

Village of Tolono Champaign County, Illinois Zoning Ordinance

ORDINANCE NO. 2.19-XXX

Adopted by the Mayor and Board of Trustees of the
Village of Tolono, Illinois

Village of Tolono | 2.19 Zoning Ordinance

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Article 1. GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "ZONING AND USE REGULATIONS ORDINANCE, VILLAGE OF TOLONO, ILLINOIS.

SECTION 1.2 PURPOSE

This zoning ordinance has been prepared and is adopted in order to protect and to promote adequate light, pure air, and safety from fire and other dangers; that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted. Specifically, the powers of the zoning ordinance are as follows:

- A. To regulate and limit the height and bulk of buildings hereafter to be altered or erected.
- B. To establish, regulate and limit the buildings or set-back lines on or along any street, traffic-way drive or parkway.
- C. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces, within and surrounding such buildings.
- D. To regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
- E. To divide the entire municipality and all contiguous areas within one and one-half miles of village limits of said municipality into district of such number, shape, area and of such different classes (according to use of land and buildings, height and bulk of buildings, intensity of the use of lot area, area of open spaces or other classification) as may be deemed best suited to carry out the purpose of this Ordinance.
- F. To fix standards to which buildings or structures therein shall conform.
- G. To prohibit uses, buildings, or structures incompatible with the character of such districts.
- H. To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Ordinance.
- I. If you are part of a homeowners association, be aware that the organization may have additional prohibited activities.

SECTION 1.3 COMPLIANCE

- A. Except as hereinafter provided, no building or land shall hereinafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

- B. No building shall hereinafter be erected or altered to exceed the height, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- D. All contiguous property that lies within one and one-half miles of the corporate limits but is not included within the municipality shall automatically have its classification changed to R-1 upon annexation to the village, unless the land that is annexed shall have been previously zoned to a classification other than A-Agricultural District, in which case the land shall maintain its zoning classification on annexation to the Village, unless the owner(s) thereof and the Village agree upon some other zoning classification, which shall be included in the annexation ordinance.

SECTION 1.4 SEPARABILITY

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

- A. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance or amendments thereto to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement. To the extent that any portion of this Ordinance judicially is invalidated by a Court of competent jurisdiction, the balance of the Ordinance shall remain in full force and effect to the extent permitted by law.

SECTION 1.5 GENERAL PROHIBITIONS

- A. No person shall do or perform anyone or more of the following acts except in compliance with the provisions of this Ordinance:
 - 1. Conduct the use or arrangement or relocation of construction of a building, structure, or improvement to land does not conform with that authorized by approved plans.
 - 2. Construct an improvement or conduct a use that is operating without obtaining the appropriate permits or zoning approval.
 - 3. Conduct the use of a building or land that is nonconforming, unless such use has been established in accordance with Article Twenty-One: Nonconformities.
 - 4. Conduct the use of a building or land which is a conforming use but does not meet the applicable district performance standards, or other requirements of this Ordinance, unless otherwise provided for in Article Twenty-One: Nonconformities.

5. Conduct the use of the building or land which does not comply with conditions or standards enumerated in a provisional, or special use approval.
6. Execute the sale, conveyance, or use of any portion of a lot that is sold, conveyed, or used which reduces the following:
 - a. The lot area below the minimum area requirements of this Ordinance.
 - b. The lot area to the extent that the floor area ratio is greater than the maximum permitted by this Ordinance.
 - c. The usable open space areas below the open space ratio and usable open space requirements of this Ordinance.
 - d. The depth or width of a yard to less than the minimum depth or width required by this Ordinance.
 - e. The number and size of parking spaces on the lot is reduced below the minimum number of such spaces required by this Ordinance.
 - f. The subdivision of land was not executed in accordance with the Village's Subdivision Ordinance.
7. Erect more than one principal structure on one lot.
8. Have more than one principal use on one lot, unless otherwise provided for in Article Three: Districts, Uses and Boundaries Thereof.
9. Establish, expand, enlarge, relocate, or change any use of building, structure, or land.
10. Establish, expand, enlarge, relocate, extend the termination of, or change any nonconforming use.

B. No person shall violate the provisions of this Ordinance.

SECTION 1.6 OFFICIAL ZONING MAP

- A. The zoning district boundaries shall be adopted as part of this Ordinance and from time-to-time as provided in this Ordinance. The zoning district boundaries shall be shown on the "Zoning Map, Incorporated Areas" adopted from time-to-time by the Village Board and shall be referred to herein as the "Official Zoning Map". The Official Zoning Map shall also indicate the locations of all approved planned developments and special uses.
- B. The Official Zoning Map shall be signed and dated by the Village Clerk. All notations, colors, dimensions, references, legends, and symbols shown thereon, shall be part of this Ordinance as if fully described herein, and shall be filed as part of this Ordinance with the Village Clerk.

SECTION 1.7 ANNUAL ZONING MAP UPDATE

- A. At least once annually, no later than December 31 of each year, the Village Board shall authorize the publication of an Official Zoning Map, which shall include any changes

affecting district boundary lines or other matter portrayed on the Official Zoning Map, accomplished by amendment to this Ordinance or otherwise, during the last calendar year. Unless otherwise provided in the Ordinance amending the boundaries of any district, the classification of any lot or the regulation of uses within a district, annexation of any land, any change affecting the boundaries or the classification shall be in full force and effect ten days after the adoption of the amendatory Ordinance regardless of whether such a change has yet been incorporated into the Official Zoning Map. Copies of all amendatory ordinances shall be made available for public reference in the offices of the Village. If no changes in the Official Zoning Map have been made within the year, a new map need not be prepared.

SECTION 1.7 ZONING MAP INTERPRETATION

The boundaries of the districts as shown on the Official Zoning Map are generally intended to coincide with the center lines of streets and alleys or with lot lines. If, on the map, the zoning district boundary line of a district:

- A. Approximates the line of a street or alley, the boundary line shall be construed to be the center line of the street or alley.
- B. Approximates the boundary line of a platted lot, the district boundary line shall be construed to be the lot line.
- C. Boundaries indicated as following railroad lines, shall be construed to be the center line of the railroad right-of-way.
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through C. above, shall be so construed.
- E. Where a district boundary divides a platted lot or unplatted or unsubdivided property into district parts, the district boundary lines shown on the map shall be determined by the scale appearing on the Official Zoning Map.

Where physical features on the ground are at variance with those shown on the Official Zoning Map, or other circumstances exist not covered by this section, the Zoning Administrator shall interpret the district boundaries.

END OF ARTICLE ONE.

Article 2. DEFINITIONS

SECTION 2.1 GENERAL

The purpose of this Article is to establish the meaning of words that are subject to different interpretations. For the purposes of this Article, the definitions listed shall have the meaning specified herein, except where the text clearly indicates or requires a different meaning.

SECTION 2.2 DEFINITIONS

A

Abandoned shall mean the discontinuance of a nonconforming use for a period of six (6) continuous months or more. Cessation of a use due to damage caused by fire, explosion, or catastrophe does not constitute abandonment unless there is no action to commence restoration within twelve (12) months of the incident. Any period of discontinuance of a commercial or industrial use caused by strikes, material shortages, or other circumstances without fault of the owner shall not be considered in calculating the length of discontinuance.

Access shall mean a way or means of vehicular entry onto a property.

Access drive. See "driveway or Driving Lane".

Accessory apartment shall mean a separate dwelling unit within an owner-occupied single-family detached dwelling, complete with its own sleeping, cooking, and sanitary facilities.

Accessory office shall mean an office use within an owner-occupied single-family detached dwelling.

Accessory parking lot shall mean a parking lot, serving a use on another lot.

Accessory use shall mean for purposes of this Ordinance a structure or use on the same lot as a principal use provided that such use meets all of the following characteristics:

1. The use is related to the principal use.
2. The use is incidental or subordinate to the principal use.
3. The use is allowed as a permitted, provisional, or special use in this district, or is a home occupation.

Adjacent shall mean adjoining, bordering, touching, or contiguous. This shall also include two (2) lots which are separated by a street, public alley, or public walk

Adult Entertainment Use (or Activity or Establishment): An adult bookstore, adult cabaret, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified

anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

Adult Bookstore: Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises, or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Alley shall mean any public way whose primary function is to furnish secondary vehicular access to the side or rear of properties abutting on each side and having their main access on a street.

Alteration shall mean any act or process which changes one or more of the exterior architectural features of a building and/or improvements to the building which are subject to the design standards for a Landmark, or a Conservation or Historic District in which the building is located, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Alteration, structural shall mean any change in the structural members of a building, such as foundations, bearing walls, columns, beams, or girders.

And/or shall mean "and", may be read "or", and "or" may be read "and", if the sense requires it.

Applicant shall mean a person submitting an application for planning or zoning action.

Assembly, manufacturing shall mean the process of assembling and packaging premanufactured items into a single final product.

Assembly, public shall mean a structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include, but are not limited to, arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Associated use shall mean a commercial or industrial enterprise which owns or leases an accessory parking lot for the exclusive use of its or their tenant's customers and employees.

Automobile repair, major shall mean general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender straightening, and

repair; vehicle painting, or paint shop; for five (5) or more vehicles per month; servicing to trucks exceeding one and one-half (1½) tons capacity.

Automobile repair, minor shall mean replacement of parts, maintenance and repair services to passenger cars and trucks not exceeding one and one-half (1½) ton capacity, excluding activities defined herein as major automobile repair.

Automobile salvage yard shall mean a lot, land, building, or structure, or part thereof, used primarily for the dismantling, or salvaging of inoperable vehicles.

Automobile service station shall mean a place where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, and including minor automobile repairs.

Awning shall mean an architectural projection that provides weather protection, and is wholly supported by the structure to which it is attached. The awning may provide a business sign or identification, or decoration of the structure to which it is attached. An awning is comprised of a lightweight, ridged skeleton structure over which a rigid covering is attached.

Awning or canopy sign shall mean an on-premises business sign other than a projecting sign located upon a canopy or awning.

B

Balcony shall mean an exterior platform on a structure, projecting from the wall.

Bank shall mean the natural or man-made slope immediately bordering the watercourse or waterbody containing or confining the normal water flow.

Banner shall mean a strip of flexible material such as cloth, paper, or plastic, securely fastened on all corners to a building or a structure and used to advertise a special event.

Basement shall mean that story of a structure which is partly or completely below grade. A basement shall be considered a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty (50) percent of the total perimeter or more than twelve (12) feet at any point.

Bed and breakfast homestay shall mean an owner-occupied single-family detached dwelling in which no more than three (3) bedrooms are rented to transient guests on an overnight basis and in which breakfast only is served to overnight guests.

Bed and breakfast inn shall mean a converted single-family detached dwelling in which rooms are rented to transient guests on an overnight basis. Serving food and subordinate retail sales to the general public are permitted activities within a bed and breakfast inn.

Bedroom shall mean a room intended for or capable of being used for sleeping and which is at least seventy (70) square feet in area. A room designated on building plan submittals as a "den", "library", "study", "loft", dining room or other extra room which satisfies the definition and

is not a kitchen, living room, or bath will be considered to be a bedroom for the purpose of computing bedroom area.

Bedroom area shall mean the floor area of a bedroom exclusive of closet and bathrooms.

Berm shall mean a man-made landform, typically built as an earth mound.

Block shall mean a unit of land bounded by streets or by a combination of streets and public park land, railroad rights-of-way, waterbody, or any other barrier to the continuity to development.

Board of Trustees shall mean the governing body of the Village.

Boarding/Rooming House shall mean a single-family dwelling where more than two but less than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guest.

Bond shall mean an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.

Brewery is a facility where beverages are manufactured by the alcoholic fermentation of a concoction of barley (or other grain), malt and hops in water. These beverages include, but are not limited to, beer, ale, lager, stout, pilsner, and other malt beverages. A Brewery may have a tasting room.

Buffer area shall mean land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances. Buffer areas may include fences, berms, shrubs, or trees to mitigate the impacts of the more intense use.

Building. See "Structure."

Building height. See "Height."

Building line shall mean a line parallel to or concentric with the street right-of-way line at any story level of a structure and representing the closest point of any structural part of the building is set back from such right-of-way line.

Building, principal. See "Structure, principal."

Bulk regulations. See "Development standards."

Bulk storage shall mean the storage of chemicals, petroleum products, or hazardous materials in above ground or below ground storage containers designed for wholesale distribution or mass consumption.

Bulletin board sign shall mean a sign of permanent character, but with manually movable letters, words, or numerals indicating the names of persons associated with, events conducted upon, or products or services offered upon the premises where such sign is maintained.

Business shall mean any profession, trade, occupation, and any other commercial enterprise conducted for monetary reward.

Business day shall mean Monday through Friday, from 8:00 a.m. until 5:00 p.m., excepting therefrom legal holidays.

Business sign shall mean a sign which directs attention to or identifies a business, or which directs attention to or identifies a commodity, service, or entertainment to be sold or offered for sale. Any sign displaying the name of a business enterprise shall be conclusively presumed to be a business sign. Any sign displayed on a lot occupied by a business enterprise shall be presumed to be a business sign.

By law (law) shall mean as provided by statute of the United States or State of Illinois, or ordinance of the Village.

C

Caliper shall mean a measurement of the size of a tree equal to the diameter of the trunks measured eighteen (18) inches above natural grade.

Canopy shall mean an architectural projection that provides weather protection and is supported by the building to which it is attached and the outer end by not less than two (2) stanchions. A canopy is comprised of a rigid structure over which a rigid covering is attached. The awning or canopy may provide a business sign or identification, or decoration of the structure which it is attached to. A canopy shall have a projection of no less than two (2) feet and is comprised of a rigid structure over which a rigid covering is attached.

Carport, freestanding shall mean a freestanding roof structure open on all sides intended to provide protection for motor vehicles parked below. For purposes of signage, signs on freestanding carports shall be treated as wall signs.

Cellar shall mean a story of building having more than three-fourths (3/4) of its height below the level of the finished grade at all points on walls facing front and side yards.

Cemetery shall mean land used or intended to be used for the burial of dead human or dead animals and dedicated for cemetery purposes.

Clerk shall mean Village Clerk.

Clinic shall mean a place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or kept overnight on the premises.

Club, country shall mean a membership organization whose facilities are available for use only by its dues paying members and their guests. The term shall include private country clubs that have at least a nine-hole golf course.

Cluster development shall mean a form of planned development that permits a reduction in lot area, provided that the overall floor area ratio and open space requirements comply with the requirements in this Ordinance, and overall density levels are maintained. The clustering of dwelling units in one (1) area on smaller lots allows the preservation of environmentally sensitive features and areas that can be dedicated to common open space.

College shall mean an educational institution authorized by the State to award associate, baccalaureate, or higher degrees.

Commercial feed lot shall mean any tract on which the principal use is the concentrated or forced feeding of livestock, fish, fowl, or other animals for the sale of such animals or the sale of products derived from such animals.

Commercial recreation, indoor shall mean establishments where recreational or sporting activities are carried on completely indoors. Such establishments may include, but not be limited to, bowling alleys, dance halls, skating rinks, racquet clubs, indoor swimming pools, gyms, and other similar facilities.

Commercial recreation, outdoor shall mean establishments where recreational or sporting activities that are conducted outdoors. Such establishments may include, but not be limited to, miniature golf, batting cages, go-cart tracks, stables and other similar operations.

Commercial service shall mean retail establishments that primarily render services rather than goods. Such services may include, but not be limited to, copy shops, printing services, package and postal services, photo processing, janitorial services, and similar operations.

Common lot line dwellings. See "Dwelling, common lot line."

Community facility. A noncommercial use established primarily for the benefit and service of the population of the community or region in which it is located including schools, community colleges and universities.

Community living facility shall mean a dwelling unit operated to provide supervision, food, lodging, or other services to a service dependent population as herein defined, living and cooking together in a single cooperative housekeeping unit, consisting of:

1. A basic group of members of a service dependent population.
2. Additional staff persons providing supervision of service to the basic group.

Community living facility, Category I (CLF1) shall mean a community living facility with a basic group limited to not more than four (4) service dependent individuals plus a maximum of two (2) resident (live-in) staff at any given time, subject to a higher number of staff if required to meet State or Federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short-term, transient placements.

Community living facility, Category II (CLF2) shall mean a community living facility with a basic group limited to not more than eight (8) service dependent individuals plus a maximum of two (2) resident (live-in) staff at any given time, subject to a higher number of staff if required to meet State or Federal regulations. Said facility is intended for permanent placements, and shall not be for crisis or short-term, transient placements.

Community living facility, Category III (CLF3) shall mean a community living facility with a basic group limited to not more than sixteen (16) service dependent individuals plus staff. Said facility may be used for temporary or permanent placement of service dependent individuals.

Conforming use shall mean any use of a structure or land which is a permitted, or approved provisional or special use in the district in which the structure or land is situated and which conforms to the regulations of that district and all other regulations of this Ordinance. Also see Article 21, Nonconformities, for further definitions.

Conservation district shall mean an area designated as a "Conservation District" by ordinance of the Village Board which contains buildings or sites within definable geographic boundaries that, while not of such historic and/or architectural significance to be designated as a landmark or included within a Historic District, nevertheless are characterized by sound housing or commercial buildings that contribute to the visual characteristics or distinctive atmosphere of the neighborhood in which such property is located.

