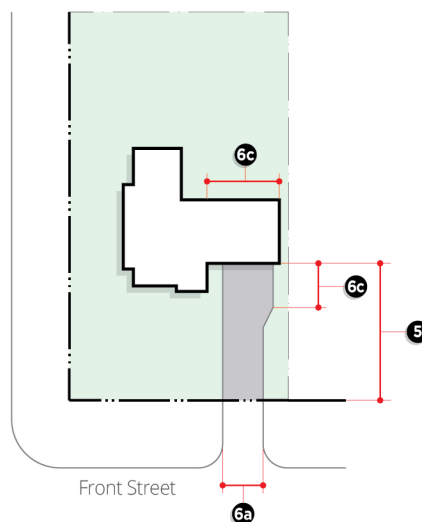
(B) Residential Driveways.

- (1) A residential driveway is any paved hard-surfaced, manmade area used to access any garage or accessory building, or leads to a garage, outdoor or indoor parking area, or is an established and surfaced portion of the lot, the use of which is for the purpose of ingress or egress to a carport, garage, accessory structure, parking area, or loading and unloading station for vehicles, whether the driveway crosses the Village right-of-way or not.
- (2) All residential driveways must comply with the following standards, in addition to those set forth in the Village subdivision code and code of ordinances:
 - (a) No residential driveway shall be set within the required side yards as required in Section 155.3.2. The restriction in this division (B)(2)(a) does not apply to lots on a cul-de-sac;
 - (b) Only one (1) driveway is permitted for each lot in the R1 District, unless a variance is granted by the Village Board of Trustees;
- (3) All residential driveways must be constructed directly from the public road to the attached garage. If there is no attached garage the driveway shall be

constructed to the primary detached garage if situated in the front or side yard;
and

- (4) No residential driveways may be built to any accessory structure, other than a garage as detailed in division (B)(3), unless a variance is granted by the Board of Trustees.
- (5) Residential driveways shall extend for a minimum of thirty (30) feet in between the public right-of-way and garage.
- (6) **Residential Driveway Design Standards.**
 - (a) Residential driveways shall not exceed twenty four (24) feet in width at the property line.
 - (b) Residential driveways shall be constructed of a minimum of two (2) inches of bituminous pavement with six (6) inches of aggregate base, Portland cement concrete at least four (4) inches in thickness, concrete pavers, paving blocks, or similar materials approved by the Village Engineer.
 - (c) A garage access drive the width of the garage, as measured from the garage walls, is permitted to extend for a distance of twenty (20) feet from the garage doors before tapering, within ten (10) feet, back to the maximum driveway width.
- (7) In addition to the requirements of Section 10, residential circular driveways are permitted in a front or corner side yard, so long as it conforms to the following requirements:

Graphic 3.2: Residential Driveways Design Standards



- (a) The minimum lot width is greater than one-hundred twenty five (125) linear feet.
- (b) The minimum setback for residential structures in the yard in which the circular driveway is located shall be thirty (30) feet.
- (c) Circular driveways shall have a minimum width of nine (9) feet, and a maximum width of twelve (12) feet except where it provides access to a garage entry.
- (d) There shall be a landscaped area between the circular driveway and the public right-of-way with a depth of no less than ten (10) feet and a width of no less than twenty (20) feet. This area shall include decorative landscaping intended to screen the circular driveway area.

(C) **Residential Parking Pads.**

- (1) **Limit.** A residential driveway may be extended to include one (1) parking pad.
- (2) **Configuration.**
 - (a) A parking pad shall be a minimum of ten (10) feet in width.
 - (b) The portion of the parking pad adjacent to the driveway shall have a maximum length of twenty-five (25) feet, as measured from the front façade line of the garage. A minimum seven (7) foot taper shall be included in the twenty-five (25) foot maximum.
 - (c) The portion of the parking pad adjacent to the garage shall have a maximum length of twenty (20) feet as measured from the front façade line of the garage.
- (3) **Location.** The parking pad shall be set back a minimum of three (3) feet from any side property line.

(D) **Residential Anti-Monotony Standards.** The following standards and definitions shall apply to the construction of all new single-family detached dwellings within the Village after the effective date of this section.

- (1) **Similar elevations and/or facades prohibited on adjacent lots.** No two (2) single-family dwellings of similar front elevation and/or facade shall be constructed or located on adjacent lots or on lots opposite each other. Further, single-family dwellings of similar front elevation and/or facade shall be separated by at least two (2) lots, regardless of the side of the street the dwelling is located on; nor shall there be constructed or located single-family

dwelling of similar front elevation and/or facade constituting more than twenty-five (25) percent of the single-family dwellings in any streetscape.

- (2) **Identical footprint prohibited on adjacent lots.** No two (2) single-family dwellings with the identical footprint or mirrored footprint shall be constructed or located on adjacent lots or on lots opposite each other. Further, single-family dwellings with the identical footprint or mirrored footprint shall be separated by at least two (2) lots, regardless of the side of the street the dwelling is located on; nor shall there be constructed or located single-family dwellings with the identical footprint or mirrored footprint constituting more than twenty-five (25) percent of the single-family dwellings in any streetscape.
- (3) **Criteria.** Designated Village officials shall deem front elevations and facades to be dissimilar when at least one (1) of the delineated changes under each of the following categories of roof lines, windows, and construction materials and colors is made.
- (a) **Roof lines.** To be considered dissimilar, the roof lines of two (2) adjacent single-family dwellings, as seen from the front of the dwelling, shall be changed in at least one (1) of the following ways:
1. Changing gable roofs to hip roofs.
 2. Changing hip roofs to gable roofs.
 3. Providing an intersecting gable roof on the main gable roof, provided that the height of the intersecting roof is at least thirty-five (35) percent of the height of the main roof.
 4. Providing an intersecting hip roof on the main hip roof, provided that the height of the intersecting hip roof is at least thirty-five (35) percent of the height of the main roof.
 5. Subject to review by the designated Village official, a shed roof when used as a front porch roof for a minimum of fifty (50) percent of the entire width of the house, excluding area of garage.
 6. Subject to review by the designated Village official, a substantial difference in roof line shall be deemed to exist if the front soffit is increased substantially and is combined with columns at least six (6) inches in width or by other architectural features of a similar magnitude which reach the roof line of the highest story.

7. Rotating gable roofs ninety (90) degrees on the building.
 8. On a tri-level residence or other building type which has three (3) independent major roof areas, the changing of two (2) of the three (3) roof lines shall be acceptable as a substantial change. Acknowledging certain design elements may prevent the changing of all three (3) roof lines, it is desired that the roofs with the greatest impact on the streetscape be changed.
 9. The following changes to roof lines shall not be deemed sufficient to make adjacent structures dissimilar:
 - a. Small gable or hip projections above windows.
 - b. Change in soffit overhang or minor variations in eave height.
 - c. Skylight and cupola.
- (b) **Windows.** To be considered dissimilar, the windows of two (2) adjacent single-family dwellings shall be changed in at least one (1) of the following ways:
1. Changing from single windows to multiple window arrangement (ganged units).
 2. Changing from multiple window arrangement to single window.
 3. Changing the type of windows (e.g. casement to double hung).
 4. Providing a bay or bow window in the area of the predominant window.
 - a. Where because of its size, location or design, one (1) window is the predominant window on the front elevation or façade, and the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.
 - b. The addition or subtraction of muntin bars (dividing lines) shall not be deemed sufficient change to constitute a substantial change in windows.

- (c) **Construction materials or colors.** To be considered dissimilar, the construction materials of two (2) adjacent single-family dwellings shall be changed in at least one (1) of the following ways, provided that when materials are changed, the change must occur throughout the front facade or elevation for a minimum of one (1) story in height:
1. Changing the siding from horizontal to vertical.
 2. Changing the siding from vertical to horizontal.
 3. Four (4) inch exposure horizontal siding.
 4. Eight (8) inch exposure horizontal siding.
 5. Brick siding.
 6. Stone facing.
 7. Stucco/stuccato board and trim.
- (d) **Façades.** In addition to the other requirements of this section, all residences constructed in R1 and R2 zoning classifications shall have on the front of the residence (defined as corner to corner across that front elevation of the residence) a minimum of one-half (1/2) of the area exposed on that elevation covered in brick, brick siding, stucco (or similar materials approved by the Village) or stone facing excluding windows, doors and garage doors. Any material produced from vinyl or a wood-based product or that is produced in sheets for application shall not satisfy the requirements of this section.

SECTION 4. COMMERCIAL DISTRICT REGULATIONS

155.4.1 – Purpose and Intent	1
155.4.2 – Commercial Bulk Standards	2
155.4.3 – Commercial Permitted Uses	3
155.4.4 – Development Standards Applicable to Commercial Districts	5

155.4.1 – PURPOSE AND INTENT

- (A) **CR – Retail and Service Commercial District.** The CR – Retail and Service Commercial District is intended to maximize the efficiency of the Village's most intensively developed retail and service district by maintaining the continuity of commercial frontage, attractive pedestrian shopping and service areas, and accommodating the potential for mixed use development with residential or office use on upper floors.
- (B) **CG – General Commercial District.** The purpose of the CG – General Commercial District is to permit mixed commercial areas containing both retail sales and services for uses that may include standalone as well as multi-tenant retail centers. Development in the CG District should be appropriately buffered from adjacent residential districts to minimize impacts of noise, lighting, traffic, and other objectionable influences incidental to commercial uses.
- (C) **CO – Limited Office District.** The CO – Limited Office District is intended to accommodate well-designed, low-intensity office developments in proximity to residential uses, and to serve as a transitional buffer between established commercial uses and residential neighborhoods.
- (D) **CH – Highway Commercial Thoroughfare District.** The CH – Highway Commercial Thoroughfare District is intended to provide appropriately located areas for commercial amusement establishments that generally require large sites, do not require close proximity to other retail uses, and cater to tourists and highway travelers.

155.4.2 – COMMERCIAL BULK STANDARDS

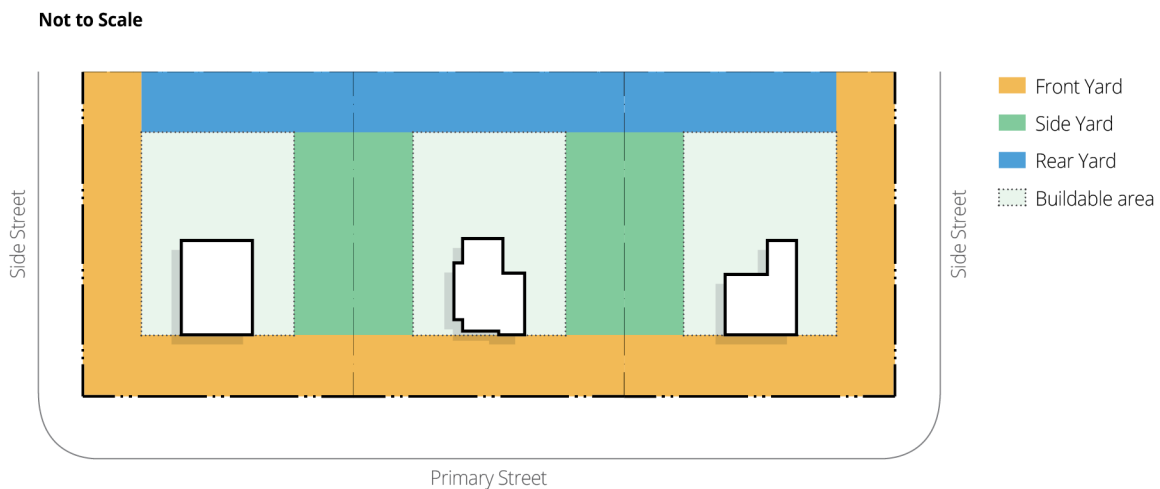
All development in Commercial Districts must comply with the requirements in Table 155.4(A): Commercial Districts – Bulk and Yard Standards unless otherwise expressly stated.

TABLE 155.4(A): COMMERCIAL DISTRICTS – BULK AND YARD STANDARDS

District	Minimum Site			Development Intensity			Min. Yards		
	Area	Width Interior Lot	Min. Depth	Max. Height	Max. Lot Coverage	Min. Site Area per DU	Front (1)	Side	Rear
CR	10,000 sf	75 ft	-	45 ft	60%	3,300 sf	10 ft	10 ft	10 ft
CG	10,000 sf	75 ft	120 ft	45 ft	60%	n/a	20 ft	10 ft	10 ft
CH	20,000 sf	120 ft	150 ft	45 ft	60%	n/a	15 ft	10 ft	10 ft
CO	10,000 sf	75 ft	-	45 ft	60%	n/a	15 ft	10 ft	10ft

(1) The required front yard setback of lots fronting Main Street between Grove Street and Elevator Street or fronting Elevator Street between Highway 251 and Pearl Street shall be a minimum of zero (0) feet and a maximum of ten (10) feet.

Graphic 4.1: Commercial Required Yards



155.4.3 – COMMERCIAL PERMITTED USES

- (A) Table 155.4(B): Commercial Districts – Permitted and Special Uses lists permitted and special uses for all commercial districts. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Section 8 – Use Provisions.
- (1) **Permitted Uses.** A “P” indicates that a use is considered permitted within that district as of right.
 - (2) **Special Uses.** An “S” indicates that a use is permitted as a special exception in that district upon approval from the Village Board as required in Section 155.15.8 (Special Uses).
 - (3) **Uses Not Permitted.** A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on their evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

TABLE 155.4(B): COMMERCIAL DISTRICTS – PERMITTED AND SPECIAL USES				
	CR	CG	CH	CO
RESIDENTIAL				
Mixed use	P	P		
Multi-Family	S	S	S	S
Live/Work unit	P	P		
COMMERCIAL				
Retail				
Convenience stores	P	P	P	
Garden supplies		P	P	
Retail trade	P	P	P	
Gift and/or antique shops	P	P	P	P
Pawn Shop		S	S	
Food and Beverage Retail Sales				
Restaurants	P	P	P	P
Restaurant with drive-thru or drive-in	S	P	P	
Bar, tavern, microbrewery, taproom, or tasting room	P	P	P	P
Cafe, coffee shop / tea shop	P	P	P	S
Personal Service				
Personal services	P	P	P	
Beauty shop and barber shop	P	P	P	S
Massage Parlor / Day Spa		S	S	
Funeral homes		P		S
Tailor or dressmaker	P	P	P	S
Entertainment and Recreation				
Drive-in theaters			S	

TABLE 155.4(B): COMMERCIAL DISTRICTS – PERMITTED AND SPECIAL USES

	CR	CG	CH	CO
Amusement and recreation services		P	P	
Amusement parks			S	
Parks	P	P	P	P
Boat launching ramps			S	
Carnival, circuses, and other transient amusement enterprises			S	
Sports stadiums			S	
Lodging				
Hotel		P	P	
Boarding houses	S	S	S	
Bed and breakfast	S	S	S	
Financial Services				
Financial institutions	S	S	S	P
Professional Office/Studio				
Business services	P	P	P	S
Professional services	P	P	P	S
Business and professional offices				P
Kennel / Boarding Facility		P	P	
Tattoo Parlor	S	S	S	S
Medical, dental, and counseling office (excluding clinics)	P	P	P	P
Vehicles and Equipment Sales and Service				
Automobile repair and services		P	P	
Automotive sales		P	P	
Short Term Lease of Passenger or Nonpassenger Vehicles		S	S	
Automotive, implement, and recreational vehicle sales			P	
Car Wash		P	P	
Repair shops		P	P	
Service stations		P	P	
Other				
Daycare centers	P	P	P	
Parking	S	S	S	
Mini warehouses		S	S	
Auction sales room		S	S	
Building material yard		S	S	
Contractors' equipment rental yards		S	S	
Contractors' storage yards		S	S	
Lumber yards, not including planning or saw mills		S	S	
Stone and monument yards		S	S	
Second-hand sales conducted entirely inside a building		S	S	
Welding shops		S	S	
Any drive-up or drive-through facilities and services incidental to a permitted or special use	S	S	S	S
ADULT USE CANNABIS				
Adult Use Cannabis Craft Grower Organization			S	
Adult Use Cannabis Cultivation Organization			S	
Adult Use Cannabis Dispensing Organization	S	S	S	
Adult Use Cannabis Infuser Organization			S	
Adult Use Cannabis Processing Organization			S	
INDUSTRIAL				

TABLE 155.4(B): COMMERCIAL DISTRICTS – PERMITTED AND SPECIAL USES

	CR	CG	CH	CO
Light industrial uses permitted in Section 155.5.3, IL District, provided that all of the conditions prescribed by division (B) of this section are met and provided that no motor power other than electrically operated motors shall be used	S	S	S	
Light industrial uses permitted in Section 155.5.3, IL Light Industrial District, provided that all of the conditions prescribed by division (B) of this section are met		S	S	
INSTITUTIONAL				
Place of Worship		P	P	
Parsonages, parish houses, monasteries, convents, and other religious institutions	S	S	S	
Schools		P	P	
Charitable institutions	S	S	S	
Community service organization – multiple uses				S
Hospitals, sanitariums, and nursing homes	S	S	S	
Private museums				S
Library				S
COMMUNITY FACILITIES (PUBLIC SERVICE)				
Civic uses	P	P	P	
Essential services	P	P	P	
Public utility, public facility and public services, pumping stations, power stations, equipment building and installations, drainageways and structures, water storage tanks	S	P	P	S
OTHER				
Accessory structures and uses, not including warehouses, on the same site as a permitted use	P	P	P	
Accessory structures and uses located on the same site as a permitted use		S	S	
Accessory structures and uses located on the same site as a special use	S	S	S	S
Clubs and associations		P	P	
Required off-street parking facilities located on a site separated from the use which the facilities serve, as prescribed by Section 155.10	S	S	S	
Food truck	P	P	P	
Temporary seasonal sales	P	P	P	

155.4.4 – DEVELOPMENT STANDARDS APPLICABLE TO COMMERCIAL DISTRICTS

Any development within a commercial district shall conform to the standards set forth in this section.

(A) Business Operations.


- (1) All businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas; the sale of automobiles, implements, recreational vehicles; gasoline service stations; outdoor dining areas; nurseries; garden shops; holiday tree sales lots; bus depots; and utility substations and equipment installations.
- (2) Exhibits of goods sold or manufactured on the premises can be displayed outside only during normal business hours.

(B) **Commercial Design Standards.** All development within the CR, CG, CO, and CH Districts shall comply with the following standards.

- (1) Require unified architectural façade with defined signage areas.
- (2) Commercial structures shall be separated from parking areas through the use of landscaping and/or walkways.
- (3) All mechanical equipment shall be located away from view of the public street and shall be screened with architectural elements or landscaping.
- (4) All uses that provide trash and/or garbage collection areas shall be enclosed on all four (4) sides by an architectural screening element at least four (4) feet in height or twelve (12) inches higher than the tallest receptacle, whichever is greater. Screening shall be compatible with the design of the primary structure.
- (5) Parking areas shall be designed to promote safe and efficient vehicular and pedestrian circulation, and where possible, property owners are encouraged to provide cross-access between adjacent parking areas, where appropriate.

(C) **Outdoor Commercial Areas.** Outdoor commercial areas are permitted as an accessory to the primary use of a lot in accordance with the following regulations:

- (1) **In all Commercial Districts.**
 - (a) The nature of the outdoor activity shall be directly related to the primary use of the lot.
 - (b) The location of outdoor activities shall not interfere with vehicular site access, required on-site parking capacity, or pedestrian site access or circulation.
 - (c) The areas designated for outdoor activities shall be properly protected from vehicular traffic through the use of fences or corrals that entirely contain the outdoor activities.
- (2) **Clear Vision.** Outdoor activities shall be located outside of clear vision areas.
- (3) **Site Plan.** A spatially accurate site plan, based upon a lot survey or WinGIS property data, shall be submitted that includes the location and dimensions of the outdoor activities; site dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates and parking meters. Photographs of the area shall be included.
- (4) **Food Preparation and Cooking.** Outdoor food preparation and cooking shall be subject to Special Use approval and the following requirements:

- 
- (a) Food preparation shall be directly related to the principal use on the same lot.
 - (b) All equipment shall be located on private property.
 - (c) Cooking apparatus must be separated from areas of pedestrian movement.
 - (d) Smoke emissions shall not impair pedestrian or vehicular sight distances or serve as a distraction at street intersections.

SECTION 5. INDUSTRIAL DISTRICT REGULATIONS

155.5.1 – Purpose and Intent.....	1
155.5.2 – Industrial Bulk Standards.....	2
155.5.3 – Industrial Permitted Uses	3
155.5.4 – Development Standards Applicable to Industrial Districts	4

155.5.1 – PURPOSE AND INTENT

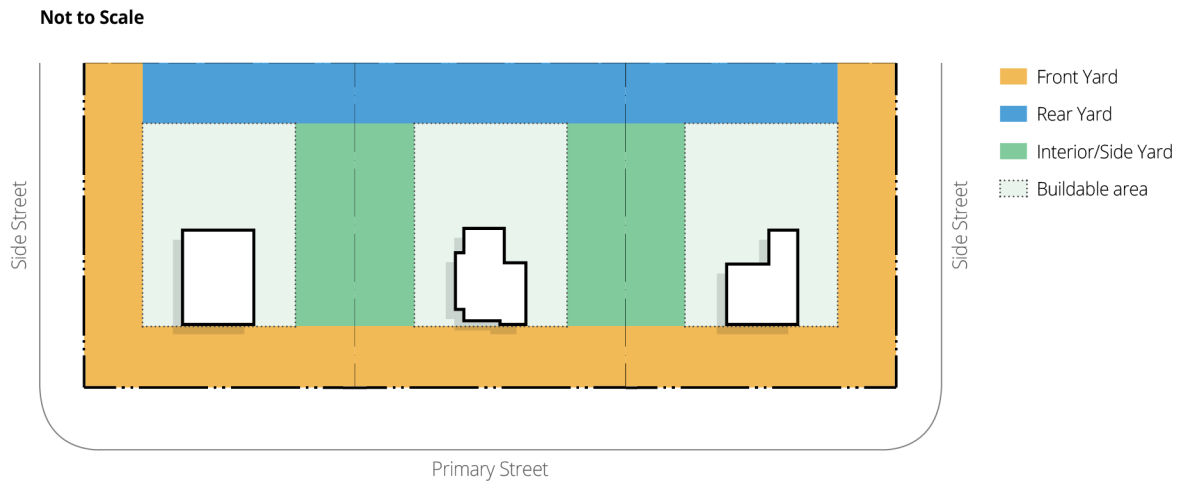
- (A) **IL – Light Industrial District.** The IL – Light Industrial District is intended to accommodate light manufacturing, wholesale, and research establishments. The IL District may be located in various areas throughout the community and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as an adjunct to these established districts.
- (B) **IG – General Industrial District.** The IG – General Industrial District is intended to accommodate those manufacturing and industrial uses which may not or cannot meet the performance standards of the IL District yet do not have the objectionable influences of those uses found in the IH District. The IG District should not, where possible, be located in close proximity to an R District.
- (C) **IH – Heavy Industrial District.** The purpose of the IH – Heavy Industrial District is to accommodate those heavier manufacturing and other industrial uses which have objectionable influences, but which, nevertheless, should be provided for somewhere in the community. The IH District is, insofar as possible, applied to locations removed from the R Districts on the basis of linear distance or natural or manmade features.

155.5.2 – INDUSTRIAL BULK STANDARDS

All development in Industrial Districts must comply with the requirements in Table 155.5(A):
Industrial Districts – Bulk and Yard Standards unless otherwise expressly stated.

TABLE 155.5(A): INDUSTRIAL DISTRICTS – BULK AND YARD STANDARDS									
District	Minimum Site			Development Intensity			Min. Yards		
	Area	Width Interior Lot	Min. Depth	Max. Height	Max. Lot Coverage	Min. Site Area per DU	Front	Side	Rear
IL	40,000 sf	120 ft	150 ft	100 ft	60%	n/a	½ of ROW or 50 ft whichever is greater (1)	10% of the lot width (2)	30 ft
IG	40,000 sf	120 ft	150 ft	100 ft	60%	n/a	½ of ROW or 50 ft whichever is greater (1)	10% of the lot width (2)	30 ft
IH	40,000 sf	120 ft	200 ft	100 ft	75%	n/a	½ of ROW or 50 ft whichever is greater (1)	10% of the lot width (2)	30 ft
(1) Buildings greater than 25 feet in height shall be setback an additional 1 foot for each 2 feet in height greater than 25 feet to a maximum of 60 feet.									
(2) No yard required to exceed 20'. For corner lots where side setback adjoins a street, side setback shall equal the front setback									

Graphic 5.1: Industrial Required Yards



155.5.3 – INDUSTRIAL PERMITTED USES

- (A) Table 155.5(B): Industrial Districts – Permitted and Special Uses lists permitted and special uses for all industrial districts. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Section 8 – Use Provisions.
- (1) **Permitted Uses.** A “P” indicates that a use is considered permitted within that district as of right.
 - (2) **Special Uses.** An “S” indicates that a use is permitted as a special exception in that district upon approval from the Village Board as required in Section 15.10 (Special Uses).
 - (3) **Uses Not Permitted.** A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on their evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

TABLE 155.5(B): INDUSTRIAL DISTRICTS – PERMITTED AND SPECIAL USES			
	IL	IG	IH
AGRICULTURE			
Agricultural services			P
Live storage, slaughtering, or dressing of livestock.			S
COMMERCIAL			
Machinery sales and rentals	P	P	P
Theaters, outdoor drive-in;	S	S	S
Brewery, Winery, Distillery with or without tasting room	S	S	
Adult Uses			S
ADULT USE CANNABIS			
Adult Use Cannabis Craft Grower Organization	S	S	S
Adult Use Cannabis Cultivation Organization	S	S	S
Adult Use Cannabis Dispensing Organization	S		
Adult Use Cannabis Infuser Organization	S	S	S
Adult Use Cannabis Processing Organization	S	S	S
Adult Use Cannabis Transporting Organization			S
INDUSTRIAL			
Industrial – light	P	P	P
Wholesaling and warehousing; local cartage and express facilities, but not including motor freight terminals	S	S	P
Asphalt Plant			S
Bus terminals, bus garages, bus lots, street railway terminals, but not including motor freight terminals	S	P	P
Contractors - building construction			P
Contractors - heavy construction			P
Freight terminals			P
Manufacturing - heavy			P
Warehouses		S	P
Wholesale trade		S	P

TABLE 155.5(B): INDUSTRIAL DISTRICTS – PERMITTED AND SPECIAL USES

	IL	IG	IH
Miscellaneous uses, as follows: railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops, and roundhouses			P
Airport or aircraft landing fields		S	S
Junkyards and automobile wrecking yards			S
Stone and gravel quarries and crushing, grading, washing, and loading equipment and structures		S	S
Railroad roundhouses, maintenance buildings, and switching yards		S	S
Industrial – heavy			S
COMMUNITY FACILITIES (PUBLIC SERVICE)			
Electric substations	P	P	P
Fire stations	P	P	P
Police stations	P	P	P
Municipal or privately owned recreation buildings or community centers	P	P	P
Radio and television towers	P	P	P
Sewage treatment plants	P	P	P
Telephone exchanges	P	P	P
Water filtration plants	P	P	P
Water pumping stations	P	P	P
Water reservoirs	P	P	P
Public works yards	S	S	P
Utility facilities	S	S	P
Sewage treatment plants	S	S	S
RECREATIONAL			
Parks and recreation areas (public)	P	P	P
Stadiums, auditoriums and arenas	S	S	S
OTHER			
Temporary buildings for construction purposes, for a period not to exceed the duration of the construction	P	P	P
Accessory structures and uses	P	P	P
A trailer and/or modular unit may be used temporarily in conjunction with a use already allowed and in existence for a period not to exceed 1 year following the date on which the special use permit became effective when it shall lapse and become void	S	S	S

155.5.4 – DEVELOPMENT STANDARDS APPLICABLE TO INDUSTRIAL DISTRICTS

(A) Business Operations.

- (1) All business and service, processes and operations shall not be viewable from the public right of way.
- (2) Exhibits of goods sold or manufactured on the premises can be displayed outside only during normal business hours.

(B) Outdoor Storage (including junkyards and automobile wrecking yards). Within one hundred and fifty (150) feet of a residential district, all business, production, servicing, processing and storage shall take place or be within completely enclosed buildings except that storage or materials may be open to the sky provided the



storage area is enclosed with a solid wall or fence at least eight (8) feet high and landscaped –in accordance to all requirements for building foundation landscape as detailed in Section 155.11.6.

SECTION 6. SPECIAL DISTRICT REGULATIONS

155.6.1 – Purpose and Intent	1
155.6.2 – Special District Bulk Standards.....	2
155.6.3 – Special District Permitted Uses	3
155.6.4 – Development Standards Applicable to the HC District	5

155.6.1 – PURPOSE AND INTENT

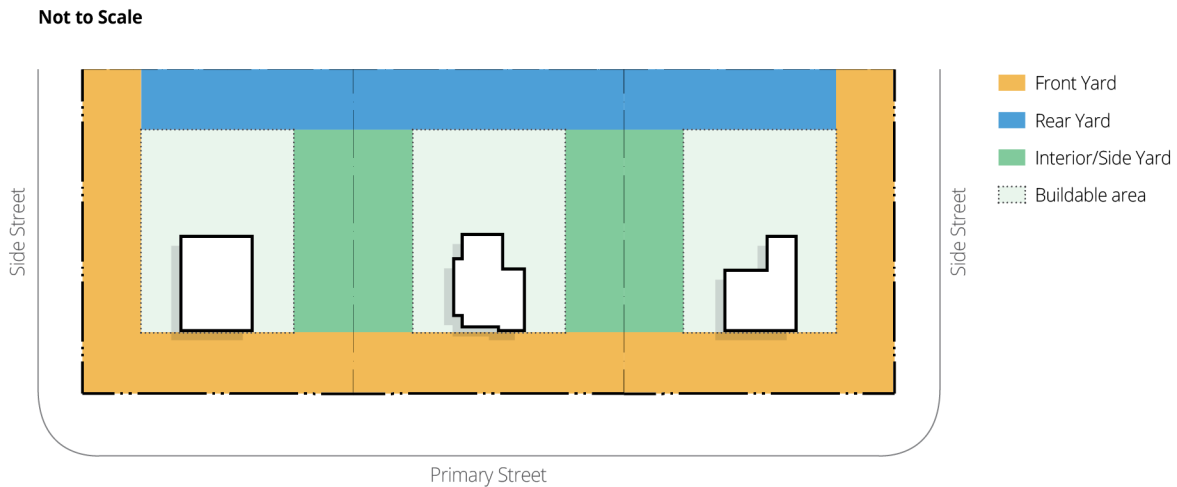
- (A) **HC – Health Care District.** The HC – Health Care District is intended to provide appropriately located areas for medical and health care related uses in a campus-type setting offering health care related services, equipment and products required by residents of the Village and its surrounding area.
- (B) **UT – Urban Transition District.** The UT – Urban Transition District is intended to prevent premature urban development of certain lands on land that may be annexed to the Village.
- (C) **P/C – Public / Conservancy District.** The P- Public / Conservancy District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas that are under municipal, public related use, or where the use for public municipal purpose is anticipated to be permanent. Permitted uses shall generally serve the public municipal benefit and may include public or private utilities, parks, and natural features.

155.6.2 – SPECIAL DISTRICT BULK STANDARDS

All development in Industrial Districts must comply with the requirements in Table 155.6(A): Special Use Districts – Bulk and Yard Standards unless otherwise expressly stated.

TABLE 155.6(A): SPECIAL USE DISTRICTS – BULK AND YARD STANDARDS									
District	Minimum Site			Development Intensity			Min. Yards		
	Area	Width Interior Lot	Min. Depth	Max. Height	Max. Lot Coverage	Min. Site Area per DU	Front	Side	Rear
UT	5 Acres	300 ft	-	35 ft	-	5 Acres	½ ROW	25 ft	75 ft
HC	10 Acres	200 ft		120 ft	60%		½ ROW up to max of 60 ft (1)	10 ft (1)	10 ft
P				55 ft			30 ft	20 ft	20 ft
(1) 30 feet if abutting R District; additional 1 foot for every 4 feet over 45 feet in height.									

Graphic 6.1: Special Use Required Yards



155.6.3 – SPECIAL DISTRICT PERMITTED USES

(A) Table 155.6(B): Special Use Districts – Permitted and Special Uses lists permitted and special uses for all industrial districts. Many allowed uses, whether permitted by right or as a Special Use, are subject to compliance with Section 8 – Use Provisions.

- (1) **Permitted Uses.** A “P” indicates that a use is considered permitted within that district as of right.
- (2) **Special Uses.** An “S” indicates that a use is permitted as a special exception in that district upon approval from the Village Board as required in Section 15.10 (Special Uses).
- (3) **Conditional Uses.** A “C” indicates that a use is permitted as a secondary use as a condition of the primary use being a permitted use under the Medical category.
- (4) **Uses Not Permitted.** A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on their evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

TABLE 155.6(B): SPECIAL DISTRICTS – PERMITTED AND SPECIAL USES			
	UT	HC	P/C
AGRICULTURE			
Agricultural, horticultural, forestry	P		P
Horse stables with the privilege to conduct exhibitions	S		S
RESIDENTIAL			
Single-family dwellings	S		S
Mobile home park subject to provisions of Section 155.8.11	S		
Assisted living facility		P	
Independent living facility		P	
Community based senior or independent living facilities		P	
Nursing, retirement, or convalescent facility		P	
COMMERCIAL			
Wholesale nursery operations	S		
Banquet / event space	S		P
Bed and Breakfast			P
Sale of products produced on the premises only from temporary stands or existing operational structures	S		
Home occupations	P		
Daycare centers	S	P	
Cafe, coffee shop / tea shop		C	
Barber/beauty shop		C	
Bookstore		C	
Flower shop		C	
Financial institution		C	
Convenience store		C	

TABLE 155.6(B): SPECIAL DISTRICTS – PERMITTED AND SPECIAL USES

	UT	HC	P/C
Restaurant		C	S
Bar, tavern, microbrewery, taproom, or tasting room			S
Auditorium		C	
Laundry facility		C	
Dry-cleaning shop		C	
Cafeteria operated as part of a hospital, nursing, retirement, or convalescent facility, assisted living facility or independent living facility		P	
Storage and maintenance buildings		C	
INSTITUTIONAL			
Cemeteries	S		
Place of Worship	S	C	
Educational institution	S		
Educational facilities		C	
Library			P
MEDICAL			
Hospital		P	
Hospice		P	
Physician and medical office		P	
Research laboratory facility		P	
Medical laboratory		P	
Other diagnostic facilities, including without limitation those involving radiologic, nuclear, and fluoroscopic modalities		P	
Surgery center		P	
Freestanding emergency room		P	
Urgent and immediate care center		P	
Clinic		P	
Ambulatory care facility (including surgery)		P	
Ambulance service		P	
Optician shop		P	
Medical insurance provider		C	
Optometry office		P	
Family or child advocacy center		P	
Religious/charitable institution		P	
Rehabilitation facility, including without limitation cardiac rehabilitation		P	
Physical/occupational/speech/occupational therapy		P	
Health and fitness facility		P	
Clubs and associations		P	
Helicopter pad		P	
Pharmacy		P	
Durable medical equipment		P	
COMMUNITY FACILITIES (PUBLIC SERVICE)			
Water filtration plant, pumping station, and water reservoir	S		P
Sewage treatment plan	S		P
Public administrative offices			P
Public service buildings			P
Police station	S		P
Fire station	S		P
Public utility, radio, television, cell towers			
Public utility offices			P
Electrical substation and booster stations			P
Municipal towers and weather sirens			

TABLE 155.6(B): SPECIAL DISTRICTS – PERMITTED AND SPECIAL USES

	UT	HC	P/C
Garages for storage of municipal vehicles used in conjunction with the operation of a permitted use			
Telephone exchange	S		
Electronic substations and booster stations	S		P
Emergency power facility		C	P
Noncommercial communication antennae		C	
Energy center or central power plants		C	P
RECREATIONAL			
Parks, forest preserves, and recreational areas (public)	P	P	P
Community recreation facilities			P
Conservancy			P
Amusement and recreation services	S		S
Golf course	S		S
OTHER			
Accessory buildings, structures, and uses located on the same site with a permitted use include barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for the use of persons residing on the site;	P		P
Food trucks			P
Accessory structures and uses, not including warehouses, on the same site as a permitted use	P		
Service buildings and facilities normally accessory to the permitted use	P		
Ground-mounted and building-mounted earth station dish and terrestrial antennas	S		
Roof-mounted solar collectors	P		
Municipally-owned wells, pumping stations, water towers and reservoirs, and municipally-owned telecommunications towers and antennas, provided they are located not less than 50 feet from any lot line	P	P	P
Utility substation, municipal wells, pumping stations, and towers, provided that the use is not less than 50 feet from any lot line	P	P	P
Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios	S	S	S
Solar energy collectors erected as an accessory structure	P	S	S
Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or designee.	S	S	S

155.6.4 – DEVELOPMENT STANDARDS APPLICABLE TO THE HC DISTRICT

- (A) **Hospitals.** Hospitals shall, upon application for approval, submit a traffic management plan that identifies preferred routes for emergency responsiveness for review by the Village Traffic Engineer.

SECTION 7. GENERAL PROVISIONS

155.7.1 – Applicability	1
155.7.2 – General Requirements	1
155.7.3 – Lot Area and Dimension	2
155.7.4 – Access to Public Streets.....	2
155.7.5 – Accessory Building	2
155.7.6 – Accessory Structures	4
155.7.7 – Lot and Yard Measurements; and encroachments	4
155.7.8 – Building Height	6
155.7.9 – Clear Vision Areas.....	8
155.7.10 – Floodplain Protection.....	10
155.7.11 – Fence Regulations	12
155.7.12 – Performance Standards.....	15
155.7.13 – Required Buffers	17

155.7.1 – APPLICABILITY

The provisions of this Section apply to all zoning districts unless otherwise indicated. If there is a conflict between this Section and the individual requirements of the zoning district, the Zoning Administrator shall determine which standards control.

155.7.2 – GENERAL REQUIREMENTS

- (A) Standards and regulations pertaining to site layout and building placement, building elements, compatible uses, landscaping and related measures shall be assigned to promote and strengthen the defined character of Village neighborhoods and commercial areas. It is determined that neighborhood and commercial character contributes to the unique and desirable identity of the Village and that measures set forth herein are necessary and appropriate to promote and strengthen such characteristics.

- (B) **Multiple Buildings.** Except as otherwise specifically provided in this Chapter, no lot may contain more than one (1) principal buildings, except as approved as a Planned Unit Development.
- (C) **Lot Divisions.** No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all resulting zoning lots conform to all the applicable bulk regulations of the zoning district in which the property is located.
- (D) **Lot Combinations.** Two (2) or more lots cannot be combined into a single lot unless the Zoning District are the same and the resulting lot conforms to all the applicable bulk regulations of the zoning district in which the property is located.

155.7.3 – LOT AREA AND DIMENSION

- (A) Two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous, and are held in one (1) ownership, shall complete the lot consolidation process as detailed in Section 155.## prior to the development of said lot(s).
- (B) Any single lot or parcel of land, held in one (1) ownership, which was of record at the time of adoption of the ordinance, that does not meet the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or useable open spaces are not less than seventy-five (75) percent of the minimum required dimensions and areas.

155.7.4 – ACCESS TO PUBLIC STREETS

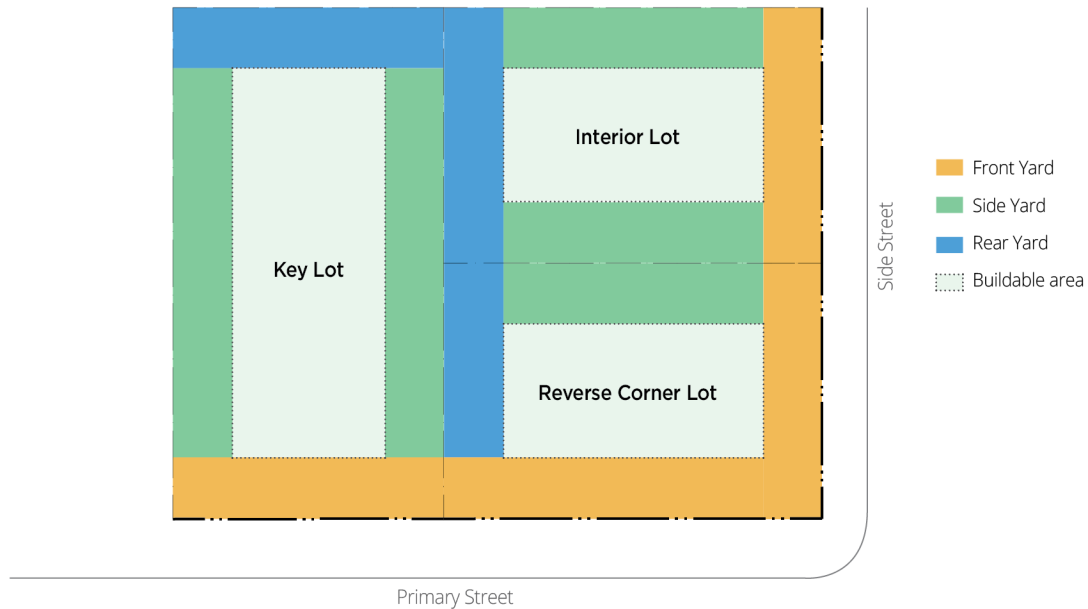
- (A) Except as otherwise provided for in this code, every residential building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street unless a permanent easement of access to a public street was of record prior to the adoption of the ordinance.