Construction shall mean any act or process which requires a building permit and which adds an addition onto an existing building or erects a new principal or accessory structure on a lot which is subject to the design standards for the district in which the property is located.

Contributing building shall mean a building, site, structure, or object that adds to the historic association, historic architectural quality, or cultural values because it was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity, or is capable of yielding important information about the period.

Convenience store shall mean a retail store selling predominantly food items that has a total floor area of the use less than ten thousand (10,000) square feet.

County shall mean Tolono County, Illinois.

Courtyard shall mean an open, uncovered and unoccupied space, other than a yard, which is bounded in whole or in part by the walls of a building.

D

Day care center, adult shall mean a building or portion thereof, used to receive adults, for short term hours of care, not providing for overnight occupancy, and used to provide essential personal care, protection, supervision, training, or programs to meet the needs of the adults served, but which shall not include day/night care home.

Day care center/nursery school shall mean a building or portion thereof, properly licensed by the State of Illinois or any other applicable governmental agency used to receive infants, preschool, school age children, or combinations thereof, for short term hours of care, not providing for overnight occupancy, and used to provide essential personal care, protection, supervision, training, or programs to meet the needs of the children served, but which shall not include school or day/night care home. Such facility shall provide a minimum of four stacking spaces for off-street drop-off parking and loading of children shall be provided to accommodate customers. Such facility shall be designed and used so that there is no play equipment or care of children in the front or side yard setback. Outdoor activities shall only be permitted between 8:00 a.m. and 6:00 p.m.

Day/night care home shall mean a dwelling unit actually occupied by a family, properly licensed by the State of Illinois or any other applicable governmental agency which is used or designed to be used for care of not more than eight (8) children under the age of sixteen (16) years who are not part of the family occupying the dwelling unit; provided that the maximum of eight (8) children includes all children under the age of sixteen (16) years who are part of the family occupying the dwelling unit, and provided further that any children who are not part of the family are received for care for less than twenty-four (24) consecutive hours. Such facility shall

be designed and used so that there is no play equipment or care of children in the front or side yard setback. Outdoor activities shall only be permitted between 8:00 a.m. and 6:00 p.m.

Demolition shall mean any act or process which destroys in part or whole a feature of a building which is subject to the design standards for a landmark or building within a Conservation or Historic District.

Density shall mean the number of dwelling units per acre.

Density, gross shall mean the density based on all land within the boundaries of the particular area.

Density, net shall mean the density based on land within the boundaries of the particular area excluding public rights-of-way.

Design standards shall mean a set of guidelines regarding the architectural appearance of a building, or improvement, which governs the alteration, construction, demolition, or relocation of a building, or improvement.

Destroyed shall mean damage to a building caused by fire, explosion, or other catastrophe in which the costs to reconstruct or repair the building exceed more than fifty (50) percent of the value of the building immediately prior to the time the damage occurred.

Development standards shall mean standards established by this Ordinance for zoning lots or the placement or size of a building on the lot.

District shall mean a territory delineated on the Zoning Map for which the regulations and restrictions of this Ordinance governing the use of land and buildings, height of buildings, bulk of buildings, floor area, open space, size and location of yards, and off-street parking facilities are uniform.

Dormitory shall mean a building in which lodging is regularly provided or offered for compensation to three (3) or more persons by prearrangement and for definite periods of time, and in which provisions for cooking facilities within individual units may or may not be provided.

Drive-in or drive-through shall mean a building or portion thereof which is designed to provide either wholly or in part, service to customers in vehicles that are either parked or stacked in a service lane. Drive-in facilities include, but are not limited to, drive-in restaurants, drive-in banking facilities, and other uses with drive-up windows.

Driveway or driving lane shall mean a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Duplex. See "Dwelling, two-family."

Dwelling shall mean any building or a portion of a building, occupied or designed to be occupied by one or more units each of which is used or designed to be used as a permanent place of abode for human occupancy.

Dwelling, attached shall mean a one-family dwelling attached to one or more one-family dwellings by common vertical walls. This is also known as "dwelling, common lot line."

Dwelling, common lot line shall mean a dwelling unit that adjoins another dwelling unit at a common lot line with each dwelling unit being located on its own separate lot.

Dwelling, detached shall mean a single dwelling which is not attached to any other dwelling unit or structure.

Dwelling, multifamily shall mean a structure or portion of a building containing three (3) or more dwelling units, or one (1) or more dwelling units if located within a mixed-use building that contains a non-residential use.

Dwelling, single-family shall mean one detached dwelling unit on an individual lot.

Dwelling, two-family shall mean a dwelling containing two (2) dwelling units on a single lot. This is commonly referred to as a duplex.

Dwelling unit shall mean one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of a single-family maintaining a household.

E

Easement shall mean a grant of one or more of the property rights by the grantor or property owner to the grantee for use by the public, a corporation, or another person or entity.

Easement, drainage shall mean an easement for the installation, preservation or maintenance of stormwater sewers, stormwater control apparatus, or drainage ditches of a drainage way, natural stream, watercourse, or other drainage facility.

Easement, maintenance shall mean an easement which provides access for maintenance of an adjoining stream, building, or property.

Easement, utility shall mean a general easement for the location and maintenance of public utilities.

Egress shall mean an exit.

Electronic bulletin board shall mean a sign of permanent character, but with electronically changeable letters, words, or numerals indicating the names of persons associated with or events conducted upon or products or services offered upon the premises where the sign is maintained which changes no more than once in any fifteen (15) minute period, illuminated internally by means of electric bulbs or other similar methods, controlled electronically, and able to be programmed to change indefinitely.

Electronic message sign, changing shall mean a sign whose words, numerals or other images indicating the names of persons associated with or events conducted upon or products or services offered upon the premises where the sign is maintained, which changes more than once in any fifteen (15) minute period, and is illuminated internally by means of electric bulbs or other similar methods, controlled electronically and able to be programmed to change indefinitely.

Emergencies shall mean life or health threatening condition which requires immediate attention.

Emergency shelter for the homeless shall mean a structure utilized for emergency housing in a dormitory-style setting in which each resident lives at the shelter for a period not to exceed sixty (60) consecutive days.

Enlargement shall mean an increase in the exterior footprint or floor area of an existing structure or building.

Erosion shall mean the detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Expansion. See "Enlargement."

Exterior architectural appearance shall mean the architectural character and general composition of the exterior of a structure, including but not limited to, the kind and texture of the building material and the type, design, and character of all windows, doors, light fixtures, ornamental details, signs, and appurtenant elements.

F

Factory built home shall mean a home including modular, precut, paneled, kit and log homes. Such homes consist of panels or precut materials which are shipped to the site and assembled there.

Family shall mean a person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, hotel, fraternity, or sorority house, provided, however, that for the purposes of definition, "family" shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption. "Family" shall include members of the service dependent population living in community living facilities and recovery homes as herein defined.

Farm shall mean a property used for the growing and storage of the usual agricultural products such as grain, vegetables, and fruit. The term "farms" includes the utilization of such land for one (1) or more of the above uses with the necessary operations for treating or storing the produce provided, however, that the operation of any accessory uses shall be secondary to that of the normal farming activities.

1. A commercial feed lot shall not be considered a farm.
2. Residential structures occupied by persons primarily engaged in farming at the location of the farm shall be included in the term "farming". However, there shall not be more than three (3) dwelling units on any one farm.

Farm, livestock shall mean a tract of land used for the growing and storage of the usual agricultural products such as grain, vegetables, and fruit, as well as for the raising thereon of the usual farm poultry and farm animals, including but not limited to, horses, cattle, sheep and swine.

Financial institution shall mean a bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM). "Financial Institution" shall not include a currency exchange.

Fitness and beauty services shall mean may include facilities offering services for personal grooming, appearance, and physical fitness. Such facilities include, but are not limited to barbers, beauty salons, tanning salons, massage parlors, health clubs, and other similar operations.

Flag shall mean a device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

Flag, business shall mean a flag displaying the name, insignia, emblem, or logo of a profit-making entity.

Flag display shall mean a display of two (2) or more flags in close proximity, mounted on permanent flagpoles or brackets attached to a building, which are clearly related in form, design, and scale.

Flag, public or governmental shall mean a flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or noncommercial organization.

Flashing sign shall mean a sign which exhibits artificially changing light or color effects which is visible from the right-of-way or adjoining properties.

Flood shall mean a general or temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of the runoff of surface waters from any source.

Floodplain shall mean the land adjacent to a body of water with ground surface elevations at or below the base flood or a particular year frequency flood elevation.

Floor area shall mean gross floor area, measured to the outside walls, but exclusive of such floor area as may be used for:

1. Parking facilities within the principal building;
2. Cellars in single-family dwellings;
3. Penthouse housing ventilators, heating systems, and similar uses.
4. Enclosed space devoted exclusively to recreational use.

Floor area ratio shall mean gross floor area divided by total lot area.

Footcandle shall mean a measure of illumination on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Freestanding sign or outdoor advertising sign structure shall mean a sign or outdoor advertising sign structure secured to the ground and not attached to a building.

Frontage shall mean that portion of a lot abutting a street.

G

Garage, private shall mean an accessory structure or a portion of a principal structure designed for the storage of one (1) or more automobiles belonging to the occupants of a specified dwelling. This term shall also include "car port."

Garage, public parking shall mean any structure used for the storage of more than one automobile for compensation.

Gas station. See "Automobile service station."

Gender shall mean words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.

Government building shall mean a structure, or a portion thereof used for the operations of the Village of Tolono, State of Illinois, Federal Government, or any other unit of government authorized by Village, State, or Federal legislation. Buildings owned by a governmental entity which are leased or operated as a private enterprise shall not be classified as a government building.

Gross area shall mean the entire area within the development boundaries.

Groundwater shall mean the supply of freshwater under the surface in an aquifer or soil that forms a natural reservoir.

Group housing, university shall mean group housing structures, certified by the University as approved residences for University students. Such housing structures include dormitories, fraternities, sororities, and other certified structures.

H

Hazardous substance shall mean any substance defined as hazardous by the Village, State or Federal Government from time to time.

Health officer shall mean the head Public Health Administrator of the Tolono—Urbana Public Health District or any person designated by the Village Board to perform the Village health functions and duties.

Height, building shall mean the mean vertical distance from the average established grade in the front of the lot or from the average natural grade at the building line, if higher, to the average height of the top of the cornice of flat roofs, to the deck line of a mansard roof, to the mid-height of the highest gable or dormer in a pitched or hipped roof or if there are no gables or dormers to the mid height of a pitched or hipped roof.

1. Where a lot faces on two (2) or more streets or alleys of different average established grades in front of the lots, the higher of such grades shall control only for a depth of one hundred twenty (120) feet perpendicularly back from the street line of the higher street or alley.

2. On a corner lot, the height is the mean vertical distance from the average established grade or from the average natural grade at the building line, if higher, on the street of greatest width, or if two (2) or more streets are of the same width, from the higher of such grades.

Height, sign or outdoor advertising sign structure shall mean the height of a sign or outdoor advertising sign structure shall be the distance from the top of the highest portion of the sign or structure to:

1. The grade at the foundation of the sign or outdoor advertising sign structure.
2. The average grade of the lot, whichever distance is greater.

Historic shall mean includes, but is not limited to cultural, artistic, social, economic, ethnic, or political heritage.

Historic district shall mean an area designated as an "Historic District" by ordinance of the Village Board of Trustees which contains within definable geographic boundaries, properties, or buildings, which may or may not be landmarks, which contribute to the overall historic character of the designated area.

Historic preservation design standards. See "Design standards."

Home occupation shall mean an accessory use within a dwelling unit, involving the manufacture, provision, or sale of goods or services or a combination thereof, which is carried on by residents of the dwelling unit.

Hospital shall mean a building or portion thereof used for the treatment of sick, injured or infirm persons and licensed as a hospital by the State.

Hotel/motel shall mean a building in which lodging or lodging and meals are regularly provided or offered to the public for compensation and which is customarily open to transient guests.



ILCS shall mean the latest edition of the Illinois Compiled Statutes.

Illuminated sign shall mean a sign designed to give forth any artificial light or reflect light from any artificial source.

Immediately adjacent shall mean adjoining, bordering, touching, or contiguous. If two (2) lots are separated by a street, public alley, or public walk, they shall not be deemed immediately adjacent.

Improvement shall mean any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

Ingress shall mean access or entry point or entrance.

Institutional use shall mean a nonprofit or quasi-public use such as a religious institution, library, public, or private school, hospital, or government owned, or operated structure or land used for public purpose.

Instructional or directional sign shall mean a sign conveying instructions or directions with respect to the lot on which it is located. A business name or logo may be a part of an instructional or directional sign, providing that it occupies less than fifty (50) percent of the surface area.

Internal circulation system shall mean a road providing primary access to properties within a planned development, special use, or other unified development.

J

Joint authority shall mean that authority given to several persons or officers. Such authority vests in a majority of such persons or officers.

Junkyard shall mean a lot, land, building, structure, or part thereof, used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, salvaging of machinery, appliances, or inoperable vehicles.

K

Keeper shall mean one (1) in possession of or who has the care, custody or superintendence of a thing, place, or business whether or not the owner or proprietor which may include any person, firm, association, corporation, club, and co-partnership whether acting by themselves or by a servant, agent, or employee.

Kennel shall mean any structure or premises on which five (5) or more domesticated animals are maintained, boarded, harbored, housed, fed or offered for sale.

L

Landmark shall mean a property, structure, or building designated as a "landmark" by ordinance of the Village Board which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the Village of Tolono.

Landscape shall mean the berms, trees, shrubbery, lawns, grass, and groundcover which is on a parcel.

Landscape setback shall mean that area along the common property line, associated with the side or rear yard areas of a lot, which is improved with berms, trees, shrubs, groundcovers, or structural screening walls for the purpose of physically separating and buffering adjacent land uses.

Landscaping shall mean changing, rearranging, or adding to the original vegetation or scenery to produce an aesthetic effect.

Loading space or area shall mean an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the parking of a vehicle while loading or unloading merchandise or materials and which abuts upon a driveway, street, alley, or other appropriate means of access.

Local Street. See "Street, local."

Lodge shall mean a membership organization which holds regular meetings and which may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.

Lot shall mean a unit of land intended to be used for the development of a principal use.

Lot, adjacent shall mean adjoining, bordering, touching, or contiguous. If two (2) lots are separated by a street, public alley, or public walk they shall not be deemed to be adjacent.

Lot, corner shall mean a lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, such intersecting streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage shall mean that portion of the lot that is covered by buildings and structures.

Lot, double frontage. See "Lot, through."

Lot, interior shall mean a lot other than a corner lot.

Lot line shall mean the perimeter of a lot as defined by public records which divides one lot from another lot or from a public or private street or any other public space.

Lot line, front shall mean the line dividing a lot from a street, unless the property fronts on two (2) streets. In this instance the front line shall be the shortest line of the two (2) if the shorter line is eighty (80) percent or less of the longer. In the instance the line is not, then the property owner may choose which line is the front line.

Lot line, rear shall mean the lot line opposite the front lot line. In the case of an irregular or triangular shaped lot, it shall mean a line within the lot, ten (10) feet long parallel to and at the maximum distance from the front lot line.

Lot line, side shall mean any lot line other than a front or rear lot line.

Lot of record shall mean a lot which exists as shown or described on a plat or deed which has been recorded in the office of the Recorder of Champaign County.

Lot, rowhouse, exterior shall mean a lot which is or is intended to be a site for a rowhouse with a similar rowhouse attached on only one side.

Lot, rowhouse, interior shall mean a lot which is or is intended to be a site for a rowhouse with a similar rowhouse attached on each side.

Lot, through shall mean a lot having frontage on two (2) streets, but not a corner lot.

Lot width, minimum shall mean the distance measured along a straight line between the points at which the front setback line intersects the side lot lines.

Lot, zoning shall mean one (1) or more buildable lots located within a single block, which is designated as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Low-rise multi-family residential shall mean a single structure of two or three stories in height. Each dwelling unit is confined horizontally to an individual floor or combination of floors, but with a dwelling unit immediately above and/or below.

Luminaire shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

M

Major planned development shall mean a development which meets either of the following conditions:

1. Comprises more than sixty thousand (60,000) square feet of land area; or
2. Proposes more than twenty thousand (20,000) square feet of gross building area or:
3. Proposes more than twenty (20) dwelling units.

Manufactured home shall mean a structure transportable in one (1) or more sections, which in the traveling mode is eight (8) feet wide or more and forty (40) feet long or more, and when erected, is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Such units are certified as being built to the "HUD" Construction Code Also see Mobile Home

Manufacturing 1, heavy shall mean the converting of raw or partially processed materials into a product used for further processing or distribution. Examples of heavy manufacturing include, lumber and paper mills, sewage treatment plants, stone, clay, glass product manufacturing, asphalt and concrete batch plants, and similar operations. These uses may be conducted partially or wholly outdoors and usually create noxious by-products such as dust, fumes, hazardous waste products, noise, vibration and glare.

Manufacturing 2, heavy shall mean the same processes as heavy manufacturing 1, but these uses pose special health or safety hazards requiring special use review. Such uses include, acid manufacture, cement, lime, gypsum manufacture, explosive manufacture or storage, fertilizer manufacture, petroleum refining, petrochemical plant, smelting of tin, copper, zinc, or iron ores, stockyards, and other similar uses.

Manufacturing, light shall mean the assembling, altering, processing, converting, or finishing of preprocessed materials for food or consumer products. Operations are conducted mostly indoors with limited by-products.

May shall mean the word "may" is permissive and discretionary.

Microbrewery is a brewery that produces less than ten thousand (10,000) barrels of beer per year. A microbrewery may include a tasting room.

Mid-rise multi-family residential shall mean a single structure of between two and three stories in height which includes multiple dwelling units with individual entrances to each dwelling from a shared interior corridor or common area. Each dwelling unit is confined horizontally to an individual floor or combination of floors, but with a dwelling unit immediately above and/or below.

Mini-mart shall mean a convenience store where food and grocery items are sold along with motor fuel.

Minor planned development shall mean a planned development which does not come within the definition of Major Planned Development.

Minor works shall mean those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or the district as a whole.

Mitigation plan shall mean a strategy developed by the property owner, and approved by the Planning and Zoning Board to alleviate or mitigate any existing or potential negative impacts of a nonconforming use on surrounding properties.

Mixed use shall mean the use of a tract of land or structure with two (2) or more different principal uses. Each use must comply with the use regulations of this Ordinance.

Modular Home. See "Factory built home."

Mobile Home. Mobile (Manufactured) Home: A moveable or portable unit, designed and constructed to be towed or driven on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for occupancy and to provide complete independent living facilities including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed, or telescoped when being towed and then be expanded to provide additional capacity, and units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated in components for repeating towing. Removal of wheels, towing devices, and any other alterations does not qualify a mobile home as a conventional single family dwelling. Also, See Manufactured home.

Mobile (Manufactured) Home Site. A clearly designated parcel of land intended for the placement of an individual mobile (manufactured) home and for the exclusive use of its occupants.

Mobile (Manufactured) Home Park. A contiguous parcel of land planned and improved for the placement of two or more mobile (manufactured) homes for permanent habitation, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile (manufactured) home park

Mobile (Manufactured) Home Park Service Building. A permanent structure housing laundry, recreation, office, sanitation or other community facilities as required in mobile (manufactured) home parks for the use by the mobile (manufactured) home park occupants.

Mobile (Manufactured) Home Stand. That part of an individual mobile (manufactured) home site which has been constructed for the placement of a mobile (manufactured) home

Month shall mean a calendar month.

Multi-family dwelling. See "Dwelling, multi-family".

N

Net area shall mean the area within the development boundaries not including areas for public or private streets, driveways, or utility easements.

Nonconforming feature shall mean a characteristic of a building or property such as signs, parking, loading, landscaping, performance standards, or condition of a special/provisional use which lawfully existed prior to the enactment of the requirements of this Ordinance, but does not comply with the current requirements of this Ordinance.

Nonconforming location shall mean a use which lawfully existed prior to the enactment of the requirements of this Ordinance and is permitted in the zoning district, but does not meet the location requirements of the district.

Nonconforming lot shall mean a lot which lawfully existed prior to the enactment of the requirements of this Ordinance, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

Nonconforming sign or outdoor advertising sign structure shall mean a nonconforming sign or outdoor sign structure which is:

1. A sign or outdoor advertising sign structure lawfully erected, constructed, installed, or maintained prior to the enactment of the regulations in this Ordinance, which does not conform to the standards or requirements for permitted signs and is not specifically prohibited.
2. A sign or outdoor advertising sign structure lawfully erected, constructed, installed, or maintained after the enactment of the regulations in this Ordinance, which does not conform to existing standards or requirements for permitted signs because of annexation, change in zoning districts, or amendments to Article 18 Signs.

Nonconforming structure shall mean a structure or part thereof which lawfully existed prior to the enactment of the requirements in this Ordinance, but is not in conformance with the zoning regulations covering building bulk, dimensions, height, area, yards, or floor area ratio of the district in which it is located.

Nonconforming use shall mean a use of land or a building which lawfully existed prior to the enactment of the requirements of this Ordinance and which does not comply with the use restrictions of the zoning district in which it is located.

Nonconformity shall mean any nonconforming aspect of a structure, land, or use as defined in this Ordinance.

Noncontributing building shall mean a building, site, structure, or object which does not add to the historic architectural qualities, historic association, or cultural values of the area because it was not present during the period of significance or does not relate to the documented significance of the property, due to alterations, disturbances, additions, or other changes, or because it no longer possesses historic integrity nor is capable of yielding important information about the period.

Number shall mean words used in the singular include the plural and the plural includes the singular.

O

Oath shall mean any form of attestation by which a person signifies that he/she is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.

Obstruction, land shall mean any building, structure, apparatus, mechanical equipment, fence, or other construction of a long-term nature placed above or on the ground within a required yard, setback, or buffer area.

Obstruction, watercourse shall mean any dam, wall, embankment, levee, dike, pile, abutment, soil material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or other matter in, along across, or projecting into any channel, watercourse, or floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

Occupant shall mean tenant or person in actual possession.

Occupation, home. See "home occupation".

Office shall mean a room, or a suite of rooms, or portion of a building used for the practice of a profession, or for the conduct of a business which involves the accessory sale of goods from the premises. If the goods or merchandise are sold for delivery on or from the premises and constitutes a portion greater than twenty (20) percent of the gross revenue from the office, then the premises shall be considered to be a store rather than an office.

Office building shall mean a building used primarily for offices which may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

Office conversion shall mean a single-family residential structure occupied by or converted for an office use.

Office park shall mean a development that contains a number of separate office buildings, supporting uses, and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Officer, employee, department, board, commission or other agency shall mean whenever any officer, employee, department, board, commission, or other agency, is referred to by title only, such reference shall be construed as if followed by the words "of the Village of Tolono, Illinois." Whenever, by the provisions of this Ordinance, any officer, employee, department,

board, commission or other agency of the Village is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission, or other agency shall mean and include such officer or any designee or authorized subordinate and shall also include the successor in function to such officer, employee, department, board, commission, or agency when such succession has been authorized or directed by the Village Board.

Off-premises sign shall mean a business sign which is not included in the definition of "sign, on-premises."

On-premises sign shall mean a business sign which relates solely to a use or business conducted upon, or to a principal product, service, or entertainment sold, provided, or offered upon the lot where the sign is located.

Open space. See "Open space, usable."

Open space, common shall mean usable open space that is unobstructed to the sky and is devoted to recreational, park, or natural amenities for the enjoyment of all occupants of the development.

Open space, public shall mean such uses as parks, cemeteries, playgrounds and other similar public uses.

Open space ratio shall mean usable open space divided by the total floor area.

Open space, usable shall mean that required portion of a lot that is unoccupied by mechanical equipment and available to all occupants of the building. This usable open space shall not be devoted to service driveways, off-street parking spaces, or loading berths. Such space shall be usable for greenery, recreational space, and other leisure activities normally carried on outdoors.

Operate shall mean carry on, keep, conduct, maintain, manage, direct, or superintend.

Ordinances shall mean the ordinances of the Village and all amendments and supplements thereto.

Outdoor advertising sign structure (OASS) shall mean a standardized outdoor advertising display, including the permanent framework, structural members, support or support foundation, scaffolding and illumination, facing or panels, and message, which is intended and whose customary use is to mount periodically changing commercial displays and which is made generally available for display to the public by the owners on a short-term basis. Such structures shall be limited to the three (3) following standardized structures:

- A. The thirty (30) sheet poster panel or painted bulletin, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members, is approximately twelve (12) feet by twenty-five (25) feet, containing approximately three hundred (300) square feet of total display area.
- B. The one hundred fifty (150) square foot face, commonly painted rather than posted.
- C. The junior panel, whose outside dimensions, including trim, if any, but excluding the base, apron, supports, and other structural members, is approximately six (6) feet by

twelve (12) feet, containing approximately seventy-two (72) square feet of total face area.

Overlay district shall mean a land use designation on the Zoning Map that modifies the applicable design, or development standards, or other regulations of this Ordinance otherwise applicable in some specific manner.

Owner of record shall mean one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, trust, estate, life tenant in common, or joint tenant, of the whole or part of such building or land.

P

Parcel. See "lot."

Parking lot shall mean three (3) or more parking spaces served by internal circulation lane(s).

Parking space shall mean an area surfaced with concrete or asphaltic concrete either within a structure or in the open, exclusive of driveways, or access drives, for the parking of a motor vehicle.

Parking stall. See "Parking space."

Parkway shall mean the area between the street pavement and front property line.

Pennant shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Performance standards shall mean a set of criteria or limits relating to nuisance elements and other aspects of the use, which must be met by uses within a particular zoning district.

Permitted use shall mean any use of a structure or land which is included in the list of permitted uses in the district in which the structure or land is situated.

Person shall mean any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer, or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.

Personal property shall mean any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.

Personal service shall mean an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

Petitioner. See "Applicant."

Planned development shall mean an area planned and developed in a unified manner in accordance with a project plan which meets the specifications of Article 16: Planned Unit Developments. The development shall be located on a single parcel or contiguous parcels which have been assembled in order to create a larger tract. The development shall be constructed and maintained by either a single owner or group of owners working together.

Planned development certificate shall mean a written summary of a planned development's project description, drawings, deviations from usual development requirements, and other information as further described in Article 16: Planned Unit Developments and maintained as a permanent record within the Village's case file.

Planned regional shopping center regulations shall mean a commercial development that meets the following minimum standards:

1. The buildings are erected on a single zoning lot of not less than forty (40) acres.
2. Gross building floor area exceeds four hundred thousand (400,000) square feet.
3. At least ten (10) separate business establishments operate within the buildings on the lot.
4. At least two (2) separate points of ingress and two (2) separate points of egress for the entire center are provided.
5. On-site parking is provided for not less than one thousand five hundred (1,500) vehicles.

Planting season shall mean the time of year when new plants, crops, and trees are planted with the best chance of survival generally falling between the first and last frost of the year.

Plat shall mean a map or layout showing the subdivision of land and indicating the location and boundaries of individual lots.

Plat Officer shall mean the Chairperson of the Planning and Zoning Board of the Village of Tolono, Illinois.

Portable sign shall mean a sign not permanently anchored or secured to either a building or the ground such as, but not limited to, A-frame, inverted T-shaped signs, and signs affixed to a chassis with wheels for towing.

Porte cochere shall mean a porch or cover, under which a vehicle may be driven temporarily to protect the occupants when alighting. A porte cochere shall not be construed to be a "carport."

Preceding and following shall mean next before and next after, respectively.

Principal building. See "Structure, principal".

Principal use shall mean the predominant use of land or a structure based upon the square footage of the use. In a residential district, multiple tenants of a similar or related nature in a single building constitute one principal use. Each tenant of the building must comply with the use regulations of this Ordinance. In a commercial district, multiple tenants of a single building constitute individual principal uses. Each tenant of the building must comply with the use regulations of this Ordinance.

Prohibited use shall mean a use that is not permitted or provisional or a special use in a zoning district or location.

Projecting yard sign shall mean a sign attached to and erected approximately perpendicular to the wall of a structure; including a sign erected at the corner of a structure and projecting into an open space or yard, but not projecting into the right-of-way of any street, sidewalk, alley, or other public property.

Property shall mean a distinct parcel of real property which is assigned a separate tax parcel identification number by the Supervisor of Assessments of Champaign County.

Property line. See "Lot line."

Proprietor shall mean an owner of the property or premises including any person, firm, association, corporation, club, partnership, or other group acting as a unit whether acting by themselves or by a servant, agency, or employee.

Public art shall mean a fountain, sculpture, painting, mural, or similar object which is sited within a Planned Development as a focal point and is intended for the enjoyment of the general public.

Public improvement shall mean any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public utilities, cable television or similar essential services.

Public place shall mean open space including any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, bus, train or railroad depot, station, terminal, cemetery, open space adjacent thereto, or any other place commonly open to the public, including but not limited to, areas on private property commonly open to the view by the public.

Public promotion sign shall mean a sign which promotes a general civic pride for the Village, or a portion of the Village, or a district of the Village, or a specific charitable or not-for-profit event or organization. No business name, logo, device, symbol, or trademark shall be permitted on a public promotion sign.

Public way shall mean any street or sidewalk.

O

Reserved

R

Real estate sign shall mean a sign advertising the sale, rental, or lease of the premises on which it is located, including a subdivision sign.

Real property shall mean land, together with all things attached to the land so as to become a part thereof.

Recreational shall mean organized leisure time activities, often requiring equipment and taking place at prescribed places, sites, or fields which may be either indoor or outdoor locations.

Recreational vehicle shall include but not limited to, every camping trailer, motor home, mini-motor home, travel trailer, truck camper, van camper, or boat with a trailer used primarily for recreational purpose and not used commercially nor owned by a commercial business.

Recycling center shall mean a facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture products and is not a junkyard or automobile salvage yard.

Rehabilitation shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic or architectural values.

Religious institution shall mean a place of public assembly of over forty-nine (49) seats in the principal assembly area, for the purposes of religious activities, and conducting worship services on a regular basis.

Relocate shall mean any repositioning of a building on its site or moving it to another site.

Remodel shall mean any improvement to the exterior or interior of a building which requires an electrical, plumbing, or HVAC permit and which is not a structural alteration, new construction or enlargement.

Repair shall mean any change that does not require a building permit that is not construction, relocation or alteration.

Repair, major shall mean the repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing which exceeds twenty (20) percent of the replacement value of the building or structure.

Repair, minor shall mean the repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing to an extent not exceeding twenty (20) percent of the replacement value of the building or structure.

Residential care facility shall mean residential care facility is housing for three (3) or more individuals unrelated by blood, marriage, adoption, or guardianship which receive some form of nursing care, supervision, or assistance from employees at the facility. Nursing care and support staff are available twenty-four (24) hours a day. Included are nursing homes, sheltered care facilities, intermediate care facility, and other similar uses.

Restaurant shall mean an establishment which is open to the general public and where food and beverages are prepared and offered for consumption on in the building or at tables on the lot in which the establishment is located.

Restaurant, drive-through shall mean a building, or portion thereof, where food and/or beverages are sold in a form ready for consumption and where the facility is designed to provide

service directly to the passengers of the motor vehicle. The facility may also include seating, take-out service, and double drive-throughs.

Retail, food shall mean any establishment selling food or beverage for consumption off-premises either immediately or with further preparation. Such establishments may include, but not be limited to, supermarket, grocery store, bakery, candy store, butcher, delicatessen, convenience store, and similar establishments.

Retail, general merchandise shall mean establishments that are retail operations which carry an assortment of merchandise from all the other categories. Such establishments may include, but are not limited to, department store, discount store, farm store, and similar operations.

Retail, household shall mean establishments are retail operations that sell goods for furnishing or improving housing units. These establishments may include, but are not limited to, furniture store, home improvement center, electronic store, appliance store, and similar operations.

Retail sales shall mean the direct sale of goods or merchandise to the ultimate consumer of the goods or merchandise.

Retail, specialty shall mean retail operations that specialize in one type or line of merchandise. Such stores may include, but are not limited to, apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

Right-of-way (ROW) shall mean the entire dedicated tract or strip of land that is legally used by the public for circulation and service.

Roof overhang shall mean a roof like structure projecting from the wall of the principal structure and which is not part of the roof of the structure.

Roof sign or roof outdoor advertising sign structure shall mean a sign or outdoor advertising sign structure erected upon the roof of any structure.

Room, habitable shall mean a room occupied or designed to be occupied by one or more persons for living, sleeping, eating, or cooking, including kitchens serving a dwelling unit, but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage, and other similarly approved spaces that are not used frequently or for extended periods.

Rowhouse. See "Dwelling, attached."

S

School, business or trade shall mean an education facility primarily teaching usable skills that prepare students for jobs in a trade.

School, K through 12 shall mean any public or private elementary school or high school but shall not include day care/nursery school or day/night care home except as accessory to such elementary or high school operations.

Screening shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Searchlight, sign shall mean for the purposes of this section, searchlights shall be considered signs which are used to announce, direct attention to, or advertise businesses.

Service. See definitions for "commercial," "personal," and "fitness and beauty services."

Service dependent population shall mean those persons, who by reason of mental or physical disability require supervision in a quasi-parental relationship, but do not require medical or nursing care on-site. A service dependent population shall not include persons for whom such services are a requirement of a sentence upon conviction of a criminal offense or whose need for such services arises during or immediately following a sentence of incarceration for a criminal offense.

Service station. See "Automobile service station."

Setback shall mean the distance between the street right-of-way and the front line of a building, parking lot, accessory building or other structure. The setback to the structure shall be measured from the outermost projection thereof, excluding uncovered steps.

Setback line shall mean the line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which the regulated structure must be erected or placed.

Shall. shall mean the word "shall" is mandatory.

Shopping center shall mean a group of commercial establishments planned, constructed, and managed as a total entity with shared parking for customer and employee parking provided on-site. Provisions for goods delivery is generally separated from customer access.

Sidewalk shall mean that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed, and intended for the use of pedestrians to the exclusion of vehicles.