155.7.5 – ACCESSORY BUILDING

- (A) No accessory building shall be located in a required front yard.
- (B) A total of one accessory building may be permitted on any parcel, unless otherwise authorized through a provision of this code.
- (C) On lots less than or equal to one (1) acre, an accessory building shall not exceed seven-hundred (700) square feet in area.
- (D) On lots greater than one (1) acre, an accessory building shall not exceed one-thousand two-hundred (1,200) square feet in area.

- (E) On a reverse street corner lot, a lone accessory structure shall not be located closer to the rear property line than the required side yard of the adjoining key lot and not closer to the street than the required front yard of the adjoining key lot.

Graphic 7.1: Accessory Building Lot Types



- (F) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than ten (10) feet from a property line.
- (G) Accessory buildings shall meet the following height and setback requirements:

TABLE 155.7(A): ACCESSORY BUILDINGS				
Districts		Maximum Height	Setback to Side Lot Line	Setback to Rear Lot Line
R1	1-Family Residential District	20 ft	10 ft	10 ft
R2	2-Family Residential District	20 ft	10 ft	10 ft
RE	Single-Family Rural Estate Residential District	20 ft	10 ft	10 ft
RM	Multi-Family Residential District	20 ft	10 ft	10 ft
CR	Retail Service Commercial District	20 ft	10 ft	10 ft
CG	General Commercial District+	25 ft	10 ft	10 ft
CH	Highway Commercial District+	25 ft	10 ft	10 ft
IG	General Industrial District	35 ft	30 ft	30 ft
IH	Heavy Industrial District	35 ft	50 ft	50 ft
UT	Urban Transition District	20 ft	10 ft	10 ft
HC	Health Care District	35 ft	10 ft*	10 ft*
P	Public District	35 ft	15 ft	15 ft

155.7.6 – ACCESSORY STRUCTURES

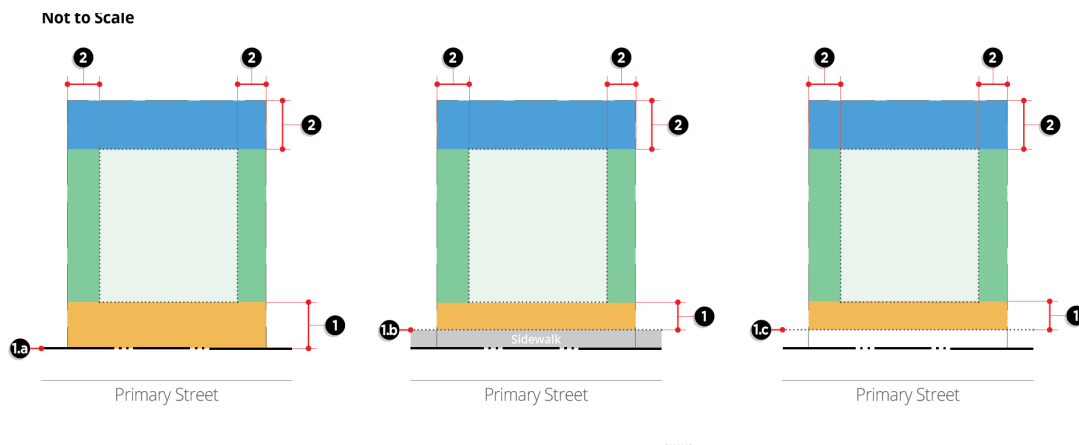
- (A) No accessory structure shall be located in a required front yard nor closer to the front property line than the front or corner side elevation of the primary building.
- (B) Accessory structures shall not exceed two-hundred (200) square feet in area.
- (C) Accessory structures shall be located a minimum of five (5) feet from side and / or rear property lines.

155.7.7 – LOT AND YARD MEASUREMENTS; AND ENCROACHMENTS

(A) Measurement.

- (1) A required front yard shall be measured as the shortest distance between the building and the following edge, using whichever edge is the most restrictive requirement (i.e. using whichever edge establishes the building farthest from the street, sidewalk, or easement):
 - (a) the front property line;
 - (b) the back of the sidewalk (the sidewalk edge away from the street);
 - (c) the edge of an easement for a private road or driveway.
- (2) A required side yard or rear yard shall be measured by the shortest distance between the building and the lot line.

Graphic 7.2: Lot and Yard Measurements



(B) Exemptions; nonconforming sites.

- (1) A site having an area, frontage width, or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was of record prior to the adoption of this chapter or amendment to this chapter, and which had a legal area, frontage, width, and depth at the time that the subdivision map, deed, or contract of sale was recorded, may be used for any permitted use, but shall be subject to all other regulations for the district in which the site is located.

(C) Side and rear yards: requirements and exceptions.

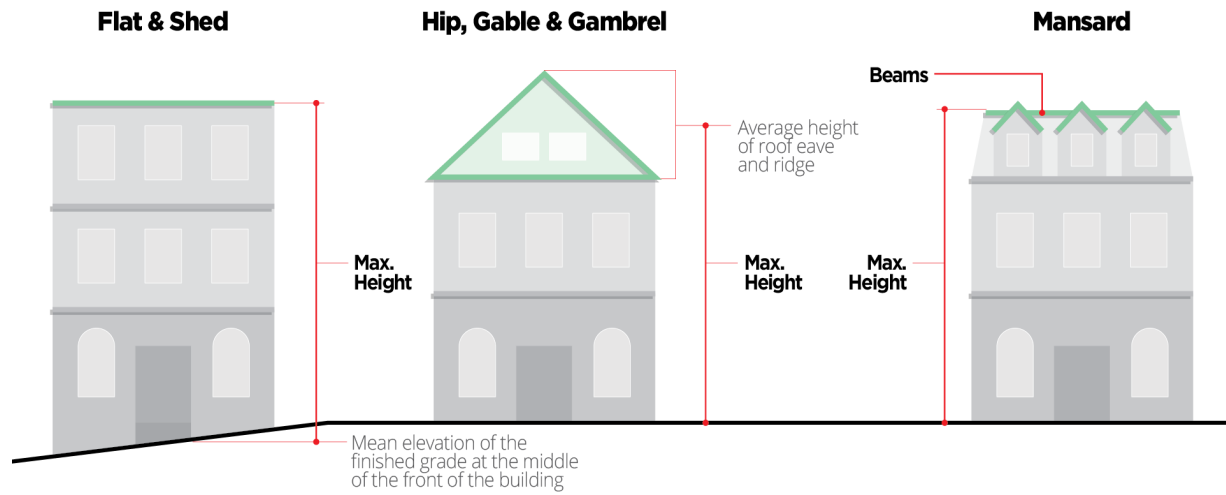
- (1) On a reversed corner lot, the minimum rear yard shall not be less than the side yard prescribed in the district in which the lot is located, provided that the side yard adjoining the street shall not be less than the required front yard on the adjoining key lot.
- (2) Where the side or rear lot line of the site of a use other than a residential use adjoins an R District, the minimum side or rear yard adjoining or opposite the R District shall be ten (10) feet greater than the minimum yard prescribed in the district in which the lot is located.
- (3) Architectural features including projecting balconies, sills and chimneys, cornices, and eaves may extend into a required side yard or a space between structures not more than eighteen (18) inches and may extend into a required front or rear yard not more than four (4) feet, provided that no projection shall extend into a public utility easement. Opened, uncovered balconies, landings, platforms, porches, stairways, and terraces, no part of which is more than four (4) feet above the grade of the ground, and unenclosed, uncovered porches with floors not higher than eight (8) inches above the grade may extend into a required rear yard or into a required front or side yard or space between buildings not more than four (4) feet, provided that pedestrian ways or walks at ground level shall not be reduced below three (3) feet in unobstructed width.
- (4) Open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than three (3) feet, provided that no projection shall extend into a public utility easement.
- (5) Fences, walls, and hedges not over six (6) feet in height; walks, parking pad, and retaining walls may occupy a required side or rear yard; and fences (a maximum of fifty (50) percent open), walks, and hedges not over four (4) feet in height may occupy front yards.

- (6) Where the front, side, or rear lot of a site in a residential district adjoins Illinois Route 251 or Interstate I-90, the minimum front, side or rear yard adjoining Illinois Route 251 or Interstate I-90 shall be sixty (60) feet. This provision is applicable to residential zoning districts only.
- (D) **Width; corner lots.** The minimum width of corner lots in an R District shall be ten (10) percent greater than the minimum width established in Section 3 of this ordinance.
- (E) **Depth adjoining freeway or railroad.** No site rearing on a freeway or railroad right-of-way shall have a depth of less than one-hundred thirty (130) feet.
- (F) **Exceptions; plat of Original Town of Roscoe.** The minimum front yards for lots on the plat of the Original Town of Roscoe shall be sixty-six 66 feet from the centerline of an eighty-two and one half (82.5) foot wide street and seventy five (75) feet from the centerline of a ninety-nine (99) foot wide street.

155.7.8 – BUILDING HEIGHT

- (A) **Measurement.** The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the front elevation of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.
- (B) **Exceptions.** Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering not more than ten (10) percent of the ground area covered by the structure may be erected to a height of not more than twenty-five (25) feet above the height limit prescribed by the regulations for the district in which the site is located, unless approved as a special use. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.
- (C) **Heights greater than prescribed.** Additional height may be permitted, subject to first obtaining a special use permit as per Section 155.15.8, in each case.

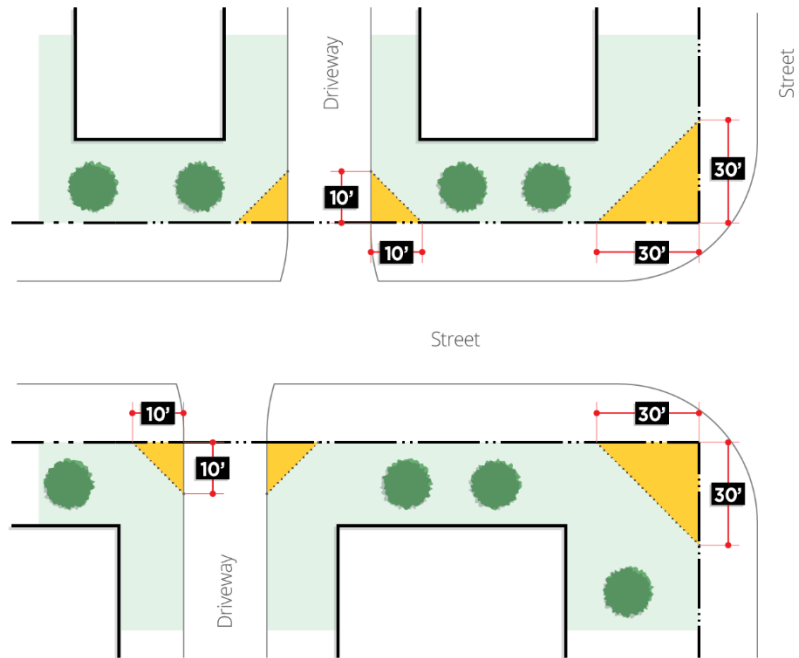
Graphic 7.3: Measuring Building Height



155.7.9 – CLEAR VISION AREAS

- (A) Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations identified in this Chapter and in other Chapters of the Village Code.
- (B) Required clear vision areas do not apply to structures that host the primary use of the lot and are permitted within the area as defined in Paragraph C below based on yard requirements as defined in Chapters 3-6.
- (C) **Measurement.** At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:
 - (1) **Corner Lot.** On a corner lot a vision triangle extending thirty (30) feet from all public street intersections shall be maintained. No wall, fence, or earth mound shall be permitted within the vision triangle which materially impedes vision above the height of two and one-half (2-1/2) feet and below eight (8) feet.
 - (2) **Driveways.** For driveways, a vision triangle extending ten (10) feet along the lot line and ten (10) feet along the driveway starting at the intersection of the lot line and the closest edge of the driveway, and connected by a straight line to form a triangular area shall be maintained.
 - (3) **Other Required Areas.** Other areas for clear vision areas may be requested by the Zoning Administrator.
- (D) **Landscaping or Structures.** No plantings, signs, fences, walls, or other structures exceeding thirty (30) inches in height shall be established or maintained in clear vision areas. The Village's Zoning Administrator may require a reduction in the height of any screening improvement or a different location of a new building or structure otherwise required in this chapter to ensure an adequate clear vision area for driveways and streets. Such limitations shall be required only for that portion of the building, structure or screening improvement necessary to provide an adequate clear vision area.

Graphic 7.4: Clear Vision Areas



155.7.10 – FLOODPLAIN PROTECTION

Floodplains. Zoning lots, or portions of zoning lots, located in areas designated as floodplains on FEMA's Flood Insurance Rate Maps are subject to the following requirements:

- (A) **Permitted uses.** The following uses and none other shall be permitted in floodplains as shown on the official floodway map of the Federal Emergency Management Agency (FEMA), provided that no building or structure, other than fences for agricultural purposes, shall be erected, and further provided that the natural drainage grade shall not be substantially altered.
 - (1) Uses permitted in an adjoining district, provided that, where a delineated floodplain separates or adjoins two (2) different districts, permitted uses shall be those of the most restrictive of the districts, further provided that parking lots in floodplains shall not be used for parking, stopping or standing of motor vehicles for more than twenty-four (24) hour periods, and further provided that all storage of goods shall be in movable containers designed for the storage of goods, and that no acids, caustics, explosives, or highly flammable liquids, trash, rags, bottles, junk, or any other thing resembling junk may be stored or deposited in any floodplains; and
 - (2) Parks, recreation and open space, streets, bridges, and creek and storm drainage facilities.
- (B) **Special uses.** The following uses, when in harmony with uses in contiguous areas, may be allowed as special uses, following specific action by the Board of Trustees in accordance with the provisions of Section 155.15.8:
 - (1) Circuses, carnivals, and similar amusement enterprises, provided that they are not in operation for more than ninety (90) days in any calendar year;
 - (2) Any building or special use permitted in an adjoining district, provided that:
 - (a) Where a floodplain separates or adjoins two (2) different districts; permitted uses shall be those of the more restrictive of the districts;
 - (b) An analysis has been made establishing that the building or uses will not be subject to future inundation and that the remaining channel will be adequate to accommodate future runoff;
 - (c) The use permitted is compatible with the standards of the neighborhood;
 - (d) No acids, caustics, explosives, or highly flammable liquids, trash, rags, bottles, junk, or any other thing resembling junk may be stored or deposited in any floodplain.

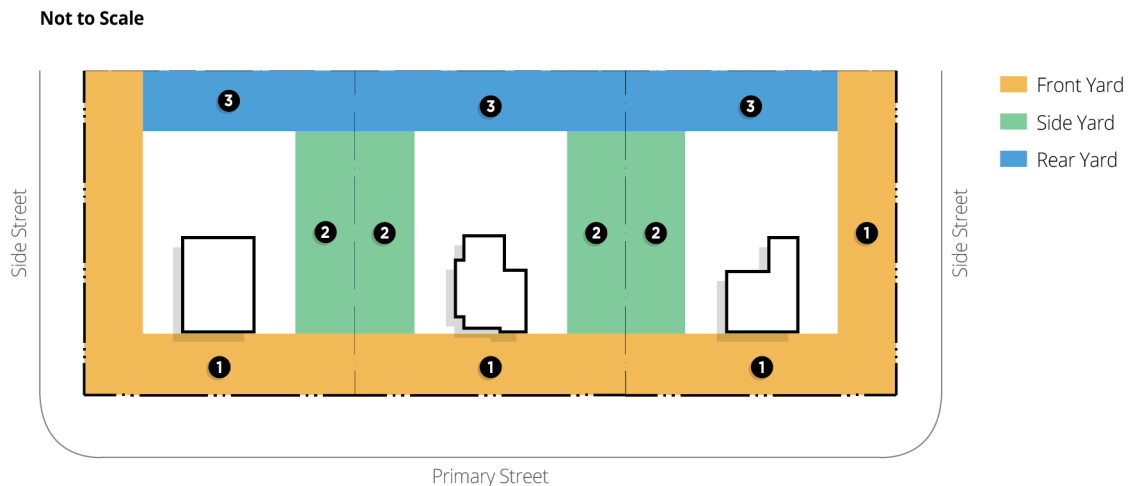
- (3) Summer homes or cabins, for seasonal and not permanent or year-round occupancy, provided the first floor elevation is above the highwater line;
 - (4) Boat docks, private and commercial, including the selling or leasing of fishing equipment and bait; and
 - (5) Any other uses customarily accessory or incidental to the above uses.
- (C) **Conditions of use.** In floodplains, the following additional conditions shall pertain:
- (1) No filling of land shall be permitted, except when approved by the applicable governing authority, and to those conditions as may be stipulated to protect the public interest;
 - (2) The natural drainage grade shall not be substantially altered except as executed or authorized by the governing authorities;
 - (3) Any structures permitted shall be placed so as to offer the minimum obstruction to the flow of water and shall be firmly anchored to prevent the structure from floating away and thus threatening to restrict further bridge openings and other restricted sections of the stream;
 - (4) Where engineering and other studies are needed to determine the effect of the structure on the flow of water, the Village Engineer may require the applicant to submit such data or other studies prepared by competent engineers or other technicians;
 - (5) All special uses permitted shall be subject to approval of the Board of Trustees in compliance with the provisions of Section 155.15.8 and to those conditions as may be stipulated to protect the public interest;
 - (6) No habitable floor shall be constructed below the minimum flood elevation to be determined by FEMA; and
 - (7) The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the Village or by any officer or employee of the Village of the practicality or safety of any structure or use proposed, and shall create no liability on or cause action against that public body, officer or employee for any damage that may result pursuant thereto.

155.7.11 – FENCE REGULATIONS

- (A) **Generally.** All fences erected within the Village of Roscoe are required to comply with the following provisions, as well as all other Village Codes and Ordinances.
- (1) A fence may be located on a lot line, but no such fence shall protrude in full or part onto any adjacent property. A fence not located on a lot line shall be setback a minimum of two (2) feet to accommodate fence and property maintenance.
 - (2) The fence height shall be measured from an established grade to the top most section of said fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.
 - (3) All portions of a fence shall be constructed of consistent materials. Changes in materials or construction are permitted when doing so responds to a change in the function or context of the fence, such adjacent land use, visibility from the public street, etc.
 - (4) All fences shall be constructed of materials that are complementary of and integral to the structural system supporting it.
 - (5) All supporting poles must be placed on the inside of the property where the fence is erected, and the finished side must face out away from the property.
 - (6) No fence shall be constructed in any public right-of-way, landscape, or drainage easement except when a release has been given in writing by the owner of the property absolving the Village and/or Utility company doing the work from all liability and damages resulting from the repair, inspection, maintenance, installation or removal of utilities. The Village and/or Utility Company shall in no way be held liable for the replacement, repair, or re-erection of any fence within said easement.
- (B) **Fences, Residential.** Any fence erected within a residentially zoned district must be in compliance with the following criteria, as well as all other Village Codes and Ordinances.
- (1) **Front Yards.** Front and corner side yard fences shall not exceed four (4) feet in height and be shall be at least fifty (50) percent open in the front yard.
 - (2) **Side Yards.** No fence, except as provided for in other Village Ordinances, shall exceed six (6) feet in height.
 - (3) **Rear Yards.** No fence, except as provided for in other Village Ordinances, shall exceed six (6) feet in height.

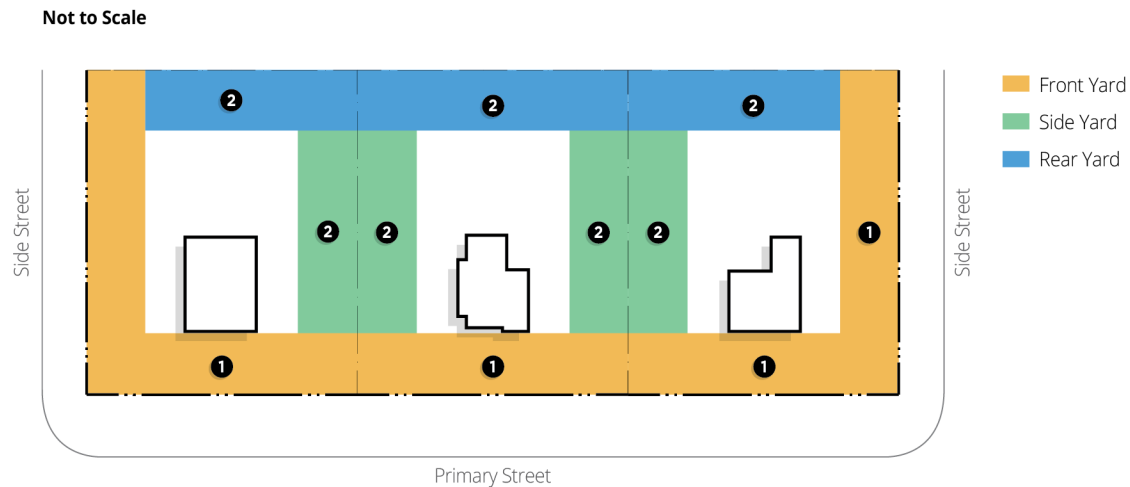
- (4) A fence located in a residential area shall be of any suitable construction material or type, including decorative masonry or brick, finished wood, decorative metal, decorative vinyl, or other aesthetically appropriate systems.
- (5) Residential fences shall not be constructed of unfinished or temporary materials of a primarily utilitarian nature, such as chicken wire, square welded mesh wire, chain link, barbed wire, electrically charged fence or wire, temporary snow fence, solid concrete block, or fence topped with sharp edged materials. However, vinyl coated chain link shall be allowed in rear yards only.

Graphic 7.5: Residential Fences



- (C) **Fences, Nonresidential.** Any fence erected within a non-residential district must be in compliance with the following criteria as well as all other Village Codes and Ordinances.
- (1) **Front Yards.** Front and corner side yard fences shall not be permitted.
 - (2) **Side Yards and Rear Yards.** No fence shall exceed eight (8) feet in height. No fence shall be allowed to extend past the front yard or the side yard building line on a corner lot, unless granted approval by the Village.
 - (3) Any fence enclosure blocking access to any area or structure open to the public must meet the current accessibility criteria as established by the Americans with Disability Act (1990) and the Illinois Accessibility Code.

Graphic 7.6: Nonresidential Fences



- (D) **Construction.** Construction materials shall be the same as for residential districts, with the exception that barbed wire may be used within industrial districts. Barbed wire shall only be constructed above a height of eight (8) feet from established grade, shall be turned to the inside of the property where erected, and not be closer than five (5) feet from any public place or residential property.

(1) **Construction and Safety Requirements.**

- (a) Every fence shall be designed to have a minimum life expectancy of twenty (20) years, with the performance of the minimum necessary maintenance.
- (b) All fences shall be designed and constructed to resist a horizontal wind pressure of fifteen (15) pounds per square foot (approximately one-hundred twenty (120) miles per hour winds).
- (c) All fences shall have an exterior gate access to the enclosed property.

- (E) **Maintenance.** Fence maintenance shall be the responsibility of the property owner, in accordance with all Village Codes and Ordinances. Fences shall be maintained in accordance with the adopted Property Maintenance Code of Winnebago County. The replacement of up to twenty (20) lineal feet of fence shall be permitted without a permit.

155.7.12 – PERFORMANCE STANDARDS

- (A) **Compliance.** This title permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall, hereafter, in addition to their use and site regulations, comply with the following performance standards.

(B) **Outdoor Lighting.**

- (1) Shall be designed and installed with full cut-off fixtures to direct illumination onto the site and to prevent illumination from such fixtures on neighboring properties.
- (2) Shall have a color temperature less than or equal to five thousand (5,000) Kelvins.
- (3) Shall not be illuminated, as measured from the property line nearest the light source, in excess of 0.4 foot-candles above ambient lighting conditions on a cloudless night.

- (C) **Noise.** The maximum permissible sound level of any continuous, regular, or frequent source of sound produced by an activity shall be fifty-five (55) dBA in the UT, RE,

R1, R2, and RM Districts, sixty (60) dBA in the CO, CR, CH, P, HC, and IL Districts, and sixty-five (65) dBA in the IG and IH Districts, as measured from the property line nearest the source of the sound. Between the hours of 7am and 10pm, maximum dBA by district shall be lowered by five (5) dBA.

- (D) **Air Pollution.** No person or activity shall emit any fly ash, dust, particulate matter, fumes, vapors, mists, or gases in such quantities that would constitute a nuisance to surrounding property owners. Dust and other types of pollution borne by the wind from such sources as storage areas, yards, and roads within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, fencing, or other acceptable means.
- (E) **Fire and Explosive Hazards.** All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry and approved by the Harlem Roscoe Fire Protection District. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. Storage of flammable and explosive material shall be in accordance with the requirements of Chapter NFPA 30 of the National Fire Protection Act and all applicable state requirements.
- (F) **Glare and Heat.** No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (G) **Water Quality Protection.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth by the State of Illinois.
- (H) **Vibration.** No activity in any district shall emit vibrations, which are discernible by the Administrator or a designee without instruments outside its premises.

155.7.13 – REQUIRED BUFFERS

Certain uses and activities are inherently incompatible with other uses and activities and are required to be separated as indicated as follows so as to reduce conflict and to maintain amenity.

Minimum Distance Buffering	
Use	Minimum Permitted Distance in Feet
Quarrying operation or stockpile exceeding 15 feet in height	Minimum of 200 feet to any property line, except a minimum of 100 feet to street right-of-way
Junkyards and salvaging operations	200 feet to residential uses and districts and 100 feet to other uses
Swimming pools	All swimming pools, measured from the edge of the water, shall be a minimum of 10 feet from the property line and surrounded by a security fence which is a minimum of 4 feet in height. All gates shall be secured when pool is unattended. Aboveground pools with wall 4 feet in height or higher shall not require a fence; however, ladders for these pools shall be removed when not in use and steps to decks abutting these pools shall be secured with gates when unattended.
Swimming pool pump or filter	15 feet to property line if unenclosed; 10 feet to property line if enclosed
Loading docks	100 feet to an adjoining lot line of a residence or residential district

SECTION 8. USE PROVISIONS

155.8.1 – Applicability	1
155.8.2 – Adult Use Cannabis.....	1
155.8.3 – Assisted and Supportive Living Facilities	6
155.8.4 – Apiaries / Beekeeping	6
155.8.5 – Chicken Keeping	8
155.8.6 – Child Day Care Homes and Child Day Care Centers.....	9
155.8.7 – Electrical Substations and Private Utilities	9
155.8.8 – Food Trucks	9
155.8.9 – Home Occupations	10
155.8.10 – Locational Standards.....	13
155.8.11 – Materials Salvage and Processing	13
155.8.12 – Mobile Home Parks	13
155.8.13 – Outdoor Storage of Equipment, Materials, and Commercial Vehicles.....	15
155.8.14 – Private Solar Energy Collection Systems.....	16
155.8.15 – Temporary Outdoor Portable Storage Unit	18
155.8.16 – Urban Gardening.....	19
155.8.17 – Wireless Communication Facilities	20
155.8.18 – Adult Uses.....	24

155.8.1 – APPLICABILITY

The provisions of this Section apply to all Zoning Districts unless indicated otherwise. If there is a conflict between this Section and the individual requirements of the Zoning District, the Zoning Administrator shall determine which standards control.

155.8.2 – ADULT USE CANNABIS

- (A) In determining compliance with Section 155.15.8 (Special Uses) of this chapter, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- (1) Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- (2) Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.
 - (3) Hours of operation and anticipated number of customers/employees.
 - (4) Anticipated parking demand based on Section 155.10 and available private parking supply.
 - (5) Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
 - (6) Site design, including access points and internal site circulation.
 - (7) Proposed signage plan.
 - (8) Compliance with all requirements provided in Section 155.8.2(B) (Adult-Use Cannabis Craft Grower); Section 155.8.2(C) (Adult-Use Cannabis Cultivation Center); Section 155.8.2(D) (Adult-Use Cannabis Dispensing Organization); Section 155.8.2(E) (Adult-Use Cannabis Infuser Organization); Section 155.8.2(F) (Adult-Use Cannabis Processing Organization); or Section 155.8.2(G) (Adult-Use Cannabis Transporting Organization), as applicable.
 - (9) Other criteria determined to be necessary to assess compliance with Section 155.15.8 (Special Uses) of this chapter.
- (B) **Adult-Use Cannabis Craft Grower:** In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:
- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located within 1,500 feet of the property line of a preexisting property zoned or used for residential purposes.
 - (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) For purposes of determining required parking, Adult-Use Cannabis Craft Growers shall be classified as “Warehouses, Wholesale Establishments, or Storage and Distribution Centers”, per Section 155.10.10 (Off-Street Parking Requirements: Industrial Uses), provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 3 herein.

- (5) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.
- (C) **Adult-Use Cannabis Cultivation Center:** In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:
- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located within 1,500 feet of the property line of a preexisting property zoned or used for residential purposes.
 - (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “Warehouses, Wholesale Establishments, or Storage and Distribution Centers”, per Section 155.10.10 (Off-Street Parking Requirements: Industrial Uses), provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 3 herein.
 - (5) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.
- (D) **Adult-Use Cannabis Dispensing Organization:** In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:
- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located within 250 feet of the property line of a preexisting property zoned or used for residential purposes.
 - (3) At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

- (4) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (5) Facility may not permit the on-site consumption of cannabis.
 - (6) For purposes of determining required parking, said facilities shall be classified as “Retail and Service use” per Section 155.10.10 (Off-Street Parking Requirements: Retail and Services Uses) of the Village of Roscoe Code of Ordinances, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 3 herein.
 - (7) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.
- (E) **Adult-Use Cannabis Infuser Organization:** In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:
- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located within 250 feet of the property line of a preexisting property zoned or used for residential purposes.
 - (3) At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) For purposes of determining required parking, said facilities shall be classified as “Manufacturing” per Section 155.10.10 (Off-Street Parking Requirements: Industrial Uses) of the Village of Roscoe Code of Ordinances, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 3 herein.
 - (5) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.
- (F) **Adult-Use Cannabis Processing Organization:** In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - (3) At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) For purposes of determining required parking, said facilities shall be classified as "Manufacturing" per Section 155.10.10 (Off-Street Parking Requirements: Commercial Uses) of the Village of Roscoe Code of Ordinances, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through Section 3 herein.
 - (5) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.
- (G) **Adult-Use Cannabis Transporting Organization:** In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:
- (1) Facility may not be located within 1,500 feet of the property line of a preexisting public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
 - (2) Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
 - (3) The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
 - (4) The Village will make a determination as to the required parking and loading requirements based on the analysis completed through Section 3 herein.
 - (5) Petitioner shall file an affidavit with the Village affirming compliance with Section 3 as provided herein and all other requirements of the Act.

- (H) **Additional Requirements:** Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the Special Use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.
- (I) **Co-Location of Cannabis Business Establishments.** The Village may approve the colocation of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria within the Village of Roscoe Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

155.8.3 – ASSISTED AND SUPPORTIVE LIVING FACILITIES

Any assisted or supportive living facility shall be located at least one thousand five hundred (1,500) feet from any family or group community residence. The assisted or supportive living facility shall be licensed by the State of Illinois under the Illinois Nursing Home Care Act (210 ILCS 45), Nursing Home Administrators Licensing and Disciplinary Act (225 ILCS 70), or other applicable Illinois statute and shall meet all county and state health department requirements pertaining to facilities, equipment, and other features as well as complying with all applicable regulations of the Village.

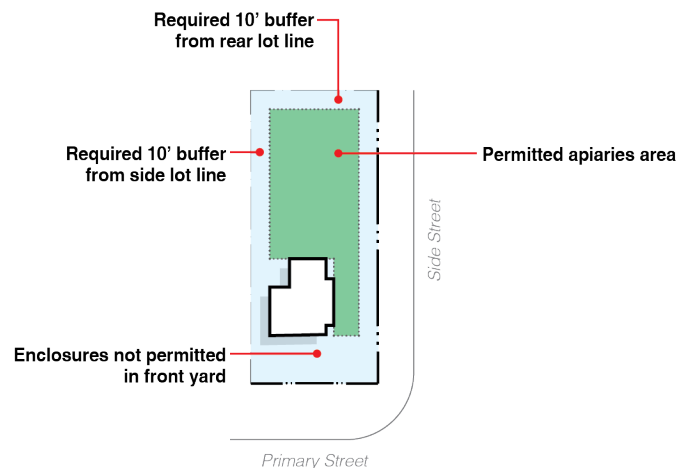
155.8.4 – APIARIES / BEEKEEPING

No person shall maintain any colony of bees, including honey bees, combs, honey, pollen, and brood, anywhere in the Village without complying with the following requirements.

- (A) It shall be the duty of any person keeping honey bees on property in the Village to maintain each colony so as not to create a public nuisance.
- (B) Honey bee colonies shall, in addition, shall be maintained in the following condition:
 - (1) All honey bee hives shall be registered with the State Department of Agriculture as required by state law.
 - (2) Colonies shall be maintained in movable frames or similar hives located in the side or rear yard not less than 10 feet from any property lines.
 - (3) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging ten feet or more from the hive.

- (4) Lots having less than one (1) acre of land shall be permitted by right to have not more than five (5) hives.
- (5) Lots having equal to or greater than one (1) acre of land shall be permitted to have not more than five (5) hives plus as a special use one (1) additional hive for every half acre of land over one (1) acre.
- (C) Any other nest or colony of stinging insects, such as yellow jackets, hornets, other varieties of bees, and wasps, including Vespidae, in trees, buildings, underground, or in any other space, diseased colony of honey bees, or any colony of bees not maintained in compliance this chapter, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is not harvested by any person, shall not constitute a violation of this chapter unless such a nest is in such location as to present a threat of stinging to any person on any public street, sidewalk, mall, park, or public space, or to make any person in any parking lot, sidewalk, mall, park, or other public place, or to any person in any parking lot, sidewalk, or other place open to the public in a shopping center or other privately owned property open to the public, or to any person on adjacent private property.

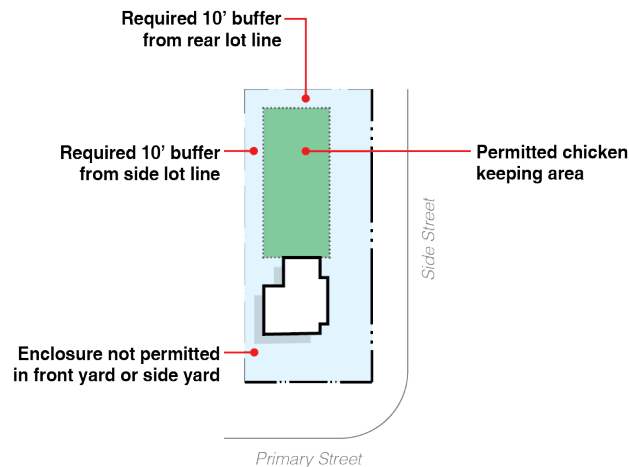
Graphic 8.1: Permitted Location of Apiaries



155.8.5 – CHICKEN KEEPING

- (A) On lots less than or equal to one acre with a primary use of a single-family or two-family dwelling, the keeping of up to six (6) chickens may be permitted as an accessory use.
- (B) On lots greater than one acre with a primary use of a single-family or two-family dwelling, the keeping of up to six (6) chickens plus one (1) additional chicken per half acre in excess of one acre may be permitted as an accessory use.
- (C) Neither the keeping of roosters nor the keeping of chickens for slaughter shall be permitted.
- (D) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (E) Enclosures are not permitted in any front or side yard and shall be set back a minimum distance of ten (10) feet from all property lines.
- (F) All feed and other items associated with the keeping of chickens that are likely to attract or to become affected by pests shall be protected and stored.

Graphic 8.2: Permitted Location of Chicken Enclosures



155.8.6 – CHILD DAY CARE HOMES AND CHILD DAY CARE CENTERS

In addition to all underlying zoning regulations, licensing requirements, and other building regulations, Child Day Care Homes and Centers shall conform to the following requirements:

- (A) Day Care Homes shall have received a license from the State of Illinois under the Child Care Act of 1969 (225 ILCS 10/0) from the Department of Children and Family Services.
- (B) In a residential district, no structural or decorative alteration will be allowed which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences.
- (C) The site must be landscaped in compliance with the building foundation landscape requirements included in Section 155.11.5.
- (D) All yards containing equipment, amenities, or objects used by clientele for operation of the Child Day Care facility shall be enclosed in an opaque fence with a minimum height of six (6) feet. No such equipment, amenities, or objects shall be located or stored in the front yard.

155.8.7 – ELECTRICAL SUBSTATIONS AND PRIVATE UTILITIES

- (A) **Outdoor Enclosure.** The outdoor enclosure of above-ground essential service utilities shall be screened using a permanent wall to recognize the permanence of the infrastructure, reduce maintenance requirements and lessen the opportunity for graffiti or vandalism on site.

155.8.8 – FOOD TRUCKS

- (A) Food trucks may only be established on sites which have an active open business during the hours of the food truck operations.
- (B) Sites for food trucks are required to have full public improvements (curb, gutter, sidewalk, access drive, etc.)
- (C) Food trucks shall locate on paved surfaces. Unimproved surfaces, landscaping areas, and required setback areas are prohibited. No food truck shall locate on dirt or gravel areas.
- (D) Food trucks shall obtain written permission from the private property owner(s), and upon demand shall provide it to authorized representatives of the Village of Roscoe.
- (E) Only one (1) food truck is allowed per site with the exception of special events approved by the Village of Roscoe.
- (F) The food truck shall impact no more than four (4) parking stalls on private property. Food vending shall be permitted into the adjacent stalls occupied by the food truck.


- Any furniture associated with the food truck shall be limited to the four (4) parking stall area.
- (G) Tables and chairs (furniture) shall be permitted and shall be located on improved and/or paved surfaces.
 - (H) Tables and chairs located in parking stalls, landscape areas, or drive aisles shall be prohibited, excepting the four (4) parking stall area designated for vending.
 - (I) Furniture shall not be retained on-site overnight.
 - (J) ADA Parking Stalls and Pedestrian paths of travel shall not be permitted for food vending.
 - (K) Drive aisles, sidewalks, access to trash enclosures and similar areas may not be blocked by any vending activity.
 - (L) Food trucks are prohibited within one thousand (1,000) feet of a school property or a residentially zoned property and three hundred (300) feet from the front door of any restaurant.

155.8.9 – HOME OCCUPATIONS

Home occupations in the Urban Transitional and Residential Districts shall comply with the following regulations:

- (A) There shall be no stock-in-trade other than products manufactured on the premises unless otherwise approved by the Zoning Board of Appeals by special use permit as provided for by Section 155.15.8;
- (B) A home occupation shall be conducted within a portion of a dwelling or accessory building that does not to exceed five-hundred (500) square feet in an area;
- (C) There shall be no outdoor storage of supplies or equipment outside the building;
- (D) There shall be no external alteration of the dwelling or accessory building in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a nameplate in accord with the provisions of Section 155.12;
- (E) Doctors, dentists, osteopaths, chiropractors, and other practitioners of the medical arts may be permitted as a home occupation in the R Districts if an approved special use permit is first secured in each case in accordance with the provisions Section 155.15.8;
- (F) No one other than a resident of the dwelling shall be employed on premises in the conduct of a home occupation;

- (G) No motor power other than electrically operated motors shall be used in connection with a home occupation;
- (H) A home occupation shall not create any radio or television interference or create noise in excess of the standards set forth in Section 155.7.12;
- (I) No odor, liquid, or solid waste shall be emitted;
- (J) Not more than one (1) truck of not more than one (1) ton capacity and no semitrailers incidental to a home occupation shall be kept on the site; and
- (K) A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district.
- (L) A home occupation shall comply with all performance standards included in Section 155.7.12.
- (M) A registered caregiver shall be allowed as a home occupation assuming the establishment meets all requirements of the State of Illinois and other regulations of this ordinance. Nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this chapter, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this Chapter, or in any companion regulatory provision adopted in any other provision of this chapter, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The following requirements for a registered primary caregiver shall apply:
 - (1) The medical use of marijuana shall comply at all times and in all circumstances with the Compassionate Use of Medical Cannabis Pilot Program Act and the General Rules of the State of Illinois, as they may be amended from time to time;
 - (2) A registered primary caregiver must be located outside of a one thousand (1,000)- foot radius from any school, including childcare or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements;
 - (3) Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a parcel;
 - (4) Not more than five (5) qualifying patients shall be assisted with the medical use of marijuana within any given calendar week;
 - (5) All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or



other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Roscoe Police Department;

- (6) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located;
- (7) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11pm to 7am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties;
- (8) That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Harlem-Roscoe Fire Protection District to insure compliance with the Illinois Fire Protection Code.

155.8.10 – LOCATIONAL STANDARDS

- (A) The following uses are not permitted within one-thousand (1,000) feet of a similar use, or another such use listed below, or within one-thousand (1,000) feet of a school:
 - (1) Massage parlor
 - (2) Adult Uses
- (B) The following uses are not permitted within two-thousand (2,000) feet of a similar use, or another such use listed below, or within two-thousand (2,000) feet of a school:
 - (1) Pawn shop or broker
 - (2) Tattoo and piercing establishment
 - (3) Currency exchange or loan office

155.8.11 – MATERIALS SALVAGE AND PROCESSING

- (A) The salvaging and processing of materials shall occur in an enclosed building.
- (B) Objects waiting to be salvaged and/or parts already salvaged, may be stored outside, so long as the designated storage area is enclosed by an opaque fence at least eight (8) feet in height and setback from all property lines at least twenty (20) feet. The exterior of the fence shall be properly maintained and screened by landscaping. Landscaping shall include one (1) shrub placed every three (3) feet on center.

155.8.12 – MOBILE HOME PARKS

- (A) **Occupancy.** No manufactured or mobile home shall be occupied or used for living or sleeping purposes unless it is located in a mobile home park, provided that a manufactured or mobile home may be used as an office for a construction project, circus, or carnival, and provided that one manufactured or mobile home may be used for the temporary residence of a watchman on the site of a construction project, and manufactured or mobile homes may be used as temporary residences for circus or carnival personnel when approved by the Zoning Board of Appeals by a special permit as provided for by Section 155.15.8.
- (B) **Pre-application requirements.** A mobile home park may be permitted in the UT District subject to obtaining a special use permit in accordance with the provisions of §§ 155.140 through 155.152 and additional provisions of this section.
- (C) **Required conditions.**

- (1) Mobile home parks may be permitted in UT District on parcels or lots of record of not less than five (5) acres of area.
- (2) In addition to regulations set forth in divisions (C)(1) and (2) above, all mobile home parks shall be developed in accordance with design standards set forth in this section.

(D) Design and performance standards.

- (1) There shall be a maximum of four (4) mobile homes per gross acre.
- (2) There shall be a minimum of five-thousand two hundred (5,200) square feet of site area per mobile home.
- (3) Five-thousand square feet of area for each ten (10) acres of a mobile home park shall be improved with indoor and outdoor community use facilities and recreational open spaces for use by children. The aggregate community use facilities and open spaces shall not be less than two-hundred (200) square feet for each mobile or manufactured home space.
- (4) No mobile home or dwelling unit shall be located in a required front yard or less than twenty-five (25) feet from the property line of the mobile home park boundary.
- (5) Only one (1) mobile or manufactured home may be located on a mobile home site as designated in a mobile home park and subject to the following yards and setbacks:
 - (a) Front yard and/or rear lot line, a minimum of ten (10) feet;
 - (b) Side yard, minimum of five (5) feet;
 - (c) Minimum distance of twenty (20) feet between mobile homes and/or other permitted structures; and
 - (d) Minimum distance of ten (10) feet from accessory structures or paved parking areas.
- (6) No accessory structure other than a temporary sun or wind shelter shall be erected for the use of occupants of an individual mobile or manufactured home.
- (7) All streets for automobile circulation shall be a minimum of thirty (30) feet in width and surfaced with three (3) inches of asphalt or its equivalent and ten (10) inches of compacted aggregate base.

- (8) A minimum of two (2) improved parking spaces shall be provided for each mobile or manufactured home, one (1) of which shall be on the mobile home site.
- (9) All utilities, including television service, shall be underground.
- (10) Adequate landscaping shall be provided, including trees and shrubs around the perimeter of the mobile home park.
- (11) A designated trailer and boat storage area shall be provided with an aggregate area of fifty (50) square feet per mobile home space.

155.8.13 – OUTDOOR STORAGE OF EQUIPMENT, MATERIALS, AND COMMERCIAL VEHICLES

Any commercial service provider located in the CR, CG, CH, CO, IG, or IH districts shall meet the following requirements:

- (A) In the CR, CG, and CO districts, no external storage of equipment, materials, or commercial vehicles related or unrelated to the primary use of the establishment is permitted.
- (B) In the CH, IG and IH districts, external storage of equipment, materials, or commercial vehicles related to the primary use of the establishment are permitted, so long as they are enclosed with an opaque fence that is a minimum of six (6) feet in height, and located at least twenty-five (25) feet away from all property lines.

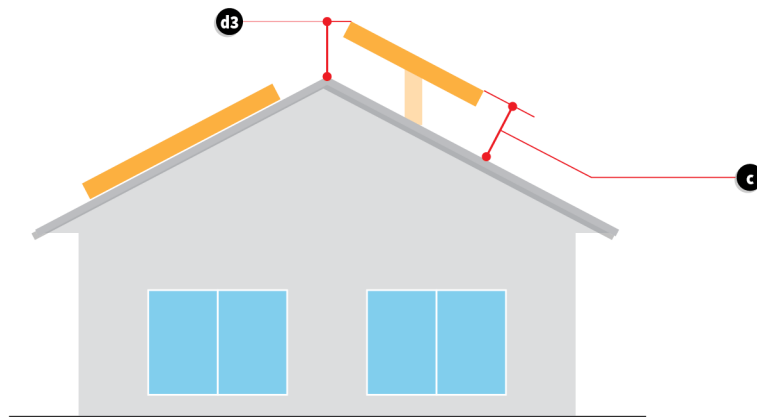
155.8.14 – PRIVATE SOLAR ENERGY COLLECTION SYSTEMS

(A) Solar energy collection systems are permitted as an accessory use with the following conditions.

(1) **Building-Mounted Systems.**

- (a) **Location.** Building mounted systems may be located on any roof face of principal or accessory structures. Systems should be flush mounted when possible.
- (b) **Quantity.** The total square footage of the system panels may not exceed the total area of roof surface of the structure to which the system is attached.
- (c) **Measuring Height.** Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
- (d) **Maximum Height.**
 - 1. Systems shall not extend beyond three (3) feet parallel to the roof surface of a pitched roof.
 - 2. Systems shall not extend beyond four (4) feet parallel to the roof surface of a flat roof.
 - 3. Systems shall not extend more than five (5) feet above the highest peak of a pitched roof.

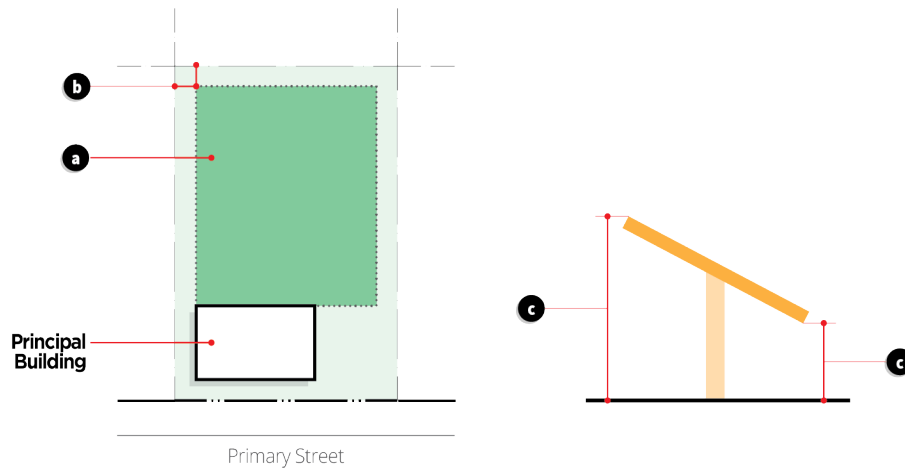
Graphic 8.3: Building Mounted Solar Energy Collection Systems



(2) **Ground-Mounted Systems.**

- (a) **Location.** Ground mounted systems shall not be located within any required setback and shall not be located within the front or corner side yard.
- (b) **Fencing.** Any yard containing a ground mounted solar energy production system shall provide a fence along adjacent properties. The fence shall comply with Section 7 of this Chapter.
- (c) **Maximum Height.** The maximum height of a ground mounted solar energy production system, including any structural elements or energy producing elements, shall not exceed a height that is one foot less than the height of the fence provided in accordance with 2.b above.

Graphic 8.4: Ground Mounted Solar Energy Collection Systems

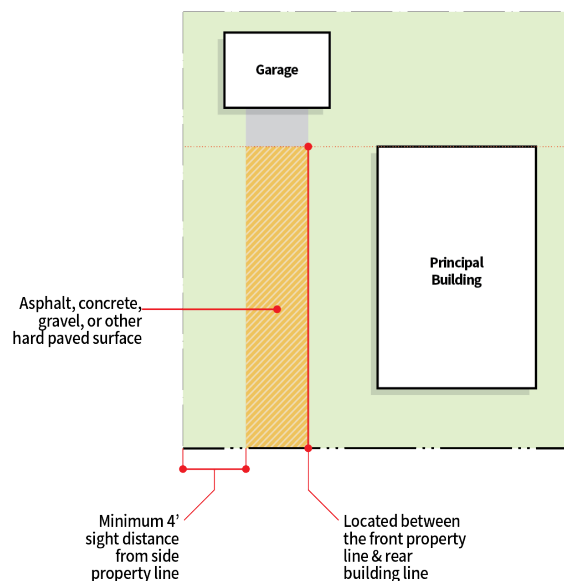


155.8.15 – TEMPORARY OUTDOOR PORTABLE STORAGE UNIT

Temporary Portable Outdoor Storage Units are permitted accessory uses in residential districts, subject to the following restrictions.

- (A) Permit Required. A permit shall be obtained prior to the setting of the temporary portable outdoor storage unit on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures.
- (B) Size. No temporary portable outdoor storage unit shall be greater than twenty feet (20') in length, eight feet (8') in width, or eight feet (8') in height.
- (C) Placement. The temporary portable outdoor storage unit cannot encroach on Village property, Village right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, gravel, or hard paved surface between the front property line and the rear building line of the principal structure. The visual distance between the portable temporary storage unit and the side yard property line is four feet (4') or upon the approval by the Zoning Administrator and as agreed upon by written consent by the neighboring property owner.
- (D) Duration. Temporary portable outdoor storage units may be placed in a residential district for no more than 30 days in any consecutive 12-month period. Extensions beyond the 30-day limit may be granted by the Zoning Administrator.
- (E) Number of Units. A maximum of one temporary portable outdoor storage unit is permitted on a lot.

Graphic 8.5: Temporary Portable Outdoor Storage Units



155.8.16 – URBAN GARDENING

Urban gardens are permitted under the following conditions for both accessory and permitted use in all residential districts and the P/C district.

- (A) Setbacks for the underlying zoning district apply.
- (B) Urban garden produce may be sold commercially through an onsite farm stand that conforms to all setback regulations of the underlying zoning district and has a maximum height of twelve (12) feet.
- (C) Mechanical equipment, other than the type customarily identified as lawn and garden equipment, creating offensive noise, dust, odor, or electrical disturbance shall be prohibited. Within a residential zoned district, the use of motorized equipment shall be restricted to hours beginning at 8:00 a.m. and ending at 10:00 p.m.
- (D) The site shall be designed and maintained to prevent any chemical pesticide, fertilizer, or other garden waste from draining on to adjacent properties.
- (E) An on-site trash storage container shall be provided and located as close as possible to the rear lot line. Trash shall be removed from the site at least once a week.
- (F) Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
- (G) Only individuals or organizations authorized by the property owner shall participate in the community garden.
- (H) The owner of any lot used for a community garden shall give each abutting property owner or occupant written notice of the owner's or the owner's agent's name, address, and telephone number and the use conditions provided in this ordinance for community gardens, no less than thirty (30) days prior to the start of any community garden use.
- (I) Cultivated areas shall be prevented from encroaching onto adjacent properties.
- (J) The property shall be maintained free of high grass, weeds, or other debris. Dead garden plants shall be regularly removed and, in any instance, no later than November 15th of each year.

155.8.17 – WIRELESS COMMUNICATION FACILITIES

- (A) **Requirements.** All wireless telecommunication facilities shall be subject to the requirements of this Section, as well as any other applicable provisions of the Village Code.
- (B) **Zoning district requirements.** Wireless telecommunication facilities shall be permitted with the following conditions:
 - (1) No new wireless telecommunication towers shall be permitted in the R1, R2, RM, CR or CG districts. Stealth design of wireless facilities, towers and antennas shall be permitted as a special use in these districts. Co-locations on existing wireless telecommunication facilities or existing structures that do not require any additional height shall be a permitted use in these districts.
 - (2) Wireless telecommunication facilities shall be permitted as a special use in the CH, CO, IG, IH, HC, UT, or P districts.
- (C) **Compliance with federal regulations.**
 - (1) All telecommunication facilities shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) or any other federal or state agency with authority to regulate telecommunication facilities, including towers and/or antennas.
 - (2) In the event of a change in Federal or State regulation, the owner of the telecommunication facility shall bring it into compliance with the revised regulations within six months of the effective date of such regulations, unless a different compliance schedule is mandated by the State or Federal agency.
- (D) **Compliance with building codes.** All wireless telecommunication shall be constructed in compliance with all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of facilities including towers, antennas, and support structures.
- (E) **General site location requirements.** No new wireless telecommunication towers shall be permitted within a radius of 1,000 feet of an existing wireless telecommunication tower unless the applicant can demonstrate that the existing telecommunication tower is unsuitable for technical or structural reasons.
- (F) **Setback requirements:**
 - (1) Wireless telecommunication towers shall be setback at least 50% of the tower height from any adjoining property.

- (2) Other structures associated with the wireless telecommunication tower (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the tower is located.
- (3) The setback requirements of this section are minimums. The Zoning Board of Appeals may require additional setback distance as part of a special use approval.
- (G) **Co-location requirements.** Unless made technically infeasible as a result of the use of stealth design, new wireless telecommunication towers shall be designed to permit co-location by at least two additional entities and proposed locations for wireless telecommunication facilities shall be adequately sized and configured to allow the placement of at least two additional telecommunication equipment shelters.
- (H) **Tower design.** Wireless telecommunication towers that are not of stealth design shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Zoning Board of Appeals) and shall have a neutral surface finish color to reduce visual obtrusiveness, except as otherwise required by a State or Federal agency.
- (I) **Signs.** Wireless telecommunication facilities shall not be used for advertising purposes. Wireless telecommunication facilities shall display one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.
- (J) **Fencing.** Wireless telecommunication facilities shall be enclosed by a solid screening fence not less than six feet in height. The Zoning Board of Appeals shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.
- (K) **Screening.** Wireless telecommunication facilities shall be effectively screened with a landscape buffer, approved by the Zoning Board of Appeals, to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. Locations where the visual impact of the tower will be minimal or where existing vegetation provide an effective natural screen or where the security requirements of the principal use prevent screening (utility substations), the Zoning Board of Appeals may modify this requirement.
- (L) **Lighting.** Wireless telecommunication towers shall not be artificially lighted unless required by the FAA, FCC, or other agency with jurisdictional authority. If lighting is required by federal regulation, the applicant shall use the least intrusive form of lighting acceptable under the controlling regulation.
- (M) **Equipment shelter design.** The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the

surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.

- (N) **Off-street parking.** New wireless telecommunication facilities of non-stealth design shall provide one off-street parking space to accommodate maintenance vehicles, if practicable. Driveways and parking spaces serving such facilities may have a gravel surface, provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.
- (O) **Permitted additional antenna.** Wireless telecommunication antennas shall be considered a permitted accessory use when placed on or attached to any existing wireless telecommunication structure, provided that all other applicable ordinance requirements are complied with. Any initial wireless telecommunication antenna placed on an alternative tower structure shall be subject to the same review and approval procedures as a new wireless telecommunications facility. Subsequent antennas on alternative tower structures shall be considered permitted accessory uses in all districts.
- (P) **Permitted tower placement.** An existing wireless telecommunication tower may be placed for the purposes of accommodating the co-location of additional wireless telecommunication antennas subject to the following review and approval process:
 - (1) Tower replacements that result in the addition of 50 or fewer feet of additional tower height shall require site plan view and approval by the Zoning Board of Appeals;
 - (2) Tower replacements that result in the addition of more than 50 feet in height shall require special land use review and approval by the Zoning Board of Appeals;
 - (3) Tower replacements that require the installation of tower lights shall require special use review and approval by the Zoning Board of Appeals.
- (Q) **Application requirements.** In addition to any other applicable requirements of this ordinance, the following information shall be provided in support of an application to initially construct a wireless telecommunication tower:
 - (1) Certification from an Illinois licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse;
 - (2) A report that addresses the review criteria contained in subsection (R) below. This report shall include a map depicting the existing and known proposed location of telecommunication, including telecommunication wireless towers and wireless telecommunication antennas attached to alternative tower structures, within a one-mile radius of the proposed site. This includes wireless telecommunication towers located within adjacent jurisdictions within the one-mile radius;

- (3) The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. The tower owner shall periodically update this information;
 - (4) A statement that indicates the applicant's intent to allow the co-location of other antennas, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.
- (R) **Review criteria.** A wireless telecommunication tower shall not be approved unless it can be demonstrated by the applicant that there is a need for the tower which cannot be met by placing wireless telecommunication antennas on an existing tower or other suitable structure, or placement of an existing tower:
- (1) No existing towers or alternative tower structures have the structural capacity to support the proposed antenna nor can existing towers or alternative tower structures be reinforced to support the proposed antenna;
 - (2) No existing towers or alternative tower structures are located within the geographic area that meets the system's engineering requirements;
 - (3) The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless telecommunication tower; or
 - (4) The installation or use of an alternative communication technology is unsuitable or infeasible.
- (S) **Removal of abandoned facilities.** Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the Village. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the removal of the tower or antenna at the owner's sole expense.
- (T) **Bond.** Applicant shall provide the Village with proof of an annual performance bond in the amount of \$7,500 to ensure that the applicant will comply with the provisions set forth in division (I) regarding the removal of an abandoned tower and/or antenna.
- (U) **Inspection.** An inspection of the wireless telecommunication facility shall be required every two years after the completion of improvements. The inspection shall be carried out by the owner of the facility and shall certify the structural integrity of the wireless telecommunication facility. The inspection certification shall be submitted to the Zoning Administrator and filed with the site permit documents. If the Zoning Administrator determines that an inspection has not been completed within the two-year time period, a notice will be sent to the owner. The owner shall have 30 days in

which to comply with this requirement. If the inspection is not completed within the 30 days, the permit for the wireless telecommunication facility will be revoked.

155.8.18 – ADULT USES

- (A) **Purpose.** The purpose of this Section is to provide specific regulations for adult uses, in order to accommodate constitutionally-protected non-obscene sexual expression, while protecting the public health, safety, and general welfare of the Village. The Village Board finds that:
- (1) adult uses require special supervision from the Village's law enforcement and public safety agencies to protect and preserve the public health, safety, morals, and welfare of the patrons and employees of businesses as well as the Village's citizens; and
 - (2) adult uses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and
 - (3) sexually transmitted diseases are a legitimate health concern for the Village that demands reasonable regulation of adult uses by the Village in accordance with this Ordinance; and
 - (4) this Ordinance's regulations are a legitimate and reasonable means of accountability to ensure that operators of adult uses comply with reasonable regulations and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation; and
 - (5) there is convincing documented evidence that adult uses, because of their outward appearance and very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly during the overnight hours, and reduce property values; and
 - (6) the Village Board desires to minimize and control these adverse effects by regulating adult uses in accordance with this Ordinance; and
 - (7) by minimizing and controlling these adverse effects, the Village Board seeks to protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve quality of life; preserve property values and the character of the Village's neighborhoods; and deter the spread of urban blight; and
 - (8) the Village Board does not enact this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment; rather, this Ordinance establishes content-neutral regulations that address the secondary effects of adult uses; and

- (9) the Village Board does not enact this Ordinance to restrict, deny, or authorize the restriction or denial of access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market; and
- (10) evidence concerning adult uses' adverse secondary effects on communities is readily available in many court decisions, including, but not limited to: Township of Littleton, Colorado v. Z.J. Gifts D-4, LLC, 541 U.S. 774 (2004); Village of Los Angeles v. Almaeda Books, Inc., 535 U.S. 425 (2002); Township of Erie v. Pap's A.M., 529 U.S. 277 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Township of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); Illinois One News, Inc. v. Village of Marwill, 477 F.3d 461 (7th Cir. 2007); Andy's Restaurant & Lounge, Inc. v. Village of Gary, 466 F.3d 550 (7th Cir. 2006); Joelner v. Village of Washington Park, 378 F.3d 613 (7th Cir. 2004); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Pleasureland Museum, Inc. v. Beutter, 288 F.3d 988 (7th Cir. 2002); Shultz v. Village of Cumberland, 288 F.3d 831 (7th Cir. 2000); Genusa v. Village of Peoria, 619 F.2d 1203 (7th Cir. 1980); Excalibur Group, Inc. v. Village of Minneapolis, 116 F.3d 1216 (8th Cir. 1997); and XLP Corporation v. County of Lake, 359 Ill. App. 3d 239 (2d Dist. 2005) (collectively, the "Cases"); and
- (11) many cities and other units of government throughout the country have studied and found significant adverse secondary effects associated with adult uses, including, but not limited to: Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Whittier, California (1978); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Beaumont, Texas (1982); and Des Moines, Iowa (1984) (collectively, the "Studies"); and
- (12) the United States Congress has heard testimony detailing the negative secondary effects associated with adult uses on numerous occasions, including 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750 (collectively, the "Testimony"); and
- (13) based on secondary effects discussed and found to exist in the Cases, Studies, and Testimony, as well as all evidence presented and matters discussed during all public hearings and meetings conducted by the Village, and all other relevant information, including the Village Board's own knowledge and experience, the Village Board finds that:
- (a) Adult uses can contribute to increased crime in the area where such businesses are located and burden local law enforcement and public

safety efforts. Crimes associated with adult uses include, but are not limited to:

- i. prostitution and other sex related offenses;
 - ii. drug use and dealing; and
 - iii. money laundering.
- (b) Adult uses can contribute to significant public health concerns, including the spread of HIV/AIDS and other sexually transmitted diseases.
- (c) Adult uses and their outward appearance can significantly:
- i. contribute to the deterioration of residential neighborhoods;
 - ii. increase neighborhood blight;
 - iii. impair the character and quality of residential housing in the surrounding area; and
 - iv. reduce overall housing appeal for potential residents.
- (d) The concentration of adult uses in any one area can greatly impact the area by causing blight, decreasing property values, reducing the Village's tax base, making the area less attractive to non-adult uses (i.e., marketability), and increasing crime.
- (e) Adult uses can produce higher levels of noise, traffic, and glare as compared to other businesses by virtue of adult uses' hours of operation.
- (f) Serving or otherwise allowing the consumption of alcoholic liquor at adult uses can lead to increased criminal activity and exacerbate neighborhood deterioration.
- (g) The findings set forth in this Section 5-4(a) above constitute substantial governmental concerns.
- (h) Adult uses have operational characteristics that require reasonable governmental regulation to address those substantial governmental concerns.
- (i) Passing this Ordinance will promote and protect the public health, safety, and welfare.

- (B) **Conditions.** All adult uses will be subject to the following conditions in order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, and substantial or undue or upon public facilities and services:

- (1) Adult uses will only be permitted in the IH District.
- (2) No adult use may be located within one thousand (1,000) feet of any existing school, religious institution, day care center, public park, residentially zoned property, agriculturally zoned property, or other adult use.
- (3) No adult use may have more than one (1) outdoor sign.
- (4) No adult use may have an outdoor sign exceeding ten (10) feet in length or three (3) feet in width.
- (5) No adult use may display the stock in trade of adult entertainment establishments to the public from view outside the establishment, including graphics, decorations, or displays.
- (6) No adult use may paint the exterior of the premises any other color than a single neutral, earth tone color.
- (7) No person or entity may hold a liquor license for the property operating as an adult use, or sell, serve, or allow the consumption of alcoholic liquor on the property.
- (8) No adult use offering live performance of adult entertainment will allow exposed or uncovered specified anatomical areas.
- (9) No adult use will permit persons under the age of 18 on the property subject to the adult use, and all adult uses will post a notice at the door that entry by persons under the age of eighteen (18) is prohibited.
- (10) All adult uses will maintain a buffer measuring at least six feet wide between all patrons and any individual conducting live performance of adult entertainment.
- (11) No adult use will allow or permit the occurrence of any specified sexual activities or permit the occurrence of any act constituting the offense of obscenity under Illinois law on property subject to the adult use.
- (12) No adult use will allow, permit, or authorize physical contact between any adult use personnel and any patron.
- (13) Adult entertainment employees may not receive tips from patrons except as follows:
 - (a) An adult use that desires to provide for tips from its patrons for adult entertainment employees will establish one or more boxes or other containers to receive tips.
 - (b) All tips for adult entertainment employees must be placed by the patron into the tip box.

- (c) An adult use that provides tip boxes for adult entertainment employees must post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one inch high to read as follows: "All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."
- (14) No adult use offering adult entertainment on the premises may open before 11:30 a.m. or close after 1:00 a.m., except that cleaning and maintenance activities necessary for the property's operation may occur before or after the hours specified in this subsection.
- (15) No adult use offering adult entertainment on the premises will open or operate on Sunday, on any federal holiday, or on any state holiday.
- (16) No animals, excluding animals trained and used to assist a person with a disability, are permitted at any time on property subject to an adult use, and any animal assisting a person with a disability must remain with that person at all times.
- (17) No adult entertainment will occur in any restroom located on a property subject to an adult use.
- (18) Patrons will not enter any non-public portions of a property subject to an adult use, including, without limitation, any storage areas, dressing rooms, or other rooms provided for the primary benefit and use of adult use personnel.
- (19) No adult use will utilize loudspeakers or other sound equipment that is audible outside of the structure in which the adult use is conducted.
- (20) Each adult use will have at least one manager's station allowing direct, unobstructed, and uninterrupted view from the manager's station to every part of the premises accessible to patrons, excluding restrooms.
- (21) All adult uses will comply with all provisions of this chapter and all federal, state, and local laws, rules, and regulations, as amended.
- (22) Upon the Village's request, permittee will allow the Village to inspect the adult use's books, records, and payroll information to allow the Village to verify compliance with this chapter, state law, and federal law, as amended.

(C) **Penalty.**

- (1) Every act or omission constituting a violation of this chapter by any adult use, adult use personnel, or patron will be deemed to be an act or omission by the adult use operator, and the adult use operator will be punished in accordance with the provisions of this subsection.
- (2) Nothing in this Section will prohibit the Village or any person or entity from pursuing any claims at law or in equity, against any person or entity that violates this Section or any other Village ordinance, rule, or regulation.
- (3) Any adult use established, operated, or maintained in violation of any of the provisions or requirements of this chapter will be, and the same is, declared to be unlawful and a public nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Subsection, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and may take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult use contrary to the provisions of this chapter.

- (D) **Severability.** If any part, subsection or clause of this Section will be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses will not be affected thereby.

SECTION 9. NON-CONFORMING BUILDINGS AND USES

155.9.1 – Continuance of Use	1
155.9.2 – Discontinuance of Use	1
155.9.3 – Change or Conversion of Nonconforming Use	2
155.9.4 – Termination and Removal of Nonconforming Uses, Buildings, and Structures in Residential Districts	2
155.9.5 – Repairs and Alterations	3
155.9.6 – Damage and Destruction.....	3
155.9.7 – Additions and Enlargements.....	4

155.9.1 – CONTINUANCE OF USE

- (A) Any lawfully established use of a building or land, on the effective date of this chapter, or of amendments to this chapter, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided in this chapter.
- (B) Any legal nonconforming building or structure may be continued in use, provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted in this chapter.
- (C) Any building for which a permit has been lawfully granted prior to the effective date of this chapter, or of amendments to this chapter, may be completed in accordance with the approved plans, provided construction is started within ninety (90) days and diligently prosecuted to completion. The building shall after that time be deemed a lawfully established building.

155.9.2 – DISCONTINUANCE OF USE

- (A) Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, the premises shall not after that time be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- (B) Whenever a nonconforming use of a building, structure, or part of a building or structure, has been discontinued, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use for a period of six (6) consecutive months, or in such cases where the owner had applied for and obtained an extension

of time not to exceed six (6) additional months by the granting of a special use permit as authorized by Section 155.15.8, the use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises after that time shall be in conformity with the regulations of the district.

- (C) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not after that time be used in a nonconforming manner.
- (D) A use not legally authorized by the provisions of the Village Zoning Ordinance in evidence at the time this chapter becomes effective shall be deemed a violation and discontinued.

155.9.3 – CHANGE OR CONVERSION OF NONCONFORMING USE

The nonconforming use of any building, structure, or portion of a building or structure, which is designed or intended for a use not permitted in the district in which it is located, may not be occupied by another similar or less intense nonconforming use except by the granting of a special use permit, as authorized by Section 155.15.8.

155.9.4 – TERMINATION AND REMOVAL OF NONCONFORMING USES, BUILDINGS, AND STRUCTURES IN RESIDENTIAL DISTRICTS

- (A) The period of time during which the following nonconforming uses of buildings, structures, or land may continue or remain in residential districts shall be limited to two (2) years from the effective date of this chapter, or of any amendment to this chapter which causes the use to be nonconforming. Every nonconforming use shall be completely removed from the premises at the expiration of the two (2) year period.
 - (1) Any nonconforming use of a building or structure having an assessed valuation not in excess of two hundred fifty (250) dollars, on the effective date of this chapter;
 - (2) All nonconforming signs, and billboards ; and
 - (3) Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to the use, or where that use is maintained in connection with a conforming building.
 - (4) The onsite possession of horses in R1 One-Family Residential District.

155.9.5 – REPAIRS AND ALTERATIONS

- (A) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- (B) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - (1) When the alteration is required by law;
 - (2) When the alteration will actually result in eliminating the nonconforming use; or
 - (3) When a building in a residential district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

155.9.6 – DAMAGE AND DESTRUCTION

- (A) In the event that a building or other structure containing a nonconforming use is damaged or destroyed by fire, natural disaster, or other similar event, to an extent of:
 - (1) Not more than fifty (50) percent of its replacement value, the building or structure may be restored only to its original condition and floor area, subject to applicable building codes. The occupancy or use of the building may be continued which existed at the time of this partial destruction;
 - (2) More than fifty (50) percent but less than seventy five (75) percent of its replacement value, the building or structure may be restored only to its original condition and floor area and the occupancy or use of the building may be continued which existed at the time of the partial destruction only if an approved condition permit is applied for and secured from the Village in accordance with the provisions of Section 155.15.8;
 - (3) More than seventy five (75) percent of its replacement value, the building or structure may be rebuilt and used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located.
- (B) When the provisions of division (A)(1) or (A)(2) are applicable, the restoration or repair of the building or other structures must be started within a period of six (6) months from the date of damage or destruction and diligently pursued to completion. Failure to exercise the options provided in this chapter within the time specified shall be considered a voluntary abandonment, and buildings and structures may be rebuilt and used after that time only for a conforming use and in compliance with provisions of the district in which it is located.

155.9.7 – ADDITIONS AND ENLARGEMENTS

- (A) A nonconforming building may be enlarged or extended only if the entire building is after that time devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located.
- (B) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by the nonconforming use.
- (C) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this chapter, or to displace any conforming uses in the same building or on the same parcel.
- (D) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk regulated by this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

SECTION 10. OFF-STREET PARKING AND LOADING

155.10.1 – Purpose and Intent	1
155.10.2 – Applicability and General Provisions.....	1
155.10.3 – Accessible Parking	3
155.10.4 – Construction	3
155.10.5 – Cross-Access between Adjacent Lots	3
155.10.6 – Shared Parking Facilities	4
155.10.7 – Location of Off-Street Parking Facilities.....	5
155.10.8 – Design Standards, Access Aisle, and Space Requirements	7
155.10.9 – Stacking Spaces for Drive-Through Facilities	9
155.10.10 – Off-Street Parking Requirements.....	10
155.10.12 – Other Parking Uses	13
155.10.13 – Off-Street Loading Requirements	13
155.10.14 – Bicycle Parking Requirements.....	14
155.10.15 – Pedestrian Access and Circulation	15
155.10.16 – Parking and Accessory Use Restrictions	16

155.10.1 – PURPOSE AND INTENT

The purpose of this Section is to establish off-street parking, loading, and stacking space requirements related to the use of property with the intent of reducing congestion on public streets; controlling dust and soil erosion; and providing safe and convenient access, in order to promote the public health, safety and welfare.

155.10.2 – APPLICABILITY AND GENERAL PROVISIONS

- (A) **Interpretation by Zoning Administrator.** Parking spaces for other permitted or special uses not listed in this section shall be determined by the Administrator based on the requirements for comparable uses.
- (B) **Fractional numbers.** Calculated fractional numbers shall be increased to the next whole number.
- (C) **Square feet.** When required parking is given by a ratio to square feet, it shall mean per square feet of gross building area.

- (D) **Pre-existing parking and loading spaces.** Parking and loading spaces which were in existence on the effective date of this chapter or were provided voluntarily after that date shall not after that time be reduced in number except to conform to the requirements of this chapter.
- (E) **Change in Use.** When the existing use of a building or structure is changed to a new use, parking and loading facilities shall be provided as required for such 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. The Zoning Administrator may grant relief of up to twenty-five (25) percent of the additional required parking spaces if the applicant can demonstrate that additional required parking spaces cannot be accommodated on site.
- (F) **Change in Intensity of Use.** Any expansion of use shall require conformance with respect to surfacing requirements for all parking, loading, and driveways.
- (1) A minor expansion of a use (i.e., costing less than fifty (50) percent of the value of the structure or increasing the area of the use by less than twenty (20) percent) shall require additional parking and loading for the new or expanded portion of the use. Any existing legal nonconformity in quantity of off-street parking and loading requirements, as described in Paragraph 1 above, may be expanded as a matter of right.
 - (2) A substantial expansion of a use (i.e., costing more than fifty (50) percent of the value of the structure or more than twenty (20) percent increase in area) shall require conformance with all provisions of this chapter.
- (G) **Use Exclusively for Parking and Loading.** Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, nor of vehicles which are inoperable, for lease, rent or sale, except for the sale of a vehicle at an owner's home.
- (H) **Temporary Waivers.** The Administrator may temporarily suspend parking requirements for major unused portions of buildings for periods of one (1) year, renewable for periods of one (1) year.
- (I) **Provision of Additional Spaces.** To minimize excessive areas of pavement, the voluntary establishment of additional off-street parking or loading facilities shall be permitted, but shall not exceed the required number of parking spaces by more than twenty (20) percent, except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking or loading is needed based on documented evidence of actual use and demand provided by the applicant. The location, design and control of such facilities shall be in accordance with this Section.

155.10.3 – ACCESSIBLE PARKING

ADA Compliance. All parking lots must comply with the State of Illinois Accessibility Code, as amended, issued under the Americans with Disabilities Act of 1990 (ADA) for the amount and design of accessible vehicle parking spaces required in parking lots and structures.

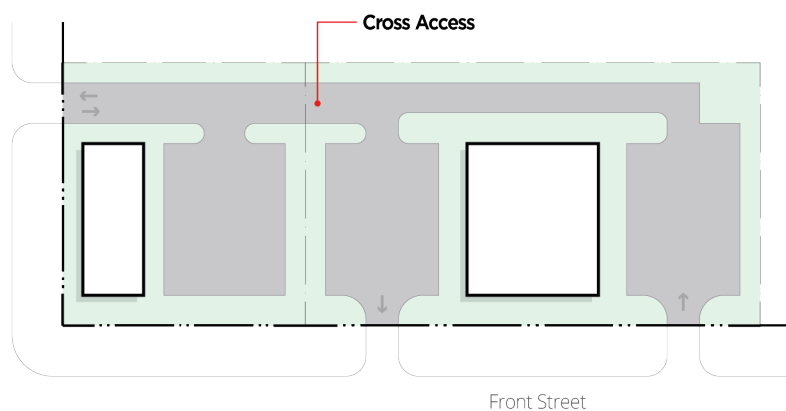
155.10.4 – CONSTRUCTION

Site plan. Any application for a building permit shall include a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this chapter, excluding parking of four (4) or fewer spaces. The plot plan shall be approved by the Administrator.

155.10.5 – CROSS-ACCESS BETWEEN ADJACENT LOTS

Where parking lots for separate uses abut one another and the opportunity for connected cross-access exists, such access is encouraged. Cross-access should be done in a logical manner that results in safe and efficient circulation between adjacent parking areas. When cross-access is provided, both property owners shall be exempt from landscaping and fencing requirements to the width of the drive aisle plus an additional twenty (20) feet measured from each face of curb of the drive aisle.

Graphic 10.1: Cross Access Between Adjacent Lots



155.10.6 – SHARED PARKING FACILITIES

- (A) **Mixed Occupancies.** In the case of two (2) or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as approved specifically by the Administrator for joint but alternative uses.
- (B) **Cooperative Parking Facility.** Up to a fifteen (15) percent reduction in the number of required parking spaces for four (4) or more separate uses; ten (10) percent for three (3) separate uses; and five (5) percent for two (2) separate uses may be authorized by the Administrator, following approval of a plan which provides for a collective parking facility serving two (2) or more buildings or two (2) or more uses, developed through voluntary cooperation or under any parking district which may be provided by law.
 - (1) **HC District Shared or Cooperative Parking.** Within the HC District there are uses which, because of their unique characteristics, require flexibility and a case-by-case review of the parking requirements, including the potential for cooperative or shared parking facilities. The Zoning Administrator may recommend modification in the number of required parking spaces to address the unique aspects of the uses allowed in the HC District. These modifications must be approved by the Village Board.
- (C) **Joint but Alternate Use.** The Administrator may authorize the joint use of parking facilities under the following conditions.
 - (1) Up to fifty (50) percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.
 - (2) Up to fifty (50) percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
 - (3) Up to one hundred (100) percent of the parking facilities of a church or auditorium incidental to a grade school may be supplied by the off-street parking facilities of daytime uses.
 - (4) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (a) **DAYTIME USES.** Offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale or similar primarily daytime uses.

- (b) **NIGHTTIME USES.** Auditorium incidental to grade schools, churches, bowling alleys, dance halls, theaters, bars or restaurants, motels, or similar nighttime uses.
- (5) **Conditions Required for Joint Use:**
 - (a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within five hundred (500) feet of the parking facilities;
 - (b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed; and
 - (c) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Village Attorney, shall be filed with the Administrator. Joint use parking privileges shall continue in effect only so long as the instrument, binding on all parties, remains in force. If the instrument becomes legally ineffective, then parking shall be provided as otherwise required in this chapter.

155.10.7 – LOCATION OF OFF-STREET PARKING FACILITIES

- (A) **On-Site Parking Facilities.** Parking and loading spaces generated by development shall be located on the same parcel as the use which they are intended to serve unless otherwise permitted in this chapter.
- (1) **Single-Family Residential Uses.** The following standards apply to the location of parking spaces for residential uses:
 - (a) Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this Section shall be used solely for the parking of passenger automobiles or not more than one (1) noncommercial truck owned or operated by the occupants of the dwelling, provided that such truck does not exceed a gross weight of eight thousand (8,000) pounds.
 - (b) All required parking spaces for residential uses shall be located on the same lot as the building or use served.
 - (c) Parking spaces may be located in any yards except required front yards, but shall be permitted in that portion of the front yard where the driveway or permitted parking pad is located.
 - (d) Recreational vehicles and equipment may be located in any yard in accordance with Section 10.16 (Parking and Accessory Use Restrictions).

- (e) For single family detached and single family attached 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 detached and single family attached dwellings.
- (f) Tandem parking is permitted, however a parking space that is blocked by a tandem parking space shall not count toward fulfilling off-street parking requirements.
- (2) **Non-Single Family Uses.** Except for parking areas on the same lot as a single family detached or single family attached dwelling, off-street parking and loading areas shall meet the following requirements:
 - (a) **Front Yard Setbacks**
 - (1) Within the CR Districts, no parking shall be permitted in the front yard of the property between the right-of- way and the main building or structure.
 - (2) Within the RM, CG, CH, CO, and IG Districts, parking shall be permitted in the front yard of the property between the right-of- way and the main building or structure. If parking is located along the front property line, a required minimum setback of seven (7) feet shall be provided between the property line and edge of the parking lot.
 - (b) **Side and Rear Yard Setbacks.** Where located within or abutting a Residential District, the parking area shall maintain the minimum side and rear yard setbacks as required in the Residential District, except where an alley abuts the property, in which case the required rear yard setback may be reduced to five (5) feet. Where not located within or abutting a Residential District, the parking area shall maintain a minimum side and rear yard setback of three (3) feet.
 - (c) **Landscape Areas.** Parking shall not be located within any required landscape areas as detailed in Section 155.11 of this chapter.
- (B) **Off-Site Parking Facilities.** An exception to on-site parking requirements may be made in commercial districts, or whenever required parking and loading spaces cannot be located on the parcel in other districts because of development restrictions imposed by the presence of an existing principal structure which is to continue in use. Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

- (1) If the use is residential, hotel, motel, or tourist home, the off-lot spaces shall be within two hundred (200) feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved;
- (2) If the use is other than residential, hotel, motel, or tourist home, the farthest portion of the parking lot shall be within one thousand (1,000) feet of an entrance to the establishment;
- (3) Distances indicated above shall be measured along routes generally available to the pedestrians involved;
- (4) Parking spaces may be at greater distances than those indicated above when approved by the Administrator;
- (5) Such off-lot spaces shall be located only in districts in which similar off-street parking is permitted; and
- (6) The off-lot parking area shall be held in fee simple by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the Administrator as assuring continuing availability for required off-street parking for the use.

155.10.8 – DESIGN STANDARDS, ACCESS AISLE, AND SPACE REQUIREMENTS

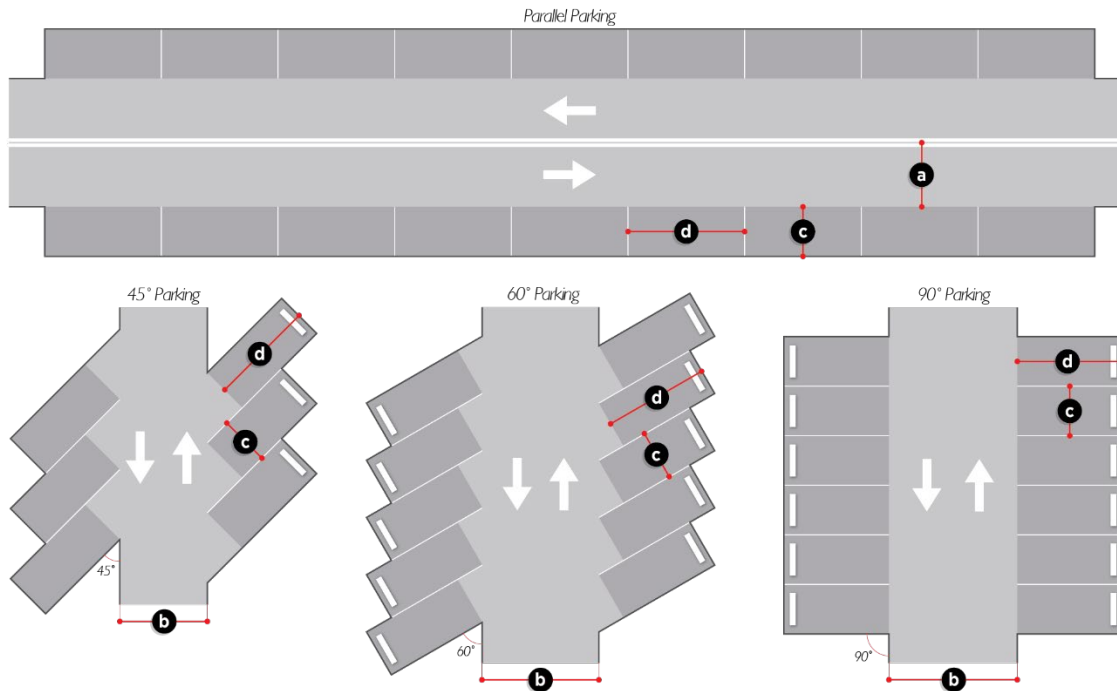
(A) Parking dimensions.