Sign shall mean a sign shall include any writing including a word or numeral; pictorial representation including illustration, emblem including device, symbol, or trademark; flag including banner or pennant; or any figure of similar character which is used to announce, direct attention to, or advertise, and which is a structure or part thereof, or is attached to, painted on, or in any manner represented on a building or other structure. This definition shall not include the following:

1. Outdoor advertising sign structure or signs displayed thereon.
2. Writings, representations, or other figures of similar character within a building unless it is a flashing sign or signs with lights.
3. Non-pictorial color treatments on the surface of a building which do not include writing or other direct forms of advertising.

Sign, monument shall mean a freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign triangle shall mean an area at the street side of a corner lot which is measured by proceeding from the point of intersection of right-of-way property lines, along the lines for a distance of fifty (50) feet, and connecting these points forming a triangle at the corner of the lot.

Signature and subscription shall mean the name of a person, mark or symbol appended by such person to a writing with intent to authenticate the instrument as one made or put into effect by such person.

Single-family dwelling. See "Dwelling, single-family."

Single room occupancy units (SRO) shall mean a residential unit, with only one room, occupied by only one person, with lockable exterior doors that are accessible from outside the unit. Kitchen and bathroom facilities may or may not be communal.

Site shall mean any plot or parcel of land or combination of contiguous lots or parcels of land.

Site area, gross shall mean the total area of a site with no exclusions for streets, easements, or other areas.

Site area, net shall mean the total area of a site excluding streets, easements, or water areas.

Site plan shall mean a scaled drawing indicating the generalized physical conditions and proposed improvements of a Planned Development.

Snack bar shall mean an establishment similar to a restaurant, but is limited to, the extent that no food shall be cooked on the premises other than heating by microwave oven, no drive-through windows exist on the premises, and seating for customers does not exceed twenty-five (25).

Solid waste shall mean unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

Space, nonhabitable shall mean space used as a pantry, laundry room, closet, bathroom, toilet room, restroom, dressing room, locker room, storage room, utility room, heater room, or boiler room, and other spaces used only for service and maintenance of a building and those spaces used for access and vertical travel between stories.

Space, occupied shall mean space in a building other than a habitable room wherein people normally work, assemble, or remain for a period of time.

Special event sign shall mean a sign advertising or announcing a special community-wide event or activity conducted by, or sponsored by, or on behalf of a unit of local government, the University of Illinois, a charitable organization or a not-for-profit corporation. A special community-wide event or activity is one which occurs not more than twice in any twelve-month period and which seeks to attract donations, participants, or customers throughout the Village of Tolono.

Special use shall mean a special use is potentially appropriate in and compatible with other uses in its zoning district, but due to the scale and nature of the use the special use has the potential to make a major negative impact on other uses in the district. Such uses necessitate close examination, site plan review, individual regulation, and notification of surrounding land

owners. The proposed special use must serve a special need or be required at the specific location for the public convenience.

State shall mean the State of Illinois.

Storage shall mean a location where equipment, materials, or vehicles are stored for an uninterrupted period exceeding sixty (60) days without being used for its intended purpose or relocated off-site to another zoning lot.

Stormwater detention shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

Stormwater management shall mean any stormwater management technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, retention or detention basins, drainage channels, drainage swales, inlet or outlet structures, or other similar facilities.

Story shall mean that part of a building included between any floor and the floor or roof immediately above.

Story, half shall mean the space within or under a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain a dwelling unit.

Street shall mean all streets, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this Village, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use and has been accepted for such use by the Village, or such other public property so designated in any law of this State.

Street, private. See "Internal circulation system."

Street, public shall mean a street whose ownership or maintenance is under governmental jurisdiction.

Street, residential shall mean a local street where the primary land use of lots with frontage on both sides of the street within the block is residential.

Structure shall mean anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground.

Structure, accessory shall mean a subordinate structure on the same lot as the principal or main building or use occupied or devoted to an incidental use to the principal use.

Structure, principal shall mean a structure in which is conducted the principal use of the lot on which it is located.

Surface area, sign or outdoor advertising sign structure shall mean the surface area of a sign or surface display area of an outdoor advertising sign structure shall be the area of the smallest convex geometric figure encompassing the maximum projected area of the volume on

a flat plane which completely encloses the extreme limits of the surface display area of writing, representation, emblem, or other figure of similar character or potential display area of an outdoor advertising structure, together with any material or color forming an integral part of the display or used to differentiate such sign or outdoor advertising sign structure from the background against which it is placed. Such measurement shall exclude the necessary supports or uprights on which the sign is placed, unless the supports or uprights constitute part of the display because of the predominant overall concept of the sign.

Swim club shall mean a private club with swimming facilities available for the exclusive use of their members and guests. Such facilities may include ancillary facilities such as a snack bar or tot lot.

T

Temporary sign shall mean a sign not permanently affixed to a building or in the ground which is intended to be displayed for not more than a thirty (30) day period and that is not actually displayed for any longer than thirty (30) days.

Temporary use shall mean a use established for a limited period of time with the intent to discontinue such use upon the expiration of such time. Such uses are subject to the time restrictions contained in this chapter. No temporary use shall involve the construction or alteration of any permanent structure.

Tenant shall mean any person occupying the premises, building, or land of another in subordination to such other person's title and with the other person's express or implied assent, whether the tenant occupies the whole or a part of those premises, building or land, whether alone or with others.

Tense shall mean words used in the past or present tense including the future, past and present where applicable, unless the context clearly indicates otherwise.

Theater marquee shall mean a canopy with changeable letters which is attached to a building that currently functions or has historically functioned as a theater.

Time shall mean an hour of the day according to the official time of the Village.

Time of performance shall mean the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Saturday and Sunday or a legal holiday from midnight to midnight is excluded.

Townhouse. See "Dwelling, attached."

Transition shall mean an area which acts as a buffer between two (2) land uses of different intensity.

Treasurer shall mean Village Treasurer.

Truck stop shall mean a commercial use where gasoline, kerosene, or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly to motor vehicles, including greasing and oiling on the premises, and including minor repairs. The use also includes facilities for the overnight parking of semi-trailers.

Truck terminal shall mean the premises which is used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

U

Usable open space shall mean that required portion of a lot at ground level, unoccupied by principal or accessory buildings, or mechanical equipment, and available to all occupants of the building. The usable open space shall be unobstructed to the sky and shall not be devoted to service driveways, off-street parking spaces, or loading berths. Such space shall be usable for greenery, drying beds, recreational space, and other leisure activities normally carried on outdoors. Balconies may be considered as usable open space if they meet the requirements of Section 3.5.2(B). Enclosed space devoted exclusively to recreational use as indicated in the definition of "Floor area" shall not be counted as a portion of the usable open space

Utilitarian areas shall mean utility areas accessory to a building, including but not limited to, loading docks, mechanical equipment, trash enclosures, and storage yards for construction materials, or other equipment or materials.

Utility stations shall mean utility stations include transmission and distribution facilities, or pipelines, including telephone, cable, and water supply facilities, pump stations, booster pumps, and any other appurtenances that require a structure. Specifically excluded are transformers, and other appurtenances that do not require a structure or connections maintained by the individual customer.

V

Vacant building shall mean the cessation of all activity in a building. Said building shall not be considered vacant if the lessee of any building shall, at any time before the expiration of said lease, cease to occupy or use said building and the owner of said building is not entitled legally to regain possession of said building.

Vacant land shall mean that there is no building or structure, or vehicular surface areas within two hundred (200) feet, or any outstanding approved Village permit or subdivision plat for the construction of the same, from any common property line of the developing property and the adjoining property. Public parks or common open space shall not be considered as vacant land.

Value shall mean the full, fair, cash market value.

Vegetation shall mean lawns, trees, shrubs, groundcover, annual or perennial flowers, or other natural growing plants.

Vexillum flag shall mean a vertical flag, fixed at the top and bottom to an anchored pole to minimize movement with wind currents and does not display a sign.

Vexillum sign shall mean a vertical flag, mounted over the public right-of-way, fixed at top and bottom to an anchored pole to minimize movement with wind currents.

Village shall mean the Village of Tolono, in the County of Champaign and State of Illinois.

Village Attorney shall mean the Village Attorney or designee.

Village Board shall mean the Village Board of Trustees.

Village Engineer shall mean the Village Engineer or designee.

Village limits or in the Village shall mean within the Village and includes not only the corporate limits of the Village, but also any property which it owns or which is under its jurisdiction.

Violation shall mean no person shall construct, alter, use, maintain, or allow any building or property to be used or maintained in violation of the provisions of this chapter. In addition to any other actions which may constitute a violation, the following constitutes violations of this chapter and shall be strict liability offenses:

1. The use, arrangement, or construction of a building, structure, or improvement to land does not conform with that authorized by approved plans.
2. The improvement is constructed, or a use is operating without obtaining the appropriate permits or zoning approval.
3. The use of the building or land is nonconforming, unless such use has been established in accordance with Article 21, Nonconformities.
4. The use of the building or land which is a conforming use but does not meet the applicable district performance standards or other requirements of this chapter, unless otherwise provided for in Article 21, Nonconformities.
5. The use of the building or land which does not comply with conditions or standards enumerated in a provisional, or special use approval.
6. The sale, conveyance, or use of any portion of a lot is sold, conveyed, or used which reduces the following:
 - a. The lot area below the minimum area requirements of this chapter.
 - b. The lot area to the extent that the floor area ratio is greater than the maximum permitted by this chapter.
 - c. The usable open space areas below the open space ratio and usable open space requirements of this chapter.

- d. The depth or width of a yard to less than the minimum depth or width required by this chapter.
- e. The number and size of parking spaces on the lot is reduced below the minimum number of such spaces required by this chapter.
- f. The subdivision of land was not done in accordance with the Village Ordinance.

Visibility triangle (also known as site distance triangle) shall mean the area at an intersection that should remain unobstructed in order for motorists to have a clear vision of oncoming traffic.

W

Wall sign or outdoor advertising sign structure shall mean a sign or outdoor advertising sign structure attached to, erected against or painted upon the wall of any building with the exposed face thereof in a plane parallel to the plane of such wall, and which sign is mounted at a distance measured perpendicular to such wall, no greater than eighteen (18) inches. A wall sign shall include signs suspended from the ceiling of a marquee, canopy or vestibule where such sign does not project into the street right-of-way or a freestanding sign or freestanding outdoor advertising sign structure any part of which is parallel to and any part of which is within twenty-four (24) inches of a wall.

Warehouse shall mean a building used for the storage of goods for compensation or the storage of goods which will be subsequently transported to another location for sale consumption.

Warehouse, mini shall mean a structure or group of structures, which are compartmentalized for the storage of customers residential goods and wares. Each compartment is leased or rented to tenants utilizing the facility.

Waterbody shall mean any natural or artificial collection of surface water, generally intended or functioning as a permanent feature.

Watercourse shall mean any drain, ditch, and stream, flowing in a definite direction or course in a bed with banks.

Week shall mean seven (7) days.

Wholesale shall mean an operation at which goods are sold for delivery on or from the premises to a person other than the ultimate consumer. If more than twenty (20) percent of the annual dollar volume of the sales made from an establishment is subject to the State Retailers Occupation Tax, the store shall be considered a retail operation.

Wholesale or wholesale dealer shall mean the purchase (or purchaser) for the purpose of resale of things (goods, merchandise, articles, and others) in quantity for the purpose of resale, as distinguished from retail or retail dealer who sells in smaller quantities direct to the consumer.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

Writing and written shall mean any representation of words, letters, or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.

X

Reserved

Y

Yard shall mean an open space, other than a court, that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as otherwise specified in this chapter.

Yard, front shall mean a yard extending across the full width of the lot and measured between the front lot line and the closest point of the building to the front lot line.

Yard, rear shall mean a yard extending across the full width of the lot and measured between the rear lot and the closest point of the building to the rear lot line.

Yard, side shall mean a yard extending from the front yard to the rear yard and measured between the side lot line and closest point of the building to the side lot line.

Yard sign shall mean a temporary sign, which is freestanding and self-supporting in nature. Such a sign is mounted on a stand and is placed into the ground. Such signs are used to advertise a special event of statewide interest.

Year shall mean a calendar year.

Z

Zero lot line shall mean the location of a building on a lot in such a manner that one or more of the building sides rest directly on a lot line.

Zero lot line development shall mean a development of single-family detached structures where the location of each building on a lot is situated in such a manner that one or more of the buildings is located without any setback from the lot line.

Zoning action shall mean any action requiring application to the Zoning Administrator, Planning and Zoning Board, for review and approval. Zoning actions include, but are not limited to, map amendments, text amendments, appeals, variations, provisional use approval, special use approval, planned development approval, landmark designation, conservation district designation or historic district designation.

Zoning Administrator shall mean the Zoning Administrator, Chair of the Planning and Zoning Board, or any official Village employee appointed by the President of the Board of Trustees with the responsibility for reviewing and administering the regulations of this Ordinance.

END OF ARTICLE TWO.

Article 3. DISTRICTS, USES AND BOUNDARIES THEREOF

SECTION 3.1 PURPOSE

This Article will establish zoning districts, describe the purpose of each district, indicate allowable uses, set forth performance standards and provide guidelines for mapping each district. The intent for establishing these districts is to:

- A. Avoid conflicts between uses of different intensities and character.
- B. Meet location requirements for residential, commercial, and industrial uses per the Land Use Plan.
- C. Recognize the unique development characteristics of some urban neighborhoods.
- D. Regulate the intensity of uses based on access to the transportation system, urban services, and infrastructure capacity.
- E. Provide a framework for development standards that ensure adequate light and air and provide safe, uncongested neighborhoods.
- F. Provide a high degree of certainty on how the land will develop.

SECTION 3.2 ESTABLISHMENT OF DISTRICTS

For the purposes of carrying out the regulations in the Ordinance, the Village of Tolono, Illinois, is hereby divided into the following districts:

3.2.1 Agricultural District.

AG-1 Agriculture. Intent. The intent of this zoning district is to prevent scattered, indiscriminate urban development within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. Large area of vacant land can be preserved for future residential and industrial development according to economic and physical need.

3.2.2 Residential Districts.

RS Residential Suburban. The intent of this zoning district is to provide for detached, single-family dwellings on large lots (a minimum of approximately ½ acres, or 20,000 square feet, in size) with related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This is a rural, very low density, residential district, generally located between an AG-1 and R-1 or R-2 district.

R-1 Residential District (Single-Family). The intent of this zoning district is to provide for detached, single-family dwelling with related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be

protected from encroachment of uses that create significant negative impacts upon the residential area. This a low density, residential district.

R-2 Residential District (Single-Family). The intent of this zoning district is to provide for detached, single-family dwellings with related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be protected from encroachment of uses that create significant negative impacts upon the residential area. This is a medium-density, residential district.

R-3 Residential District (Two-Family). The intent of this zoning district is to provide for detached, single-family dwellings, two-family, attached dwelling (duplexes), and accessory uses. These areas may include related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be protected from encroachment of uses that create significant negative impacts upon the residential area. Densities in this district range from four to eight dwelling units per acre.

R-4 Residential District (Multi-Family). The intent of this zoning district is to provide for (low density/medium density/etc.) multifamily dwellings. The multifamily buildings are generally low-rise, lower density apartment of two to three stories. Open space and recreational amenities should be provided for residents. The R-4 district is appropriate next to areas with low density single family development patterns and may serve as a transitional use. Density is controlled by floor area ratio and open space ratio. The average density will range from twelve to thirty units per acre.

R-5 Mobile Home (Manufactured Home) Park. The intent of this zoning district is to provide for developments of mobile (manufactured) home parks, including mobile (manufactured) homes, recreational vehicles, house trailers, and mobile (manufactured) home park service buildings. This district allows unified developments where individual pads are provided for owners of mobile (manufactured) homes. All developments are subject to provisional use review and all units must comply with current HUD construction codes and the Illinois Manufactured Home Community. These developments are generally more in character with single-family detached neighborhoods with private open space for each dwelling unit.

3.2.3 Commercial Districts.

CB Central Business District. The primary intent of the Central Business District is to provide for high density retail, service, and office development mixed with residential units, parking, and institutional uses that are located in the urban core. This district has high intensity uses in terms of scale of buildings, traffic that is generated, size of businesses, and hours of operation. The floor area ratio in this district is the highest density allowed by the Ordinance. Public parking is provided in this district, reducing the necessity of providing on-site parking for individual businesses. The area draws heavy pedestrian traffic from nearby residents and employees in the area.

CN Commercial Neighborhood District. The intent of the Commercial Neighborhood District is to provide for the development of convenience shopping and personal service needs of surrounding residential neighborhoods, specifically apart from the Central Business District. This is a low density commercial district. Overall sizes can range up to ten acres with proper design. These areas should have good access to arterial and collector streets and provisions for bicycle and pedestrian traffic.

3.2.4 Industrial District.

I-1 Industrial District. It is the intent purpose of the Industrial District to provide for the development of light industrial uses such as service or wholesale establishments, manufacturing establishments, distribution, research and development, and storage. Limited retail sales and services related to the industrial uses may also be permitted as accessory uses. Performance standards minimize the potential for significant by-products or hazardous uses. It is preferable to have a transition area between the I-1 District and residential areas. I-1 Districts can be served by local street system designated for trucks, although, the street system should exit to an arterial or truck route. Traffic from the industrial area through residential areas is discouraged.