- (1) Except for parking spaces serving single family detached and single family attached dwellings, dimensions of parking spaces and maneuvering areas shall be provided as detailed in Table 155.10(B) - Dimensional Standards for Parking Spaces and Aisles and as shown in the Figure 10.8(B) Parking Design Standards.
- (2) Parking spaces for single-family and two-family dwellings shall be a minimum of nine (9) feet wide by eighteen (18) feet long.
- (3) All parking spaces shall have a minimum vertical clearance of eight (8) feet.

(B) Width of aisles. Aisle widths shall be that specified below for the angle of the stalls.

TABLE 155.10(B) – DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES				
Degree of Angle	0° (Parallel)	45°	60°	90°
A - Aisle Width: One-Way	11	12	16	24
B - Aisle Width: Two-Way	22	22	22	24
C - Width of Space	8	9	9	9
D - Depth of Space	22	18	18	18

Graphic 10.2: Dimensional Standards for Parking Spaces and Aisles



- (C) **Curbs and gutters.** Combination concrete curb and gutter or concrete barrier curb is required around the perimeter of all parking lots and around all islands for all properties fronting rights-of-way, except for residential uses of less than four (4) units. Where alternatives to concrete curb and gutter are demonstrated to be more appropriate and recommended by the Village Engineer, the alternatives may be approved by the Zoning Administrator.
- (D) **Wheel guards.** Parking spaces adjacent to sidewalks, pedestrian circulation areas, or landscape areas shall be provided with wheel guards or bumper guards so that no part of parking vehicles will encroach. Bumper guards are not required for interior stalls.
- (E) **Lighting.** All parking lot lighting shall comply with the Performance Standards established in Section 155.7.12. A lighting plan with photometric calculations shall be submitted during the design review process.
- (F) **Striping.** Striping of the pavement surface to define each parking space is required and shall be a minimum of four (4) inches in width from the length of each space. Striping for each parking space shall be painted in yellow or white. Thermoplastic pavement markings are an acceptable alternative. All areas designated as fire lanes shall be marked by posting signs and/or yellow markings, provided that signs shall be used wherever feasible.

- (G) **Maintenance.** Upon completion, all parking areas shall be properly maintained at all times, without potholes, broken curbing, or other irregularities.
- (H) **Drainage.** Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of this water to public facilities shall be subject to approval of the Village Engineer.
- (I) **Surfacing.** All required parking and loading spaces and access drives in the R1, R2 and RM districts shall be paved with concrete, bituminous pavement, pavers, or an equivalent material as approved by the Village Engineer. All required parking and loading spaces and access drives for all commercial or industrial zoned property shall be paved with concrete or bituminous pavement:

155.10.9 – STACKING SPACES FOR DRIVE-THROUGH FACILITIES

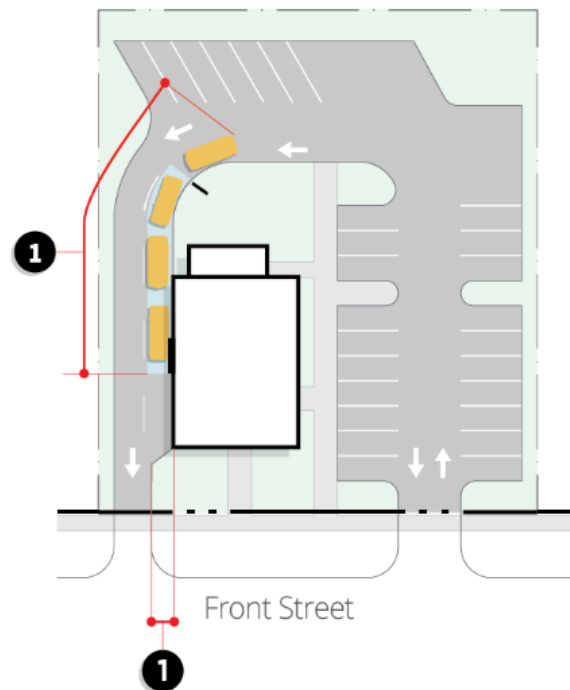
- (A) **Required Stacking Spaces.** Every drive-through facility shall be required to provide a minimum number of stacking spaces as detailed in Table 155.10.9(A) below.

Table 155.10.9(A): Drive-Through Stacking Space Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	2 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box ¹
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	2 per stall	stall entrance
<i>Oil Change Shop</i>	2 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other</i>	at the discretion of the Plan Commission	
1. 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

(B) **Stacking Space Design Standards.** 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.
- (2) Located such that:
 - (a) When in use, they do not obstruct ingress or egress to the site and do not obstruct access to required parking or loading spaces.
 - (b) The first space begins behind the vehicle parked at a last point of service, such as a window or car wash bay.
 - (c) They shall not interfere with other on-site traffic circulation, parking facilities, pedestrian movements or cause automobiles to queue within public rights-of-way.

Graphic 10.3: Drive Through Stacking Space Design Standards



155.10.10 – OFF-STREET PARKING REQUIREMENTS

(A) Minimum Requirements.

- (1) Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with the parking ratio requirements of Table 155.10(C): Off-Street Parking Requirements.
- (2) Maximum Requirements. To minimize excessive areas of pavement no parking lot shall exceed the required number of parking spaces by more than ten (10) percent, except as approved by Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking is needed based on documented evidence of actual use and demand provided by the applicant.
- (3) Uses within the HC - Health Care District must provide off-street parking in accordance with the parking ratio requirements of Table 155.10(D) – HC Off-Street Parking Requirements.

TABLE 155.10(C) – OFF-STREET PARKING REQUIREMENTS	
Use	Required Parking
Residential:	
Single-Family	2 spaces per dwelling unit under 1,200 S.F. with 1 parking space to be in a fully enclosed building (garage)
	3 spaces per 1,200 S.F. or over dwelling unit with 2 parking spaces to be in a fully enclosed building (garage)
Two-Family	2 spaces per dwelling unit with 1 parking space to be in a fully enclosed building (garage)
Multi-Family Unit (except elderly)	2 1/2 spaces per dwelling unit with 1 parking space to be in a fully enclosed building (garage)
Multi-Family Units which are specifically designed for and occupied by persons 60 years of age or older.	1 space per elderly housing unit
Bed and Breakfast Inn	2 spaces for residents plus 1 space for each guest room
Community-based housing, nursing homes, boarding houses, group homes, single-family occupancy units.	1/2 space for each resident
Hotels, Motels	1 space per sleeping unit
Retail and Service Uses:	
(Based on gross floor area) Retail and service uses, including financial institutions, except as listed	1 space per 250 square feet
Car washes: self-service manual	11/2 spaces for each bay and 1 for each employee
Car washes: automatic	11/2 spaces for each bay
Car washes: with internal drying operation	1 space for each employee
Auto Maintenance Facilities & Service Stations	1 space per fuel pump and 1 space per service bay
Auto Repair Facilities	2 spaces per repair/service bay
Offices and Clinics:	
Bowling Alley	4 spaces per alley

TABLE 155.10(C) – OFF-STREET PARKING REQUIREMENTS

Use	Required Parking
Drive-Up Banking Facilities	4 spaces per window
Drive-Up ATMs	3 stacking spaces per window
Fast Food/Drive-in restaurant	1 space per 100 square feet
Restaurants and Other Establishments dispensing food or beverages for consumption on the premises	1 space per 75 square feet
Furniture, Carpet and Appliance Sales	1 space per 800 square feet
Passenger Vehicle Sales and Other Motor Vehicles Sales	1 space per 1,600 square feet of display area plus the required number of spaces for any associated uses
Mortuaries, Funeral Home	1 space for each 4 seats, 1 space for each employee, and 1 space for each hearse
Shopping Centers over 45,000 S.F.	1 space per 250 square feet
Medical, Dental, and Optical Offices and Medical Clinics	1 space per 150 square feet
Other Business and Professional Offices	1 space for 300 square feet
Industrial Uses:	
Manufacturing, Auto and Body Repair, Furniture Repair, Upholstery Shops	1 space per 500 square feet
Warehouses, Wholesale Establishments, Storage and Distribution Centers	1 space per 2,000 square feet 1 space per employee
Community Service Uses:	
Churches, High Schools, Colleges, Business and Trade Schools	The greater of 1 space per 200 feet or 1 space per 4 seats
Hospitals	The greater of 1 space per 600 square feet or 1.5 spaces per bed
Libraries, Art Galleries, Museums	1 space per 250 square feet
Recreational Buildings or Community Centers	1 space per 250 square feet
Schools: Nursery, Elementary or Middle School	1 space per each 20 pupils
Places of Assembly:	
Stadiums, Arenas, Auditoriums, Skating Rinks, Theaters, Convention Halls	The greater of 1 space for each 4 seats or 1 space per 75 square feet
Miscellaneous Uses:	
Fraternities, Sororities, Dormitories	1 space for each 2 beds
Planned Mixed- 1 space for each 2 beds Use Developments	Spaces shall be the sum of the individual uses
Other Uses Not Listed:	Spaces shall be based on the most similar use listed or as determined by the Zoning Officer

TABLE 155.10(D) – HC OFF-STREET PARKING REQUIREMENTS

Use	Required Parking
Assisted living facility, retirement or convalescent facility, or independent living facility	1 space per 2 residents
Daycare facility	1 space per 6 children and each adult as applicable per shift
Durable medical equipment facility	1 space per 300 square feet
Family or child advocacy center	1 space per 250 square feet
Health and fitness facility	1 space per 300 square feet
Hospice	1.5 spaces per bed
Hospital	The greater of 1 space per 600 square feet or 2.5 spaces per bed
Medical, dental, and optical offices and medical clinics	1 space per 250 square feet
Nursing home	1 space per 3 resident rooms
Pharmacy	1 space per 400 square feet
Rehabilitation facility or physical/occupational therapy	1 space per 200 square feet
Research or medical laboratory	The greater of 1 space per 350 square feet or .80 space(s) per employee
Surgery center	1 space per 300 square feet
Urgent or immediate care center or clinic or medical health center	1 space per 300 square feet

155.10.12 – OTHER PARKING USES

For uses not listed in the schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar use as determined by the Zoning Administrator.

155.10.13 – OFF-STREET LOADING REQUIREMENTS

- (A) **Purpose.** The purpose of this Section is to prevent congestion of public rights-of-way and private lots to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (B) **Applicability.** Any use which has a gross floor area of six-thousand (6,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.
- (C) **Location.** All loading docks shall be located twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way, off-street parking area, or pedestrian circulation area. No loading dock or overhead doors shall face upon a street right-of-way in commercial or office and professional business zoning districts. Loading docks or overhead doors may face upon a street right-of-way in manufacturing districts only in cases where no practical alternative exists.

- (D) **Size of Loading Area.** Adequate space for standing, turning, loading, and unloading services shall be provided in a manner that does not interfere with required off-street parking areas, pedestrian circulation areas, and with the public use of streets or alleys.
- (E) **Access to Loading Area.** Each loading berth shall be located so as to facilitate access to a public street or alley and shall not interfere with other vehicular or pedestrian traffic and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (F) **Surfacing and Marking.** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.
- (G) **Use of Required Loading Areas.** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (H) **Required Loading Spaces.** The number of required loading spaces shall be determined by the developer and shall provide for adequate space for standing, turning, loading, and unloading services shall be provided in a manner that does not interfere with required off-street parking areas, pedestrian circulation areas, and with the public use of streets or alleys.

155.10.14 – BICYCLE PARKING REQUIREMENTS

- (A) **Applicability.** For properties within Commercial Districts (CR, CG, CH, and CO) and RM Districts, designated bicycle parking spaces shall be provided in accordance with the requirements of this subsection. Bicycle facilities shall be of high quality and reflect the architecture of the primary structure.
- (B) **Minimum Required Spaces.**
 - (1) **Commercial Districts.** Bicycle parking facilities should be provided at a rate of one (1) bicycle space per twenty-five (25) vehicle parking spaces with a minimum of two (2) spaces and a maximum of ten (10) spaces.
 - (2) **Multi-Family Residential Districts (MR).** Bicycle parking facilities should be provided at a rate of one (1) bicycle space per ten (10) dwelling units. A minimum of two (2) bicycle spaces shall be provided.

- (C) **Location.** Bicycle parking shall be conveniently located near building entry points. Bicycle parking placement shall not conflict with pedestrian travel. Bicycle facilities provided in the public right-of-way may be used in parking calculations, so long as the entry point providing primary access to the building is set back no more than twenty (20) feet from the front lot line.
- (D) **Facility.** Bicycle parking shall be provided using bicycle rack or locker-type parking facilities and shall be designed to allow a bicycle frame to be locked to a structure attached to the pavement or the building.

155.10.15 – PEDESTRIAN ACCESS AND CIRCULATION

Pedestrian access shall be required for all sites to improve the health, safety, and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities and establish a multi-modal environment that is supportive of walking, biking and transit use.

- (A) The construction and repair of on-site sidewalks shall comply with all chapters of the Village Code.
- (B) Walkways in Parking Lots. Paved walkways shall be provided from the public right-of-way to the primary entrance of the building and for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through marked crosswalks or similar methods.
- (C) Where trails exist or are planned, non-residential properties shall include paths or sidewalks to connect building entries to the trail system, where appropriate and feasible, as determined by the Zoning Administrator.
- (D) Minimum Width for Pedestrians. At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians at all times.

155.10.16 – PARKING AND ACCESSORY USE RESTRICTIONS

(A) **Commercial Vehicles in Residential Districts.** The following restrictions shall apply to the parking or storage of commercial vehicles on property within residential districts.

- (1) No commercial vehicle with a Class 3 rating or higher shall be parked on any residentially-zoned private property or public right-of-way in a Residential District, except for vehicles engaged in loading or unloading, or vehicles in connection with current work being performed on the adjacent premises.
- (2) Only one (1) commercial vehicle with a Class 2 rating or lower, which is used on a regular basis and is the owner's principal means of transportation to and from his employment, may be stored or parked outdoors overnight on residentially-zoned private property.
- (3) Permitted commercial vehicles, as described in Paragraph 2 above, shall include such vehicles that are owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in the permitted parking area for that dwelling. Such permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- (4) No stored or parked commercial vehicle shall be occupied or used for human habitation.
- (5) All other non-standard sized commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines, tow trucks, panel trucks, construction vehicles, or other large commercial and non-standard sized livery vehicles are not permitted to be stored or parked outdoors overnight on residentially zoned property.
- (6) A special-use permit shall be required for a commercial or related use in a Residential District for required parking on an adjacent lot or a lot across the street, but not more than two hundred (200) linear feet from the use served. Such use shall meet the requirements of Table 155.10(B): Dimensional Standards for Parking Spaces and Aisles.

(B) **Recreational Vehicles in Residential Districts.**

- (1) Recreational vehicles and equipment may be parked or stored as follows:
 - (a) In a front yard on a private driveway or parking pad serving a single family dwelling.


- (b) In a side yard provided such equipment is parked on a driveway or parking pad at least five (5) feet from the side lot line and at least ten (10) feet from any building on an adjoining lot.
 - (c) In a rear yard provided it is parked at least five (5) feet from a side or rear lot line and ten (10) feet from any building on an adjoining lot.
 - (d) No recreational vehicle parking or storage is permitted in designated easements.
- (2) No recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- (3) No major recreational equipment shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state.
- (4) In no case shall any such equipment be so stored for a period of more than six (6) months.

(C) Utility Trailers.

- (1) Utility trailers may be parked or stored as follows:
 - (a) In a front yard on a private driveway or parking pad serving a single-family dwelling.
 - (b) In a side yard provided such equipment is parked on a driveway or parking pad at least five (5) feet from the side lot line and at least ten (10) feet from any building on an adjoining lot.
 - (c) In a rear yard provided it is parked at least five (5) feet from a side or rear lot line and ten (10) feet from any building on an adjoining lot.
 - (d) No utility trailer parking or storage is permitted in designated easements.

(D) Vehicle Repair Work.

- (1) In a Residential District, no motor vehicle repair work shall be permitted in conjunction with accessory off-street parking spaces or loading areas provided for a permitted nonresidential use.

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- (2) In a Non-Residential District, no motor vehicle repair work shall be permitted in conjunction with accessory off-street parking spaces or loading areas unless such service is provided by a uniformed employee of the associated business.
 - (3) The sale of gasoline and motor oil, when permitted in conjunction with accessory off-street parking areas, shall be located with respect to residential properties so as not to create a nuisance.
 - (4) No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities in any district.

SECTION 11. LANDSCAPING

155.11.1 – Purpose and Intent	1
155.11.2 – Applicability	1
155.11.3 – Landscape Plan Submittal Requirements	2
155.11.4 – General Landscaping Requirements	3
155.11.5 – Landscape Areas and planting types.....	5
155.11.6 – Building Foundation Landscape Requirements	6
155.11.7 – Parking Lot Perimeter Landscape Requirements.....	7
155.11.8 – Parking Lot Interior Landscape Requirements	9
155.11.9 – Transition Area Landscape Requirements.....	12
155.11.10 – Additional Landscape and Screening Requirements	17
155.11.11 – Species Diversity Requirements	20
155.11.12 – Tree Preservation.....	21
155.11.13 – Installation and Maintenance of Landscape Areas.....	22

155.11.1 – PURPOSE AND INTENT

The intent of this chapter is to provide screening and buffering between potentially incompatible uses and between specific operations which may create a nuisance for the occupants of adjoining properties.

155.11.2 – APPLICABILITY

- (A) This landscape ordinance shall be applicable to all zoning districts and land uses within the Village. The regulations contained herein shall be applied for any plan, plat or permit requiring review and or approval involving of any land development, alteration and or modification of a zoning lot, building structure, or parking facility contained therein requiring Zoning Department approval to maintain and protect property values;
- (B) Individuals purchasing property within a completed residential development and homeowners associations in the case of townhome and condominium developments with established landscaping covenants shall be exempt from the planting specification and regulations contained herein, with the following exceptions:

- (1) Any landscape plan approved as part of a development shall be maintained as the minimum landscape requirements for that development and shall not be removed without Zoning Administrator approval;
- (2) All maintenance responsibilities as specified in this Section and the proximity of plant materials to municipal utilities and property as stated in this Section shall be enforced;
- (3) Parkway trees and plantings shall be required to meet and established regulations for the applicable district.

155.11.3 – LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

- (A) A landscape plan shall be submitted with any application requiring site plan review. At a minimum the final landscape plan shall be required to indicate the following, or be a component of a larger development proposal that includes the following: The owner's name and address, if different from the applicant, and the owner's signed consent to the filing of the plan; The street address and legal description of the property;
 - (1) Title, scale, north marker, and date;
 - (2) Zoning of site and all adjoining property;
 - (3) All lot lines, easements and rights-of-way;
 - (4) All surrounding roads names;
 - (5) The total square footage of the site area dedicated for vehicle use, including parking, loading, queuing, circulation, and drop-off/pick-up area;
 - (6) Existing and proposed trees, shrubs, and ground cover, natural features such as outcroppings, wetlands, and other landscaping elements.
 - (7) Existing and/or proposed locations of plantings and/or construction details including paving materials, walls, fences, and street furniture.
 - (8) Tree species, installation size, number of trees, and an approximate planting time table.
 - (9) Existing plant material to be preserved during construction shall be indicated on the submitted landscape plans along with the proposed methods for protection.
 - (10) Existing and proposed site contours on the project site and one hundred (100) feet beyond the site lot lines, at intervals not to exceed two (2) feet;
 - (11) Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them;

- (12) All existing and proposed drainage and detention areas;
- (13) Size and location of berms, fences and other screening or screening devices; and
- (14) Other information or documentation as the zoning administrator may deem necessary to allow a full and proper consideration and disposition of the particular plan, including but not limited to special features, sign locations, lighting, decks, paving, gazebos, or other structures.

(B) Minor and Major Changes to Approved Landscape Plans.

- (1) Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Zoning Administrator.
- (2) Changes to the size and amount of plant materials of an approved landscape plan shall be considered a major change. Major changes shall be approved by the body granting approval of the landscape plan initially.

155.11.4 – GENERAL LANDSCAPING REQUIREMENTS

(A) Topsoil Preservation.

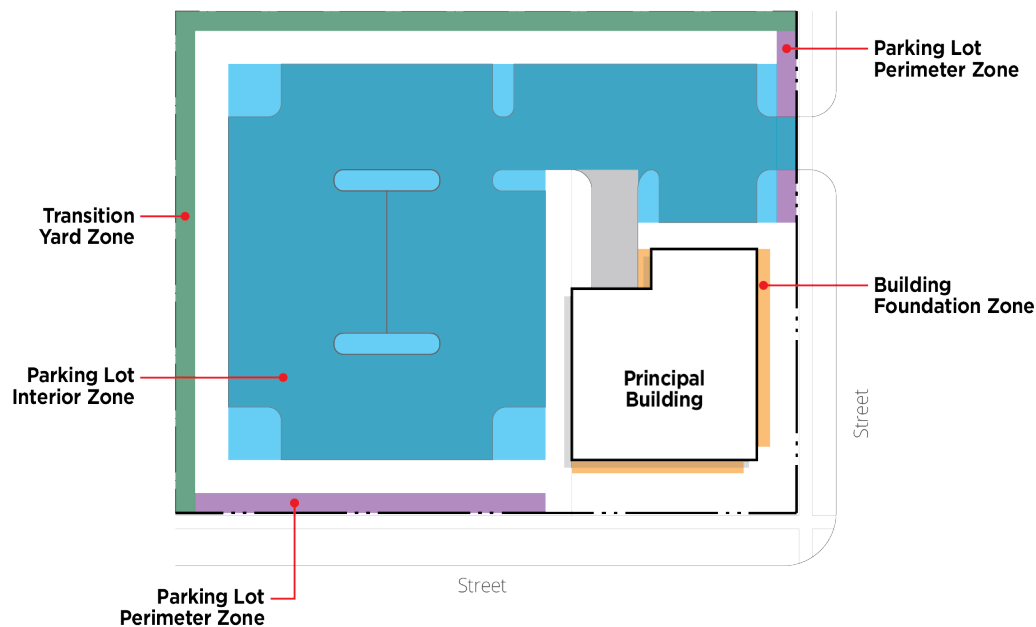
- (1) A site development permit shall be required prior to the clearing, grading, transportation, or other movement of soil or earth. A detailed sketch plan showing all property lines, acreage, zoning, proposed utilities and structures, existing utilities and structures, soil type, adjacent land-uses, and flood plains shall be provided. A site development permit shall not be required for roto-tilling, planting, or other activity typically associated with privately maintained residential lots and gardens. Topsoil moved during construction shall be redistributed on all re-graded surfaces to provide a minimum of six (6) inches of even cover throughout the development area, and shall be stabilized following final grading using seed, sod, hydro-seed, or other vegetation. During construction, erosion control devices including silt fences, hay bales, ditch checks, inlet protection, and tarps shall be used to prevent destabilized soils from being washed or blown from the site. All erosion control measures shall be approved by the Village Engineer prior to beginning construction.
- (2) Temporary material and soil deposit may not be placed within five (5) feet of shrubs or within ten (10) feet of the drip line of any tree designated to be retained on the landscape plan. Protective barriers and tree wells shall be installed around all plants, trees, and/or groups thereof that are to be retained. Barriers shall be at least four (4) feet in height and constructed of durable materials and are to remain in place until construction is completed.

- (B) **Debris Removal.** All stumps, tree parts, litter, brush, weeds, scrap or excess building materials, or other debris shall be removed from the site prior to the issuance of the occupancy permit. No tree stumps, tree parts, or other debris shall be buried anywhere in the development. Plant and tree material which is reduced to mulch may be used in landscaping areas, subject to Zoning Administrator approval.
- (C) **Slope Plantings.** Landscaping of terraces, cuts, and fills shall be done using plant materials shown to prevent soil erosion. All slopes greater than 3:1 or thirty-three (33) percent slope shall be landscaped with ground cover and materials appropriate for the type of planting, soil conditions, and the surrounding environment.
- (D) **Additional Landscaping.** All areas not covered by site improvements shall be landscaped with grass, shrubs, trees, ground cover or a combination thereof in accordance with the approved landscape plan. In addition to the required ground cover, street trees, and screening, additional landscaping elements and plantings may be required where necessary for climate control, privacy, or other reasons in accordance with the landscape plan.
- (E) **Durable materials.** All walls and fences hereafter erected shall be durable, weather-resistant, rustproof, and easily maintained. All fences shall be kept in good condition, plumb and true, and without damage.
- (F) **Masonry walls.** Masonry walls shall be erected on foundations which are a minimum of 42 inches below grade.
- (G) **Privacy Walls and Fences.** Walls and fences may be erected where necessary for privacy, screening, separation, security, erosion control, or other reasonable function. The design and materials used shall be functional and compatible with the surrounding environment and meet the requirements of Section 7 of this zoning ordinance.
- (H) **Berms.**
- (1) Berms shall not exceed a three to one (3:1) horizontal to vertical ratio and a maximum height of five (5) feet above the base of the berm.
 - (2) Berms shall be stabilized with a ground cover or suitable vegetation and properly located outside of clear vision areas.
 - (3) Berms shall retain in good condition existing healthy vegetation designated for preservation.
- (I) **Phased Construction.** Large tracts shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to seasonal runoff.

155.11.5 – LANDSCAPE AREAS AND PLANTING TYPES

- (A) **Graphic 11.1:** Required Landscape Areas illustrates the location of the required landscape areas as discussed in the following sections. The Zoning Administrator may approve up to a twenty-five (25) percent reduction in the overall required amount of landscape material for properties in industrial zoning districts not visible from properties in commercial or residential zoning districts or from major thoroughfares.

Graphic 11.1: Required Landscape Areas

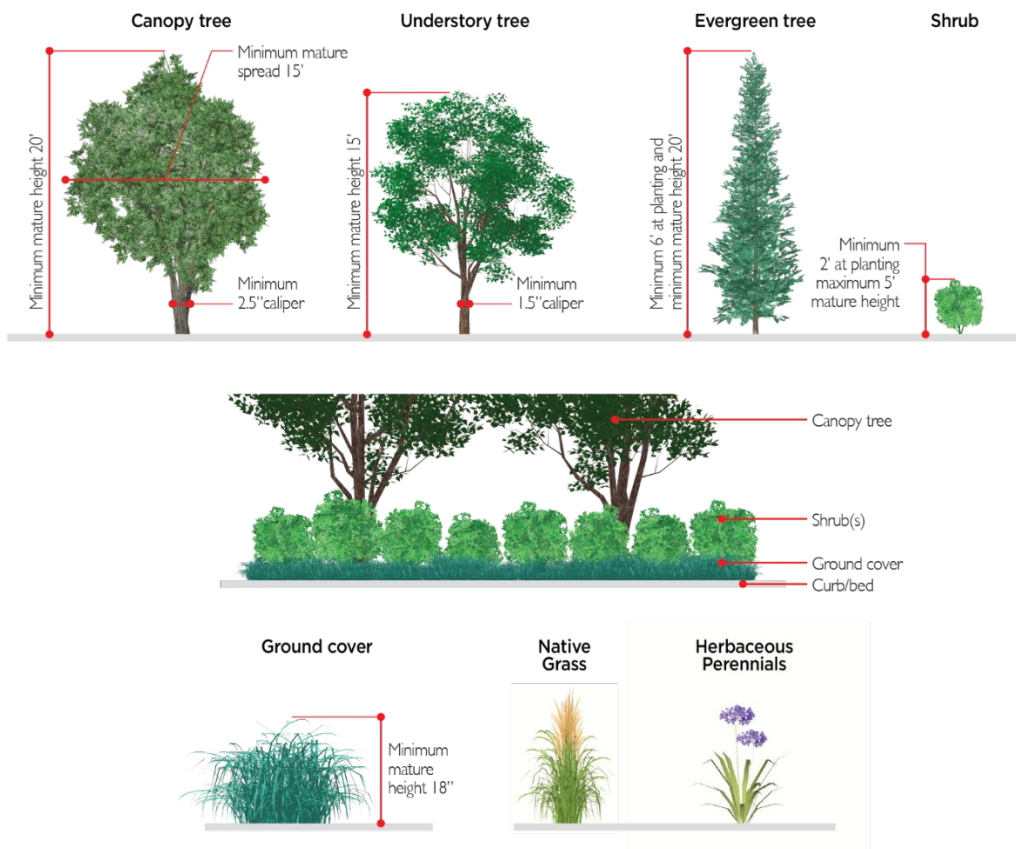


(B) **Planting Types.**

- (1) **Canopy Trees.** A woody plant (deciduous or evergreen) having not less than a two and one-half (2.5) inch caliper with single central axis which typically reaches a mature height of not less than forty (40) feet and a mature spread of not less than fifteen (15) feet.
- (2) **Understory Trees.** A woody plant having not less than a one and one-half (1.5) inch caliper, or six (6) feet tall for multiple stem species, that normally attains a mature height of at least fifteen (15) feet.
- (3) **Evergreen Trees.** A tree having foliage that persists and remains green throughout the year and has a height of not less than six (6) feet at installation and maturing to a height of not less than twenty (20) feet.

- (4) **Shrub.** A woody plant (deciduous or evergreen) of low to medium height characterized by multiple stems continuous from its base and having a height of not less than two (2) feet.
- (5) **Native Grasses.** Grasses that are native to, or adapted to, the State of Illinois, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.
- (6) **Herbaceous Perennials.** Plants with non-woody stems whose above-ground growth largely or totally dies back during winter months but whose underground plant parts (roots, bulbs, etc.) survive.
- (7) **Groundcover.** Herbaceous plants, other than turf grass, or prostrate shrubs normally reaching an average maximum height of eighteen (18) inches at maturity.

Graphic 11.2: Planting Types

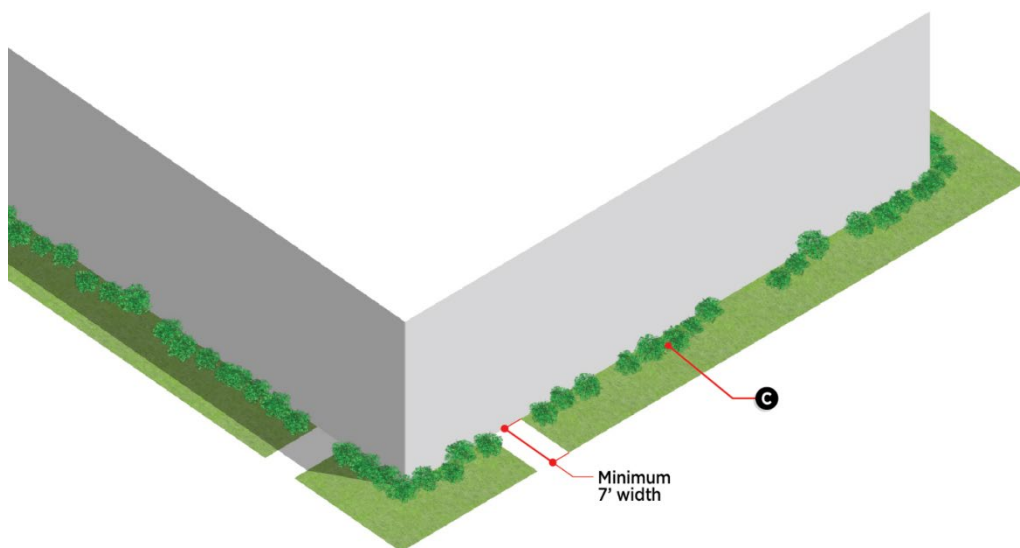


155.11.6 – BUILDING FOUNDATION LANDSCAPE REQUIREMENTS

All nonresidential, single-family attached, and multifamily development where a front yard setback is required shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this ordinance. It is the objective of this section to provide a softening effect at the base of buildings.

- (A) Applicable development is required to maintain a building foundation area at front and exterior side yards of seven (7) feet at a minimum.
- (B) Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls.
- (C) Foundation plantings shall be installed across eighty (80) percent of the length of the façade of the building, except where walkways and driveways are located.
- (D) Foundation plantings may include trees, shrubs, native grasses, and groundcover.
- (E) Where the area between the building and parking lot or street curb is entirely paved for pedestrian use, landscaping may consist of canopy trees planted in structural soils beneath tree grates or permeable pavement, at the rate of one (1) tree per fifty (50) linear feet of building facade. Minimum structural soil volume shall be six-hundred (600) cubic feet.
- (F) Above-ground stormwater planter boxes along building facades may be substituted for foundation plantings.

Graphic 11.3: Building Foundation Landscape Requirements

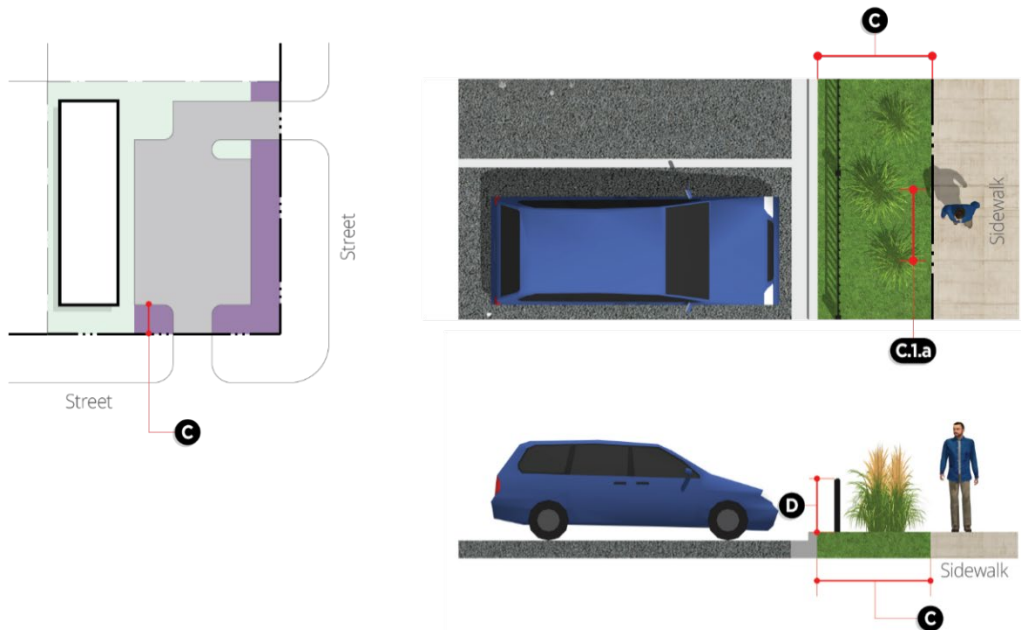


155.11.7 – PARKING LOT PERIMETER LANDSCAPE REQUIREMENTS

Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this ordinance. It is the objective of this section to provide screening between parking areas and right-of-way, and to provide for the integration of stormwater management with required landscaping.

- (A) **Location.** All surface parking lots which abut a public or private right-of-way, excluding alleys, shall include landscape and trees as required by this section located between the parking lot back of curb and the right-of-way.
- (B) **Applicability.** The parking lot perimeter landscape regulations of this section apply to the following:
 - (1) The construction or installation of any new surface parking lot or vehicular use area; and
 - (2) The expansion of any existing surface parking lot or vehicular use area, in which case the requirements of this section apply only to the expanded area.
- (C) **Requirements.** Perimeter landscape shall be established along the edge of the parking lot with a minimum width of seven (7) feet as measured from the parking lot back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.
 - (1) The landscape treatment shall be located between the property line and the edge of the parking lot. Landscaped areas outside of shrub / native grasses and tree masses shall be planted in live groundcover. The landscaped area shall be improved as follows:
 - (a) One (1) shrub or native grasses the height of which shall not be less than three (3) feet nor greater than five (5) feet, shall be planted for every three (3) feet of landscape area length. Required plant materials may run the full length of the parking lot perimeter area or may be clustered in landscape beds contiguous to the edge of parking lot. Landscape beds shall run for a minimum of fifty (50) percent of the length of the parking lot.
 - (2) A low masonry wall or fence the height of which provides effective screening to a maximum height of three (3) feet may be used in conjunction with required landscaping as detailed above. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

Graphic 11.4: Parking Lot Perimeter Landscape Requirements



155.11.8 – PARKING LOT INTERIOR LANDSCAPE REQUIREMENTS

All parking lots shall include landscape and trees located within the parking area as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this ordinance. It is the objective of this section to provide shade within parking areas, break up large expanses of parking lot pavement, support stormwater management where appropriate, and provide a safe pedestrian environment.

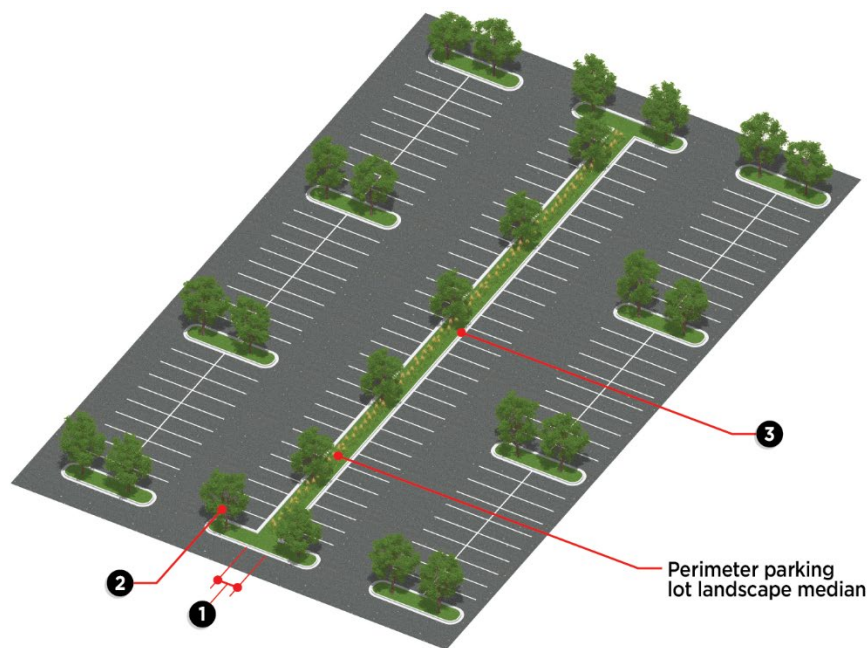
- (A) **Applicability.** The parking lot interior landscape regulations of this section apply to the following:
 - (1) The construction or installation of any new surface parking lot containing fifteen (15) or more parking stalls; and
 - (2) The expansion of any existing surface parking lot if the expansion would result in fifteen (15) or more new parking stalls, in which case the requirements of this section apply only to the expanded area.
- (B) **Requirements.** For parking lots consisting of fifteen (15) or more continuous spaces, interior parking lot landscape as described herein shall be required. Parking lots consisting of fewer than fifteen (15) continuous spaces shall be required to terminate all rows of parking with a landscape area, as approved by the Zoning Administrator.
- (C) **Amount.** Required parking lot interior landscape area shall be provided in the form of islands and medians.

- (1) **Parking Lot Median Amount Requirement.** Parking lot medians shall be placed between every third bay of parking.
- (2) **Parking Lot Island Amount Requirement.** Parking lot islands shall be located on parking bays which are not required to have parking lot medians. Parking lot islands shall be spaced not more than one-hundred thirty-five (135) feet or more than fifteen (15) continuous spaces apart, and at the end of any bay of parking bordered by a drive aisle, public or private street, or pedestrian way.

(D) **Parking Lot Median Standards.**

- (1) **Size.** Parking lot medians shall have a minimum width of nine (9) feet and minimum soil depth of thirty-six (36) inches.
- (2) **Planting.** A minimum of one (1) canopy tree and fifteen (15) shrubs or native grasses shall be planted for each fifty (50) linear feet of parking lot median.
- (3) **Design.** Parking lot medians shall be protected with concrete curbing unless the parking lot median is designed to be utilized for stormwater management in which case the perimeter shall be protect by wheel stops, or other suitable barriers. Such medians shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials and proper stormwater management function.

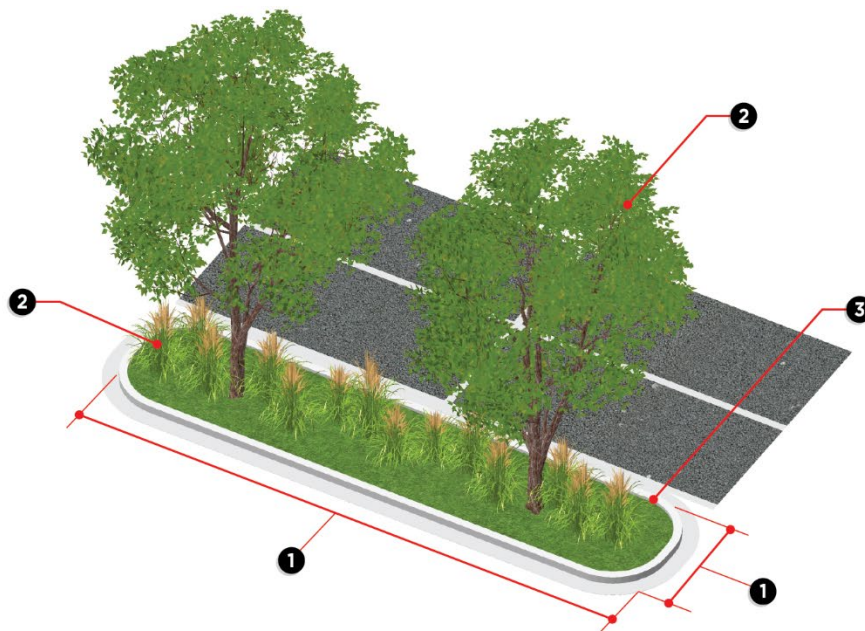
Graphic 11.5: Parking Lot Median Standards



(E) **Parking Lot Island Standards.**

- (1) **Size.** Parking lot islands shall be a minimum nine (9) feet wide by eighteen (18) feet long and shall have a minimum soil depth of thirty-six (36) inches. Double rows of parking shall provide parking lot islands opposite one another to form continuous single islands.
- (2) **Planting.** A minimum of one (1) canopy tree shall be provided for every parking lot island. If the island extends the width of a double bay, then two (2) canopy trees shall be provided.
- (3) **Design.** Parking lot islands shall be protected with concrete curbing or other suitable barriers. Such islands shall be properly drained or irrigated as appropriate to the site conditions to ensure survivability of plant materials or proper stormwater management function.

Graphic 11.6: Parking Lot Island Standards



- (F) **Internal Pedestrian Walkways.** Internal pedestrian walkways, as addressed in Section 155.10.15, shall be located along parking lot medians. The Zoning Administrator may waive or modify this requirement on determining that locating internal pedestrian walkways along parking lot medians is impractical due to site conditions or undesirable because it would create unsafe conditions.
- (G) **Type of Landscape Material.** Except where areas are designed as vegetated stormwater management areas, canopy trees shall be the primary plant materials used in parking lot islands and canopy trees and shrubs or native grasses shall be the primary plant materials used in parking lot medians. Understory trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the required plantings but shall not create visibility concerns for automobiles and pedestrians. If medians or islands are designed as stormwater management areas, deviations from required plantings may be approved by the Zoning Administrator.
- (H) **Groundcover.** A minimum of seventy-five (75) percent of the surface area of every parking lot island and median shall be planted with living groundcover.

155.11.9 – TRANSITION AREA LANDSCAPE REQUIREMENTS

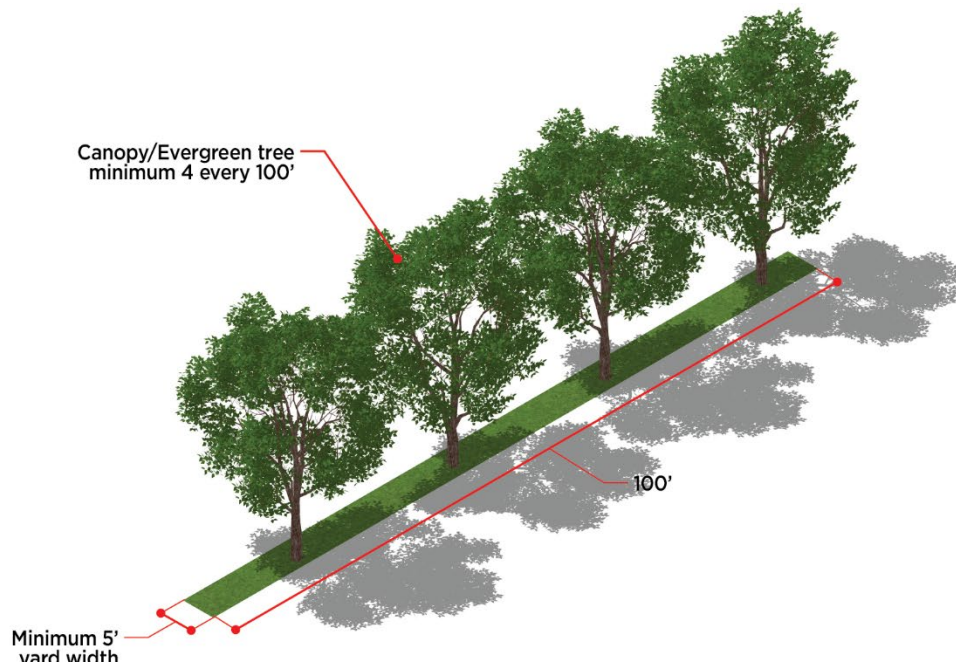
Transition area landscape shall be required along interior property lines of all multiunit residential, non-residential, or mixed-use development. It is not expected that the transition area will totally screen such uses but rather will minimize land use conflicts and enhance aesthetics. Landscape required by this section shall be in addition to landscape required under other sections of this ordinance.

- (A) **Applicability.** Transition area landscaping is required as follows;
 - (1) The construction or installation of any new primary building or primary use; and
 - (2) The expansion of any existing primary building or primary use that results in an increase in gross floor area by more than five (5) percent or one thousand (1,000) square feet, whichever is greater. In the case of expansions that trigger compliance with transition area requirements, transition area landscaping is required only in proportion to the degree of expansion. The Zoning Administrator is authorized to allow the transition area to be established adjacent to the area of expansion or to disperse transition area landscaping along the entire site transition area.

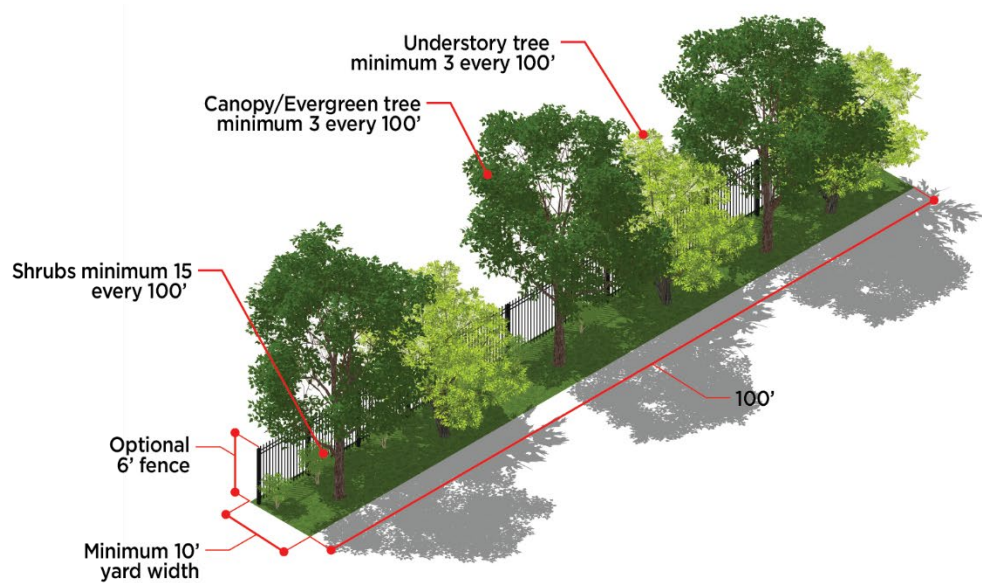
- (B) **Transition Area Types.** Four (4) transition area types are established in recognition of the different contexts that may exist, as shown in Table 155.11.9(B). Transition areas may include a combination of elements including setback distances for separation, planting types, solid fencing, green walls, vegetated stormwater management areas, living groundcover, or turf.

TABLE 155.11.9(B) – TRANSITION AREA TYPES					
Specification		Type A	Type B	Type C	Type D
1	Min. Yard Width (1)	5 ft.	10 ft.	15 ft.	20 ft.
2	Min. Fence / Wall Height (2)	optional	optional	6 ft.	6 ft.
<i>Min. Number of Landscape Elements (per 100 linear feet)</i>					
3	Understory	optional	3	4	5
4	Canopy / Evergreen	4	3	4	5
5	Shrubs / Native Grasses	optional	15	25	35
(1) Required yard setbacks may be utilized for transition area landscape.					
(2) Fence or wall requirements may be satisfied by a solid evergreen or arborvitae hedge with a maximum height of six (6) feet, as approved by the Zoning Administrator.					

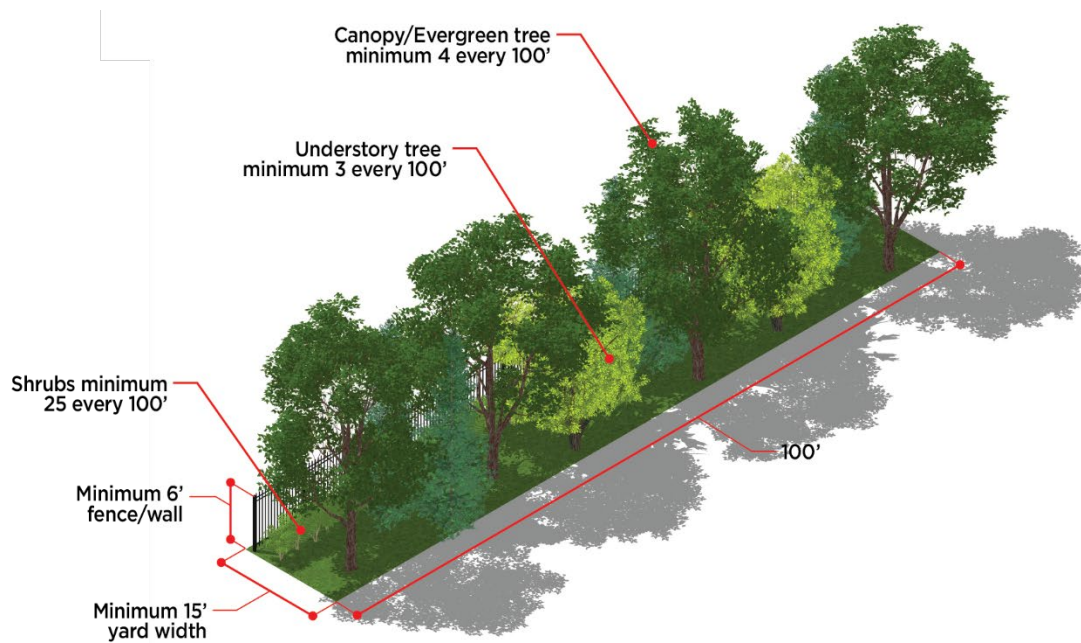
Graphic 11.7: Transition Area Type A



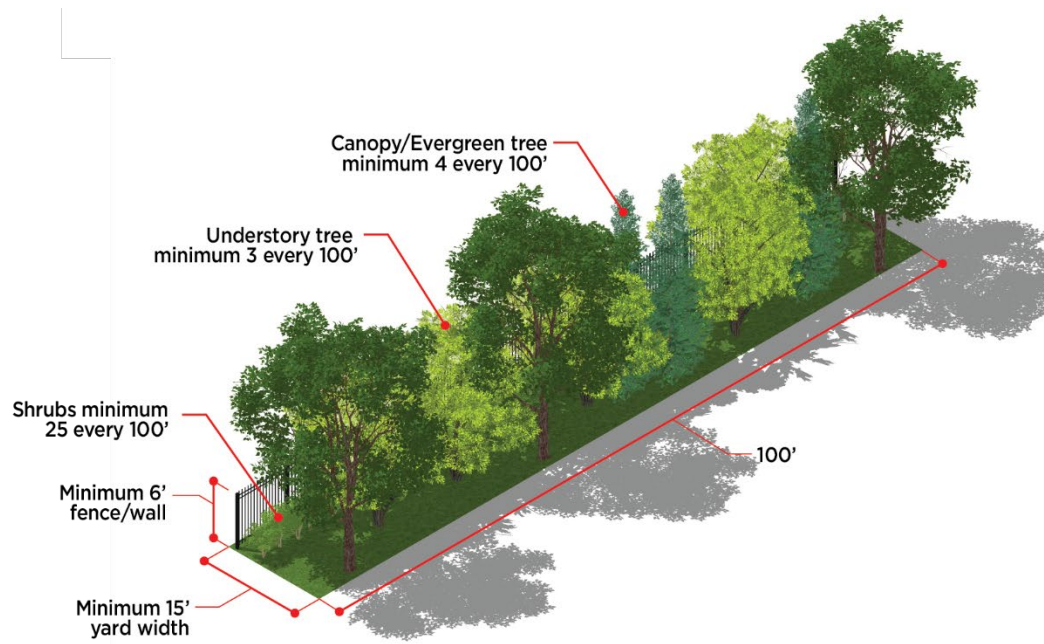
Graphic 11.9: Transition Area Type B



Graphic 11.8: Transition Area Type C



Graphic 11.10: Transition Area Type D



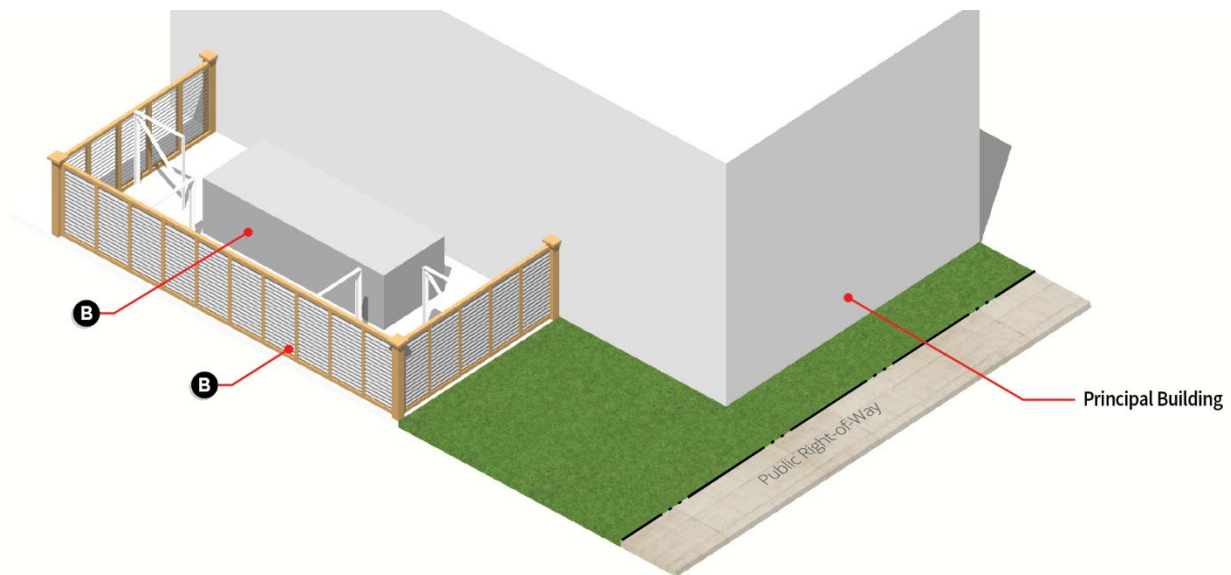
- (C) **Application of Transition Area Types.** Transition areas shall be provided based on Table 155.11.9(C), except where adjacent uses are of a similar nature, scale, and intensity. As per Table 155.11.9(C), the type of required transition yard is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

TABLE 155.11.9(C) APPLICATION OF TRANSITION AREA TYPES											
Subject Lot Land Use	Adjacent Lot Land Use										
	Agricultural	Single-Family Residential	All Other Residential	Institutional	Commercial	Adult Use Cannabis	Community Facilities	Recreational	Medical	Industrial	Other
<i>Agricultural</i>											
<i>Single-Family Residential</i>											
<i>All Other Residential</i>	A	C	A	B	B	B	B	B	C	D	D
<i>Institutional</i>	A	C	B	A	B	B	B	B	C	D	D
<i>Commercial</i>	A	C	B	B	A	A	A	A	B	C	C
<i>Adult Use Cannabis</i>	A	n/a	n/a	C	C	A	C	B	B	B	C
<i>Community Facilities</i>	A	C	B	B	A	A	A	A	B	C	C
<i>Recreational</i>	A	C	B	B	A	A	A	A	B	C	C
<i>Medical</i>	B	D	C	C	C	C	C	C	A	B	B
<i>Industrial</i>	B	D	C	C	C	C	C	C	B	A	B
<i>Other</i>	B	D	C	C	C	C	C	C	B	B	A

155.11.10 – ADDITIONAL LANDSCAPE AND SCREENING REQUIREMENTS

- (A) Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, loading docks and blank walls) from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required.
- (B) **Screening of Ground Mounted Mechanical Units.** For all uses, except any individual lot occupied by a single-family, two-family, or three-family dwelling, all ground-mounted mechanical units, including but not limited to: air conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment, that are visible from any adjacent public thoroughfare shall be visibly screened from public view. The screen shall be designed and established so that the area or element being screened is no more than twenty (20) percent visible through the screen.

Graphic 11.11: Ground Mounted Mechanical Units Screening

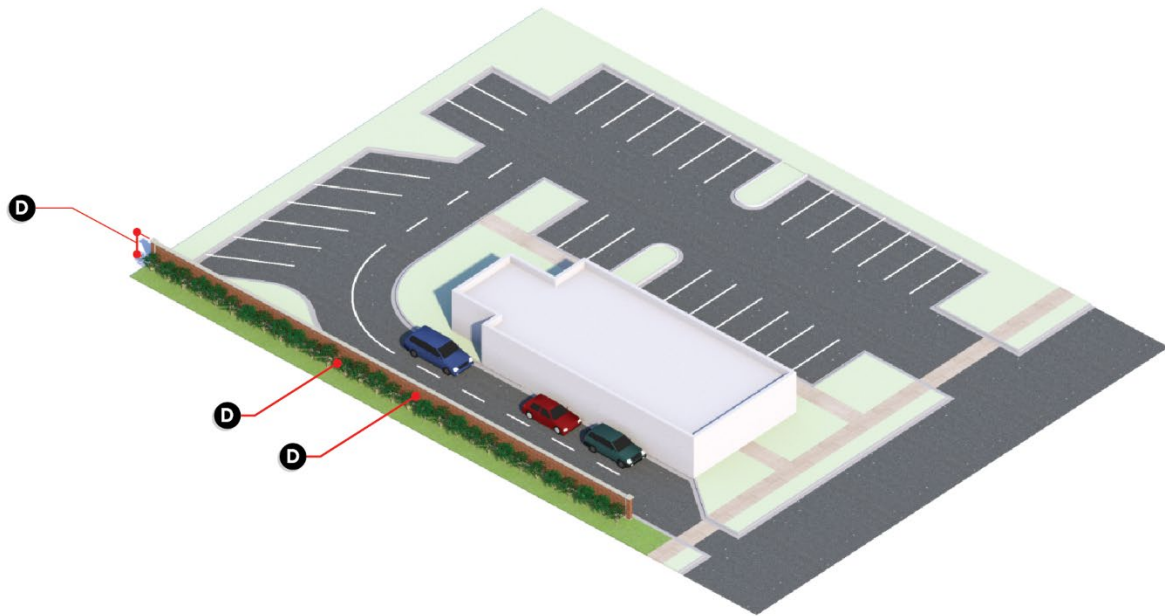


(C) **Loading Docks, Service Yards, and Exterior Work or Storage Areas.**

- (1) Service yards, loading docks and exterior work or storage areas shall be screened from view from public rights-of-way or adjacent lots.
- (2) The screening shall consist of all the requirements for Transition Area D as detailed in Section 155.11.9(B).
- (3) If outdoor storage is allowed, said storage areas shall be screened in a manner such that the materials being stored are completely screened from view. If storage materials exceed the allowable maximum fence height, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening. In no case shall stored materials exceed the height of the proposed screening method.

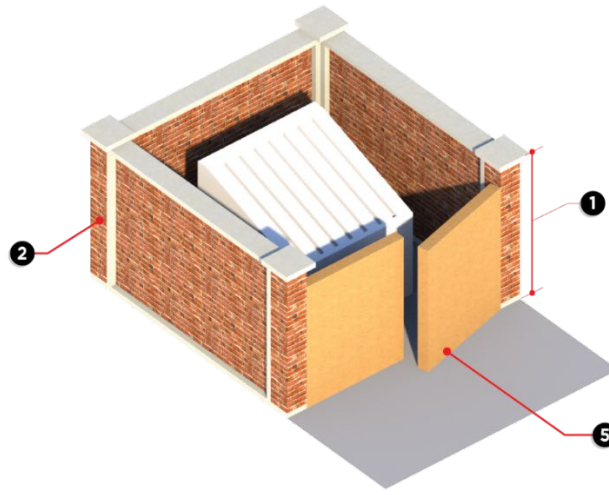
- (D) **Drive-Through Facility.** Drive aisles of drive-through facilities must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening must be approved during the site plan review process and must consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge no less than six (6) feet. Plant materials must be installed along the fence or wall to provide a softening effect.

Graphic 11.12: Drive Through Facility Screening



- (E) **Trash and Recycling Receptacles.** The following screening standards shall apply to all uses, except for single-family, two-family, or three-family dwellings.
- (1) Trash and recycling receptacles shall be screened on three (3) sides with a solid, opaque material with a minimum height of six (6) feet and a maximum height of eight (8) feet. The use of materials that are not solid, such as slats in chain-link, shall only be used to meet this requirement in the I district.
 - (2) Materials used for screening shall complement the architecture of the primary structure.
 - (3) Materials and elevations for enclosures that are attached to buildings shall be designed to be integrated into the primary structure.
 - (4) If enclosures are to be attached to buildings, they shall comply with applicable fire and building codes.
 - (5) Enclosure openings shall be gated with an opaque material and shall not be directly visible from a public right-of-way and/or adjoining residential areas.
 - (6) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed by a service truck.
 - (7) Property owners shall be responsible for ensuring that trash and recycling receptacles be placed in the enclosure at all times other than when they are being emptied by a service truck.
 - (8) Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round access to the enclosure area for service trucks shall be maintained by the property owner or tenant.
 - (9) Enclosures shall be of an adequate size to accommodate expected containers. It is recommended that the enclosure be designed to be expandable to accommodate future additional containers.
 - (10) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by the use of barrier curbing, reinforced masonry walls, or other similar means.
 - (11) Trash and recycling receptacle enclosures shall not occupy areas used for required parking spaces.

Graphic 11.13: Trash and Recycling Receptacle Screening



155.11.11 – SPECIES DIVERSITY REQUIREMENTS

- (A) The following species diversity requirements shall be required for all developments, unless otherwise approved by the Zoning Administrator in conjunction with approval of vegetated stormwater management areas.
- (1) A minimum of fifty (50) percent of the landscape elements utilized on a parcel that is less than one-half (0.5) acre shall be drought and salt tolerant native species.
 - (2) A minimum of sixty (60) percent of the landscape elements utilized on a parcel that is between one-half (0.5) and five (5) acres shall be drought and salt tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than thirty (30) percent of any single species or fifty (50) percent of any genus.
 - (3) A minimum of seventy-five (75) percent of the landscape elements utilized on a parcel that is greater than five (5) acres shall be drought and salt tolerant native species. Total landscape elements, excluding turf, shall not be comprised of more than twenty (20) percent of any single species or twenty-five (25) percent of any genus.

155.11.12 – TREE PRESERVATION.

- (A) Existing viable trees of twelve (12) inches or greater DBH shall not be removed from lots within the Village without a tree preservation and removal plan approved by the Zoning Administrator. DBH is diameter at breast height measured at four and a half (4.5) feet off the ground or grade level.
- (B) The tree preservation and removal plan shall include an inventory of all trees of twelve (12) inches or greater DBH on a lot.
- (C) Every reasonable effort shall be made to incorporate trees identified in the inventory into the landscape required for the proposed development. The Zoning Administrator must determine that one of the following criteria apply prior to granting approval to remove a mature, high quality tree:
 - (1) The tree is dead, dying, diseased, or a threat to public health or safety;
 - (2) The tree interferes with the provision of public services or is a hazard to traffic;
 - (3) The location of the tree prevents development or redevelopment that cannot be designed to protect the tree.
 - (4) The tree is an identified invasive species.
- (D) Viable trees of twelve (12) inches or greater DBH to be removed shall be replaced in accordance with the following standards.
 - (1) The tree to be removed shall be replaced within one (1) year of the date of approval and guaranteed.
 - (2) Any tree designated for removal on an approved tree preservation and removal plan shall be replaced at the rate specified in Table 155.11.13(D)(3).
 - (3) In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree shall be replaced at three (3) times the applicable rate specified in Table 155.11.13(D)(3).

TABLE 155.11.13(D)(3): TREE REPLACEMENT RATE	
Caliper of Tree to be Removed	Number of Replacement Trees Required
12-29 inches	2
30 inches or more	4

- (E) The value of a tree shall be determined by the Zoning Administrator in accordance with the methods developed by the Council of Tree and Landscape Appraisers in the most recent Guide for Plant Appraisal.

155.11.13 – INSTALLATION AND MAINTENANCE OF LANDSCAPE AREAS

- (A) All installed landscape shall conform to the most recently approved American Standard for Nursery Stock (ANSI Z60.1), published by the American National Standards Institute.
- (B) All new landscape areas shall be installed prior to the occupancy or use of the building or premises, or substantial completion of the building to allow for occupancy; or if the time of the season or weather conditions is not conducive to planting, the developer shall apply to the Zoning Administrator for a delay in landscape installation. The delay in landscape installation request shall identify a date certain by which all required landscape materials shall be installed or the developer shall be subject to a fine as detailed in the agreement.
- (C) Dead plant materials shall be replaced within sixty (60) days taking into consideration the season of the year and shall have at least the same quantity and quality of landscape elements as initially approved. If the particular project is constructed in more than one (1) phase, the sixty (60) day timeframe shall apply to each individual phase.
- (D) All landscape shall be maintained in a healthy, neat, trimmed, clean, and weed-free condition. With the exception of surface areas in vegetated stormwater management areas where mulch is not specified, the ground surface of landscape areas shall be covered with either turf and/or other types of pervious groundcover located beneath and surrounding trees and shrubs.
- (E) For stormwater management areas where irrigation is not specified, all installed plantings shall be guaranteed for a period of eighteen (18) months following municipal approval of installation. During this guarantee period landowner shall supply water as necessary to promote successful establishment and growth.
- (F) Any required landscaped area not intended for stormwater management, greater than one hundred and fifty (150) square feet in area, is recommended to be provided with an underground irrigation system or be provided with a portable water supply within fifty (50) feet of said landscaped areas.

SECTION 12. SIGNS

155.12.1 - Purpose and Intent	1
155.12.2 - Limit on Sign Area	4
155.12.3 - Sign Measurement	5
155.12.4 - Permitted Sign Types	7
155.12.5 - Standards for Permanent Signs.....	8
155.12.6 - Standards for Temporary Signs.....	16
155.12.7 - Prohibited Signs and Content.....	22
155.12.8 - Comprehensive Sign Plan	24
155.12.9 - General Requirements	24

155.12.1 - PURPOSE AND INTENT

- (A) **Purpose.** The purpose of Chapter is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression.
- (B) **Scope.** The regulations of Chapter shall provide a balanced and fair legal framework for design, construction, and placement of signs that:
 - (1) Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - (a) collapsing, catching fire, or otherwise decaying;
 - (b) confusing or distracting motorists; or
 - (c) impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and
 - (2) Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - (a) are not overwhelmed by the number of messages presented; and
 - (b) are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose; and

- (3) Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
- (4) Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- (5) Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Comprehensive Plan of the Village of Roscoe;
 - (a) Enhances property values and business opportunities;
 - (b) Assists in wayfinding; and
 - (c) Provides fair and consistent permitting and enforcement.

(A) **Authority.** The Village Board finds that:

- (1) This Chapter advances important and substantial governmental interests;
- (2) The regulations set out in this Chapter are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers;
- (3) The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Chapter; and
- (4) Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.

(B) **General Findings of Fact.** The Village Board finds that:

- (1) The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself;
- (2) The Village has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing

motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the Village's streets by creating visual confusion and aesthetic blight;

- (3) Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high quality community character;

- (a) Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the Village's streets if they are not removed;
- (b) The Village has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter;
- (c) The Village has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community; and
- (d) The uncontrolled use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination and demand for attention can be injurious to the purposes of this Chapter, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

- (B) **Sign Permit Required.** No sign shall be erected, enlarged, expanded, altered, or relocated unless a Sign Permit evidencing the compliance of such work with the provisions of this Section and other applicable provisions of this title shall have first been issued in accordance with the provisions of Section 12 of this Ordinance; provided, however, that routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner does not change the functional classification of the sign and shall not, standing alone, be considered an alteration of the sign requiring the issuance of a Sign Permit.

- (1) **Additional Application Requirements.** All signs shall require permits and payment of all applicable fees as described in Section 15 (Administrative Procedures and Enforcement). In addition to the information and documents required by other Sections of this Ordinance, every application for a Sign Permit shall be accompanied by:

- (a) Plans and specifications showing the location on the lot or building face and the method of construction, illumination and support of such sign;
- (b) A scale drawing showing sign faces, exposed surfaces and the proposed message and design, accurately represented as to size, area, proportion and color;
- (c) A landscape plan showing required landscape areas and plantings as applicable;
- (d) Photographs of the street sides of the property in question, showing all existing signs on the property;
- (e) A calculation of the total amount of sign area presently existing on the property;
- (f) The applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs does not exceed the maximum allowed by the provisions of this Ordinance; and,

A guarantee that sign installation and landscaping shall be completed within one (1) year following issuance of the sign permit.

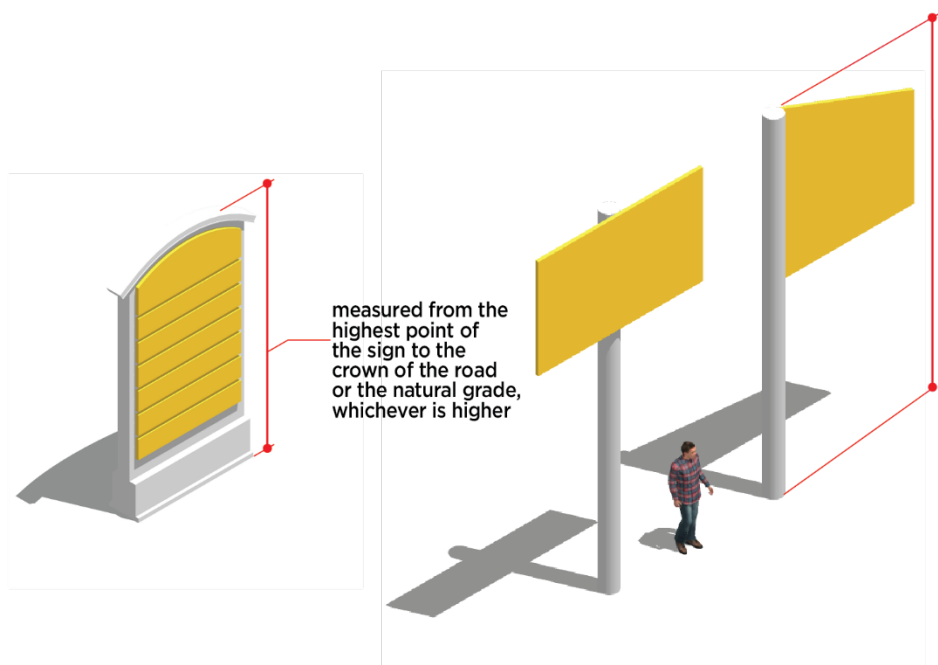
155.12.2 - LIMIT ON SIGN AREA

- (A) **Permanent Sign Area Limit.** Each lot shall be allowed aggregate permanent sign area equal to one (1) square foot of sign area per linear foot of lot frontage or one-hundred fifty (150) square feet, whichever is more.
- (B) **Temporary Sign Area Limit.** Each lot shall be aggregate temporary sign area equal to one-half (0.5) foot of sign area per linear foot of frontage or seventy-five (75) square feet, whichever is more.
- (C) **Premises Having Frontage on More Than One Dedicated Street.** Premises having frontage on more than one (1) dedicated street will be allowed an additional one-half (0.5) square feet of aggregate sign area for each lineal foot of the secondary lot frontage; however additional sign area shall only be displayed on the secondary frontage.

155.12.3 - SIGN MEASUREMENT

- (A) **Sign Height.** Sign height shall be measured by the total distance between the highest point on the sign to the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other areas shall be considered as the ground level.

Graphic 12.1: Sign Height Measurement



- (B) **Sign Area.** Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the copy. A maximum of two (2) geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one (1) face only.

Graphic 12.2: Sign Area Measurement



155.12.4 - PERMITTED SIGN TYPES

(A) The following key is to be used in the interpretation of Table 155.12.4 below.

- (1) Permitted Sign Types. Sign types marked as “P” in the table shall be permitted subject to all applicable regulations of this title and only after the issuance of a Sign Permit as detailed in Section 155.15.10 of this chapter.
- (2) Prohibited Sign Types. A blank space in the table indicates that a sign type is not allowed in the respective zoning district.

Table 155.12.4: Permitted Sign Types by District				
Sign Type	UT, RE, R1, R2, RM	CO, CR, CH, CG	IG, IH	P, HC
<i>Permanent Signs</i>				
Wall Sign	P ¹	P	P	P
Single-Tenant Monument Sign	P ^{1, 2}	P	P	P
Multi-Tenant Monument Sign		P	P	P
Pole / Pylon Sign		P	P	P
Awning or Canopy Sign		P	P	P
Window Sign, Permanent	P ¹	P	P	P
On-Site Traffic Directional Sign	P ¹	P	P	P
<i>Temporary Signs</i>				
Wall Mounted Banner Sign	P ¹	P	P	P
Ground Mounted Banner Sign		P	P	P
Feather Sign		P		
Window Sign, Temporary	P ¹	P	P	P
Post Sign	P	P	P	P
Yard Sign	P	P	P	P
<i>Notes</i>				
1. Sign shall be permitted for nonresidential and multifamily uses only.				
2. Sign shall be permitted at entryways or gateways to subdivisions or neighborhoods.				

155.12.5 - STANDARDS FOR PERMANENT SIGNS

(A) Wall Signs.

(1) Sign Area.

- (a) The maximum permitted sign area of wall signs in the UT, RE, R1, R2, and RM Districts shall not exceed five (5) percent of the total area of the face of the wall to which the sign is to be affixed.
- (b) The maximum permitted sign area of wall signs in the CO, CR, CH, CG, IG, IH, P, and HC Districts shall not exceed ten (10) percent of the total area of the face of the wall to which the sign is to be affixed.

(2) **Height.** No wall sign shall protrude above the highest roofline or the top of the parapet wall or mansard roof.

(3) **Projection.** A wall sign shall not extend more than six (6) inches from the wall of the building or structure to which it is attached and shall maintain a minimum vertical clearance of ten (10) feet.

(4) **Number of Signs.**

- (a) Single tenant buildings shall be permitted a total of two (2) wall signs; however only one (1) wall sign shall be permitted on any building façade.
- (b) Multi-tenant buildings shall be permitted one (1) wall sign per unit.
- (c) A maximum of three (3) secondary wall signs may be authorized for buildings with lineal frontage in excess of seventy-five (75) feet by the Zoning Administrator provided such additional signage is:
 - 1. In keeping with the overall design and architecture of the building;
 - 2. A minimum of twenty (20) feet from the primary wall sign and other secondary wall signs;
 - 3. A maximum of fifty (50) percent of the size of the primary wall sign;
 - 4. Accessory to the building's primary wall sign; and

5. The total area of all primary and secondary wall signs does not exceed the maximum wall sign area as established in Section 155.12.5(A)(1).

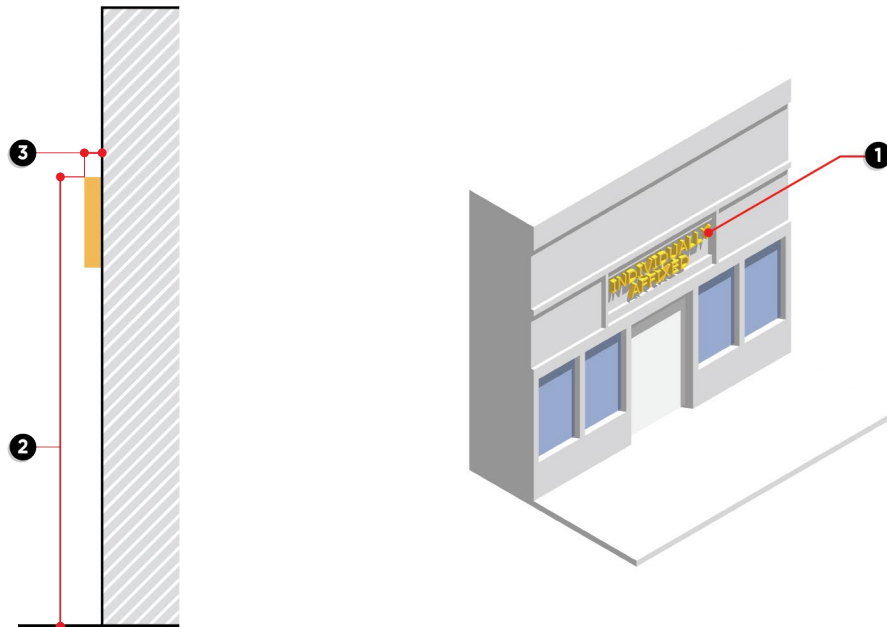
(5) **Sign Copy.** All wall sign copy featured on wall signs shall either be individually affixed letters, raceway letters, applied vinyl, or be printed, etched, or otherwise incorporated directly on the sign's backing plate. Painted wall signs shall be permitted only upon the issuance of a special use permit. Box signs shall be prohibited.

(6) **Other Provisions.**

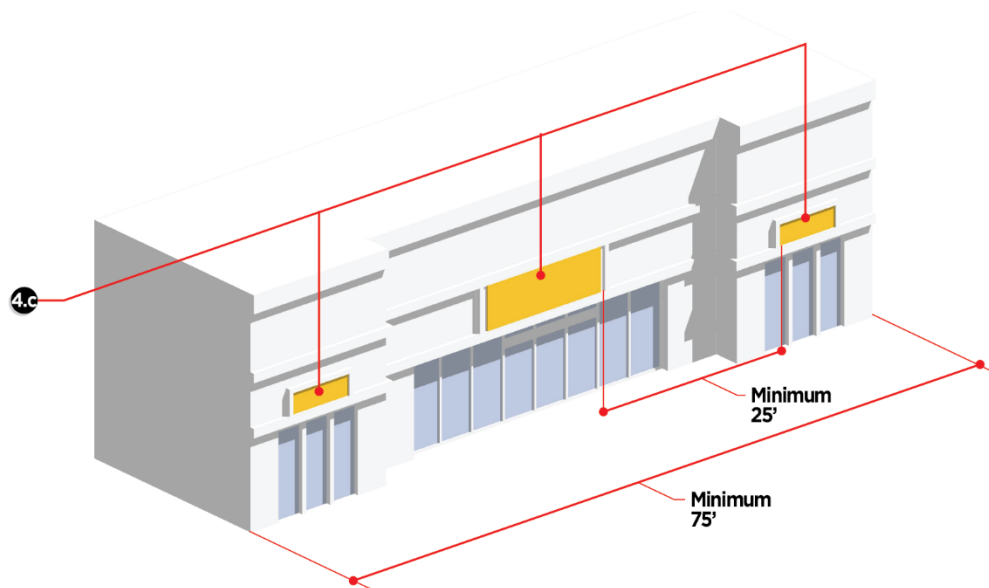
(a) No wall sign shall cover any architectural features (architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel) of the building to which it is affixed.

(b) No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

Graphic 12.3: Wall Signs



Graphic 12.4: Secondary Wall Signs



(B) Single-Tenant Monument Signs.

(1) Sign Area.

- (a) The maximum permitted sign area of single-tenant monument signs in the UT, RE, R1, R2, and RM Districts shall not exceed fifteen (15) square feet.
- (b) The maximum permitted sign area of single-tenant monument signs in the CO, CR, CH, CG, IG, IH, P, and HC Districts shall not exceed fifty (50) square feet.

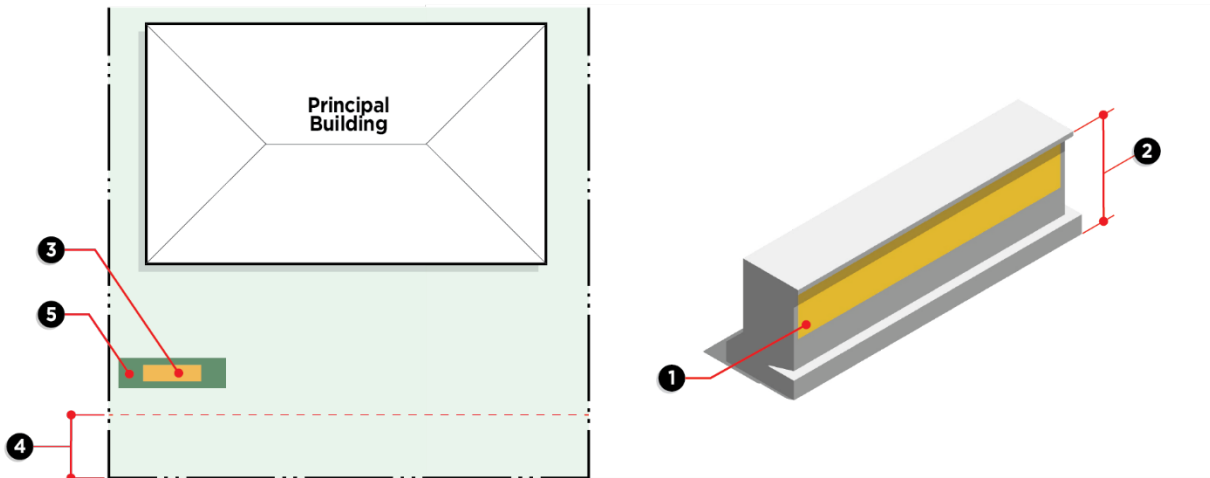
(2) Height.