3.2.5 Public Land Overlay District.

PL Public Lands. The intent of the Public Lands Overlay District is to serve as an overlay district for public uses such as schools, parks, colleges, and other government facilities. The district recognizes the more intense use of land while underlying zoning regulates signage and space requirements. The intensity of uses in this district can range from low intensity parkland to high intensity, high traffic generators such as athletic fields. Low intensity uses in this district, such as parks, are appropriate next to residential uses. High intensity uses require a buffer or transition area.

SECTION 3.3 CLASSIFICATION OF ANNEXED LAND

Unless an annexation agreement is in effect at the time of annexation, which assigns a zoning district at the time of annexation, all land annexed to the Village shall automatically be reclassified from its present classification under the Tolono County Zoning Ordinance to the classification under the Village of Tolono Zoning Ordinance, according to the following table:

COUNTY ZONING	VILLAGE OF TOLONO
AG-1, AG-2, CR	AG-1
B-1	AG-1 as a provisional use
----	RS
R-1	R-1
R-2	R-2
R-3	R-3
R-4	R-4
R-5	R-5
----	CB
B-2, B-3	CN
I-1, I-2	I-1
----	PL

If an annexation agreement exists providing for zoning of property upon its annexation, then such property shall be zoned in accordance with the terms of the agreement upon and after its annexation.

SECTION 3.4 GENERAL GUIDELINES FOR ZONING DISTRICT DESIGNATIONS

- A. All districts should be located in areas with water and sewer capacity and have access to other utilities adequate for the needs based on the intensity of the permitted uses.
- B. All districts should be located in appropriate service areas for fire and police protection.
- C. All districts should be located to minimize negative environmental impacts including flooding, groundwater tables and other factors.
- D. All districts should be located in general conformance to the Comprehensive Plan.
- E. The locations and boundaries of the districts established by this Ordinance are shown upon the zoning map, which are hereby incorporated into the provisions of this Ordinance. The said zoning map in its entirety, including all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein.
- F. Where a district boundary line divides a lot held in single and separate ownership at the effective day of this Ordinance, the regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty feet beyond the district boundary line, provided that full use is made of the less restricted area before the extension into the more restricted area.
- G. The use of right-of-way and easements for highways, streets, alleys, walks, railroads, electric power lines, telephone lines, watermains, sanitary sewers and storm drains, whether belonging to a governmental body or a public utility, shall be considered to be permitted uses in each District. However, installation shall conform to applicable Federal, State and local government rules and regulations other than zoning.
- H. The Village of Tolono shall be permitted the right to use land in any district for a fire station, municipal building, police station and/or public building, swimming pool, recreation building, civic center, municipal office building, park, playground area, any other use deemed for the public good.

SECTION 3. GENERAL GUIDELINES FOR LOTS AND BOUNDARIES

3.5.1 Lot Requirements

- A. Substandard Lots Established Prior to Adoption of Ordinance:
 - 1. In any district, a new building or structure for any of the uses permitted in the respective districts may not be erected on a single lot of record (on the date of adoption of this Ordinance) or a combination of lots or portions of lots of record (on the date of adoption of this Ordinance) which has less than the minimum lot area or minimum width specified for the respective district.
 - 2. If two or more lots, or combinations of lots and portions of lots, with continuous frontage in single ownership are of record as of the date of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area in their particular zoning district, the lands involved shall be

considered an undivided parcel for the purpose of this Ordinance. No portion of said undivided parcel shall be used or sold in a manner which diminishes compliance with that district's lot width and area requirements established by this Ordinance, or shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

B. Combination and Division of Zoning Lots:

1. Two or more lots may be combined to create a single zoning lot. Such lots shall be under the same ownership at the time of zoning approval for any structure on the zoning lot. Upon construction of such improvements, the zoning lot shall be considered one lot.
2. No improved zoning lot shall hereafter be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all standards for buildings on a lot and have met the requirements of this Ordinance.

C. Principal structures on a lot.

1. Every principal structure hereafter erected or structurally altered shall be located on a zoning lot, and in no residential district shall there be more than one principal structure on one zoning lot, except as provided for elsewhere in this Ordinance.
2. In the event that a lot is to be occupied by a group of two or more related principal structures to be used for multi-family dwellings, institutional, or hotel purposes; there may be more than one principal structure on the zoning lot when adequate open space is provided between all buildings in accordance with the open space standards in this Ordinance.
3. For all industrial lots abutting residential districts, unless authorized by special exception, in no case shall any building or structure be erected closer than one hundred feet to any residential district, or shall any parking area be closer than forty feet to any residential district, for which said forty feet shall be maintained as a green area covered entirely by grass, shrubs, and/or trees.

D. Provisions for Common-Lot-Line Dwelling Units:

1. The fee simple transfer of ownership of that portion of a lot improved with a rowhouse, townhouse, or duplex for the purpose of establishing separate ownership of common-lot-line dwelling units) shall constitute a subdivision and shall be subject to the provisions of this Ordinance.
2. B. After a subdivision containing or used for common-lot-line dwellings has been recorded, the lots shall be used exclusively for common-lot-line dwelling units and for no other type of development. Any change in the use of said platted lot(s) from common-lot-line dwellings shall require approval of a new subdivision plat.
3. All fee simple transfers of ownership that were recorded prior to the adoption of this Ordinance, shall be deemed to be legal and conforming uses and shall not require

any further approval of a subdivision plat to be established as common-lot-line dwelling units.

4. Subdivisions which contain common-lot-line dwelling units shall be subject to and comply with the standards set forth in this Ordinance, except as provided in Section 3.5.1 (E). Each lot which contains a common-lot-line dwelling unit shall be considered separate and independent from adjoining common-lot-line dwelling units for the purpose of calculating Floor Area Ratio (FAR), Open Space Ratio (OSR), front yards, and rear yards.

E. Standards for Common-Lot- Lot-Line Dwelling Units or Townhouse Lots:

1. In the R-3 and R-4 Districts, where a common-lot-line structure is constructed for sale, with each unit on an individual lot, for individual ownership, such common-lot-line dwelling is subject to the standards for principal buildings as described in this Article, except that no side yard setback is required for the interior portion of a lot for a common-lot-line structure.
2. In the R-4 District, where townhouse and rowhouse buildings are permitted and one of these structures is constructed for sale, with each unit on an individual lot, to individual owners, such structures shall not be subject to the minimum lot area per dwelling unit requirements of Article Ten: Residential District R-4, but instead shall be subject to the following minimum requirements:
 - i. A townhouse or common-lot-line dwelling shall be developed on a subdivided lot with no more than seven dwelling units per structure. No structure shall exceed one hundred fifty feet in length.
 - ii. Minimum lot area per unit shall be not less than one thousand eight hundred square feet and shall have a minimum frontage on a public street of not less than twenty feet.
 - iii. Front yard. On a lot containing a townhouse or rowhouse there shall be a front yard of not less than twenty feet.
 - iv. Side yard. On a lot containing a townhouse or rowhouse, no side yards shall be required for interior lots. Exterior lots at the end of each structure shall have a side yard setback of not less than six feet and shall have a minimum distance between structures of not less than twelve feet.
 - v. Rear yard. There shall be a rear yard which has an area of at least six hundred fifty square feet for each unit in the townhouse or rowhouse.

3.5.2 Projections and Encroachments into Yards:

Unless otherwise provided in this Ordinance, no building or structure, portion of any building, structure, or mechanical equipment shall be erected in, occupy, or obstruct a required front, rear, or side yard except for the following:

- A. Cornices, sills, eaves, and other ornamental features may encroach to a distance of not more than two feet six inches, but in no case less than four feet from a side lot line.

- B. Fire escapes to a distance of not more than four feet six inches, or enclosed fire escapes, and enclosed balconies leading from fire towers in required rear yards, when such projection is not more than ten feet when the main structure was built prior to the effective date of this Ordinance.
 - 1. On all structures for which a building permit is issued on or after the effective date of this Ordinance, this encroachment or projection shall not be permitted.
- C. Uncovered stairways and necessary landings, to a distance of not more than four feet six inches, provided that each stair and landing shall not extend above the entrance floor of the building.
 - 4. The railing may exceed three feet in height above the landing.
 - 5. The stairway or landing may be covered, but not enclosed, if the covering does not exceed one-third of the length of the building wall on which it is located.
 - 6. This provision is only applicable when the main structure was built prior to the effective date of this Ordinance.
 - 7. On all structures for which a building permit is issued on or after the effective date of this Zoning Ordinance, this encroachment or projection shall not be permitted.
- D. Bay windows and chimneys to a distance of not more than three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located, and provided, further, that in no case shall a bay window or chimney project into a required side yard be more than one-third of such yard.
- E. An unenclosed porch, not more than fourteen feet in height, may be erected to extend into a required front or rear yard at a distance of not more than ten feet, provided that in no case shall it extend into such front or rear yards more than one-half of the required depth of the yard.
- F. A porte-cochere may be erected over a driveway in a required side yard, provided that such structure is:
 - 8. Not more than fourteen feet in height and twenty feet in length, and
 - 9. Entirely open on at least two sides, exclusive of the necessary supporting columns and customary architectural features, and
 - 10. Side yards remain as set forth in the district regulations.
- G. Driveways, walks, fences, and underground structures.
- H. Concrete, asphaltic concrete, or all weather surfaces on yards except as otherwise permitted herein. If the yard to be surfaced is a required front or side yard, then the

surface must be so located or constructed that an automobile cannot be driven or cannot project upon it from a driveway, parking space, street, or alley.

- I. Flag poles, clothes lines, trellises, bird houses and the like.
- J. Decks may be constructed in a rear yard (not in a front or side yard) provided that their elevation is not higher than the first floor elevation of the principal structure, and may extend into any required rear yard up to a maximum distance of fifty percent of that required rear yard.
- K. Open unenclosed porches, that is, porches which may have roofs and mesh screening, but which are not glassed in or otherwise walled or enclosed above a height of two and one-half feet above the porch floor, may be constructed in a rear yard (not in a front or side yard) to a distance of ten feet into said rear yard, but not within ten feet of the lot line. The elevation of the porch floor shall not be higher than the first floor elevation of the principal structure.

3.5.3 Standards for Accessory Structures

- A. In any district, accessory structures, including private garages, and uses which do not involve the conduct of a business, if attached to the principal structure, may be erected in any space other than a required yard.
- B. When an accessory or structure is detached from the principal building, it shall be separated by a minimum distance of three feet.
 - 1. With the exception of corner lots, no detached accessory building or structure shall be located less than sixty feet from the front lot line. In the event of a corner lot, an accessory structure must be placed in the rear yard, with a setback from the second property line abutting a public street equal to or greater than the setback for the principal structure abutting the public street.
 - 2. If a detached accessory structure is to be located on a lot containing a one or two family dwelling, the aggregate area of all accessory structures shall not exceed seven hundred and fifty square feet in area. Maximum height shall not exceed fourteen feet.
 - 3. For accessory buildings in the CN district, the maximum height shall not exceed fourteen feet. For accessory buildings in CB and 1-1 districts, the height standards for principal buildings on a lot shall apply.
- C. Where mutual ownership of a private garage existing prior to the effective date of this Ordinance, the joint garage can be repaired or enlarged without regard to the side yard setback provisions subject to the following conditions:
 - 1. The garage shall only be for private use.

2. There is mutual written consent for continuance or enlargement filed with the Zoning Administrator which is signed by all owners.

D. Swimming pools not located within a building:

1. The use of such pools shall be restricted to occupants of the principal use and guests for whom no admission or membership fees are charged.
2. If accessory to a non-residential use, the edge of the pool shall be located not less than one hundred feet from any lot line.
3. If accessory to a residential use, the edge of the pool shall be located not less than ten feet from any lot line.
4. Illumination of such pools shall be limited to underwater lighting. Swimming pool clubs are not considered accessory uses.
5. All swimming pools constructed under this Section D shall be completely enclosed by a protective wall, fence or other barrier. The entire barrier, including doors and gates, shall be at least six (6) feet high measured on the inside and outside, shall not provide ready footing for climbing, and shall prevent passage through it. Fences for above ground swimming pools that are attached to the pool deck or pool sidewalls shall extend to at least six (6) feet above the adjoining ground. The enclosure shall be in general accord with Section 820.200, General Design Requirements, of Title 77 Part 820 of the Illinois Administrative Code, Illinois Swimming Pool and Bathing Beach Code.

3.5.4 Visibility Triangle Setback

Where a lot is located at the intersection of two or more streets, no parking or structure of any kind shall be located within the visibility triangle, except in the CB district. Landscaping in this area shall either be shrubs at a height of three feet or less or deciduous trees from the list in the Village's Tree Ordinance, with branches having a clearance of six feet.

3.5.5 Front Yard Average Setback

Except as otherwise specified, in any residential zoning district, the front yard may be reduced to a setback equal to the average alignment of structures on the same side of the street upon meeting the following conditions:

- A. Fifty-one percent or more of the lots on the same side of the street, within the same block, are improved with residential buildings.
- B. Seventy-five percent of the residential buildings extend into the required front yard.
- C. No structure shall project beyond the average alignment of structures on the same side of the street, within the same block, and within two hundred feet.

- D. No structure shall project beyond the shortest depth of existing front yards on the lots abutting on each side.

3.5.6 Special Yard Requirements for Certain Lots of Records

- A. Lot Width for Corner Lots Recorded Prior to Adoption of this Ordinance: Lots of record as of the date of adoption of this Ordinance do not have to provide the additional lot width required for corner lots.
- B. Corner Lots Established Prior to Adoption Of this Ordinance: Lots of record as of the date of adoption of this Ordinance shall comply with the following regulations:
 - 1. For corner lots which were a legal lot of record at the date of adoption of this Zoning Ordinance and which are located in a R-I District, a side yard on the street side of a corner lot shall have a width of not less than fifteen feet.
 - 2. In the R-2, R-3, and R-4 Districts, a side yard on the street side of a corner lot shall have a width of not less than ten feet, except where such lot abuts in the rear either directly or across an alley, a lot in an R-I District, in which case the side yard on the street side of the corner lot shall be not less than fifteen feet.
- C. Application of Development Standards to Specific Uses: The following development standards shall apply:
 - 1. Religious institutions and schools in the residential districts shall meet the side yard and landscape setback buffer requirements of an R-4 district.
 - 2. Hospitals, nursing homes, and lodges shall meet the side yard and landscape setback requirements of a non-residential land use in the applicable district in which it is located.

SECTION 3.6 USES PERMITTED BY RIGHT, PROVISIONAL USES, AND SPECIAL USES

- A. In any district, no land or structure shall be used, and no structure or building shall hereafter be erected or structurally altered, except for:
 - 1. One or more of the uses listed as permitted by right in that district in Table 3-1;
 - 2. One or more of the provisional uses listed for that district in Table 3-1, provided that the provisional use permit therefore has been issued, according to this Ordinance;
 - 3. One or more of the special uses listed for that district in Table 3-1, provided that a special use permit therefore has been issued, according to this Ordinance.
- B. In the case of a use not specifically mentioned in Table 3-1, such a use shall be subject to the regulations of the use (whether permitted by right, a provisional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator. The Zoning Administrator may determine that such a use is either permitted by right, permitted as a provisional use, permitted as a special use, or not permitted in any particular district.

- C. In Table 3-1, the uses listed in a horizontal row with the letter “X” are permitted by right as the principal use in the district listed at the head of the vertical column in which the letter “X” appears. Similarly, the letter “P” indicates that the use is permitted as a provisional use in that district, and the letter “S” indicates that the use is permitted as a special use in that district, all subject to the regulations and procedures specified in this Ordinance.
- D. In any zoning district, more than one principal building per lot or parcel of land may be allowed under the provisional use procedures, providing they meet the following criteria:
1. The uses are permitted by right (X) or as a provisional use (P) in the district in which the lot or parcel of land is located.
 2. The lot or parcel of land does not qualify as a residential, commercial or industrial P.U.D.
- E. In the CB, CN, I-1, and PL zoning districts, more than one principal use may be allowed in a single building, with the approval of the Zoning Administrator, if the uses are permitted by right (X) within the district in which the lot or parcel of land is located.