- (a) The maximum permitted height of single-tenant monument signs in the UT, RE, R1, R2, and RM Districts shall not exceed five (5) feet.
- (b) The maximum permitted height of single-tenant monument signs in the CO, CR, CH, CG, IG, IH, P, and HC Districts shall not exceed ten (10) feet.

- (3) **Number of Signs.** A maximum of one (1) single-tenant monument sign shall be permitted per lot frontage.

- (4) **Location.** Single-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Sign Base.** The base of single-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of single-tenant monument signs shall be constructed from masonry, stone, or similar high quality materials in keeping with the materials and design of the principal building of the lot.
- (6) **Landscape Requirement.** All single-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign. The minimum area of the landscape area shall be equal to the square footage of the sign area of the sign it serves. Landscape areas shall be planted with one (1) shrub or native grass per three (3) square feet.
- (7) **Other Provisions.**
- (a) A single-tenant monument sign shall not be permitted on a lot frontage with an existing multi-tenant monument sign or pole / pylon sign.

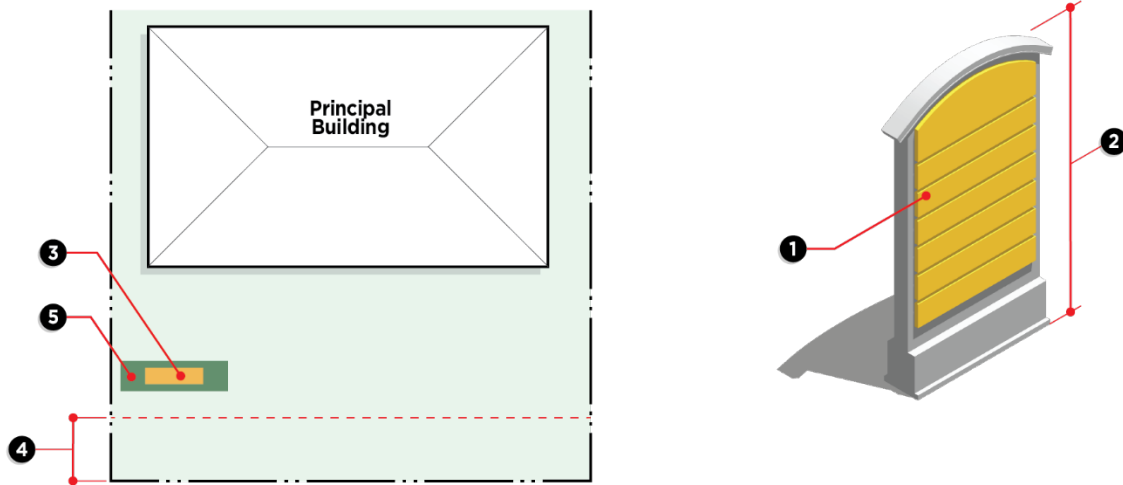
Graphic 12.5: Single Tenant Monument Signs



(C) **Multi-Tenant Monument Signs.**

- (1) **Sign Area.** The maximum permitted sign area of multi-tenant monument signs shall not exceed one-hundred (100) square feet.
- (2) **Height.** The maximum permitted height of multi-tenant monument signs shall not exceed fourteen (14) feet.
- (3) **Number of Signs.** A maximum of one (1) multi-tenant monument sign shall be permitted per lot frontage.
- (4) **Location.** Multi-tenant monument signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Sign Base.** The base of multi-tenant monument signs, including all structural components, shall extend horizontally from the sign face a minimum of ten (10) percent and a maximum of twenty-five (25) percent of the width of the sign face. The base of multi-tenant monument signs shall be constructed from masonry, stone, or similar high quality materials in keeping with the materials and design of the principal building of the lot.
- (6) **Landscape Requirement.** All multi-tenant monument signs shall be required to plant and maintain a landscape area at the base of the sign, the minimum area of which shall be equal to the square footage of the sign area of the sign it serves. Landscape areas shall be planted with one (1) shrub or native grass per three (3) square feet.
- (7) **Other Provisions.**
 - (a) A multi-tenant monument sign shall not be permitted on a lot frontage with an existing single-tenant monument sign or pole / pylon sign.

Graphic 12.6: Multi-Tenant Monument Signs



(D) Pole / Pylon Signs.

(1) Sign Area.

- (a) The maximum permitted sign area of pole / pylon signs serving a single-tenant building shall not exceed thirty (30) square feet.
- (b) The maximum permitted sign area of pole / pylon signs serving a multi-tenant building shall not exceed sixty (60) square feet.

(2) Height.

- (a) The maximum permitted height of pole / pylon sign serving a single-tenant building shall be twenty (20) feet.
- (b) The maximum permitted height of pole / pylon sign serving a multi-tenant building shall be twenty (30) feet.

(3) Number of Signs. A maximum of one (1) pole / pylon sign shall be permitted per lot frontage.

(4) Location. Pole / pylon signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.

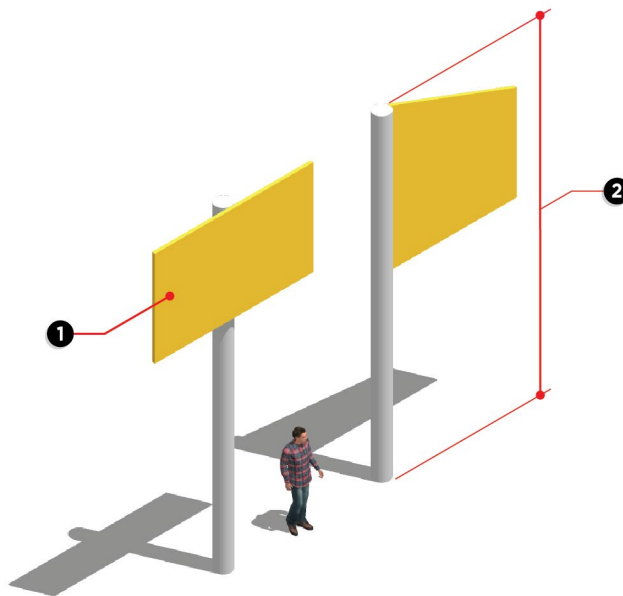
(5) Landscape Requirement. All pole / pylon signs shall be required to plant and maintain a landscape area at the base of the sign, the minimum area of which shall be equal to the square footage of the sign area of the sign it serves.

Landscape areas shall be planted with one (1) shrub or native grass per three (3) square feet.

(6) **Other Provisions.**

- (a) A pole / pylon signs shall not be permitted on a lot frontage with an existing single-tenant or multi-tenant monument sign.

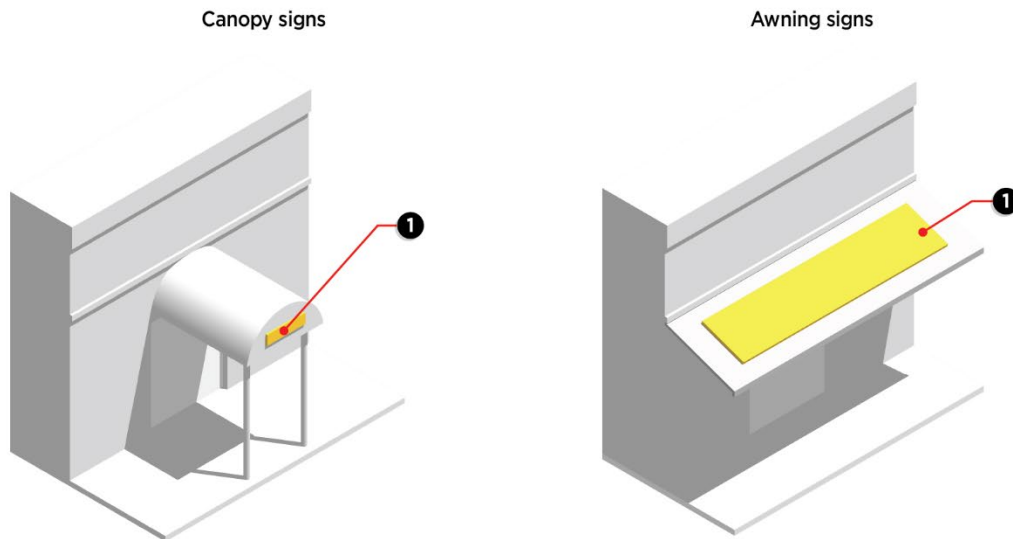
Graphic 12.7: Pole / Pylon Signs



(E) **Awning or Canopy Signs.**

- (1) **Sign Area.** The maximum permitted sign area of awning or canopy signs shall be fifty (50) percent of the face of the awning or canopy upon which the sign shall be printed or affixed. The area of the awning or canopy sign shall count towards the maximum amount of sign area permitted for wall signs as detailed in Section 155.7.9.
- (2) **Other Provisions.**
- (a) Awning or canopy signs shall only be permitted on awnings or canopies extending above ground floor entrances or windows.
- (b) Awning or canopy signs shall not be internally illuminated.

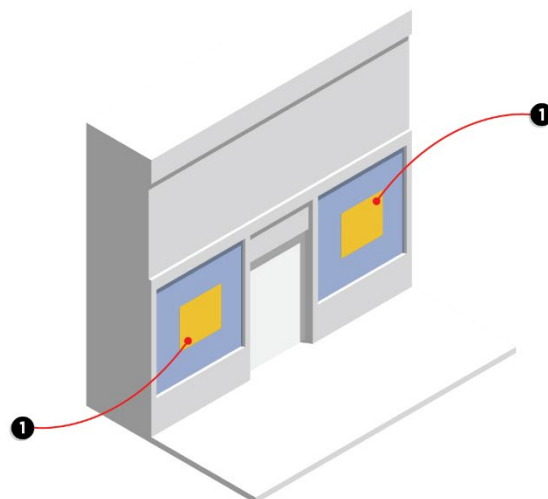
Graphic 12.8: Awning or Canopy Signs



(F) **Window Signs, Permanent.**

- (1) **Sign Area.** The maximum permitted sign area of a permanent window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located. Permanent window sign area shall be counted in aggregate with temporary window sign area.

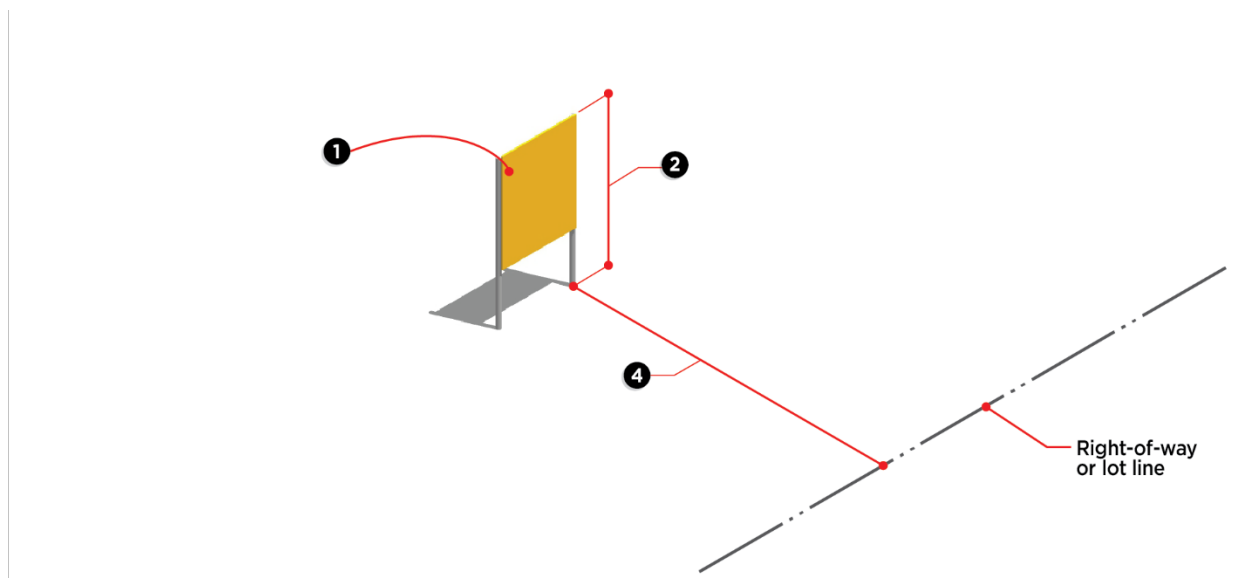
Graphic 12.9: Window Signs, Permanent



(G) **On-Site Traffic Directional Signs.**

- (1) **Sign Area.** The maximum permitted sign area of an on-site traffic directional sign shall be six (6) square feet. Permitted on-site traffic directional sign area shall not count towards aggregate sign area.
- (2) **Height.** The maximum permitted height of an on-site traffic directional sign shall be four (4) feet.
- (3) **Number of Signs.** The permitted number of on-site traffic directional signs shall be determined by the Zoning Administrator as necessary to assist in the safe movement of vehicular and pedestrian traffic on a property.
- (4) **Location.** On-site traffic directional signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.

Graphic 12.10: On-Site Traffic Directional Signs



155.12.6 - STANDARDS FOR TEMPORARY SIGNS

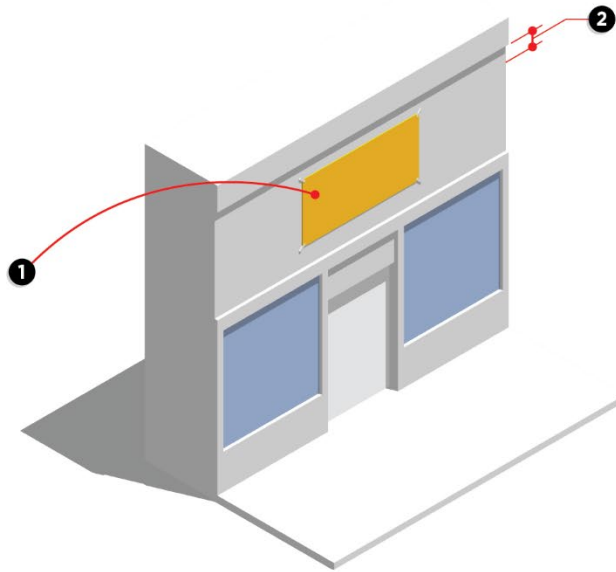
(A) General Standards for Temporary Signs in Nonresidential Districts.

- (1) **Concurrent Display.** All nonresidential developments shall be permitted to display three (3) temporary signs of any type concurrently.
- (2) **Display Period.** The permitted display period of a temporary sign in a nonresidential district shall be a maximum of thirty (30) days. A total of three (3) nonconcurrent display periods shall be permitted per single-tenant building or unit of a multi-tenant building per calendar year. Nonconcurrent display periods shall be separated by a minimum of thirty (30) days.
- (3) **Temporary Sign Permit.** The permitted display of a temporary sign in a nonresidential district shall require the issuance of a temporary sign permit as detailed in Section 155.15.10.

(B) Wall Mounted Banner Signs.

- (1) **Sign Area.**
 - (a) The maximum permitted sign area of wall mounted banner signs in the UT, RE, R1, R2, and RM Districts shall not exceed sixteen (16) square feet.
 - (b) The maximum permitted sign area of wall mounted banner signs in the CO, CR, CH, CG, IG, IH, P, and HC Districts shall not exceed thirty-two (32) square feet.
- (2) **Height.** No wall mounted banner sign shall protrude above the highest roofline or above the top of the parapet wall or mansard roof.
- (3) **Number of Signs.** A maximum of one (1) wall mounted banner sign shall be permitted per lot frontage of a single-tenant building or unit of a multi-tenant building.
- (4) **Location.** Wall mounted banner signs shall be affixed to a building.
- (5) **Projection.** Wall mounted banner signs shall be affixed flat against the building to which they are mounted.

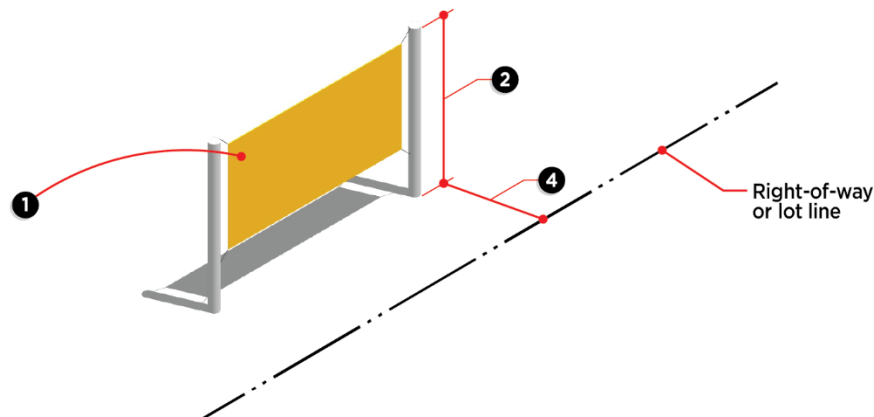
Graphic 12.11: Wall Mounted Banner Signs



(C) **Ground Mounted Banner Signs.**

- (1) **Sign Area.** The maximum permitted sign area of a ground mounted banner sign shall be thirty-two (32) square feet.
- (2) **Height.** The maximum permitted height of a ground mounted banner sign shall be six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) ground mounted banner sign shall be permitted per lot frontage.
- (4) **Location.** Ground mounted banner signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Other Provisions.**
 - (a) Ground mounted banner signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Ground mounted banner signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

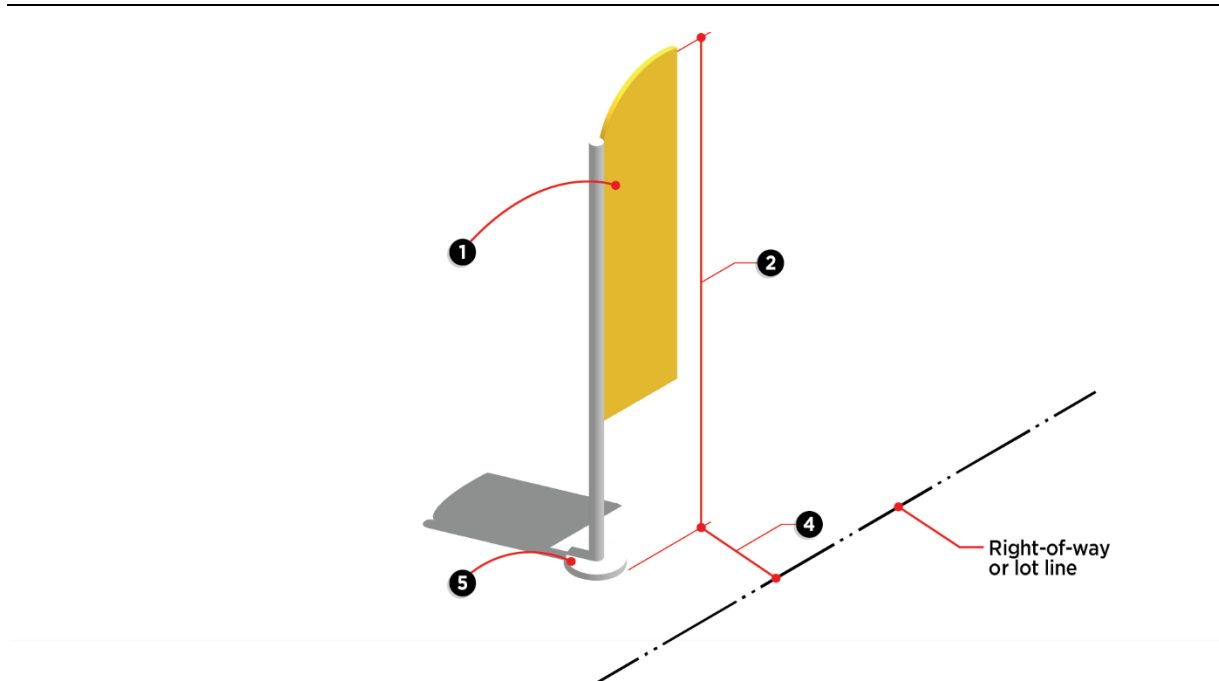
Graphic 12.12: Ground Mounted Banner Signs



(D) **Feather Signs.**

- (1) **Sign Area.** The maximum permitted sign area of feather signs shall be sixteen (16) square feet.
- (2) **Height.** The maximum height of a feather sign shall be eight (8) feet.
- (3) **Number of Signs.** A maximum of three (3) feather sign shall be permitted per lot frontage.
- (4) **Location.** Feather signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Other Provisions.**
 - (a) Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Feather signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

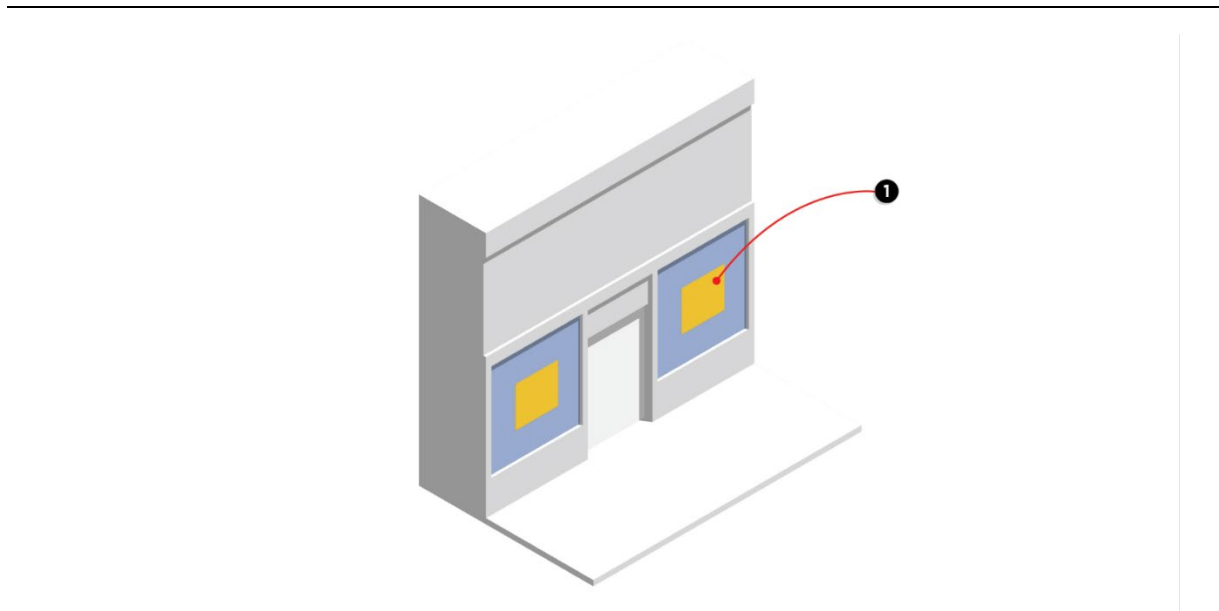
Graphic 12.13: Feather Signs



(E) Window Signs, Temporary.

- (1) **Sign Area.** The maximum permitted sign area of a temporary window sign shall be twenty-five (25) percent of the square footage of the individual window on which the sign shall be located. Temporary window sign area shall be counted in aggregate with permanent window sign area.

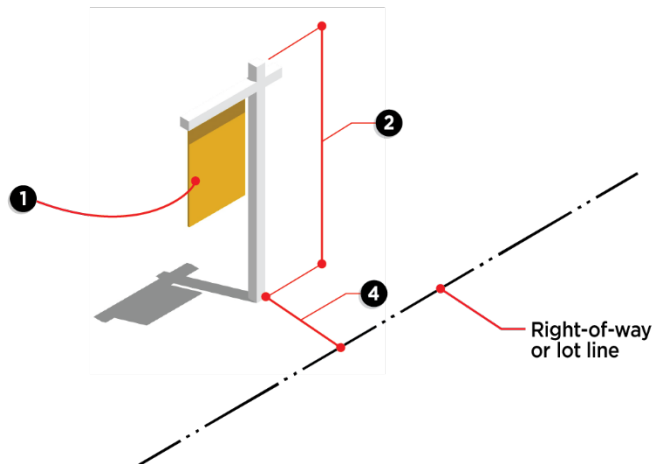
Graphic 12.14: Window Signs, Temporary



(F) **Post Signs.**

- (1) **Sign Area.** The maximum permitted sign area of a post sign shall be six (6) square feet.
- (2) **Height.** The maximum permitted height of a post sign shall be six (6) feet.
- (3) **Number of Signs.** A maximum of one (1) post sign shall be permitted per lot frontage.
- (4) **Location.** Post signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Other Provisions.**
 - (a) Post signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Post signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

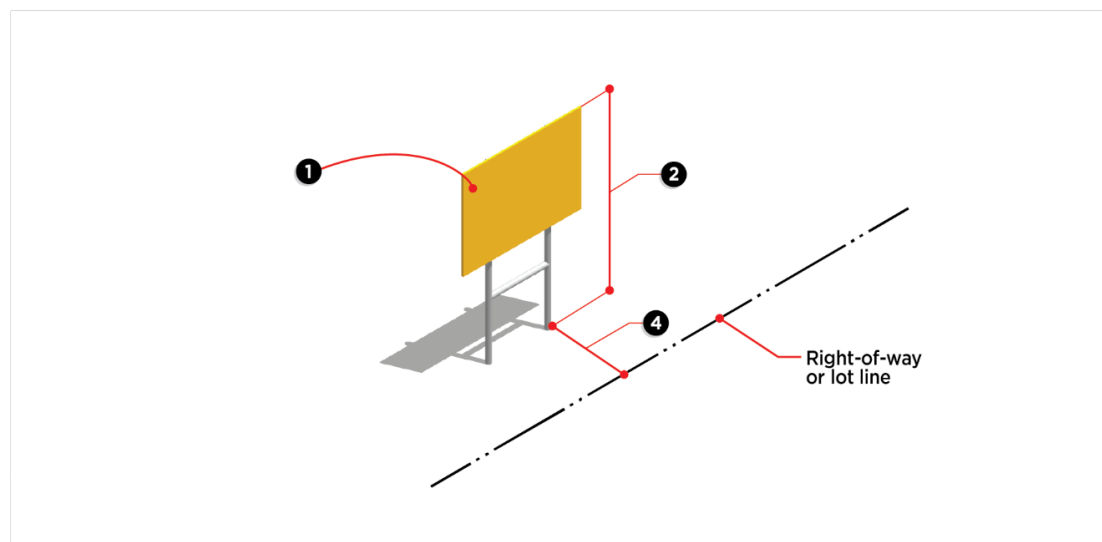
Graphic 12.15: Post Signs



(G) **Yard Signs.**

- (1) **Sign Area.** The maximum permitted sign area of a yard sign shall be four (4) square feet.
- (2) **Height.** The maximum permitted height of a yard sign shall be three and one-half (3.5) feet.
- (3) **Number of Signs.** A maximum of two (2) yard signs may be displayed concurrently. However, during the period thirty (30) days before and thirty (30) days after a general election a maximum of four (4) yard signs may be displayed concurrently.
- (4) **Location.** Yard signs shall be located a minimum of five (5) feet from all property lines, rights-of-way, and utility easements; shall not block points of ingress or egress; be placed in any sidewalk or pedestrian walkway, and shall not be located in a clear vision triangle as detailed in Section 155.7.9.
- (5) **Other Provisions.**
 - (a) Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.
 - (b) Yard signs shall be maintained in good condition and shall not sag, lie on the ground, be torn, or otherwise kept in a disorderly state.

Graphic 12.16: Yard Signs



155.12.7 - PROHIBITED SIGNS AND CONTENT

(A) **Prohibited Signs.** The following sign types shall be prohibited in all zoning districts:

- (1) Roof Signs
- (2) Outline Lighting
- (3) Billboards
- (4) Attention Getting Devices
- (5) Signs which encroach on the public right-of-way

(B) **Prohibited Content.**

- (1) The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (a) text or graphics of an indecent or immoral nature and harmful to minors;
 - (b) text or graphics that advertise unlawful activity;
 - (c) text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (d) text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (2) The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Illinois Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Village Board that each paragraph of this Subsection be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Illinois Constitutions.

155.12.8 - COMPREHENSIVE SIGN PLAN

- (A) **Applicability.** The Zoning Administrator may approve a Comprehensive Sign Plan for lots adjacent to federal or state highways.
- (B) **Conditions.** The Zoning Administrator may attach conditions, requirements, or standards necessary to assure that the signs covered by the Comprehensive Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Zoning Administrator shall not base any condition on the message content of a sign.
- (C) **Evaluation Criteria.**
 - (1) **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include the location of a sign relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of a unit of a multi-tenant building in which some units have little or no visibility from the street.
 - (2) **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
 - (3) **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume, and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display.
 - (4) **Design Features and Materials.** Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

155.12.9 - GENERAL REQUIREMENTS

- (A) **Illumination.**
 - (1) **Location and Design of Light Source.** Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or private residence. No receptacle or device housing a permitted light source for a sign shall protrude more than twelve (12) inches from the face of the sign or building to which it is

attached except if such light source is ground mounted, locked in place, and cannot be redirected.

- (2) **Level of Illumination.** In no event shall the illumination of any sign, resulting from any internal or external artificial light source, exceed the exterior lighting standards detailed in Section 155.7.12. All artificial illumination shall be so designed, located, shielded, and directed as to prevent the casting of glare or direct light upon adjacent property or streets.
 - (3) **Signs Adjacent to Residential Areas.** Any illuminated sign located on a lot abutting or across a street from, and visible from, any residentially zoned area shall not be illuminated between the hours of ten (10) o'clock P.M. and seven (7) o'clock A.M. except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business so long as such sign is not a public or private nuisance.
- (B) **Electronic Message Boards.** Single-tenant and multi-tenant monument signs and pole / pylon signs may incorporate electronic message boards in accordance with the following.
- (1) The area of the sign devoted to the electronic message board shall not exceed forty (40) percent of the sign area of which it is a part.
 - (2) The area of the sign devoted to the electronic message board shall be part of, not in addition to, the maximum permitted sign area.
 - (3) The electronic message format shall conform to the following requirements:
 - (a) The message shall contain a static or scrolling message or image only and not otherwise have movement, or the appearance of movement, during the static or scrolling display period.
 - (b) The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions.
 - (c) The message shall not change more frequently than once every thirty (30) seconds.
 - (4) All electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions.

Graphic 12.17: Electronic Message Boards



(C) Safety, Maintenance, and Abandonment.

- (1) Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Property Maintenance, Building, Electrical and Fire Protection Codes of the Village.
- (2) All signs, for which a permit is required, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this title. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this title.
- (3) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good repair. If the landscaping installed at the time of sign approval dies, said landscaping shall be replaced immediately or as soon as weather permits.
- (4) Every existing sign shall be subject to an inspection whenever the Zoning Administrator deems it necessary. In the event an inspection demonstrates that repairs, and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within thirty (30) days of notification. The Zoning Administrator is authorized to grant one thirty (30) day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.
- (5) If the Zoning Administrator shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this title constructed,

erected, or maintained in violation of the provisions of this title, he or she shall give written notice per the provisions of this title. Such notice shall specify the manner of which the sign is unsafe or in violation of this title.

- (6) If the Zoning Administrator finds a sign unsafe and an immediate peril to persons or property, he or she shall act to have the sign removed or altered summarily and without notice at the owner's expense. Such sign may be removed or altered by the Village and a lien placed on the property for the full cost of such action, including administration, legal, and overhead costs.
- (7) Sign copy shall be removed and in the case of a wall sign, the building façade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within thirty (30) days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with the notice, the Zoning Administrator may have the sign removed at the owner's expense.

(D) **Illegal Signs.**

- (1) **Illegal Permanent Signs.** If any permanent sign has been constructed or erected or is being maintained in violation of the provisions of this title, written notice shall be given to the occupant or property owner of the property on which the sign is located. If the occupant or property owner fails to remove or alter the permanent sign so as to comply with the standards set forth in this title or contact the Zoning Administrator to begin the repair or removal process within ten (10) days after receipt of such notice, such sign may be removed or altered by the Village and a lien placed on the property for the full cost of such action, including administration, legal, and overhead costs.
- (2) **Illegal Temporary Signs.** If any temporary sign has been constructed or erected or is being maintained in violation of the provisions of this title, written notice shall be given to the occupant or property owner of the property on which the sign is located. If the occupant or property owner fails to remove or alter the temporary sign so as to comply with the standards set forth in this title within forty eight (48) hours after receipt of such notice, such sign may be removed or altered by the Village and a lien placed on the property for the full cost of such action, including administration, legal, and overhead costs.
- (3) **Illegal Signs on Public Property.** If any sign has been placed upon public property for any purpose without the express permission of the Village of Roscoe, it shall be removed by the Village, without notice.

SECTION 13. PLANNED UNIT DEVELOPMENTS

155.13.1. Purpose and Intent	1
155.13.2. General Provisions	2
155.13.3. Standards for Review	2
155.13.4. Site Development Allowances	5
155.13.5. Procedures.....	5
155.13.6. Application Requirements.....	9
155.13.7. Effect of Approval or Denial.....	11
155.13.8. Amendments and Alterations to Approved Planned Developments	12

155.13.1. PURPOSE AND INTENT

The purpose of the regulations, standards, and criteria contained in this Section is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this Section. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the Village while departing from the strict application of the use and bulk regulations as detailed in this title. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- (A) To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- (B) To provide more efficient use of land.
- (C) To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations.
- (D) To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- (E) To unify building and structures through design.
- (F) To promote long-term planning pursuant to the Village of Roscoe Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

- (G) To encourage development of portions of a site at either higher densities or with less restrictive lot provisions in exchange for preserving other portions of the site in open space or providing above normal site amenities.


155.13.2. GENERAL PROVISIONS

- (A) The following may be approved as a planned development in accordance with this title:
 - (1) Any development with a minimum of five (5) acres that is adjacent to undeveloped land.
 - (2) Any development with a minimum of three (3) acres that is adjacent to developed land.
- (B) Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development upon an already existing planned development except to the extent such planned development has been approved as part of a development master plan.
- (C) The burden of providing evidence and persuasion that any planned development is necessary and desirable shall in every case rest with the applicant.

155.13.3. STANDARDS FOR REVIEW

Approval of development through the use of a Planned Unit Development, including modifications to conventional zoning and subdivision regulations, is a privilege and will be considered by the Village only in direct response to the accrual of tangible benefits from the planned development to the Village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned development, the Zoning Board of Appeals and/or the Village Board, as the case may be, shall be required to make certain findings based on the following standards:

- (A) **Required Findings.** No application for a planned development shall be approved unless all the following findings are made about the proposal:
 - (1) **Comprehensive Plan.** The planned development shall conform with the general planning policies of the Village as set forth in the Comprehensive Plan.
 - (2) **Public Welfare.** The planned development shall be so designed, located, and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.

- 
- (3) **Impact on Other Property.** The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
- (4) **Impact on Public Facilities and Resources.** The planned development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as may be reasonably determined by the Village Board. These required impact donations shall be calculated in reasonable proportion to impact of the planned development on public facilities and infrastructure.
- (5) **Archaeological, Historical or Cultural Impact.** The planned development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.
- (6) **Parking and Traffic.** The planned development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.
- (7) **Adequate Buffering.** The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
- (A) **Modification Standards.** In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development. These standards shall not be regarded as inflexible but shall be used as a framework by the Village to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
- (1) **Integrated Design.** A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

- (2) **Beneficial Common Open Space.** Any common open space in the planned development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
- (a) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - (b) Dedicated streets, alleys, and other public rights-of-way.
 - (c) Vehicular drives, parking, loading and storage area.
 - (d) Irregular or unusable narrow strips of land less than fifteen (15) feet wide.
 - (e) Land areas needed to provide required buffer yards as set forth in Section 11 of this title.
- (3) **Location of Taller Buildings.** Taller buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on adjoining lower buildings within the development or on surrounding properties and shall not unreasonably invade the privacy of occupants of such lower buildings.
- (4) **Functional and Mechanical Features.** Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- (5) **Visual and Acoustical Privacy.** The planned development shall provide reasonable visual, and acoustical privacy for each dwelling unit or tenant space. Fences, insulations, walks, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
- (6) **Energy Efficient Design.** A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development.

- (7) **Landscape Conservation and Visual Enhancement.** The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and landforms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.
- (8) **Drives, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and limiting the number of access points to the public streets through the use of cross access connections, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
- (9) **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.


155.13.4. SITE DEVELOPMENT ALLOWANCES

Notwithstanding any limitations on variances which can be approved as contained elsewhere in this title, site development allowances, i.e., deviations from the underlying zoning provisions set forth outside this Section may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this Section, and is necessary for proper development of the site.

155.13.5. PROCEDURES

The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner:


- (A) **Pre-Filing Review and Transmittal of Application.**
 - (1) **Conference.**

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- (a) A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-filing conference(s) with the Zoning Administrator and the Development Review Team, assembled at the discretion of the Zoning Administrator. If in the opinion of the Zoning Administrator the Village does not have the requisite expertise on staff to complete the review of any application for a planned unit development, the Zoning Administrator shall notify the applicant before acquiring the services of consultants and/or attorneys as may be necessary for the proper review and preparation of the report and/or opinion. The developer shall, within five (5) calendar days either formally withdraw its application or provide written acknowledgement that the developer is responsible for all fees incurred by the Village for said review.
 - (b) The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, Zoning Ordinance, site development allowances, standards by which the application will be evaluated, and the application requirements.
 - (c) After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents.
 - (d) All requests for waiver shall be reviewed by the Zoning Administrator. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the Village Board.
 - (e) The applicant, prior to submitting a formal application for a planned development, shall, at the discretion of the Zoning Administrator, be required to schedule a meeting to discuss the proposed planned development and its impact on adjoining properties and area residents. The applicant shall send a written notice of the meeting via mail to all taxpayers of record and residents for all property within three-hundred (300) feet of the proposed planned development. Such notice shall be mailed by the Village not less than fifteen (15) days prior to the date of the meeting. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

- (2) **Filing of Application.** Following the completion of the prefiling conference(s), the applicant shall file an application for a planned development in accordance with this Section. The Zoning Administrator shall deliver copies of the application to other appropriate Village departments for review and comment.
- (3) **Deficiencies.** The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
- (4) **Application Review.** The Zoning Administrator shall work with the Development Review Team and the applicant to review and revise the application.
- (5) **Report on Compliance.** A copy of the complete application and a written report incorporating the comments of Village staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Section shall be delivered to the Zoning Board of Appeals prior to the public hearing.
- (6) **Determination not Binding.** Neither the Zoning Administrator's determination that an application is complete nor any comment made by the Zoning Administrator or Village staff at a prefiling conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned development for the proposed planned development, or component part thereof, nor shall be intended or construed as a binding decision of the Village, the Zoning Board of Appeals, or any staff member.

(B) **Zoning Board of Appeals Review.**

- (1) Upon receiving the report from the Zoning Administrator, the Zoning Board of Appeals shall hold at least one (1) public hearing on the proposed planned development. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with the provisions of this Section, State law and rules of procedure adopted by the Zoning Board of Appeals.
- (2) Notice of the required public hearing shall be published not more than thirty (30) nor less than fifteen (15) days before the scheduled hearing in a newspaper published in the Village or if there is none, then in a newspaper of general circulation in the Village and shall contain the following information:
 - (a) The application case number;


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- (b) The date and time of the public hearing;
 - (c) The location of the public hearing; and
 - (d) The general location of the property and its common street address, if applicable, and a short description of the proposed planned development and purpose of the public hearing.
 - (3) Notice of the required public hearing shall also be provided by posting a sign or signs on the property no less than fifteen (15) days prior to the public hearing. Failure to post such sign(s) and/or the removal or knocking down (by the Village or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise impact any planned development subsequently granted following such public hearing.
 - (4) Notice of the required public hearing shall also be provided by the Village by U.S. Mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record of all property within three-hundred (300) feet of the subject property. Such notice shall contain the information as is required in this Section and shall be mailed by the Village not more than thirty (30) nor less than fifteen (15) days prior to the date of the public hearing. The notice shall also include the name of the applicant for the planned development.
 - (5) The Zoning Board of Appeals shall review the application, the standards and requirements established by this Section, the report of the Zoning Administrator, and any and all evidence and testimony received by the Zoning Board of Appeals at the public hearing. Following the close of the public hearing and at a regular meeting, the Zoning Board of Appeals shall present its findings addressing each of the standards set forth in this Section and transmit such findings, together with a recommendation of approval, approval with conditions, or denial to the Village Board.

(C) Review and Action by the Village Board.

- (1) After the receipt of the report and recommendation of the Zoning Board of Appeals, and without further public hearing, the Village Board shall either
 - (a) deny the application;
 - (b) refer the application back to the Zoning Board of Appeals for further review;
 - (c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or
 - (d) adopt an ordinance approving the planned development.
- (2) In approving a planned development, the Village Board may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this Section and to prevent or minimize adverse impacts on other property in the immediate vicinity. Such conditions may include, but are not limited to limitations on size, bulk, and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the Village Board may deem to be in furtherance of the objectives of this Section.

155.13.6. APPLICATION REQUIREMENTS

- (A) An application for a planned development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- (B) Applications for a planned development shall be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the Village. Every application shall contain, at a minimum, the following information, and related data and any other plans or studies necessary to determine the potential impact of the development as determined by the Village:
 - (1) The names and addresses of the owner of the subject property, the applicant, and all persons having an ownership or beneficial interest in the subject property and proposed planned development.
 - (2) A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.