TABLE 3.1 | USE TABLE

X = Permitted by Right		S = Special Use						P = Provisional Use			
Agricultural Uses	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Agriculture, General and Cropping	X	X	X	X	X	P	P				P
Alternative Energy Farm (solar, wind, etc.)	X										
Artificial Lake of one (1) or more acres	X	P	P	P	P						P
Commercial Greenhouse	P	P						P	P	P	
Garden Shop	X							X	X		
Marijuana Growth Center	X										
Mineral Extraction, Quarrying, Top-soil Removal and Allied Activities											
Plant Nursery	X									P	

X = Permitted by Right		S = Special Use						P = Provisional Use			
Residential Uses	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Bed and Breakfast	P	P	P	P	P	P					
Dormitory				P	P	P					
Dwelling, Multifamily						X					
Dwelling, Two-Unit Common-Lot-Line					X	X					
Dwelling, Multiple-Unit Common-Lot-Line						X					
Dwelling, Community living facility, Category I		P		P	P	X					

Dwelling, Community living facility, Category II		P		P	P	X					
Dwelling, Community living facility, Category III		P		P	P	P					
Dwelling, Duplex					X	X					
Dwelling, Single-family	X	X	X	X	X	X					
Fraternity/Sorority											
Home for the Aged	P				P	P					
Hotel or Motel	P							P	P	P	
Mobile Home Park	P						P				
Residential Care Facilities	P				P	P					
Residential Planned Unit Development	P	P			P	X					
Tiny Homes							X				
Apartment in Building Occupied by Another Permitted Use					P	X		X	P	P	
Accessory Apartment (mother-in-law suite, granny flat, etc.)	P	P	P	P	X	X					

X = Permitted by Right

S = Special Use

P = Provisional Use

Commercial Uses - Adult Entertainment	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Adult Entertainment								P		P	
Video Gaming								P	P	P	

X = Permitted by Right

S = Special Use

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Commercial Uses - Agricultural	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Farm Chemicals and Fertilizer Sales	P									X	
Farm Equipment Sales and Service	P									X	
Farmers Market								X	X	X	X
Feed and Grain (Sales Only)	P							X	X		
Grain Storage Elevator and Bins	P									X	
Livestock Sales Facility and Stockyards	P									P	
Marijuana Sales and Distribution											
Roadside Produce Sales Stand	P								P		
Slaughterhouses										S	

X = Permitted by Right

S = Special Use

P = Provisional Use

Commercial Uses - Business, Private Educational and Financial Services	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Automatic Teller Machines								X	X	X	
Bank, Savings and Loan Association								X	P	P	
Conference Center								P	P	P	
Day Care Facility		P			P	P	P	P	P		

Professional and Business Office Buildings								X	X	P	
Vocational, Trade or Business School								P	P	P	
Accessory Office	X	P	P	P	X	X					

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Commercial Uses - Food Sales and Services	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Bakery (less than 2,500 sq. ft.)								X	X	P	
Bakery (greater than 2,500 sq. ft.)										X	
Café								X	X		
Catering								X	X		
Confectionery Store								X	X		
Dairy Store								X	X		
Fast-food Restaurant								P	P		
Locker, Cold Storage for Individual Use								P	P	P	
Meal and Fish Market								X	X		
Restaurant								X	X		
Retail Liquor Sales								X	X		
Supermarket or Grocery Store								X	X	P	
Tavern or Night Club								P	P		
Wholesale Produce Terminal	P									X	

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Commercial Uses - Miscellaneous	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Animal Clinic	P	P			P	P		X	X	X	
Auction Sales (Nonanimal)								P		P	
Aviation Sales, Service or Storage	P							X		X	
Cemetery	P	P	P	P	P	P					P
Commercial Breeding Facility or Feed Lot	S										
Construction yard										X	
Crematory								X	X		
Crematory, pets	P	P						X	X		
Donation Boxes								X	P	X	
Funeral Home								X	X		
Kennel	P									P	
Print shop, Blueprinting and Photocopying Establishments								X	X		
Radio or TV Studio								X		X	
Shopping Center - General								P	P		
Shopping Center - Convenience								P	P		
Storage and Sales of Lumber Building Materials and Builder's Supplies								P		X	

Veterinary Hospital - Large Animal	P	P						P		P	
Veterinary Hospital - Small Animal	P	P						P	P	P	
Warehouse larger than 100,000 square feet										X	
Warehouse less than 100,000 square feet										X	
Warehouse - Mini							P	P	P	X	
Wholesale Business								P		X	

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Commercial Uses - Personal Services	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Ambulance Service								X	X	X	
Barber Shop								X	X		
Beauty Shop								X	X		
Dry Cleaning or Laundry Establishment								X	X		
Home Occupation		X	X	X	X	X	X				
Laundry and/or Dry Cleaning Pickup								X	X	X	
Physical Therapy Center								P	P		
Medical Carrier Service								X	X		
Mortuary								X	X		
Reducing Salon								X	X		
Self-service laundry								X	X		
Shoe repair Shop								X	X		
Tailor and Pressing Shop								X	X		

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Commercial Uses - Recreational	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Bait Sales	P							X			
Billiard Room								X			
Bowling Alley								X			
Camp or Picnic Area	P										
Country Club or Golf Course	P	P	P	P	P	P					P
Dancing School								X			
Garden Shop	P	P						X	X		
Health Club								X	X	X	
Lodge or Private Club								X	X	X	
Lodge-Fraternal								X	X	X	
Outdoor Commercial Recreation Enterprise (Except Amusement Park)	P										
Private Club or Lounge							P	X	X	X	
Private Indoor Recreational Development								X	X	X	
Resort or Organized Camp	P										
Riding Stable	P										

Seasonal Hunting or Fishing Lodge	P										
Theater, Indoor	P	P						X			
Theater, Outdoor										P	
Swim Clubs				P	P	P		X	X		

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Commercial Uses - Retail Trade	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Antique or Used Furniture Sales and Service								X			
Apparel Shop								X	X		
Art and Craft Stores and Studios								X	X		
Bicycle Sales and Service								X	X		
Bookstore								X	X		
Building Material Sales (All Indoors Excluding Concrete or Asphalt Mixing)								X		X	
Department Store								X			
Drugstore								X	X		
Electrical or Gas Appliance Sales and Service								X	X		
Electronic Sales and Services								X	X		
Fire Wood (Sales Only)		P	P	P	P	P	P	X	X	X	
Florist								X	X		
Fuel Oil (Sales Only)			P	P				X		P	
Furniture Store - Office Equipment Sales and service								X			
Hardware Store								X	X		
Heating, Ventilating, Air Conditioning Sales and Service								X	X	X	
Home Appliance Sales and Service								X			
Ice (Sales Only)								X	X	X	
Jewelry Store								X	X		
Lawnmower Sales and service								X			
Monument sales (Excludes Stone Cutting)								X			
Music Store								X	X		
Pawn Shop								X			
Pet Store								X			
Photographic Studio and Equipment Sales and Service								X	X		
Plumbing Shop (Retail)								X	X	X	
Shoe Store								X	X		
Sporting Goods								X			
Stationery-Gift Shop - Art Supplies								X	X		
Tobacconist								X	X		
Variety-Dry Goods Store								X	X		

Video Store								X	X		
Woodworking Shop								X	X		
Upholstering								X		X	

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Commercial Uses - Transportation	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Air Freight Terminal	P									P	
Airport	P										X
Heliport	P									P	
Motor Bus Station								X	X	X	X
Railroad yards and Railroad Freight Terminals										X	X
Truck Terminal, Truck Wash										P	

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Commercial Uses - Vehicular Sales and Service	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Automobile, Truck, Trailer or Boat Sales								X		P	
Automobile Salvage yard (Junkyard)										P	
Automobile Repair, major								X		P	
Automobile Repair, minor, limited to two (2) per lot.		X	X	X	X	X	X				
Automobile Accessories (New)								X	P		
Automobile Washing Facility								X	X	X	
Gasoline Station w/attached Mini Market/Grocery/Restaurant								X	P	X	
Gasoline and Service Station								X	P	P	
Mobile Home Sales							P	X			
Truck Stop								P		P	
Construction Equipment Sales and Rentals, Sales Lot and/or Repair								P		X	

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Industrial Uses	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Bookbinding								P	P	X	
Building Paper, Paper Containers and Similar Product Manufacturing										X	
Confectionery Products Manufacturing and Packaging								P	P	X	
Cosmetics and Toiletries Manufacturing										X	
Electrical and Electronic Machinery, Equipment and Supplies Manufacturing										X	
Electrical and Electronic Machinery, Equipment and Supplies Assembly										X	

Engineering, Scientific Supplies and Equipment Manufacturing								P		X	
Engineering, Scientific Supplies and Equipment Assembly										X	
Fabricated Metal Products Manufacturing										X	
Food Products - Canning, Preserving or Packaging Plant										X	
Frozen Food Processing Plant and/or Lockers										X	
Grain Mill Products										X	
Household and Office Furniture Manufacturing								X		X	
Jewelry, Costume Jewelry, Novelties, Silverware and Plated Ware Manufacturing								X		X	
Laboratory for Basic Applied Research								X			
Machinery Manufacturing										X	
Manufacturing and Processing Wearing Apparel								P		X	
Manufacturing and Processing of Athletic Equipment and related Products										X	
Mechanical Measuring and Controlling Instruments Manufacturing										X	
Miscellaneous Finished Product Assembly										X	
Miscellaneous Finished Product Manufacturing										X	
Motion Picture Production Studio								P	P	X	
Musical Instruments and Allied Products Manufacturing										X	
Musical Instruments and Allied Products Assembly										X	
Non-Metallic Products Manufacturing										X	
Nonprofit or Governmental, Educational and Research Agencies								P		X	
Office and Artists Materials Manufacturing (Except Paints, Inks, Dyes, and Similar Products)										X	
Optical Instruments and Lenses Manufacturing										X	
Photographic Equipment and Supplies Manufacturing										X	
Printing and Publishing Plants										X	
Ready Mix Concrete or Asphalt										X	
Sheet Metal Shop										X	

Signs and Advertising Display Manufacturing								X		X	
Storage of Building, Construction Maintenance or Operating Equipment										X	
Surgical, Medical, Dental and Mortuary Instruments and Supplies								X		X	
Theoretical and Applied Research, Development and Prototype Assembly										X	
Watches, Clocks and Clockwork Operated Devices Manufacturing and Assembly								X		X	
Wood Fabricating Shop and Related Activities								P		X	
Wool, Cotton, Silk and Manmade Fiber Manufacturing										X	
Bottling Works										X	
Carpet Manufacturing										X	
Ceramic Products Manufacturing										X	
Petroleum Bulk plant										X	
Pharmaceutical Products Manufacturing										X	
Toy Manufacturing										X	
Welding Shop										X	

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Public and Quasi-Public Facilities	AG1	RS	R-1	R-2	R-3	R-4	R-5	CB	CN	I-1	PL
Bus Storage Garage								P	P	P	X
Church or Temple	X	P	P	P	P	P	X	X	X		X
Electrical Substation	S	P	P	P	P	P	P	X	X	X	X
Hospital or Clinic	P	P	P	P	P	P		X	X	X	X
Institution of an Educational, Philanthropic, or Eleemosynary Nature	P	S	S	S	S	X		X	X		
Municipal or Government Building	P	P	P	P	P	P	P	X	X	X	X
Penal or Correctional Institution								S		S	
Police Station or Fire Station	X	P	P	P	P	P	P	X	X	X	X
Public Park	X	X	X	X	X	X	P	P	P	P	X
Public or Commercial Sanitary Landfill	S										
Public Library, Museum or Gallery		P	P	P	P	P		X	X	P	X
Public Elementary, Junior High School, or Senior High School	X	X	X	X	X	X		X	P		X
Public Fairgrounds	P									P	X
Public Parking Lot					P	P	S	X	X	X	X
Public Maintenance and Storage Garage								X	P	X	X
Public Utilities Office		P	P	P	P			X	X	X	X
Telecommunication Tower and Station	P	P						P	P	P	X
Recycling Center										P	

Recycling Pickup Station						X	P	P	X		
Religious Tent Meeting (Non-affiliated)	P										
Sewage Lift Station	P	P	P	P	P	P	P	P	P	P	X
Sewage Treatment Plant or Lagoon	P									P	X
Solid Waste Transfer Station										S	
Taxi Terminal								P	P	X	X
Telegraph Office		P	P	P	P	X		X	X	X	
Telephone Exchange	P	P	P	P	P	P	P	X	X	X	
Water Treatment Plant	P									P	X
Public Swimming Pool		P	P	P	P			X	X		X

SECTION 3.7 PRINCIPAL, ACCESSORY, AND TEMPORARY USES

3.7.1 Principal Use and Mixed Use - Restrictions.

- A. Two (2) or more principal structures are permitted on a lot for multifamily developments, institutional uses, and hotels or motels.
- B. For all other land uses, no more than one (1) principal structure shall be established on one (1) lot unless there is an approved Planned Development.
- C. Mixed use developments are only permitted in CB, CN, I-1 and PL districts.
- D. Accessory structures are permitted in all districts for all land uses and must adhere to the development standards for the district.

3.7.2 Rules of Interpretation for Uses:

- A. Unless otherwise notes, uses listed as permitted, provisional, or special uses can all be principal uses on a lot.
- B. If a use bears no resemblance to nay of the principal uses, such use shall be deemed to be prohibited use in all districts.
- C. No use listed in any district shall include other uses specifically listed elsewhere. The term “retail establishments” shall not be interpreted to include any of the other commercial uses specifically mentioned in the list of permitted uses.
- D. All uses are subject to performance standards, development standards, and design standards established for the district in which the use is permitted.

3.7.3 Accessory Use.

- A. An accessory use or structure shall be permitted, on the same lot as a principal use, provided that such use meets all of the following criteria:
 - 1. The use is related to the principal use.

2. The use is incidental or subordinate to the principal use.
3. The use is allowed as a permitted, provisional or special use in the district, or is a home occupation.

3.7.4 Standards for Accessory Uses.

- A. The accessory use shall be on the same lot as the principal use except for parking which meets the requirements of this Ordinance.
- B. An accessory use must accompany a legal conforming principal use.
- C. The accessory use shall not be established prior to the principal use.
- D. The area occupied by all accessory uses shall not exceed an area equal to fifty percent (50%) of the floor area occupied by the principal use.
- E. In no case shall a commercial operation be considered an accessory use to a single-family dwelling.

3.7.5 Requirements for Home Occupation.

A home occupation shall be considered a permitted accessory use in each district in which a residential dwelling unit is permitted and shall be subject to the following limitations:

- A. There shall be no on-site employment or employment of persons not residing at the residence.
- B. A home occupation shall be conducted wholly within the principal building or an accessory structure.
- C. The appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.
- D. The total gross floor area which is used primarily for the operation of the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the home.
- E. The storage of merchandise, supplies, or products for off-premises sales is permitted. For the purposes of this Section, any products shipped or delivered to the ultimate consumer of the goods or merchandise shall be considered off-premises sales.
- F. No display of goods or services pertaining to such home occupations shall be visible from outside the building.
- G. No home occupation, nor any storage of goods, merchandise, supplies, products, materials, or equipment connected with a home occupation shall be allowed outdoors.

- H. No advertising sign, other than a non-illuminated sign, not exceeding one square foot in total face area shall be displayed in connection with the home occupation. No other on-site advertising visible from the exterior shall be used that informs the public of the home occupation.
- I. The home occupation shall not exceed the limitations imposed by the provisions of all applicable building, fire, health, safety, and housing codes and shall conform with all applicable requirements for business and occupational licensing.
- J. There shall be no noise, vibration, glare, heat smoke, dust, electromagnetic or electrical interference, or odor detectable beyond the confines of the subject property including transmittal through vertical or horizontal party walls.
- K. The owner of a home occupation shall not allow more than six (6) clients or customers in a dwelling unit or on the premises during any period of sixty (60) consecutive minutes.
- L. The owner of a home occupation shall not allow vehicular traffic associated with business to exceed two (2) vehicles on the property at any one time and sufficient parking shall be provided on the same lot as the dwelling for all business customers.
- M. The owner of a home occupation shall prohibit pedestrian and vehicular traffic generated by clients or customers of a home occupation on the premise between 10:00 p.m. and 7:00 a.m.
- N. The owner of a home occupation shall not allow commercial deliveries related to the home occupation other than the US Postal Service and private package and letter delivery services. Under no circumstances shall commercial deliveries by semi-trailer trucks be permitted.
- O. The owner of a home occupation shall limit the use of commercial vehicles in conjunction with a home occupation to one vehicle, not to exceed one (1) ton maximum load weight and owned by the resident of the dwelling. Such vehicle must be parked in a garage or residential drive on site, and in accordance with provisions elsewhere in this Ordinance.
- P. If more than one home occupation is located within any single dwelling unit, the owner of each home occupation shall not all the combined impacts of the standards contained in this Section with the exception that each home occupation may have one vehicle for commercial use provided it is the only vehicle used in conjunction with the home occupation.
- Q. When within the above requirements, a home occupation includes, but is not limited to the following:
 - 1. An art studio.
 - 2. A dressmaking shop.
 - 3. A professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar professional occupation.

4. Teaching, with musical instruction limited to one or two pupils at a time.
5. A beauty salon.

3.7.6 Requirements for Automatic Teller Machines and Donation Boxes.

- A. Automatic teller machines and donation boxes shall not be located within fifty (50) feet of any lot line of a residential district.
- B. Automatic teller machines shall meet stacking requirements for drive-in uses found in Article Seventeen: Parking, Loading and Access Drives of this Ordinance.

3.7.7 Requirements for Non-Commercial Antennas, Satellite Dishes and Towers

- A. Freestanding noncommercial antennas, satellite dishes and towers must meet setback requirements for accessory structures.
- B. Towers must be setback from adjacent residential structures a distance equal to the height of the tower.
- C. Freestanding towers may not exceed fifty feet in height.

3.7.8 Temporary Uses.

A temporary use is established for a limited period of time with the intent to discontinue such use upon the expiration of such time Temporary Uses are subject to the time restrictions contained in this Ordinance. No temporary use shall involve the consideration or alteration of any permanent structure.