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- (3) A survey of, and legal description and street address for the subject property.
 - (4) A statement indicating compliance of the proposed planned development with the Comprehensive Plan; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" for planned developments.
 - (5) A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation, and utilities.
 - (6) A scaled site plan of the proposed planned development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.
 - (7) Schematic drawings illustrating the design and character of the building elevations, building materials, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.
 - (8) A landscaping plan showing the location, size, character and composition of vegetation and other material.
 - (9) The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
 - (10) A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned development.
 - (11) A professional traffic study acceptable to the Village showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, and any streets and access easements, if determined necessary by the Zoning Administrator.
 - (12) A professional economic analysis acceptable to the Village, if determined necessary by the Zoning Administrator, including the following:
 - (a) The financial capability of the applicant to complete the proposed planned development;
 - (b) Evidence of the project's economic viability; and

- (c) An analysis summarizing the economic impact the proposed planned development will have upon the Village.
- (13) Copies of all environmental impact studies as required by law.
- (14) An analysis setting forth the anticipated demand on all Village services.
- (15) A plan showing off-site utility improvements required to service the planned development, and a report showing the cost allocations and funding sources for those improvements.
- (16) A site drainage plan for the commercial planned development.
- (17) A written summary of residents' comments, pertaining to the proposed application, from any meeting held pursuant to subsection 13.5(A)(1)(d) above.
- (18) Every application must be accompanied by a fee in such amount as established in the Village Code of Ordinances.


155.13.7. EFFECT OF APPROVAL OR DENIAL

- (A) Approval of the planned development by the Village Board authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the Village may require for the proposed planned development. The Village's Zoning Administrator shall review applications for these permits for compliance with the terms of the planned development granted by the Village Board. No permit shall be issued for development which does not comply with the terms of the planned development.
- (B) The Village Board shall direct the Zoning Administrator to revise the Official Zoning Map to reflect the existence and boundaries of each planned development.
- (C) Subject to subsection G below, an approval of a planned development by the Village Board shall be null and void if the recipient does not file an application for a building permit relative to the proposed planned development within twelve months after the date of adoption of the ordinance approving the planned development.
- (D) Subject to subsection G below, an approval of a planned development by the Village Board shall be subject to revocation if construction has not commenced within two (2) years and does not comply with the construction schedule filed with the petition or exceeds four (4) years.
- (E) Subject to subsection G below, an approval of a planned development with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.

- (F) An extension of the time requirements stated in subsections C, D, and E, of this Section may be granted by the Village Board for good cause shown by the applicant, provided a written request is filed with the Village at least four (4) weeks prior to the respective deadline.
- (G) No application for a planned development which was previously denied by the Village Board shall be considered by the Zoning Board of Appeals or the Village Board if it is resubmitted in substantially the same form and/or content within one (1) year of the date of such prior denial. In this regard:
 - (1) The Zoning Administrator shall review the application for a planned development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the Village Board to appeal the determination of the Zoning Administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the Zoning Administrator within ten (10) days of the Zoning Administrator's determination.
 - (2) The Village Board shall affirm or reverse the determination of the Zoning Administrator, regarding whether the new application is in substantially the same form after receipt of a petition for appeal.
 - (3) If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process in accordance with the provisions of this title.

155.13.8. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENTS

- (A) Except as provided in subsection B below, any modifications to an approved planned development or any addition to or expansion of an existing planned development shall require separate review and approval under the provisions of Sections 155.13.5 and 155.13.6 of this title.
- (B) A minor change is any change in the site plan or design details of an approved planned development which is consistent with the standards and conditions applying to the planned development and which does not alter the concept or intent of the planned development. A minor change shall not increase the planned development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the Village Board in approving the planned development. Said minor change may be approved by the Zoning Administrator without obtaining separate approval by the Village



Board. The Zoning Administrator, after reviewing the request for a minor change made by the applicant, may refer the minor change to the Zoning Board of Appeals for review and approval, not including a public hearing. In addition, the Village Board may, after reviewing the request for a major change made by the applicant, direct the Zoning Administrator to process the request as a minor change.

- (C) A major change is any change in the site plan or design details of an approved planned development which is not a minor change as detailed in subsection B above.

SECTION 14. DEFINITIONS

155.14.1. General Applicability.....	2
155.14.2. Definitions – A	2
155.14.3. Definitions – B	6
155.14.4. Definitions – C.....	8
155.14.5. Definitions – D.....	10
155.14.6. Definitions – E	12
155.14.7. Definitions – F	13
155.14.8. Definitions – G.....	14
155.14.9. Definitions – H.....	15
155.14.10. Definitions – I	15
155.14.11. Definitions – J.....	16
155.14.12. Definitions – K	16
155.14.13. Definitions – L	16
155.14.14. Definitions – M.....	18
155.14.15. Definitions – N	19
155.14.16. Definitions – O.....	19
155.14.17. Definitions – P	20
155.14.18. Definitions – Q.....	21
155.14.19. Definitions – R.....	22
155.14.20. Definitions – S	23
155.14.21. Definitions – T	29
155.14.22. Definitions – U	30
155.14.23. Definitions – V	30
155.14.24. Definitions – W	30
155.14.25. Definitions – X	31
155.14.26. Definitions – Y	31
155.14.27. Definitions – Z	31

155.14.1. GENERAL APPLICABILITY

- (A) The language of this chapter shall be interpreted in accordance with the following rules of construction.
 - (1) Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular.
 - (2) The word “building” shall include the word “structure”, the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased” or “intended to be used”.
 - (3) The word “may” is permissive, and the word “shall” is mandatory and not discretionary.
 - (4) All distances shall be measured horizontally except height which shall be measured vertically.
- (B) Words used in this chapter which are not defined shall be interpreted in accordance with definitions contained in Webster’s Dictionary.

155.14.2. DEFINITIONS – A

- (A) **ABANDONMENT.** A voluntary action to give up one’s rights or interests in property.
- (B) **ABOVEGROUND/ONGROUND POOL.** See definition of swimming pool.
- (C) **ABUTTING.** Having a common border with or being separated from such common border by an alley or easement.
- (D) **ACCESS.** A means of transportation approach, i.e., entry to or exit from a property, street or highway.
- (E) **ACCESSORY BUILDING.** A building which:
 - (1) Is subordinate to and serves a principal building or principal use served;
 - (2) Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - (3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
 - (4) Is located on the same zoning lot as the principal building or principal use served, with the single exception of those accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

- (F) **ACCESSORY USE.** Includes, and is limited to, the following:
- (1) A children's playhouse, garden house, and private greenhouse;
 - (2) A unattached garage, carport, shed, or building for domestic storage;
 - (3) Incinerators incidental to residential use;
 - (4) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless that storage is excluded by the district regulations;
 - (5) Storage of goods used in or produced by manufacturing activities, unless the storage is excluded by the district regulations;
 - (6) A nonpaying guest house or rooms for guests within an accessory building, provided the facilities are used for the occasional housing of guests by the occupant of the principal building and not for permanent occupancy;
 - (7) Swimming pool, bathhouse, cabana, for use by the occupant and his or her guests;
 - (8) Off-street motor car parking areas and loading and unloading facilities;
 - (9) Signs (other than advertising signs) as permitted and regulated in each district incorporated in this chapter; and
 - (10) Public utilities facilities—telephone, electric, gas, water, and sewer lines, their supports, and incidental equipment.
- (G) **ACRE.** 43,560 sf.
- (H) **ADJACENT LOTS.** Adjacent lots shall be lots which adjoin or share property lines or lots in which, although separated by a street, the front property lines overlap another by more than 30%.
- (I) **ADULT USES.** Any facility that provides goods or services or is otherwise oriented to the display of materials characterized as sexual or adult in nature, such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. Examples include adult bookstores, adult entertainment cabarets, adult entertainment centers, adult gift shops, and adult movie theaters, as defined in this chapter.
- (J) **ADULT USE CANNABIS BUSINESS ESTABLISHMENT.** An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

- (K) **ADULT USE CANNABIS CRAFT GROWER ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- (L) **ADULT USE CANNABIS CULTIVATION ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- (M) **ADULT USE CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- (N) **ADULT USE CANNABIS INFUSER ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- (O) **ADULT USE CANNABIS PROCESSING ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.
- (P) **AGRICULTURAL SERVICES.** Establishments engaged in providing services to agricultural establishments and landowners, including soil preparation, crop services, veterinary services, farm management, and landscape and horticultural services. (SIC Group 07)

- (Q) **AGRICULTURE.** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. (SIC Group 01 and 02)
- (R) **ALLEY.** A public way used as a secondary means for vehicular service access to the rear or side of properties otherwise abutting on a street.
- (S) **ALTERATIONS, STRUCTURAL.** Any change, addition, or replacement of the supporting members of a building or structure.
- (T) **AMUSEMENT AND RECREATION SERVICES.** Establishments not defined elsewhere, engaged in providing indoor and outdoor amusement, entertainment, and recreation to the general public. Includes both indoor and outdoor activities. (SIC Group 79)
- (U) **AMUSEMENT PARK.** A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.
- (V) **ANTIQUE SHOP.** A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.
- (W) **APARTMENT.** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a single housekeeping unit. Complete kitchen and bath facilities, permanently installed, must always be included for each APARTMENT.
- (X) **APIARY.** A place where bee colonies are kept.
- (Y) **ASPHALT PLANT.** Manufacturing facilities for the sorting, grading, and storage of aggregates as construction materials; includes concrete batch plants.
- (Z) **ASSISTED LIVING FACILITY.** Housing wherein limited health care is provided for the elderly.
- (AA) **AUCTION SALES ROOM.** A use in which new and used durable and non-durable goods are sold at auction to the public. Merchandise could be sold at retail to the public but said sales would be in addition to the scheduled auction activities.
- (BB) **AUDITORIUM.** See Place of Assembly.
- (CC) **AUTOMOBILE REPAIR AND SERVICES.** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision services including body,

frame, or fender straightening or repair, overall painting or paint shop and vehicle steam cleaning.

- (DD) **AUTOMOTIVE, IMPLEMENT, AND RECREATIONAL VEHICLE SALES.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done.

155.14.3. DEFINITIONS – B

- (A) **BAR.** An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- (B) **BARBER SHOP.** A fixed establishment or place of business where the practice of barbering is engaged in or carried on by one or more barbers.
- (C) **BARRIER.** A rigid fence or wall, a building wall, or a combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool. (SIC Codes 551, 552, 555, 556, 557, and 559)
- (D) **BANQUET SPACE.** A commercial, for profit facility which is rented by individuals or groups to accommodate private functions. Such a use may or may not include kitchen facilities for the preparation or catering of food; the sale of alcoholic beverages for on-premises consumption only during scheduled events and not open to the general public; and outdoor gardens or reception facilities.
- (E) **BEAUTY SHOP.** A fixed establishment or place of business where one or more persons engage in the practice of cosmetology.
- (F) **BED AND BREAKFAST.** Exclusively indoor lodging facilities which provide meals only to paying lodgers. Bed and Breakfast establishments do not include motels, hotels, boarding houses, or food service establishments.
- (G) **BEE KEEPING.** The maintenance of apiaries in man-made hives.
- (H) **BLOCK.** 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 shorelines of waterways, or corporate boundary lines of municipalities.
- (I) **BOARDING FACILITY.** See Kennel.
- (J) **BOARDING HOUSE.** An owner-occupied dwelling used for lodging and/or boarding of not more than 6 people not related to the keeper's family, for direct or indirect compensation.

- (K) **BOOKSTORE.** A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any "adult bookstore,"
- (L) **BREWERY.** An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 15,000 barrels of beverage (all beverages combined) annually. In addition, uses that manufacture 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements needed to be considered brewpubs, are breweries.
- (M) **BREW PUB.** A restaurant-brewery that sells 25% or more of its beer on site.
- (N) **BUILDABLE AREA.** The space remaining on a lot after the minimum open space yards and setback requirements of this chapter have been complied with.
- (O) **BUILDING.** Any structure having a roof supported by columns or walls for the sheltering or enclosure of persons, animals, chattels, or property of any kind; any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers; and other similar structures are not considered as BUILDINGS.
- (P) **BUILDING DETACHED.** A freestanding building surrounded by open space and open to the sky on the same zoning lot.
- (Q) **BUILDING FRONT.** That exterior wall of a building which faces the front lot line of the lot.
- (R) **BUILDING HEIGHT.** The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable, or gambrel roof.
- (S) **BUILDING LINE.** A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this Chapter. This is also referred to as a "setback".
- (T) **BUILDING MATERIAL YARD.** An open area of land and any accessory buildings or structures thereon which are used primarily for buying, selling, exchanging, sorting, baling, and packing lumber, sand, gravel, and other building materials.
- (U) **BUILDING, PRINCIPAL.** The primary structure on a property intended for the main or principal use.

- (V) **BUILDING SETBACK LINE.** A line parallel to the street line at a distance from it, regulated by the setback requirements set up in this chapter.
- (W) **BUILDING SUPPLY STORES.** Retail establishments engaged primarily in the selling of lumber and other building materials. (SIC Group 521)
- (X) **BULK.** The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:
 - (1) Size and height of buildings;
 - (2) Location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
 - (3) Gross floor area of buildings in relation to lot area;
 - (4) All open spaces allocated to the buildings;
 - (5) Amount of lot area per dwelling unit; and
 - (6) Required parking areas.
- (Y) **BUSINESS AND PROFESSIONAL OFFICES.** The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.
- (Z) **BUSINESS SERVICES.** An occupation, employment, or enterprise which occupies time, attention, labor and materials; or wherein merchandise is exhibited or sold, or where services are offered.
- (AA) **BUS TERMINAL.** Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers. Including bus garages, bus lots, and street railway terminals. Excluding motor freight terminals.

155.14.4. DEFINITIONS – C

- (A) **CAFÉ.** See Coffee Shop.
- (B) **CAFETERIA.** A self-service restaurant or lunchroom.
- (C) **CALIPER.** A measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. This term is used for trees in a nursery setting.
- (D) **CARNIVAL.** A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.

- (E) **CARPORT.** A permanent roofed structure with not more than 2 enclosed sides and is used or intended to be used for automobile storage or shelter.
- (F) **CAR WASH.** A facility for the cleaning, steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities.
- (G) **CHARITABLE INSTITUTION.** Charitable Organization: An organization organized and operated exclusively for public charitable purposes as defined in the Internal Revenue Code of 1986, as amended. (Elkhart, Indiana)
- (H) **CHICKEN KEEPING.** The care and maintenance of hens.
- (I) **CIRCUS.** See Carnival.
- (J) **CIVIC USES.** Community center, public library, public museum, public art gallery, public recreation, post office, fire station, public botanical garden, and similar public uses, each without outdoor storage. (SIC Codes 823, 83, 841, 91, 92, 93, 94, 95, 96, 97)
- (K) **CLINIC.** An institution connected with a hospital or medical school where diagnosis and treatment are made available to inpatients and outpatients.
- (L) **CLUBS AND ASSOCIATIONS.** A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. (SIC Codes 86)
- (M) **COFFEE SHOP.** An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
- (N) **COMMUNITY-BASED HOUSING.** A group home or specialized residential care home serving persons with disabilities that have been determined to be eligible for services by an independent service coordination agency, and which agency has determined that joint occupancy of a residential property is medically necessary or beneficial for the person with disabilities. A community residence does not include a residence that serves persons as an alternative to incarceration for a criminal offense.
- (O) **COMMUNITY SERVICE ORGANIZATIONS.** A facility for community use which includes two (2) or more of the following: recreation facilities, fitness center, educational programs, and/or meeting rooms. Examples include the YMCA, YWCA, Community Centers and Boys Club.
- (P) **CONSTRUCTION, START OF.** The date the building permit is issued, provided the actual start of activity was within 180 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a

structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

- (Q) **CONTRACTORS–BUILDING CONSTRUCTION.** General and special trade contractors who undertake activities related to building construction including general construction, electrical work, painting, plumbing, heating, air conditioning, roofing, and sheet metal work. (SIC Groups 15 and 17)
- (R) **CONTRACTORS–HEAVY CONSTRUCTION.** General contractors engaged in heavy construction other than buildings, such as highways, bridges, sewers, railroads, and airports. (SIC Group 16)
- (S) **CONTRACTORS EQUIPMENT RENTAL YARD.** An open area of land and any accessory buildings or structures thereon which are used primarily for storing and renting machinery and equipment to contractors.
- (T) **CONTRACTORS STORAGE YARD.** An open area of land and any accessory buildings or structures thereon which are used by contractors primarily for storing building materials, machinery, and equipment.
- (U) **CONVENIENCE STORES.** Any retail establishment serving primarily the surrounding neighborhood and offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area less than 5,000 square feet. Convenience stores do not include the sale of gasoline. (SIC 541 (under 5,000 square feet))

155.14.5. DEFINITIONS – D

- (A) **DAYCARE.** Supervision of and care for children or physically or mentally disabled adults that is provided during the day by a person or organization other than the children's parents or the adults' family members.
- (B) **DAYCARE CENTERS.** A licensed facility where a person other than a relative or guardian provides care and supervision for 4 or more children under the 7 years of age, for less than 24 hours a day and for compensation. (SIC Code 835)
- (C) **DAY SPA.** See Massage Parlor.
- (D) **DENSITY.** A term used to describe the number of dwelling units per acre.

- (E) **DELICATESSEN.** A place where ready-to-eat food products (as cooked or processed meats, cheeses, prepared salads, canned foods, preserves, relishes) are sold either to be taken out or to be eaten on the premises.
- (F) **DEVELOPER.** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.
- (G) **DEVELOPMENT.** Any construction, change or other action related to a structure or land (other than maintenance of existing structures, paved areas and landscaping and interior remodeling of existing structures), including, without limitation, the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.
- (H) **DEVELOPMENT OPTION(S).** The type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space.
- (I) **DEVELOPMENT PAD.** The area of a lot for development which is devoted to structures and infrastructure.
- (J) **DIRECT ACCESS.** A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.
- (K) **DISMANTLED VEHICLE.** Any vehicle which is wrecked, junked, or inoperative, or from which any part has been damaged or removed for a period of seven days or more so as to render the vehicle inoperable under its own power.
- (L) **DISTILLERY.** Any facility that produces distilled spirits from any source or substance; brews or makes mash, wort, or wash fit for distillation or for the production of distilled spirits; or by any process separates alcoholic spirits from any fermented substance.
- (M) **DISTRICT.** An area or section of the Village within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this chapter.
- (N) **DRIVE-IN THEATER.** An outdoor cinema structure consisting of a movie screen, projection booth, and parking area for automobiles. May or may not include concessions stands, playgrounds, and/or picnic areas.

- (O) **DRIVE-THROUGH.** A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.
- (P) **DRY-CLEANING SHOP.** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
- (Q) **DWELLING.** A building or portion thereof, but not including a house trailer, mobile home, camp car, or houseboat designed or used exclusively for residential occupancy, including 1-family dwelling units, 2-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.
- (R) **DWELLING, MULTI-FAMILY.** A building or portion thereof, designed or altered for occupancy by 3 or more families living independently of each other with separate kitchen and bathroom facilities.
- (S) **DWELLING, SINGLE-FAMILY.** A dwelling unit designed exclusively for use and occupancy by 1 family.
- (T) **DWELLING, TWO-FAMILY.** A building designed or altered to provide dwelling units for occupancy by 2 families living independently of each other with separate kitchen and bathroom facilities.

155.14.6. DEFINITIONS – E

- (A) **EASEMENT.** Authorization by a property owner for another party to use a designated portion of their land for a specified purpose.
- (B) **EDUCATIONAL INSTITUTION.** Public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.
- (C) **ENCROACHMENT.** Any building, sign, other structure or object of any kind which is placed, located or maintained in, on, under or over any portion of an area in which improvements are not allowed due to regulatory restrictions or competing public or private interests in land.
- (D) **EROSION.** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.
- (E) **EVENT SPACE.** See Place of Assembly.

155.14.7. DEFINITIONS – F

- (A) **FAÇADE.** The front of a building including entries, parapets and rooflines, specifically the principal face.
- (B) **FAMILY.** An individual living alone or two (2) or more persons, each related by blood, marriage or adoption (including foster children), living together as a single housekeeping unit and occupying a single dwelling unit; or a group of not more than four (4) persons not so related, living together as a single housekeeping unit by joint agreement and occupying a single dwelling on a nonprofit, cost-sharing basis, or a group of five (5) or more persons living in a community based residential facility.
- (C) **FAMILY OR CHILD ADVOCACY CENTER.** An establishment serving the physical, emotional, spiritual, and legal needs of victims or at-risk individuals.
- (D) **FINANCIAL INSTITUTION.** Includes banks, savings and loans, credit unions, mortgage brokerages, and consumer loan operations.
- (E) **FIRST FLOOR.** The top surface above an unfinished basement, cellar or crawl space that is intended for living quarters.
- (F) **FLOODPLAIN.** The land consisting of the floodway and the flood fringe that is subject to inundation by a 100-year flood, as defined by the Federal Emergency Management Agency (FEMA).
- (G) **FLOODWAYS.** All land along the Rock River subject to inundation, all land within 150 feet of any drainageway that drains 500 acres or more, and in addition thereto, all land less than 5 feet above the thalweg of the drainage-way, all shown on the official floodway map of the Village.
- (H) **FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space, Measurements shall be made from the inside of the exterior walls and to the center of interior walls.
- (I) **FLOOR AREA RATIO (FAR).** The ratio calculated by dividing the total gross floor area of all buildings on a site by the gross area of the site.
- (J) **FLOWER SHOP.** Retail business whose principal activity is the arranging and selling of plants which are not grown on the site.
- (K) **FOOD TRUCK.** A mobile food unit or motorized vehicle used to sell food to the public.

- (L) **FOOTCANDLE.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- (M) **FREIGHT TERMINAL.** The use of land, buildings, or structures, or portions thereof from which trucks or transports are dispatched as common carriers, or where goods are stored temporarily for further shipment.
- (N) **FRONTAGE.** Any boundary line of a lot or parcel of land that coincides with the right-of-way of a street.
- (O) **FUNERAL HOME.** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this chapter, includes a funeral chapel.

155.14.8. DEFINITIONS – G

- (A) **GARDEN SUPPLIES.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden tools and utensils.
- (B) **GARAGE (RESIDENTIAL).** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, boats, or one (1) truck of a rated capacity not in excess of 10,000 pounds.
- (C) **GENERAL FLOOR PLANS.** A graphic representation of the anticipated utilization of the floor area within a building or structure, but not as detailed as construction plans.
- (D) **GIFT SHOP.** Retail stores where items such as art, antiques, jewelry books, and notions are sold.
- (E) **GLARE.** The brightness of a light source which causes eye discomfort.
- (F) **GOLF COURSE.** A lot or portion of a lot used for the playing of golf and shall include pitch-and putt courses but shall not include driving ranges, miniature golf courses, or other similar commercial enterprises.
- (G) **GROSS DENSITY.** The result of dividing the number of dwelling units located on a site by the total site area. See Maximum gross density.
- (H) **GROSS FLOOR AREA.** The total floor area of a building used for occupancy.
- (I) **GROSS SITE AREA (GSA).** The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development. See also Site Area.

- (J) **GUEST HOUSE.** Using quarters within a detached accessory building located on the same Premises with the principal building, for use by temporary guests of the occupants of the premises. These quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

155.14.9. DEFINITIONS – H

- (A) **HABITABLE BUILDINGS.** Any building, or portion thereof used for human habitation.
- (B) **HEALTH AND FITNESS FACILITY.** A place to exercise although not necessarily under the supervision of a physical therapist, occupational therapist, exercise physiologist, or other similar health care provider.
- (C) **HELICOPTER PAD.** A level surface designed to accommodate the landing and taking-off of helicopters.
- (D) **HOME OCCUPATION.** The use of a portion of a residential lot for the operation of a business that is secondary to the principal residence, typically occurring in a residential zoning district.
- (E) **HOSPICE.** An establishment that provides palliative care and attends to the emotional and spiritual needs of terminally ill patients.
- (F) **HOSPITAL.** A usually charitable institution, licensed by the state, for the needy, aged, infirm, or young where sick or injured persons are given inpatient medical or surgical care.
- (G) **HOTEL.** A building used for lodging and/or boarding of more than 6 people for direct or indirect compensation.
- (H) **HOT TUB.** See definition of swimming pool.

155.14.10. DEFINITIONS – I

- (A) **IMPERVIOUS SURFACE.** A surface that does not permit the absorption of fluids. Such surfaces are those from which fluids will bead up and run off or can be removed without their being absorbed into the surface material.
- (B) **INDEPENDENT LIVING FACILITY.** Housing for the elderly who are not in need of the intensity of care that is typically associated with assisted living facilities.
- (C) **INDUSTRIAL, HEAVY.** Production, processing, testing and manufacturing of the following products, unless specifically prohibited by the Village, chemicals, including acetylene, aniline dyes, ammonia, carbon, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation creosote, exterminating

agents, hydrogen and oxygen industrial alcohol, nitrating of cotton or other materials, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, protein, rayon yarn, hydrochloric, nitric, and sulfuric acids, and derivatives.

- (D) **INDUSTRIAL, LIGHT.** Any manufacturing, production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which conforms to the performance standards established for this section, but not including any of the uses listed as permitted in the IH Heavy Industrial District.
- (E) **INGROUND POOL.** See definition of swimming pool.

155.14.11. DEFINITIONS – J

- (A) **JUNKYARD, AUTOMOBILE DISMANTLING YARD.** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile dismantling operation.

155.14.12. DEFINITIONS – K

- (A) **KENNEL.** Means any zoning lot or premises on which 4 or more dogs and/or cats at least 4 months of age are kept, boarded, or trained, whether in special buildings and runways or not.

155.14.13. DEFINITIONS – L

- (A) **LABORATORY, MEDICAL.** A place that provides opportunity for systematic observation, experimentation, or practice related to health care.
- (B) **LABORATORY, RESEARCH.** A place that provides opportunity for systematic observation, experimentation, or practice primarily in the context of teaching or research.
- (C) **LAND USE.** The type of development and/or activity occurring on a piece of property.
- (D) **LAUNDRY FACILITY.** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises. Not to include dry cleaning.
- (E) **LEGAL NONCONFORMING BUILDING OR STRUCTURE.** Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter.

- (F) **LEGAL NONCONFORMING DEVELOPMENT.** A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter.
- (G) **LEGAL NONCONFORMING USE.** An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter.
- (H) **LIVE-WORK UNIT.** A single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident as a primary residence, typically located in commercial districts.
- (I) **LODGING HOUSES.** A building used for lodging and/or boarding of more than 6 people for direct or indirect compensation.
- (J) **LOT, CORNER.** A lot situated at the junction of and abutting on 2 or more intersecting streets.
- (K) **LOT COVERAGE.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.
- (L) **LOT DEPTH.** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.
- (M) **LOT FRONTAGE.** The front of a lot shall be that boundary of a lot along a public street. For a corner lot, the owner may elect either street line as the front lot line.
- (N) **LOT LINE.** A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.
- (O) **LOT LINE, FRONT.** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two (2) or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.
- (P) **LOT LINE, REAR.** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one (1) road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- (Q) **LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

- (R) **LOT OF RECORD.** An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.
- (S) **LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot.
- (T) **LOT, THROUGH.** A lot having frontage on 2 parallel or approximately parallel streets, and which is not a corner lot. On a THROUGH LOT, both street lines shall be deemed front lot lines.
- (U) **LOT WIDTH.** The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard. See minimum lot width.
- (V) **LUMBER YARD.** A business primarily engaged in the retail or wholesale sale of wood products and building materials.

155.14.14. DEFINITIONS – M

- (A) **MANUFACTURING.** Establishments engaged in the mechanical or chemical transformation of material or substances into new products. (SIC Groups 20 through 39)
- (B) **MASSAGE PARLOR.** Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where nonmedical or nonsurgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Shall also include any bathing establishment.
- (C) **MEDICAL LABORATORY.** A place for gathering, sampling, handling, processing, observing, and testing human tissue, blood, and other similar items.
- (D) **MICROBREWERY.** A brewery that produces less than 15,000 barrels of beer per year with 75% or more of its beer sold off-site.
- (E) **MINI WAREHOUSE.** See Warehouse Self Storage.
- (F) **MINIMUM LOT AREA (MLA).** The minimum size lot permitted within the specified zoning district and development option.
- (G) **MINIMUM LOT WIDTH.** The smallest permissible horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard for the applicable dwelling unit type or nonresidential development option.

- (H) **MINIMUM SETBACK.** The narrowest distance permitted from a front, side, or rear property line to a structure.
- (I) **MOTEL.** A building used for lodging and/or boarding or more than 6 people for direct or indirect compensation.

155.14.15. DEFINITIONS – N

- (A) **NONCONFORMING BUILDING OR STRUCTURE.** Any building or structure which does not comply with all of the regulations of this ordinance or any amendment hereto governing build for the zoning district in which such building is located.
- (B) **NONCONFORMING LOT.** A lot that was in compliance with an earlier version of this Zoning Ordinance when created, but that does not meet current requirements of this Zoning Ordinance.
- (C) **NONCONFORMING USE.** A situation or use that complied with the Zoning Ordinance when created, but which does not currently conform to one or more of the regulations applicable to the distict in which the lot or structure is currently located.
- (D) **NONRESIDENTIAL LAND USE(S).** Land uses that are not used as a residence or occupied by residence. This term includes mixed occupancy uses featuring commercial use on the first floor.
- (E) **NURSING HOME.** A structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a NURSING HOME.
- (F) **NURSING, RETIREMENT, OR CONVALESCENT FACILITY.** A place where maintenance and personal or nursing care are provided for 3 or more persons who are unable, either on a temporary or permanent basis, to care for themselves properly.

155.14.16. DEFINITIONS – O

- (A) **OCCUPATIONAL THERAPY FACILITY.** A place where therapy in which the principal element is some form of productive or creative activity is provided.
- (B) **OFFICE, MEDICAL.** An office for health care providers including, without limitation, dentists, physicians, counselors, and surgeons.

- (C) **OFFICE, PROFESSIONAL.** All exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.
- (D) **OFFICIAL ZONING MAP.** A map adopted as an Ordinance by the Village that delineates the extent of each district or zone established by this Zoning Ordinance.
- (E) **ON-SITE.** Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.
- (F) **OPACITY.** A quantitatively-derived measure which indicates the degree to which vision to an adjoining property located in a different zoning district is blocked. Opacity is the proportion of a vertical plane which obstructs views. Opacity of 1.0 means that the entire view is blocked.
- (G) **OWNER.** The person or persons having the right of legal title to a lot or parcel of land.

155.14.17. DEFINITIONS – P

- (A) **PARAPET.** The top of a wall that forms the upper portions of a building façade.
- (B) **PARCEL.** The area within the boundary lines of a lot.
- (C) **PARK.** A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), community parks, regional parks, and special use facilities. Such facilities may also include but shall not be limited to school and religious institution ballfields, football fields, and soccer fields, if they meet the above definition. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses shall not be considered parks.
- (D) **PARKING AREAS.** A parking lot that is intended for vehicular parking.
- (E) **PARKING AISLES.** An area within a parking area that consists of lanes providing access to parking spaces or stalls.
- (F) **PARKING SPACE OR STALL.** Any portion of impervious surface consisting of concrete, bituminous pavement, or other approved material designated to park one (1) vehicle or bicycles.
- (G) **PARKING SPACE.** All parking spaces shall meet the applicable sections of this Chapter including, but not limited to, number of setbacks and materials.

- (H) **PAROCHIAL SCHOOL.** An institution associated with a place of worship that provides educational instruction to students. This definition does not include trade, business, or other commercial schools.
- (I) **PAWN SHOP.** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.
- (J) **PLACE OF ASSEMBLY.** A noncommercial, not for profit facility utilized by individuals or groups to accommodate public functions or events.
- (K) **PLACE OF WORSHIP.** A building, together with its accessory buildings and use, 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.
- (L) **PLANNED UNIT DEVELOPMENT.** An area of land, controlled by one (1) or more land owners to be developed under unified control or unified plan of development requesting exemptions to ordinance standards.
- (M) **PLAYGROUND.** A recreation area with play apparatus.
- (N) **PORTABLE OUTDOOR STORAGE DEVICE.** Any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other non-trash materials, and which the container and its contents are subsequently transported to another location.
- (O) **PRINCIPAL BUILDING.** See Building, principal.
- (P) **PRINCIPAL USE.** Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).
- (Q) **PROFESSIONAL SERVICES.** See Services, Professional.
- (R) **PROPERTY.** One (1) or more tracts that are under common control, operation, or ownership or are under one (1) application.
- (S) **PUBLIC SCHOOL.** A public institution that provides education instruction to students.

155.14.18. DEFINITIONS – Q

- (A) **QUARRY.** A place where stone, sand, gravel, or minerals are extracted.

155.14.19. DEFINITIONS – R

- (A) **RAILROAD ROUNDHOUSE.** A building used by railroads for servicing locomotives. Including maintenance buildings and switching yards.
- (B) **RECORDED LOT.** See Lot of record.
- (C) **REPAIR SHOP.** See Automobile Repair and Services.
- (D) **RESIDENTIAL LAND USE(S).** Uses characterized by housing being the principal purpose of property, including Community Living, 1 – 8 persons, Community Living, 9 – 15 persons, Community Living, 16+ persons, Mobile Home Developments, Multiunit Building, Multiunit Complex, Single Unit, Attached and Single Unit, Detached land uses.
- (E) **RESIDENTIALLY ZONED.** A property located in a residential district.
- (F) **RESTRICTIVE, MORE (LESS).** A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.
- (G) **RESTAURANT.** An establishment whose principal business is the dispensing of edible, prepared food and/or beverages for consumption on and/or off the premises.
- (H) **RETAIL TRADE.** Establishment engaged primarily in selling merchandise for personal or household consumption and rendering service incidental to the sales of goods.
 - (1) Includes:
 - (a) General merchandisers (SIC Group 53);
 - (b) Hardware stores (SIC Group 525);
 - (c) Paint glass and wallpaper stores (SIC Group 523);
 - (d) Food stores (SIC Group 54);
 - (e) Home furnishings and equipment stores (SIC Group 57);
 - (f) Eating and drinking places (SIC Group 58); and
 - (g) Miscellaneous retail (SIC Group 59).
 - (2) For purposes of enforcement of this chapter, RETAIL TRADE excludes:
 - (a) Building supply stores (SIC Group 521);
 - (b) Garden and lawn supply stores (SIC Group 526);

- (c) Mobile home dealers (SIC Group 527); and
- (d) Automotive dealers and service stations (SIC Group 55).

(l) **ROOFLINE.** The upper most edge of a roof or parapet.

155.14.20. DEFINITIONS – S

- (A) **SCALE (OF DEVELOPMENT).** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.
- (B) **SCALE (GRAPHIC).** A tool used to establish measurements on a plan.
- (C) **SENIOR HOUSING.** A facility consisting of three or more dwelling units, the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care. Senior housing shall typically consist of multiple-household attached dwellings but may include detached dwelling units as part of a wholly owned and managed senior project.
- (D) **SERVICES, BUSINESS.** Establishments engaged primarily in rendering services to business establishments, such as advertising agencies, mailing services, employment agencies, and computer software companies.
- (E) **SERVICES, ESSENTIAL.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. ESSENTIAL SERVICES include such above surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. ESSENTIAL SERVICES do not include larger utility facilities such as electric substations, wastewater treatment plants, well houses, and water reservoirs.
- (F) **SERVICES, FINANCIAL.** Establishments engaged in providing financial service to individuals, households, and business establishments. Includes:
 - (1) Banks
 - (2) Savings and loans
 - (3) Credit unions
 - (4) Mortgage brokerages
 - (5) Consumer loan operations

- (G) **SERVICES, PERSONAL.** Establishments engaged in providing services primarily to individuals and households, such as laundry, dry cleaning, copy shops, beauty shops. (SIC Group 72)
- (H) **SERVICES, PROFESSIONAL.** Establishments engaged in providing the general public and businesses with professional services in an office setting. Includes:
- (1) Security and commodity brokers (SIC Group 62);
 - (2) Insurance agents and brokers (SIC Group 64);
 - (3) Real estate services (SIC Group 65);
 - (4) Holding and other investment offices (SIC Group 67);
 - (5) Professional health services (SIC Group 801, 802, 803, 804, 807, 808, 809);
 - (6) Legal services (SIC Group 81);
 - (7) Engineering, accounting, research, management, and related services (SIC Group 87); and
 - (8) Educational services (SIC Code 824).
- (I) **SERVICE STATION.** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles, including greasing, oiling, and single-stall car washes incidental to the sale of gasoline. (SIC Code 554)
- (J) **SETBACK.** The shortest distance between a building's or structure's exterior or parking area from the nearest point on the referenced lot line. See minimum setback.
- (K) **SEXUALLY-ORIENTED MATERIAL.** Any media which displays sexually specified area(s) or specified sexual activities, as those terms are defined in this Article 2.
- (L) **SEXUALLY ORIENTED USE, ADULT BOOKSTORE.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.
- (M) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT.** Any exhibition of sexually-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of

- specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.
- (N) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT CABARET.** A public or private establishment which features topless or nude dancers and/or waitresses, strippers, male or female impersonators and/or similar entertainers.
- (O) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT CENTER.** An enclosed building with the capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- (P) **SEXUALLY ORIENTED USE, ADULT GIFT SHOP.** An establishment having as a substantial or significant portion of its stock in trade pictures, photographs, drawings, diagrams, paraphernalia, apparatus or other objects which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted for the sale or display of such material.
- (Q) **SEXUALLY ORIENTED USE, ADULT MOVIE THEATER.** An enclosed building with a capacity of fifty (50) persons or more used primarily for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- (R) **SEXUALLY SPECIFIED AREAS.**
- (1) Less than completely and opaquely covered human genitals, pubic region, the female breast below a point immediately above the areola to a point immediately below the areola, said opaque cover covering the entire areola, or anal area.
 - (2) The display of the human male genitals in a discernibly turgid state, real or simulated, even if completely and opaquely covered.
- (S) **SPECIFIED SEXUAL ACTIVITIES.** Actual or simulated human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; acts or simulated acts of oral sexual conduct; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or excretory functions as part of or in connection with any activities set forth in this definition.
- (T) **SIGN.** Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object,

person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Chapter.).

- (U) **SIGN, AWNING OR CANOPY.** A sign that is mounted, painted or attached to an awning or other window or door canopy or otherwise to the side of the building. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface. Such signs are counted as a projecting sign.
- (V) **SIGN, BANNER.** A temporary advertising sign which is not attached to a permanently mounted backing. Banner signs may be ground mounted or wall mounted.
- (W) **SIGN, BILLBOARD.** Any sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Additionally, billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.
- (X) **SIGN, BOX.** A sign which includes a frame or box-like external structure which encloses the functional elements of the sign, including internal illumination, where the sign content is affixed on a face or panel.
- (Y) **SIGN, FEATHER.** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.
- (Z) **SIGN, MESSAGE.** The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

- (AA) **SIGN, MOBILE OR PORTABLE.** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.
- (BB) **SIGN, MONUMENT.** A freestanding sign, other than a pylon sign, in which the entire bottom is in contact with or close to the ground.
- (CC) **SIGN, ON-SITE TRAFFIC DIRECTIONAL.** A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.
- (DD) **SIGN, PROJECTING.** A sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.
- (EE) **SIGN, PYLON.** A sign that is mounted on a freestanding pole or other supports so that the bottom edge of the sign face is eight feet or more above grade.
- (FF) **SIGN, SIDEWALK.** A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs.
- (GG) **SIGN, TEMPORARY.** A sign or advertising display intended to be displayed for a certain period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.
- (HH) **SIGN, WALL.** A sign mounted parallel to a building facade or other vertical building surface.
- (II) **SIGN, WINDOW.** A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1') of the interior of a window, which can be seen through the window from the exterior of the structure.
- (JJ) **SIGN, YARD.** A temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.
- (KK) **SITE.** A tract or parcel of land under single ownership or control which may or may not be a lot of record.
- (LL) **SPA, NONPORTABLE.** See definition of swimming pool.

- (MM) **SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wired).
- (NN) **SPORTS STADIUM.** A large open or enclosed space partly or completely surrounded with tiers of seats for spectators at sporting or other recreational events.
- (OO) **STABLE, LIVERY.** Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse drawn livery, or both for remuneration, hire or sale.
- (PP) **STABLE, PRIVATE.** Any accessory building which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling.
- (QQ) **STREETSCAPE.** A streetscape is the facades of single-family dwellings on both sides of a street. The length of a streetscape shall be limited to no more than 20 lots per side of a street. When more than 20 lots per street side exist without an intervening cross street, the Village shall, through 1 of its officers or employees, establish those lots which shall constitute a separate streetscape. In making that determination, the official shall consider that configuration of lots which shall be most influenced and affected by adjacent lots. Where possible, physical demarcations such as topography, road configuration or landscaping shall be utilized in establishing the appropriate streetscapes. In general, the front orientation of the residence will determine the applicable streetscape.
- (RR) **SUBSTANTIAL IMPROVEMENT.** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; and
 - (2) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.
 - (3) Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of

any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

- (SS) **SURGERY CENTER.** An establishment that delivers surgical procedures on an outpatient basis and requiring less than a 24-hour stay.
- (TT) **SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas.
- (UU) **SWIMMING POOL, INDOOR.** A swimming pool which is totally contained within a structure and surrounded on all 4 sides by walls of the structure. **SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

155.14.21. DEFINITIONS – T

- (A) **TAILOR.** An establishment that makes, mends, or alters clothes especially suits, coats, and other outer garments.
- (B) **TAP ROOM.** A portion of a brewery, winery, or distillery establishment where beer, wine, or spirits made on-site are sold.
- (C) **TASTING ROOM.** See Tap Room.
- (D) **TATTOO PARLOR.** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.
- (E) **TAVERN.** See Bar.
- (F) **TEA SHOP.** See Coffee Shop.
- (G) **TEMPORARY OUTDOOR PORTABLE STORAGE UNIT.** Any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other nontrash materials, and which the container and its contents are subsequently transported to another location.
- (H) **TEMPORARY USE.** A land use which is present on a property for a limited and specified period of time.
- (I) **TRAILER.** A vehicle without motive power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks,

skids, jacks, horses, or skirting, which does not meet building requirements, and has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place. The term TRAILER shall include CAMP CAR and HOUSE CAR. A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing Village laws.

- (J) **TRAILER CAMP or MOBILE HOME PARK.** A trailer or mobile home park shall mean any lot parcel or land where trailer spaces are rented or leased or offered for rent or lease for 1 or more trailers.
- (K) **TRAILER COACH or MOBILE HOME.** A dwelling for 1 or more persons designed for transportation on streets and highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling, except for incidental unpacking and assembling operations, location on jacks or permanent foundation, connection to utilities and the like.

155.14.22. DEFINITIONS – U

- (A) **UNNECESSARY HARDSHIP.** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- (B) **Use.** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- (C) **USE, ACCESSORY.** See Accessory use.
- (D) **USE, PRINCIPAL.** See Principal use.
- (E) **URGENT CARE CENTER.** An establishment that delivers generally nonsurgical physician services on an emergency or immediate basis or without the requirement of an appointment for the services.

155.14.23. DEFINITIONS – V

- (A) **VARIANCE.** A grant of permission by the Zoning Board of Appeals that authorizes the recipient to develop or use property in a manner that, according to the strict letter of this Ordinance, is not otherwise legally permitted.

155.14.24. DEFINITIONS – W

- (A) **WAREHOUSE.** Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

- (B) **WAREHOUSE SELF-STORAGE.** Warehouses serving primarily the general public with separate access for each storage stall, 1story, less than 10,000 square feet per building, total area less than 60,000 square feet. (SIC 4225)
- (C) **WETLAND.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (D) **WHOLESALE TRADE.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.
- (E) **WINERY.** An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine.

155.14.25. DEFINITIONS – X


- (A) **Reserve.**

155.14.26. DEFINITIONS – Y

- (A) **YARD.** A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to the face of the building. For fence and other regulations, yards shall take precedence in this order: 1—front yard; 2—rear yard; 3—side yard.
- (B) **YARD, FRONT.** A yard extending along the full width of the front lot line and extending inward from the front lot line to the front face of the building.
- (C) **YARD, SIDE.** A yard extending along the interior-side lot line between the front yard and rear yard and extending inward from the side yard lot line to the side face of the building.
- (D) **YARD, REAR.** A yard extending the full width of the rear lot line and extending inward from the rear lot line to the rear face of the building.

155.14.27. DEFINITIONS – Z

- (A) **ZONING ADMINISTRATOR.** The Village employee charged with the application and interpretation of this Chapter.

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- (B) **ZONING DISTRICT.** Any section or sections of the Village for which the regulations governing the use of land and how development can occur except for planned development.
 - (C) **ZONING LOT.** A tract or parcel of land under single ownership or control which may or may not be a lot of record.
 - (D) **ZONING MAP.** See "Official zoning map", above.

SECTION 15. ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

155.15.1 – Purpose and Intent	1
155.15.2 – Powers and Duties	1
155.15.3 – Application Requirements.....	6
155.15.4 – Design Review	7
155.15.5 – Zoning Permit.....	10
155.15.6 – Determination as to Uses Not Listed	11
155.15.7 – Map Amendments and Text Amendments.....	12
155.15.8 – Special Use Permit.....	14
155.15.9 – Variances	17
155.15.10 – Sign Permit Application	21
155.15.11 – Certificate of Occupancy	22
155.15.12 – Enforcement and Violations.....	23

155.15.1 – PURPOSE AND INTENT

- (A) **Projects Subject to Review.** Provide a clear and comprehensible development review process that is fair and equitable to applicants, effected neighbors, and the Village;
- (B) **Review Process.** Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the Village that is consistent with this ordinance;

155.15.2 – POWERS AND DUTIES

(A) **Zoning Board of Appeals.**

(1) **Creation and Membership.**

- (a) A Zoning Board of Appeals is created by the adoption of the chapter. The Board shall consist of seven (7) members appointed by the Village President and confirmed by the Board of Trustees. The word Board when used in this section shall be construed to mean the Zoning Board of Appeals. All members of the Board

shall be residents of the Village of Roscoe. No voting member of the Zoning Board shall hold an elected office within the Village.

- (b) The members of the Board shall serve for a five (5) year term.
 - (c) One of the members of the Zoning Board of Appeals shall be named chairman at the time of their appointment by the Village President and confirmation by the Board of Trustees. The Board of Trustees shall have the power to remove any member of the Zoning Board of Appeals for cause and after a public hearing. Vacancies upon the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant, in the manner provided for the appointment of the members.
- (2) **Meetings and Rules.** All meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine after consultation with the Zoning Administrator. All hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent, or attorney. Any testimony before the Board shall be given under oath. The Chairperson, or in their absence, the acting Chairperson, may administer oaths and request the attendance of witnesses. The Board shall make a finding of fact for each question requiring a finding before taking a vote on such question pursuant to Section 155.15.9. Such finding of fact shall be made a part of the written record of the hearing. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed immediately in the office of Zoning Administration and shall be a public record. No action or procedure of the Board shall conflict with the provisions of ILCS Ch. 65, Act 5, §§ 11131 et seq.
- (3) **Offices.** The Board of Trustees shall provide suitable offices for the holding of hearings and the presentation of records, documents, and accounts.
- (4) **Appropriations.** The Board of Trustees shall appropriate funds to carry out the duties of the Board and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized in this chapter.
- (5) **Compensation.** The general members of the Zoning Board of Appeals shall be compensated forty (40) dollars per meeting attended. The Chairman of the Zoning Board of Appeals shall be compensated sixty (60) dollars per meeting attended.

- (6) **Jurisdiction.** The Board of Appeals is hereby vested with the following jurisdiction and authority:
- (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator under this chapter. The Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper in the premises, and to that end, the Board shall also have all the powers of the officer from whom the appeals are taken;
 - (b) To hear and decide all matters referred to it or upon which it is required to pass under this chapter;
 - (c) To hear and pass a recommendation on applications for amendments, special use permits and variances from a strict application of the terms of this chapter, in the manner and subject to the standards set out in this chapter;
 - (d) No rehearing shall be held on a denied appeal or application for variance or special use permit for a period of twelve (12) months from the date of the denial if no substantial change to the application has been made.

(7) **Decisions of the Board of Appeals.**

- (a) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render decisions.
- (b) All decisions of the Board authorized under this chapter, with the exception of Design Review, shall be subject to review by the Village Board of Trustees for confirmation or denial according to the provisions of this chapter and ILCS Ch. 65, Act 5, §§ 11131 et seq. The action of the Village Board of Trustees shall constitute a final administrative decision on any matter and shall be subject to judicial review pursuant to the provisions of the Administrative Review Act.

(B) **Appeal of Zoning Administrator's Decision.**

- (1) **Appeal.** An appeal may be taken to the Zoning Board of Appeals by any persons, firm, corporation, office, department, board, or bureau affected by a

decision of the office of the Zoning Administrator. The appeal shall be taken within such time as shall be prescribed and adopted as general rules by the Board, and shall be taken by filing with the Zoning Administrator a notice of appeal, specifying the ground thereof, together with those plats and exhibits as are reasonably necessary. The appeal shall be taken upon forms provided by the Board. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

- (2) **Hearing of appeals.** The Board shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties of interest may appear in person or by agent or attorney to testify.
- (3) **Stay of proceedings.** The appeal shall stay all proceedings and furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal has been filed with them that, by reason of facts stated in the certificate, a stay would, in their opinion cause imminent peril to life or property. In such a case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Court of Record on the application, with notice to the officer from whom the appeal is taken, and all due causes shown.

(C) **Office of Zoning Administration.**

- (1) **Creation.** The Office of Zoning Administration is hereby created and, under the direction of a Zoning Administrator, shall have the responsibility of administering and enforcing the provisions of this chapter.
- (2) **Powers and Duties.** The Office of Zoning Administration shall enforce the provisions of this chapter, and in addition thereto and furtherance of that authority shall:
 - (a) Examine and approve any application pertaining to the use of land, buildings, or structures to determine if the application conforms with the provisions of this chapter;
 - (b) Issue all zoning certificates, and keep permanent records thereof;
 - (c) Issue all certificates of zoning compliance and keep permanent records thereof;
 - (d) Conduct inspections of buildings, structures, and uses of land as are necessary to determine compliance with the terms of this chapter;



- (e) Receive, file, and forward for action all applications for appeals, variances, special uses, and amendments to this chapter which are filed in the zoning office;
 - (f) Initiate, direct and review, from time to time, a study of the provisions of this chapter, and make reports of his or her recommendations to the Village Board of Trustees and the Village Zoning Board of Appeals not less frequently than once a year;
 - (g) Revoke certificates of zoning compliance where provisions of this chapter are being violated; and
 - (h) Issue certificate of zoning compliance for nonconforming uses existing at the time of passage of this chapter or any amendment thereto.
- (3) All remedies provided for herein shall be cumulative and not exclusive.
- (D) **Appointment.** The Zoning Administrator shall be appointed by the President of the Village Board of Trustees with the approval of the Village Board of Trustees.
- (E) **Term.** The term of the Zoning Administrator shall not exceed the term of office of the President making the appointment, and shall either be reappointed or continue until a successor shall have been appointed and qualified.
- (F) **Removal.** The Village Board of Trustees shall have the power to remove the Zoning Administrator for Cause and after a public hearing.
- (G) **Compensation.** The Zoning Administrator's monetary compensation shall be determined by the Village Board of Trustees.
- (H) **Enforcement.**
 - (1) **Permits, Certificates, and Licenses.** All officials, departments, and employees of the Village of Roscoe vested with the authority or duty to issue permits, certificates, or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate, or license which conflicts with the provisions of this chapter. Any permit, certificate, or license issued after the adoption of this chapter and in conflict with the provisions of this chapter shall be void.
 - (2) **Duties of Zoning Administrator.** The Zoning Administrator shall be the official responsible for the enforcement of this chapter. The Zoning Administrator may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or their authorized agent, on a tenant, or on an architect, builder, contractor, or other person who commits or participates in any violation. The Zoning Administrator may call upon the

Village Attorney to institute necessary legal proceedings to enforce the provisions of this chapter, and the Village Attorney is hereby authorized to institute appropriate actions to that end. The Zoning Administrator may call upon the Chief of Police and their authorized agents to assist in the enforcement of this chapter.

(3) **Violations, Penalties.**

- (a) Any person, firm, corporation, or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than \$500. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person, firm, corporation, or organization and shall be punishable as herein provided.
- (b) Any structure or sign erected, moved, altered, enlarged, or maintained and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance, and the Village Attorney shall immediately institute necessary legal proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law, shall take any other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign, or use and restrain or enjoin the person, firm, corporation, or organization from erecting, moving, altering, or enlarging the structure or sign or using the site contrary to the provisions of this chapter.

155.15.3 – APPLICATION REQUIREMENTS

- (A) **Data to be Furnished.** Application for a special use permit shall be made to the Zoning Administrator on a form prescribed by the Zoning Board of Appeals with at least the following data:
 - (1) Name and address of the applicant;
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located;
 - (3) Address or description of the property; and
 - (4) Statement indicating the precise manner of compliance with each of the applicable provisions of this subchapter, together with any other data pertinent

to the findings prerequisite to the granting of a use permit, prescribed in Section 155.15.8(C).

- (B) **Maps.** The application shall be accompanied by the following plans and drawings.
- (1) An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing locations of streets and property lines.
 - (2) An accurate scale drawing of the site showing the contours at intervals of not more than five (5) feet and existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities, and landscaped areas.
 - (3) The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Zoning Board of Appeals to determine whether the proposed use will comply with each of the applicable provisions of this subchapter.
- (C) **Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by Chapter 36, the fee schedule for the Village.

155.15.4 – DESIGN REVIEW

- (A) **Purpose.** Design review is implemented under municipal authority to promote the public health, safety, and welfare. More specifically, design review is intended to enhance the aesthetic environment and assure that larger development projects are compatible with neighboring properties and existing development elsewhere in the Village.
- (B) No person shall perform any land development and/or construction of a nonresidential development, requiring the issuance of any Village permit, without first obtaining an Design Review Approval from the Zoning Board of Appeals of the Village.
- (C) Any person seeking an Design Review Approval shall submit to the ZBA any and all maps, design drawings, blueprints, sign plans, lighting plans, landscape plans and/or site plans associated with the land development and/or new construction project for which the Design Review Approval is sought.
- (D) The ZBA shall review all applications and accompanying documents and either grant or deny said application within thirty (30) days of the receipt of the application.
- (E) If the ZBA denies an application, the ZBA shall provide to the applicant reasons for such action.
- (F) **Plans to be Approved.**

- (1) No zoning permit or building permit for either a new structure, or an exterior alteration, enlargement, or major remodeling of an existing structure, in a C or I District, shall be issued until the elevations, site plan, and landscape plan have been approved by the Zoning Board of Appeals.
 - (2) No zoning permit or building permit for a new structure having four (4) or more dwelling units shall be issued until the elevations, site plan, and landscape plan have been approved by the Zoning Board of Appeals.
 - (3) No zoning permit that is subject to design review prescribed in Section 155.12.7 shall be issued until the drawings have been approved by the Zoning Board of Appeals.
 - (4) In addition to the requirements of this section, plans subject to this chapter shall, comply with all other applicable requirements of this chapter, Chapter 151 of the Village Code of Ordinances, and all right-of-way construction and repair requirements in the Village Code of Ordinances, as set forth in § 93.15, and driveway construction and repair, as set forth in § 93.16.
- (G) **Drawings to be Submitted.** The owner of the site or his or her authorized agent shall submit the following drawings to the Zoning Administrator. One (1) printed copy and one (1) electronic copy in pdf format shall be submitted. .
- (1) A site plan, drawn to scale, showing the proposed layout of structures, grading, and other improvements, including where appropriate driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences, excess stormwater passageways, stormwater detention facilities, and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles;
 - (2) A landscape plan, drawn to scale, showing the locations of existing trees proposed to be retained on the site, the location and design of landscaped areas, and the varieties of plant materials to be planted therein, and other landscape features;
 - (3) A lighting plan, including:
 - (a) A photometric plan indicating foot-candle levels at grade at the lot lines.
 - (b) Specifications for all luminaires, poles, and luminaire mounting arms.
 - (c) The location, mounting height, and color temperature for all fixtures.

- (4) Architectural drawings or sketches, drawn to scale, showing all elevations of the proposed structure as they will appear upon completion. All exterior surfacing materials shall be specified; and
- (5) Scale drawings showing size, location, material, colors, and illumination of all signs that are subject to design review prescribed in Section 155.12.7.

(H) Zoning Board of Appeals Review.

- (1) Upon receipt of the required drawings, the Zoning Administrator shall refer the drawings to the Village Zoning Board of Appeals for review at the next scheduled meeting. The Zoning Board of Appeals shall approve or disapprove the site plan, the landscape plan, the architectural elevations, and the sign drawings, or shall request the owner to revise them. The Board may obtain the advice of persons trained in the fields of architecture, landscape architecture, planning, or other disciplines to aid in reaching its decision.
- (2) Revised drawings shall be reviewed as prescribed in this division (D) and shall be approved or disapproved by the Zoning Board of Appeals, or additional revision may be requested.
- (3) Should the Zoning Board of Appeals fail to act within ninety (90) days from the first meeting when the drawings are presented to them, the drawings shall be deemed as approved, unless a time extension is requested by the applicant and granted by the Zoning Board of Appeals.

(I) Appeal to Village Board of Trustees.

- (1) Following a denial by the Zoning Board of Appeals, the decision may be appealed to the Village Board of Trustees by the applicant. The appeal shall be made on a form prescribed by the Zoning Board of Appeals and shall be filed with the Village Clerk. The appeal shall state specifically why the decision of the Zoning Board of Appeals is not in accord with the purpose prescribed in division (A) of this section.
- (2) Filing of an appeal, the Zoning Administrator shall transmit to the Village Board of Trustees the site plan, the architectural elevations, the landscape plan, the sign drawings, and the minutes of the Zoning Board of Appeals or a report of the Zoning Board of Appeals on the design reviewed.
- (3) The Village Clerk shall notify the applicant of the time when the appeal will be considered by the Village Board of Trustees.

(J) Action of Village Board of Trustees.

- (1) Following the transmittal of the appeal to the Village Board of Trustees, the Village Board of Trustees shall affirm, reverse, or modify the decision;

provided that if a decision is reversed or modified, the Village Board of Trustees shall make a finding that the decision is not in accord with the purpose prescribed in division (A) of this section.

- (2) Failure of the Village Board of Trustees to act within ninety (90) days of the date of filing an appeal shall be deemed approval of the drawings as submitted by the applicant, unless a time extension is requested by the applicant and granted by the Village Board of Trustees.

155.15.5 – ZONING PERMIT

- (A) **Purposes and Requirements.** To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this chapter, and in order that the Village may have a record of each new or expanded use of a structure or site, a zoning permit is required before any building permit may be issued or any structure or site used, and a certificate of occupancy required by the Village Building Code shall be issued only for a structure that conforms with the zoning permit.
- (B) **Application and Issuance of Zoning Permit.** Application for a zoning permit shall be made on a form prescribed by the Zoning Board of Appeals and shall be accompanied by plans, the projected duration of construction activities, and additional information as necessary, in the opinion of the Zoning Administrator, to demonstrate conformity with this chapter. The Zoning Administrator shall check the application and all data submitted with it to see that all provisions of this chapter will be complied with.
- (C) **Issuance of Building Permit.** Winnebago County will not issue a building permit for structures unless they conform to an approved zoning permit or a special use permit has been issued.
- (D) **Issuance of a Certificate of Occupancy.** Winnebago County will not issue a certificate of occupancy until a certificate of zoning compliance has been issued.
- (E) **Expiration.** A certificate of zoning compliance shall expire twelve (12) months after issuance if an associated building permit has not been issued. A certificate of zoning compliance shall expire when the associated building permit expires.
- (F) **Completion of Work.** All work covered under the issuance of a Zoning Permit shall be completed, including necessary restoration of public and private land impacted by the activity, within the same construction season in which the work commenced. No work shall remain in an uncompleted, or unrestored state over the winter without the written consent of the Zoning Administrator.

155.15.6 – DETERMINATION AS TO USES NOT LISTED

- (A) **Purpose and Initiation.** In order to ensure that the zoning ordinance will permit all similar uses in each district, the Village Zoning Board of Appeals, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a special use in a UT, R, I, or C District shall be deemed a permitted use or a special use in one (1) or more districts on the basis of similarity to uses specifically listed.
- (B) **Application.** Application for determination that a specific use should be included as a permitted use or a special use in a UT, R, I, or C District shall be made in writing to the Zoning Administrator, and shall include a detailed description of the proposed use and any other information as may be required by the Zoning Board of Appeals to facilitate the determination.
- (C) **Investigation.** The Zoning Board of Appeals shall make or have made any investigations as it deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in this chapter, and to make a determination of this classification.
- (D) **Determination.** The determination of the Zoning Board of Appeals shall be rendered in writing within sixty (60) days, unless the applicant consents to an extension of the time period, and shall include findings supporting the conclusion.
- (E) **Effective Date of Determination.** Within five (5) days following the date of a decision of the Zoning Board of Appeals on a request for a determination as to a use not listed, the Zoning Administrator shall transmit to the Village Board written notice of the decision. A decision shall become effective ten (10) days following the date on which the determination was made or on the day following the next meeting of the Board of Trustees, whichever is later, unless an appeal has been taken to the Village Board, or unless the Village Board shall elect to review the decision of the Zoning Board of Appeals.
- (F) **Appeal to the Board of Trustees.** Within ten (10) days following the date of a decision of the Zoning Board of Appeals on a request for a determination as to a use not listed, the decision may be appealed to the Village Board by the applicant. The appeal shall state specifically where it is claimed there was an error or abuse of discretion by the Zoning Board of Appeals or where its decision is not supported by the evidence in the record.
- (G) **Determination by Board of Trustees.** The determination of the Board of Trustees shall be rendered in writing within sixty (60) days unless the applicant consents to an extension of the time period and shall include findings supporting the conclusion.

155.15.7 – MAP AMENDMENTS AND TEXT AMENDMENTS

- (A) **Purpose.** This chapter may be amended by changing the boundaries of any district, by changing any district regulation sign requirements, off-street parking or loading facilities requirement, general provision, exception, or other provision thereof in accord with the procedure prescribed in this subchapter.
- (B) **Initiation.**
- (1) A change in the boundaries of any district may be initiated by the Village Board of Trustees or the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in Section 155.15.7(C). If the property for which a change of district is proposed is in more than one (1) ownership, all the owners or their authorized agents shall join in filing the application.
 - (2) A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, sign requirement, exception, or other provision may be initiated by action of a property owner, property owners, the Zoning Board of Appeals, or Village Board of Trustees, provided that the procedures prescribed in Section 155.15.7(C) through Section 155.15.(F) shall be followed.
 - (3) A proposal for a change in district boundaries initiated by the Village Board and one initiated by a property owner for all or part of the same area may be considered simultaneously.
- (C) **Application and Fee.**
- (1) **Data to be Furnished.** A property owner or their designated agent desiring to propose a change in the boundaries of the district in which their property is located may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the Zoning Board of Appeals which shall include at least the following data:
 - (a) Name and address of the applicant;
 - (b) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed; and
 - (c) **Address or Description of the Property.**
 - (2) **Map.** The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of streets and property lines.

- (3) **Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by Chapter 36, the fee schedule for the Village.
- (D) **Public Hearing; Notice.** The Zoning Board of Appeals shall hold at least one (1) public hearing on each application for a change in district boundaries or for a change of a district regulation, off-street parking or loading facilities requirement, sign requirements, general provision, exception or other provision of this chapter within forty five (45) days of the date when the application was filed. Notice of the public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the Village, and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.
- (E) **Public Hearing; Procedure.** At the public hearing the Zoning Board of Appeals shall review the application and may review pertinent evidence as to why or how the proposed change is consistent with the purpose and intent of the this chapter and the Village's Comprehensive Plan.
- (F) **Action of Zoning Board.**
- (1) Within forty five (45) days following the public hearing, the Zoning Board of Appeals shall make a specific finding as to whether the change is consistent with the purpose and intent of the this chapter and the Village's Comprehensive Plan. The Zoning Administrator shall transmit a report to the Village Board recommending that the application be granted, granted in modified form, or denied or that the proposal be adopted, adopted in modified form, or rejected, together with a copy of the application, resolution of the Zoning Board of Appeals, or upon request of the Board of Trustees, the scale drawing of the site and the surrounding area and all other data filed therewith together with the minutes of the public hearing, and the findings of the Zoning Board of Appeals.
 - (2) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to recommend the application for an amendment to this chapter to the Village Board.
- (G) **Action of Village Board.**
- (1) If the Village Board finds that the change is consistent with the purpose and intent of this chapter and the Village's Comprehensive Plan, it shall enact an ordinance amending the map or regulation of this chapter, whichever is appropriate. If the Village Board finds that the change is not consistent, it shall deny the application.
 - (2) An amendment shall be passed by a concurrence of a majority of all members then holding office on the Village Board, including the President.

- (H) **New Application.** Following the denial of an application for a change in district boundaries, no application for the same or substantially the same change shall be filed within one (1) year of the date of denial of the application.

155.15.8 – SPECIAL USE PERMIT

- (A) **Public Hearing; Notice.** The Zoning Board of Appeals shall hold at least one (1) public hearing on each application for a special use permit within forty five (45) days of the date when the application was filed and found to be complete by the Zoning Administrator. Notice of the hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation in the Village and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.
- (B) **Public Hearing; Procedure.** At the public hearing the Zoning Board of Appeals shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 155.15.8(C).
- (C) **Findings of Fact.**
- (1) The Zoning Board of Appeals shall make and submit to the Village Board written findings of fact and a recommendation for the approval, approval with conditions, or denial of the special use permit.
 - (2) For the Zoning Board of Appeals to make an affirmative recommendation, on any special use permit, it shall find that all of the following facts are true:
 - (a) The proposed location of the special use and conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
 - (b) The establishment of the special use will not impede the normal or orderly development of the surrounding property for uses permitted in the district;
 - (c) Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided;
 - (d) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion; and

- (e) That the proposed special use will, in all other respects, comply with each of the applicable provisions and regulations of the district in which it is located.

(D) Action of Zoning Board of Appeals.

- (1) The Zoning Board of Appeals may recommend and the Village Board may require any conditions or restrictions upon the construction, location, and operation of a special use as deemed necessary for the protection of the adjacent properties and for the protection of the public health, safety, and welfare. These conditions may include the expiration of the special use permit after a specified period of time.
- (2) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to recommend the application for a special use permit to the Village Board.
- (3) If the Zoning Board of Appeals fails to act within forty five (45) days of the public hearing, the special use shall be deemed approved by the Zoning Board of Appeals. The Zoning Administrator shall forward the Zoning Board of Appeals decision and records to the Village Board within ten (10) days after action or within fifty five (55) days from the date of public hearing if no action has been taken by the Zoning Board of Appeals.

(E) Action of Village Board of Trustees.

- (1) The Village Board may affirm, reverse, or modify a decision of the Zoning Board of Appeals, provided that if a decision denying a special use permit is reversed or a decision granting a use permit is modified, the Village Board, on the basis of the record transmitted by the Zoning Administrator and any additional evidence as may be submitted, shall make the findings prerequisite to the granting of a special use permit prescribed in Section 155.15.8(C). A special use permit shall become effective immediately after it is granted by resolution of the Village Board.
- (2) An application for a special use permit shall be passed by the concurrence of a majority of all members then holding office on the Village Board, including the President.

(F) Lapse of Special Use Permit.

- (1) A special use permit shall lapse and shall become void one (1) year following the date on which the special use permit became effective, unless prior to the expiration of one (1) year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the special use permit application, or a certificate of occupancy

is issued for the structure which was the subject of the special use permit application, or the site is occupied if no building permit or certificate of occupancy is required.

- (2) A special use permit may be renewed for an additional period of one (1) year, provided that prior to the expiration of one (1) year from the date when the special use permit originally became effective, an application for renewal of the special use permit is filed with the Zoning Board of Appeals.
 - (3) The Zoning Board of Appeals may grant or deny an application for renewal of a special use permit.
 - (4) Sections 155.141, divisions (A) and (B), and 155.15.8(A) through 155.15.8(D) shall apply to an application for renewal of special use permit.
- (G) **Existing Special Uses.** A use established by a special use permit issued by the County of Winnebago prior to the enactment of this chapter shall be deemed nonconforming; however, it shall be permitted to continue, provided that the use is operated and conducted in accord with the conditions prescribed in the special use permit as granted, if any. Any alterations, expansion, or restoration shall be thereafter governed by the provisions of this chapter.
- (H) **Revocation.** Upon violation of any applicable provisions of this chapter or, if granted subject to a condition(s), upon failure to comply with the condition(s), a special use permit shall be suspended automatically. The Zoning Board of Appeals shall hold a public hearing within forty five (45) days, in accord with the procedure prescribed in 155.15.8(A), and if not satisfied that the regulation, general provision, or condition(s) is being complied with, may revoke the special use permit or to take any action as may be necessary to ensure compliance with the regulation, general provision, or condition. Within five (5) days following the date of a decision of the Zoning Board of Appeals revoking a special use permit, the Zoning Administrator shall transmit to the Village Board of Trustees written notice of the decision. The decision shall become final ten (10) days following the date on which the special use permit was revoked or on the day following the next meeting of the Village Board of Trustees, whichever is later, unless an appeal has been taken to the Village Board of Trustees or unless the Village Board of Trustees shall elect to review the decision of the Zoning Board of Appeals, in which cases 155.15.8(E) shall apply.
- (I) **New Application.** Following the denial of a special use permit application or the revocation of a special use permit, no application for a special use permit for the same or substantially the same special use on the same or substantially same site shall be filed within one (1) year from the date of denial or revocation of the special use permit.

- (J) **Special Use Permit to Run With The Land.** A special use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application.
- (K) **Special Use Allowing Liquor Establishments.** A special use permit granted pursuant to the provisions of this chapter allowing liquor establishments, including but not limited to packaged liquor stores and taverns, is restricted to the special use permit for the particular class of license granted. In the event that the owner(s) of those premises, or licensee seeks to change the classification of a license granted pursuant to a special use permit to a different class license than that granted pursuant to the special use permit, a new special use permit must be applied for as provided herein.

155.15.9 – VARIANCES

- (A) **Purposes and Authorization.**
 - (1) The Zoning Board of Appeals is empowered to recommend variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter as would result from a strict or literal interpretation and enforcement of certain of the regulations prescribed by this chapter. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations, or traffic conditions in the immediate vicinity. A practical difficulty or unnecessary physical hardship shall neither include conditions which are created by the property owner or previous property owner nor the personal circumstances of the property owner.
 - (2) Recommending the variance will not merely serve as a convenience to the applicant, but is necessary to alleviate some unusual or unique physical limitation of the property such as but not limited to steep slopes or wetlands. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for recommending a variance.
 - (3) The power to recommend variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of this chapter is provided by the special use provisions of this chapter.
 - (4) The Zoning Board of Appeals may recommend variances to the regulations prescribed by this chapter, in accord with the procedure set forth herein, with respect to fences, walls, hedges, screening, and landscaping, site area, width,

frontage, depth, and coverage, front, rear, and side yards, basic floor area, usable open space, height of structures, distances between structures, courts, signs, and off-street parking facilities and off-street loading facilities.

(B) **Application and Fee.**

(1) **Data to be Furnished.** Application for a variance shall be made to the Zoning Administrator on a form prescribed by the Zoning Board of Appeals, which shall include at least the following data:

- (a) Name and address of the applicant;
- (b) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the variance is being requested;
- (c) Address or description of the property; and
- (d) Statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance that would result from a strict or literal interpretation and enforcement of a specified regulation of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in Section 155.15.9(E).

(2) **Map.**

- (a) The application shall be accompanied by an accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than five (5) feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street loading and off-street parking facilities, and landscaped areas.
- (b) If required for a public hearing as prescribed in Section 155.15.9(C), the application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the existing locations of streets and property lines.
- (c) The Zoning Administrator may authorize omission of any or all of the plans and drawings required by this section if they are not necessary to enable the Zoning Board of Appeals to determine whether the circumstances required for the granting of a variance exist.

- (3) **Fee.** The application shall be accompanied by a fee as established, and amended from time to time, by Chapter 36, the fee schedule for the Village.
- (C) **Public Hearing; Notice.** The Zoning Board of Appeals shall hold a public hearing on an application for a variance. Notice of a public hearing shall be given not less than fifteen (15) days nor more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the Village, and by posting on or adjacent to the property which is the subject of the application. Failure to post notice shall not invalidate the proceedings.
- (D) **Public Hearing; Procedure.** At a public hearing the Zoning Board of Appeals shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 155.15.9(E).
- (E) **Findings of Fact.**
- (1) The Zoning Board of Appeals shall make a written findings of fact.
 - (2) For the Zoning Board of Appeals to make an affirmative decision on any proposed variation, it must find the all of the following facts are true:
 - (a) Because of the particular physical surroundings, shape, or topographical conditions of a specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
 - (b) The conditions upon which a petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning district;
 - (c) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property;
 - (d) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity in which the property is located; and
 - (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the vicinity.
- (F) **Action of The Zoning Board of Appeals.**

- (1) The Zoning Board of Appeals shall recommend to the Village Board that an application for a variation be approved, approved with conditions, or denied.
- (2) The recommendation of the Zoning Board of Appeals shall then be forwarded to the Village Board.
- (3) The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to recommend any variation to this chapter to the Village Board.
- (4) Within five (5) days following the date of a decision of the Zoning Board of Appeals on a variation application, the Zoning Administrator shall transmit to the Village Board written notice of the recommendation.

(G) Action of Board of Trustees.

- (1) The Board of Trustees may affirm, reverse, or modify a recommendation of the Zoning Board of Appeals on a variance application, provided that if a decision granting a variance is modified, the Board of Trustees, on the basis of the record transmitted by the Zoning Administrator and any additional evidence as may be submitted, shall make findings of fact that establish that the circumstances required for the granting of a variance prescribed in Section 155.15.9(E) exist. A variation shall become effective immediately after it is granted by resolution of the Village Board.
- (2) Any proposed variation shall be passed by the concurrence of a majority of all members then holding office on the Village Board, including the President. Any proposed variation which fails to receive the approval of the Zoning Board of Appeals shall not be passed except by the affirmative vote of 2/3 of all Trustees of the Village.

(H) Lapse of Variance.

- (1) A variance shall lapse and shall become void one (1) year following the date on which the variance became effective unless prior to the expiration of one (1) year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.
- (2) A variance may be renewed for an additional period of one (1) year provided that prior to the expiration of one (1) year from the date when the variance originally became effective, an application for renewal of the variance is made to the Zoning Board of Appeals.
- (3) The Zoning Board of Appeals may grant or deny an application for renewal of a variance.

- (4) Sections 155.186, divisions (A) and (B), and Section 155.15.9(C) through Section 155.15.9(F) shall apply to an application for renewal of a variance.

(I) **Revocation.**

- (1) A variance granted subject to a condition or conditions shall be revoked by the Zoning Board of Appeals if the condition or conditions are not complied with. The Zoning Board of Appeals shall hold a public hearing within forty five (45) days, in accord with the procedure prescribed in Section 155.15.9(C), and if not satisfied that the regulation, general provision, or condition is being complied with, may revoke the variance or to take any action as may be necessary to ensure compliance with the regulation, general provision, or condition.
- (2) Within five (5) days following the date of a decision of the Zoning Board of Appeals revoking a variation, the Zoning Administrator shall transmit to the Board of Trustees written notice of the decision. The decision shall become final ten (10) days following the date on which the variance was revoked or on the day following the next meeting of the Board of Trustees, whichever is later, unless an appeal has been taken to the Board of Trustees, or unless the Board of Trustees shall elect to review the decision of the Zoning Board of appeals, in which cases Section 155.15.9(G) shall apply.

- (J) **New Application.** Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one (1) year of the date of denial or revocation of the variance.

155.15.10 – SIGN PERMIT APPLICATION

- (A) **Applicability.** A Sign Permit shall be required prior to the display, construction, erection, or alteration of a sign, and its structural components, on any property. All signs must comply with Section 12, and the applicable sections of the building code as adopted by Winnebago County. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.
- (B) **Exemptions.** Permit exceptions are listed in Section 155.12.6(A).
- (C) **Permanent Sign Permit Application.** An application for a Permanent Sign Permit shall be submitted in a form established by the Zoning Administrator. The application shall contain the following information:
 - (1) Name, address and telephone number of the applicant;

- (2) A site plan drawn to scale showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares;
 - (3) A plan drawn to scale showing the design of the sign including, dimensions, materials used, and method of construction, and means of attachment to the building or the ground;
 - (4) The name of the person, firm, corporation or association erecting, altering or relocating such sign;
 - (5) Written consent of the owner of the land on which the sign is to be erected, altered or relocated; and
 - (6) Any other information as the Zoning Administrator shall require in order to show full compliance with this and all other applicable ordinances of the Village.
- (D) **Temporary Sign Permit Applications.** An application for a Temporary Sign Permit shall be submitted in a form established by the Zoning Administrator. The application shall contain all information required for a Permanent Sign Permit application as detailed in Section 155.15.11(C) except for (C)(2).
- (E) **Review and Action.** After a Permanent or Temporary Sign Permit application has been submitted, the Zoning Administrator shall review the application in accordance with all applicable regulations. The Zoning Administrator shall render an approval, approval with conditions, or denial of the application, in writing to the applicant. An approval shall only be rendered when the Zoning Administrator is satisfied that the proposed sign complies with all applicable provisions of this chapter and all other applicable codes. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this chapter and all other applicable codes. Any notice of denial shall state the reason for denial.

155.15.11 – CERTIFICATE OF OCCUPANCY

- (A) **Applicability.** A certificate of occupancy issued by the Zoning Administrator shall be required for any of the following:
- (1) Occupancy and use of a building thereafter erected or enlarged.
 - (2) Change in use of an existing building.
 - (3) Occupancy and use of vacant land.
 - (4) Change in the use of land to a use of a different classification.
 - (5) Any change in the use of a non-conforming use.

- (B) **Initiation.** Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. Said certificate shall be acted upon after a written request for the same has been made to the Zoning Administrator after the erection or enlargement of such building or part thereof has been completed in conformance with the provisions of this ordinance.
- (C) **Temporary Certificate.** Pending the issuance of such a certificate, a temporary certificate may be issued by the Zoning Administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be constructed in any way to alter the respective rights, duties or obligations of the owner or of the Village relating to the use or occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- (D) **Change in Use.**
 - (1) Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided shall be made to the Zoning Administrator.
 - (2) If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefore shall be issued after the application for the same has been made.
- (E) **Certificate Requirements.** Each certificate of occupancy shall state that the building or proposed use of the building or land complies with all provisions of this chapter.
- (F) **Record of Certificates of Occupancy.** A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

155.15.12 – ENFORCEMENT AND VIOLATIONS


- (A) **Enforcing Officer.** The Zoning Administrator of the Village of Roscoe shall be responsible for enforcing this zoning ordinance.
- (B) **Restrictions on Employees.** No official or employee responsible for the enforcing of this ordinance shall engage directly or indirectly in the construction industry or the building professions, or in any type of gainful employment or business that conflicts with official duties or the interests of the business incorporated in this ordinance.

- (C) **Types of Violations.** Violations of this Zoning Ordinance and of law will be subject to the remedies and penalties provided in this Zoning Ordinance, the Village Code, and state law. Violations of this Zoning Ordinance include but are not limited to:
- (1) **Work Without Required Permits or Approvals.** It is a violation of this Zoning Ordinance to engage in any development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates and other forms of authorization required by this Zoning Ordinance.
 - (2) **Work Inconsistent with Permit.** It is a violation of this Zoning Ordinance to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
 - (3) **Work Inconsistent with Conditions.** It is a violation of this Zoning Ordinance to violate, by act or omission, any term, condition, or qualification imposed by a decision-making body upon a required permit, certificate, or other form of authorization.
 - (4) **Work Inconsistent with Zoning Ordinance.** It is a violation of this Zoning Ordinance to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or other regulation of this Zoning Ordinance, or any amendment thereof.
 - (5) **Making Lots or Setbacks Nonconforming.** It is a violation of this Zoning Ordinance to reduce or diminish any lot area so that the setbacks or open spaces are smaller than prescribed by this Zoning Ordinance, except in accordance with the procedural and substantive requirements of this Zoning Ordinance.
 - (6) **Increasing Intensity of Use.** It is a violation of this Zoning Ordinance to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this Zoning Ordinance.
 - (7) **Continuing Violations.** It is a violation of this Zoning Ordinance to continue any of the violations specified in this chapter. Each day that a violation continues shall be considered a separate offense.
- (D) **Responsibility for Violations.** Each person having an ownership interest in land shall be responsible for any violations of this Zoning Ordinance existing upon such land, regardless of whether such person created the violation.
- (E) **Remedies and Enforcement Powers.** The Village shall have the following remedies and enforcement powers:

(1) **Withhold Permits.**

- (a) The Village may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of this Zoning Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by a decision-making body.
 - (b) Instead of withholding or denying an authorization, the Village may grant a permit when the work to be completed includes correction of the violation.
- (2) **Revoke Permits.** A permit may be revoked when the Zoning Administrator determines that:
 - (a) There is departure from the plans, specifications, or conditions as required under terms of the permit;
 - (b) The plans, specifications, or conditions were obtained by false representation or was issued by mistake; or
 - (c) Any of the provisions of this Zoning Ordinance are being violated.
- (3) **Stop Work.** The Village may stop work on any building or structure on any land on which there is an uncorrected violation of this Zoning Ordinance or of a permit or other form of authorization issued hereunder.
- (4) **Revoke Plan or Other Approval.** When a violation of this Zoning Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Village Board may, upon notice to the applicant and property owner(s) (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Village Board may reasonably impose.
- (5) **Injunctive Relief.** The Village may seek an injunction or other equitable relief to stop any violation of this Zoning Ordinance or of a permit, certificate or other form of authorization granted hereunder.
- (6) **Abatement.** The Village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
- (7) **Penalties.** The penalty for a violation of this Zoning Ordinance shall be governed by the penalty provisions of the Village Code.

- (8) **Other Remedies.** The Village shall have such other remedies as are and as may be from time to time provided by Illinois law and other Village codes for the violation of zoning, subdivision or related Zoning Ordinance provisions.
 - (a) **Remedies Cumulative.** The remedies and enforcement powers established in this chapter are cumulative.
- (F) **Enforcement Procedures.**
 - (1) **Non-Emergency Matters.**
 - (a) In the case of violations of this Zoning Ordinance that do not constitute an emergency, the Zoning Administrator shall give notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have ten (10) days, or such longer period as the Zoning Administrator allows, to correct the violation.
 - (b) If the violation is not corrected within the required timeframe, the Zoning Administrator and Village Prosecutor or Village Attorney shall use all penalties, remedies and enforcement powers available under this Zoning Ordinance.
 - (c) Notice must be given in-person, by United States Mail, or by posting notice on the premises. Notices of violation must state the nature of the violation, the time period allowed for coming into compliance, the corrective steps necessary, the nature of subsequent penalties and enforcement actions should the situation not be corrected, and the appeal procedures for the Notice of Violation.
 - (2) **Emergency Matters.** In the case of violations of this Zoning Ordinance that constitute an emergency, the Village shall use all remedies, penalties and enforcement powers available under this chapter without prior notice, but the Zoning Administrator must send notice simultaneously with beginning enforcement action to the property owner and to applicants for any relevant permit.
- (G) **Other Enforcement Matters.**
 - (1) **Other Powers.** In addition to the enforcement powers specified in this chapter, the Village may exercise any and all enforcement powers granted to them by Illinois law.

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- (2) **Continuation.** Nothing in this Zoning Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the Village pursuant to previous and valid ordinances and laws.