- A. Garage, rummage, yard and similar sales shall be permitted in residential districts subject to the following limitations:
 - A. No such sale shall be of more than four (4) days in duration and the collective total of all such sales shall not exceed four (4) days in any calendar year.
 - B. No goods purchased for resale may be offered for sale at the sale.
 - C. Any directional or advertising signs for the sale shall be removed immediately upon closing of the sale.
 - D. All directional and advertising signs placed off site shall have the permission of the owner of the property on which the sign is to be placed.
 - E. No directional or advertising sign may be larger than two and one-half square feet.
- B. Home parties for the purposes of selling merchandise or taking orders are permitted provided that the party is by private invitation only and shall not be held more than four (4) times in any calendar year and no more frequently than once (1) every thirty (30) days.

END OF ARTICLE THREE.

Article 4. PROVISIONAL AND SPECIAL USES

SECTION 4.1 GENERAL

4.1.1 Purpose.

This Section will establish procedures for provisional and special use review. The provisional and special use process allows flexibility in the Ordinance by allowing uses in certain districts that would not otherwise be permitted. Such uses may generally be compatible in a district, but depending on how the use is designed and operated, there is a potential that the use could be incompatible with the rest of the neighborhood.

4.1.2 Provisional Use.

A provisional use is generally compatible with the other uses permitted in a zoning district, but requires individual review of their location, design, operation, configuration, and intensity to mitigate any potential adverse effect on surrounding lands. Such uses need to show information on a site plan to demonstrate compliance. The Planning and Zoning Board needs to conduct a more thorough review to ascertain that the additional provisions are being met. A valid provisional use permit, authorized by the Planning and Zoning Board and the Village Board of Trustees in accordance with the procedures stipulated herein, is required before applying for a building permit or a certificate of occupancy.

4.1.3 Special Use.

A special use is potentially appropriate in and compatible with other uses in its zoning district, but, due to the scale and nature of the use, the special use has a potential to make a major negative impact on its district and the Village as a whole. Such uses necessitate close examination, site plan review, individual regulation and notification of surrounding land owners. The proposed special use must serve a special need or be required at that specific location for the public convenience. A valid special use permit, authorized by the Planning and Zoning Board and the Village Board of Trustees in accordance with the procedures stipulated herein, is required before applying for a building permit or a certificate of occupancy.

4.1.4 Continuance.

Permits for provisional uses and special uses do not necessarily run with the property. When a provisional or special property use undergoes a change in ownership, management, or operation that is inconsistent with the initial permit application, and any conditions of approval of that application, said change will require, upon determination by the Zoning Administrator, a review of the provisional or special use by the Zoning Administrator or a new and complete re-application before the Planning and Zoning Board as required by this Ordinance. All reviews shall determine whether or not the change results in conditions inconsistent with the original requirements mandated at the issuance of the permit. All decisions by the Zoning Administrator may be appealed as provided under this Ordinance.

4.1.5 Existing Provisional and Special Uses.

Where a use exists on the effective date of this Ordinance and it is classified as a provisional use or special use by said Ordinance, it shall be considered a lawful use. Additions or alterations to existing buildings or land improvements for expansions of lawful uses may be made within the area of the lot included in the ownership existing at the time of adoption of this Ordinance, but they shall be subject to yard, floor area ratio, and building height requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

[A change in ownership will require conformance to the requirements of 3.7.4]

SECTION 4.2 PROCEDURES FOR PROVISIONAL USES

4.2.1 Submittal Requirements for Provisional Use and Special Use Approval.

No use indicated as a provisional use shall receive zoning approval without first submitting to the Zoning Administrator the following items for site plan review:

- A. Application for site plan approval on Village forms. The application must demonstrate that the proposed use is conducive to the public convenience at that location, that the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare, and that the proposed use conforms to the applicable regulations and standards of the district in which it shall be located, including any regulations required in Section 4.3.
- B. A site plan meeting the requirements of this Section 4.2.
- C. An application fee, as determined from time to time by the Village Board of Trustees.

4.2.2 Site Plan Requirements.

Each application for site plan approval for a provisional use shall be accompanied by a site and landscape plan which shall not exceed twenty-four by thirty-six inches in size and shall be drawn to a scale no greater than one hundred feet to the inch. Said site plan shall, if appropriate, include the following information:

- A. The location, dimension, material, and configuration of all buildings, structures and other improvements.
- B. The location and extent of all usable open space, and the proposed use of open space.
- C. The location, access and other dimensions of proposed off street parking facilities and the number and configuration of spaces to be provided.
- D. The location, dimensions and materials of sidewalks, driveways and other impervious surfaces.
- E. A landscaping plan, in accordance with Article Nineteen: Landscaping and Screening.

- F. The location of all property lines, utilities and related easements, including electric lines, storm drainage, sanitary sewers, and water services.
- G. An architectural drawing detailing all buildings and structures to depict height.
- H. The lot size in square feet and the dimensions thereof, and the location and extent of required setbacks and yards.
- I. The number and type of dwelling units proposed.
- J. The land uses surrounding the lot(s) for which the site plan approval is being sought.
- K. The date, north arrow, scale, and name of the development, with the permanent parcel number and a legal description for the property.

4.2.3 Site Plan Review.

The Zoning Administrator shall receive the site plan and arrange a meeting of the Planning and Zoning Board to determine if the proposed building, structure, or land improvement complies with the provisional use standards established in this Article. The Planning and Zoning Board shall determine whether the documentation presented justifies the granting of a provisional use permit and whether the proposed use will be in harmony with the general purpose and intent of this Ordinance. The Planning and Zoning Board shall forward its determination and recommendation to the Village Board of Trustees which shall then approve, approve with amendment, or deny the granting of the provisional use permit.

4.2.4 Site Plan Recommendation or Denial.

- A. The Planning and Zoning Board shall recommend or deny the requested provisional use permit, and may also impose such additional conditions and requirements as are appropriate or necessary for the public health, welfare, and safety, and to carry out the purpose of this Ordinance, including but not limited to the following.
 - 1. Regulate the location, extent, and intensity of such use;
 - 2. Require the screening of such uses by means of fences, walls or vegetation;
 - 3. Stipulate required minimum lot size;
 - 4. Stipulate vehicular access and volume;
 - 5. Require conformance to health, safety, and sanitation requirements as necessary;
 - 6. Increase the required yards;
 - 7. Any other conditions deemed necessary to effect the purposes of this Ordinance.
- B. Upon the determination that all the criteria have been met, the Planning and Zoning Board shall approve the site plan. Zoning approval shall be granted in accordance with Article Twenty-Two: Administration and Enforcement. A provisional use permit is subject

to all the developmental standards applicable to permitted uses in the district in which it is located, unless otherwise stated in the permit. Additionally, provisional uses are also subject to the standards specified in each Use District Article, if applicable. The Planning and Zoning Board may attach conditions to the approval in accordance with this Article.

- C. If the proposed use does not conform to any one or more of the general standards or the specific requirements of this Ordinance, the Planning and Zoning Board shall so find and disapprove the site plan. The notification shall be in writing and shall address the relevant and applicable standards that caused the site plan to be denied.
- D. If a site plan is disapproved, the applicant shall be given the opportunity to resubmit the site plan with modifications to specifically address the concerns of the Planning and Zoning Board. Such modifications shall constitute a new application.
- E. The notification of the findings of the Planning and Zoning Board shall be within thirty days after the date a complete application for site plan approval is received. Said recommendation shall be forwarded to the Village Board of Trustees in accord with Section 24.3.3.

4.2.5 Appeals to the Site Plan for Provisional Use Review.

The decision of the Planning and Zoning Board to disapprove or attach conditions to any site plan, may be appealed to the Village Board of Trustees.

4.2.6 Amendments to the Site Plan or Conditions for Provisional Use.

The procedure for amendment of a site plan already approved or for a request for a change of conditions attached to the approval of a provisional use, shall be the same as for a new application for provisional use approval.

SECTION 4.3 PROCEDURES FOR SPECIAL USES

4.3.1 Uses Permitted through Special Use Permit:

Some uses of land, for one or more of the following reasons cannot normally appear as uses permitted as a matter of right, or provisional use in a particular district, but may be permitted through approval of a special use permit:

- A. The use may involve a great deal of land.
- B. The use may be of a public or semi-public character, and as such be important in the development of the Village as a whole.
- C. The use may be reasonably approved as to a particular location on account of factors or reasons not applicable to the zoning district as a whole.

4.3.2 Application for Special Use:

No use indicated as a special use or any use not indicated as a permitted or provisional use shall receive zoning approval without applying for and receiving special use approval from the

Planning and Zoning Board and the Village Board' of Trustees. The application for a special use permit shall be made to the Zoning Administrator and shall demonstrate:

- A. That the proposed use is conducive to the public convenience at that location;
- B. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or detrimental to the district in which it shall be located, or otherwise injurious or detrimental to the public welfare;
- C. That the proposed use conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located.
- D. Each application for a special use Permit shall include each of the following items:
 - 1. Application for a special use Permit on forms provided by the Village, evidence of ownership and fee.
 - 2. Site plan meeting the requirements for a site plan for a provisional use (Section 4.2.2)
 - 3. Architectural elevations and drawings showing all buildings and improvements, including signs.
 - 4. A development schedule for the proposed development.
 - 5. Any other information requested by the Planning and Zoning Board to determine if the conditions for the special use will be met.

4.3.3 Procedure for Special Use Review:

- A. Upon receipt of a complete application, the Zoning Administrator shall schedule the item to be reviewed by the Planning and Zoning Board at a public hearing.
- B. The Planning and Zoning Board shall conduct the hearing and make a recommendation to the Village Board of Trustees on the application for a special use Permit. The recommendation shall include findings and recommended conditions as provided for in this Article.
- C. The Village Board of Trustees shall make the final determination to grant or deny the special use Permit application.

4.3.4 Findings for Granting the Special Use:

Before making any recommendation to the Village Board of Trustees to approve or deny the application for a special use Permit, the Planning and Zoning Board shall make a determination, based solely upon the evidence presented at a public hearing conducted by the Planning and Zoning Board, on whether the application satisfies all of the following criteria:

- A. That the proposed use meets some public or neighborhood need at the specific location.

- B. That the proposed use is designed, located, and proposed to be operated so that it will not be unreasonably injurious or unreasonably detrimental to the district in which it may be located or otherwise injurious to the public welfare.

[This may include concerns such as drainage on neighboring properties, containing effects of operation on the subject site, increase in the danger for fire or crime, visual impact, or impairment of adequate light and air to adjacent properties.]

- C. That the proposed use conforms to all applicable regulations and standards of the district in which it shall be located that are reasonably possible.
- D. That the proposed use preserves the essential character of the district in which it shall be located.

[Essential character refers to overall intensity, style, appearance or form already established in the area.]

- E. That adequate measures have been or will be taken to minimize potential increase in traffic congestion or possible situations that would create poor traffic circulation including access issues.

4.3.5 Conditions for Special Uses:

The Planning and Zoning Board shall make recommendations to the Village Board of Trustees to approve, approve with additional conditions, or to deny the proposed special use permit. The additional conditions may be recommended as appropriate or necessary for the public health, safety, and welfare, and to satisfy the findings required for granting a special use. Such conditions may include but are not limited to the following:

- A. Regulate the location, extent, business hours, and intensity of such uses.
- B. Require adherence to an approved site plan.
- C. Require additional landscaping or screening of such uses by means of fences, walls, and vegetation.
- D. Stipulate required minimum lot sizes, minimum yards, maximum height of buildings and structures.
- E. Regulate vehicular access and traffic volume, and design and location of parking and loading areas and structures.
- F. Require conformance to health, safety, and sanitation requirements, as necessary.
- G. A time limit on the use to allow for review of the use and reapproval.
- H. Regulate signs, architectural features, and outdoor lighting to be more compatible with the surrounding neighborhood.
- I. Require that certain covenants or dedications for public streets be designed and recorded in accordance with the regulations in the Subdivision Ordinance. [Such

dedication must be specifically and uniquely attributable to the proposed use. Any requirements for dedication should contain documentation to demonstrate this relationship.]

- J. Any other conditions deemed necessary to effect the purposes of this Ordinance.

4.3.6 Special Use Permit:

A special use permit shall be included as an attachment to the Village Board of Trustees Resolution approving the special use application. The permit shall contain the following information:

- A. A legal description, permanent parcel index number, and common address of the subject property.
- B. The type of special use being granted.
- C. c. A statement for each finding summarizing how such finding has been satisfied.
- D. Any conditions imposed on the special use as a condition of approval.
- E. A list of any element of the special use site plan which may be subject to flexible requirements during the permit approval stage and the degree of flexibility allowed.
- F. The date the special use permit becomes effective and the expiration date for establishing the special use. Also the date of expiration of the special use, if one is recommended.
- G. Any exhibits, including the site plan and elevation, shall be attached to the special use permit with a statement that the special use approval is conditioned on the project being built in accordance with such plans unless specific exceptions are stated in the special use permit.

4.3.7 Special Use Amendments - Minor:

- A. A special use shall be developed in compliance with the special use permit. Minor amendments to the approved special use permit are allowed as follows:
 - 1. The applicant shall apply for the minor amendment to the approved special use permit on forms provided by the Village.
 - 2. The Zoning Administrator shall review the application, which will be approved by the Planning and Zoning Board. Minor amendments include the following:
 - a. Changes that have been allowed through an amendment to the special use permit which are not listed as a major amendment as defined below.
 - b. Minor changes in location, siting and height of the buildings that are not a major amendment as defined below. Such change may only be authorized if engineering or other physical limitations of the site, not foreseen at the time the special use permit was approved, warrant such a change.

4.3.8 Special Use Amendments - Major:

Major amendments to an approved special use permit may only be requested by application of a new special use permit, in accordance with Section 4.3.2., unless additional flexibility is provided for in the original special use permit. Otherwise, the following constitutes major amendments:

- A. An increase in overall lot coverage of the structure by more than ten percent.
- B. An increase in height that results in an additional story on any building.
- C. A reduction of overall amount of usable open space or a reduction of any area designated as common open space.
- D. A reduction in off-street loading and parking spaces by ten percent.
- E. The change in location of any structure by more than ten feet in any direction.
- F. An overall reduction in the area designated for landscaping treatment in anyone phase.
- G. A change in the circulation pattern that would reduce or increase points of access, change access to another street, or increase projected traffic volumes.
- H. A combination of three or more changes classified as minor amendments, which have not been specifically allowed by the special use permit.
- I. A major amendment to an approved special use permit shall not be requested in order to obtain a variation from the minimum requirements of the applicable zoning standards. The Zoning Administrator reserves the right to determine that the application for a major amendment is requesting a variation from the applicable development standards.

4.3.9 Special Use Expiration and Violations:

Once a special use is established under the terms of the special use permit, the special use may continue as approved under the following conditions:

- A. The special use permit may be suspended in accordance with the provisions of Article Twenty-Four: Amendments and Hearings, if work authorized by the special use permit is not commenced within six months of the date of the Village Board of Trustees action approving the special use application or within six months of the date of an approved development plan.
- B. In any case where a special use permit has been approved, and the special use has been established, a change in use from the approved special use to another use shall cause the special use permit to expire.
- C. When a special use is discontinued for twelve consecutive months, the special use permit shall expire.
- D. The removal or destruction of a structure containing a special use shall cause the special use permit to expire. Destruction for the purpose of this subsection, is defined as

damage to an extent of more than fifty percent of its fair market value immediately prior to the time of destruction.

- E. The construction of a special use in variation with the approved site plan, elevation, or conditions of the special use permit, shall be considered a violation of this Ordinance and shall be subject to enforcement as specified in Article Twenty-Two: Administration and Enforcement.

END OF ARTICLE FOUR.

Article 5. AGRICULTURAL DISTRICT AG-1

SECTION 5.1 GENERAL

5.1.1 Purpose.

The purpose of this zoning district is to prevent scattered, indiscriminate urban development within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.

5.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

5.1.3 Development and Performance Standards.

A. LOT REQUIREMENTS

Every lot used for residential purposes shall have:

1. A minimum width at the building line of 200 feet.
2. A minimum lot area of one acre (43,560 square feet).
3. A minimum ground floor area of the main residence of less than 680 square feet, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards. Each lot, except as otherwise specified, shall have two side yards, each having a width of not less than 15 feet and the aggregate width of both side yards in any lot shall be not less than 30 percent of the width of the lot.
3. Rear Yards. There shall be a rear yard of not less than 25 percent of the depth of the lot.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.20.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.55.

E. MAXIMUM HEIGHT

The maximum height of any building shall not exceed 50 feet. Exceptions include barns, silos, and other farm structures.

5.1.4 Provisional Use Development and Performance Standards.

A. HOSPITALS

1. The signage shall be in accordance with the CN district

2. The sideyard and landscape setback requirements of the CN District shall apply.

B. LIVESTOCK SALES FACILITIES AND STOCKYARDS IN THE AG-1 AND I-1 DISTRICTS

1. No livestock sales facilities and stockyards shall be located within five hundred feet from an adjoining property line of a non-agricultural or non-industrial district.
2. All livestock facilities and stockyards shall be screened on four sides by a Type F screen, as defined in Article Nineteen: Landscaping and Screening.

C. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

D. FREESTANDING TELECOMMUNICATION TOWERS

1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.
2. A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
3. No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.
4. The type and height of tower shall be restricted based on the maximum height in this Zoning District.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as described in Article Nineteen: Landscaping and Screening.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

5.1.5 Special Use Development and Performance Standards.

(I) A. COMMERCIAL BREEDING FACILITIES

1. No slaughterhouse shall be located within five hundred feet from an adjoining property line of a non-industrial district.

2. All slaughterhouses shall be screened on four sides by a Type F screen, as defined in Article Nineteen: Landscaping and Screening.

END OF ARTICLE FIVE.

Article 6. RESIDENTIAL SUBURBAN DISTRICT RS

SECTION 6.1 GENERAL

6.1.1 Purpose.

The purpose of this zoning district is to provide for detached single-family dwellings on large lots with related uses for creational, religious, or cultural activities. Some accessory uses are also allowed. This is a rural, very low density residential district, generally located between an AG-1 and an R-1 or R-2 district.

6.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

6.1.3 Development and Performance Standards.

A. LOT REQUIREMENTS

Every lot used for residential purposes shall have:

1. One principal use per lot.
2. A minimum width at the building line of 100 feet.
3. A minimum lot area of 20,000 square feet or ½ acre.
4. A minimum ground floor area of the main residence of less than 1,600 square feet, if a single-story dwelling, or a ground floor area of less than 900 square feet if more than one story, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.
 - a. On each interior lot, there shall be two side yards, having an aggregate width of not less than thirty (30) feet, neither side yard having a width of less than fifteen (15) feet.
 - b. On each corner lot, there shall be two side yards, the side yard abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than fifteen (15) feet.
3. Rear Yards. There shall be a rear yard, the depth of which shall be not less than thirty (30) feet, except that an accessory structure may be erected within the rear yard not closer to the property line than fifteen (15) feet.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.20.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.55.

E. MAXIMUM HEIGHT

1. The maximum height of any building shall not exceed thirty-five (35) feet, not exceeding two and one-half stories.
2. For any building accessory to any dwelling use, fourteen (14) feet, not exceeding one story.
3. For any other non-residential building or their structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of depth or width.

F. ADDITIONAL PERFORMANCE STANDARDS

1. All commercial landscaping and construction equipment permitted for non-residential uses shall be contained in an enclosed building which shall be constructed of a finished building material. In cases where it is not possible to contain equipment within a building storage of such equipment shall comply with screening requirements for high impact non-residential use.
2. Non-residential uses allowed in this district shall not store bulk storage of hazardous substances, construction materials, construction vehicles or heavy equipment on sites less than five acres in area. Such storage shall be completely indoors and shall be located at least three hundred feet from any adjacent residential lot line.

6.1.4 Provisional Use Development and Performance Standards.

A. DAY CARE CENTERS IN RS, R-3, R-4, OR R-5 DISTRICT

1. Day care centers shall be developed, maintained, and operated that the building and yards have the appearance of a single family residence. The size of the building shall not exceed four thousand square feet.

B. HOSPITALS IN AG-1 AND RESIDENTIAL DISTRICTS

1. The signage shall be in accordance with the CN district
2. The sideyard and landscape setback requirements of the CN District shall apply.

C. RESIDENTIAL CARE FACILITIES IN AG-1, R-3 AND R-4 DISTRICTS

1. The sideyard and landscape setback of a non-residential land use applicable to the district in which the residential care facility is located shall be met
2. A minimum lot area of six hundred square feet per bed shall be maintained

D. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.

2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

E. FREESTANDING TELECOMMUNICATION TOWERS

1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.
2. A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
3. No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.
4. The type and height of tower shall be restricted based on the maximum height in this Zoning District.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as described in Article Nineteen: Landscaping and Screening.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

END OF ARTICLE SIX.

Article 7. RESIDENTIAL DISTRICT R-1

SECTION 7.1 GENERAL

7.1.1 Purpose.

The purpose of this zoning district is to provide detached, single-family dwelling with related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be protected from encroachment of uses that create significant negative impacts upon the residential area. This a low density, residential district.

7.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

7.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. One principal use per lot.
2. A minimum width at the building line of 80 feet.
3. A minimum lot area of 9,600 square feet.
4. A minimum ground floor area of the main residence of less than 1,300 square feet, if a single-story dwelling, or a ground floor area of less than 800 square feet if more than one story, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.
 - a. On each interior lot, there shall be two side yards, having an aggregate width of not less than twenty (20) feet, neither side yard having a width of less than ten (10) feet.
 - b. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than ten (10) feet.
 - c. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side

yards, the side yard abutting the street having a width of not less than twenty (20) feet, and the side yard not abutting the street having a width of not less than ten (10) feet.

- d. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.
3. Rear Yards. There shall be a rear yard, the depth of which shall be not less than thirty (30) feet, except that an accessory structure may be erected within the rear yard not closer to the property line than ten (10) feet.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.35.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.45.

E. MAXIMUM HEIGHT

1. The maximum height of any building shall not exceed thirty-five (35) feet, not exceeding two and one-half stories.
2. For any building accessory to any dwelling use, fourteen (14) feet, not exceeding one story.
3. For any other non-residential building or their structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of depth or width.

F. ADDITIONAL PERFORMANCE STANDARDS

1. All commercial landscaping and construction equipment permitted for non-residential uses shall be contained in an enclosed building which shall be constructed of a finished building material. In cases where it is not possible to contain equipment within a building storage of such equipment shall comply with screening requirements for high impact non-residential use.
2. Non-residential uses allowed in this district shall not store bulk storage of hazardous substances, construction materials, construction vehicles or heavy equipment on sites less than five acres in area. Such storage shall be completely indoors and shall be located at least three hundred feet from any adjacent residential lot line.
3. No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

7.1.4 Provisional Use Development and Performance Standards.

A. HOSPITALS IN AG-1 AND RESIDENTIAL DISTRICTS

1. The signage shall be in accordance with the CN district

2. The sideyard and landscape setback requirements of the CN District shall apply.

END OF ARTICLE SEVEN.

Article 8. RESIDENTIAL DISTRICT R-2

SECTION 8.1 GENERAL

8.1.1 Purpose.

The purpose of this zoning district is to provide for detached, single-family dwellings with related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be protected from encroachment of uses that create significant negative impacts upon the residential area. This is a medium-density, residential district.

8.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

8.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. One principal use per lot.
2. A minimum width at the building line of 65 feet.
3. A minimum lot area of 6,500 square feet.
4. A minimum ground floor area of no less than 720 square feet, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.
 - a. On each interior lot, there shall be two side yards, having an aggregate width of not less than twenty (20) feet, neither side yard having a width of less than ten (10) feet.
 - b. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than five (5) feet.
 - c. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty (20) feet, and the side yard not abutting the street having a width of not less than five (5) feet.

- d. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.
3. Rear Yards. There shall be a rear yard, the depth of which shall be not less than thirty (30) feet, except that an accessory structure may be erected within the rear yard not closer to the property line than ten (10) feet

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.40.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.40.

E. MAXIMUM HEIGHT

1. The maximum height of any building shall not exceed thirty-five (35) feet, not exceeding two and one-half stories.
2. For any building accessory to any dwelling use, fourteen (14) feet, not exceeding one story.
3. For any other non-residential building or their structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of depth or width.

F. ADDITIONAL PERFORMANCE STANDARDS

1. All commercial landscaping and construction equipment permitted for non-residential uses shall be contained in an enclosed building which shall be constructed of a finished building material. In cases where it is not possible to contain equipment within a building storage of such equipment shall comply with screening requirements for high impact non-residential use.
2. Non-residential uses allowed in this district shall not store bulk storage of hazardous substances, construction materials, construction vehicles or heavy equipment on sites less than five acres in area. Such storage shall be completely indoors and shall be located at least three hundred feet from any adjacent residential lot line.
3. No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

8.1.4 Provisional Use Development and Performance Standards.

A. HOSPITALS IN AG-1 AND RESIDENTIAL DISTRICTS

1. The signage shall be in accordance with the CN district
2. The sideyard and landscape setback requirements of the CN District shall apply.

END OF ARTICLE EIGHT.

Article 9. ARTICLE 9: RESIDENTIAL DISTRICT R-3

SECTION 9.1 GENERAL

9.1.1 Purpose.

The purpose of this zoning district is to provide for detached, single-family dwellings, two-family, attached dwelling (duplexes), and accessory uses. These areas may include related uses for recreational, religious, or cultural activities. Some accessory uses are also allowed. This district should be protected from encroachment of uses that create significant negative impacts upon the residential area. Densities in this district range from four to eight dwelling units per acre.

9.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

9.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. One principal use per lot, except that more than one dwelling may be constructed on one lot.
2. A minimum width at the building line of 65 feet.
3. A minimum lot area of:
 - a. 6,500 square feet for single family dwellings
 - b. 7,500 square feet for two family dwellings.
4. A minimum ground floor area of no less than 720 square feet for single family dwellings and no less than 1,120 square feet for two family dwellings, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.
 - a. On each interior lot, there shall be two side yards, having an aggregate width of not less than ten (10) feet, neither side yard having a width of less than five (5) feet.
 - b. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard

abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than five (5) feet.

- c. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty (20) feet, and the side yard not abutting the street having a width of not less than five (5) feet.
 - d. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than five (5) feet.
3. Rear Yards. There shall be a rear yard, the depth of which shall be not less than twenty-five (25) feet, except that an accessory structure may be erected within the rear yard not closer to the property line than ten (10) feet.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.40.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.40.

E. MAXIMUM HEIGHT

- 1. The maximum height of any building shall not exceed:
 - a. Thirty-five (35) feet, not exceeding two and one-half stories for single family and two family dwellings.
- 2. For any building accessory to any dwelling use, fourteen (14) feet, not exceeding one story.
- 3. For any other non-residential building or their structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five feet there shall be added to each yard requirement one corresponding foot of depth or width.

F. ADDITIONAL PERFORMANCE STANDARDS

- 1. All commercial landscaping and construction equipment permitted for non-residential uses shall be contained in an enclosed building which shall be constructed of a finished building material. In cases where it is not possible to contain equipment within a building storage of such equipment shall comply with screening requirements for high impact non-residential use.
- 2. Non-residential uses allowed in this district shall not store bulk storage of hazardous substances, construction materials, construction vehicles or heavy equipment on sites less than five acres in area. Such storage shall be completely indoors and shall be located at least three hundred feet from any adjacent residential lot line.

3. No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

9.1.4 Provisional Use Development and Performance Standards.

A. DAY CARE CENTERS IN RS, R-3, R-4, OR R-5 DISTRICT

1. Day care centers shall be developed, maintained, and operated that the building and yards have the appearance of a single family residence. The size of the building shall not exceed four thousand square feet.

B. HOSPITALS IN AG-1 AND RESIDENTIAL DISTRICTS

1. The signage shall be in accordance with the CN district
2. The sideyard and landscape setback requirements of the CN District shall apply.

C. RESIDENTIAL CARE FACILITIES IN AG-1, R-3 AND R-4 DISTRICTS

1. The sideyard and landscape setback of a non-residential land use applicable to the district in which the residential care facility is located shall be met
2. A minimum lot area of six hundred square feet per bed shall be maintained

D. COMMUNITY LIVING FACILITIES, R-3 AND R-4 DISTRICTS

1. No community living facility shall be located or established within one thousand feet of another community living facility when located in an R -3 or R -4 zoning district, except by special use permit.

E. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

END OF ARTICLE NINE.

Article 10. RESIDENTIAL DISTRICT R-4

SECTION 10.1 GENERAL

10.1.1 Purpose.

The purpose of this zoning district is to provide for (low density/medium density/etc.) multifamily dwellings. The multifamily buildings are generally low-rise, lower density apartment of two to three stories. Open space and recreational amenities should be provided for residents. The R-4 district is appropriate next to areas with low density single family development patterns and may serve as a transitional use. Density is controlled by floor area ratio and open space ratio. The average density will range from twelve to thirty units per acre.

10.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

10.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. One principal per use per lot except that more than one dwelling may be constructed on one lot.
2. A minimum width at the building line of 65 feet.
3. A minimum lot area of:
 - a. 6,500 square feet for single family dwellings.
 - b. 7,500 square feet for two family dwellings.
 - c. For multifamily units, the minimum lot area will be the combined area of 2,500 square feet for every 3 bedroom unit, 2,000 square feet for every 2 bedroom unit and 1,500 square feet for every 1 bedroom unit or no less than 6,500 square feet.
4. A minimum ground floor area of no less than 720 square feet for single family dwellings and plus an additional floor area of 400 square feet per additional family unit, exclusive of unenclosed porches, terraces, and garages.

B. SETBACKS

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.

- a. On each interior lot, there shall be two side yards, having an aggregate width of not less than ten (10) feet, neither side yard having a width of less than five (5) feet.
 - b. On each corner lot, except where the lot is occupied by a townhouse or row house, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than ten (10) feet.
 - c. On each corner lot, except where the lot is occupied by a townhouse or row house, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty (20) feet, and the side yard not abutting the street having a width of not less than ten (10) feet.
 - d. On any lot, in any side yard not abutting the street, a detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than fifteen (15) feet, and a private garage thereof having a wall in common located on the common side lot line.
3. Rear Yards. There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.40 for single and two family dwellings and 0.90 for multifamily dwellings.

D. OPEN SPACE RATIO

The minimum OSR shall be 0.40 for single and two family dwellings and 0.35 for multifamily dwellings.

E. MAXIMUM HEIGHT

The maximum height of any building shall not exceed:

- i. Thirty-five (35) feet, not exceeding two and one-half stories for single family and two family dwellings.
- ii. Fifty (50) feet, not exceeding three stories for multifamily dwellings.

B. ADDITIONAL PERFORMANCE STANDARDS

- 1. All commercial landscaping and construction equipment permitted for non-residential uses shall be contained in an enclosed building which shall be constructed of a finished building material. In cases where it is not possible to contain equipment within a building storage of such equipment shall comply with screening requirements for high impact non-residential use.

2. Non-residential uses allowed in this district shall not store bulk storage of hazardous substances, construction materials, construction vehicles or heavy equipment on sites less than five acres in area. Such storage shall be completely indoors and shall be located at least three hundred feet from any adjacent residential lot line.
3. The maximum number of bedrooms in any dwelling unit in a multifamily structure shall be four bedrooms. Total square feet of area for all bedrooms shall not exceed six hundred square feet.
4. No auto repair shall be permitted on vehicles at locations for which the vehicle is not registered. Any vehicle without properly displayed license plates shall not be considered registered to the property it is located upon.

10.1.4 Provisional Use Development and Performance Standards.

A. DAY CARE CENTERS IN RS, R-3, R-4, OR R-5 DISTRICT

1. Day care centers shall be developed, maintained, and operated that the building and yards have the appearance of a single family residence. The size of the building shall not exceed four thousand square feet.

B. HOSPITALS IN AG-1 AND RESIDENTIAL DISTRICTS

1. The signage shall be in accordance with the CN district
2. The sideyard and landscape setback requirements of the CN District shall apply.

C. RESIDENTIAL CARE FACILITIES IN AG-1, R-3 AND R-4 DISTRICTS

1. The sideyard and landscape setback of a non-residential land use applicable to the district in which the residential care facility is located shall be met
2. A minimum lot area of six hundred square feet per bed shall be maintained

D. COMMUNITY LIVING FACILITIES, R-3 AND R-4 DISTRICTS

1. No community living facility shall be located or established within one thousand feet of another community living facility when located in an R -3 or R -4 zoning district, except by special use permit.

E. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

END OF ARTICLE TEN.

Article 11. MOBILE HOME (MANUFACTURED HOME) PARK R-5

SECTION 11.1 GENERAL

11.1.1 Purpose.

The purpose of this zoning district is to provide for developments of mobile (manufactured) home parks, including mobile (manufactured) homes, recreational vehicles, house trailers, and mobile (manufactured) home park service buildings. This district allows unified developments where individual pads are provided for owners of mobile (manufactured) homes. All developments are subject to provisional use review and all units must comply with current HUD construction codes and the Illinois Manufactured Home Community. These developments are generally more in character with single-family detached neighborhoods with private open space for each dwelling unit.

11.1.2 Use Regulations and Site Plan Submittal Requirements.

All manufactured home parks must receive provisional use approval in accordance with the procedures specified in this article. The following information is required in addition to the materials required to be submitted with a provisional use application:

- A. Site plan requirements. The following information must be contained on the site plan:
 - 1. The plan must contain all information required on a site plan for a provisional use in accordance with section 4.2.2.
 - 2. Existing structures, vegetation, and an indication of items to be removed or retained.
 - 3. All proposed buildings, sidewalks and individual manufactured home sites.
 - 4. Internal circulation system.
 - 5. Exterior dimensions, dimensions of interior drives, and manufactured home sites.
- B. Project data:
 - 1. Total number of manufactured homes to be in the park.
 - 2. Total area and gross density of park.
 - 3. Usable open space in terms of total acres and percent of the park.
 - 4. Total number of parking spaces.
 - 5. Development schedule.
- C. Any proposed covenants, dedications, or other documents that may require recording.

11.1.3 Development and Performance Standards.

A. MANUFACTURED HOME INDIVIDUAL SITES

1. The required setback from the manufactured home to the boundary line of the manufactured home site shall be:
 - i. Front setback = 25 feet
 - ii. Rear setback = 10 feet
 - iii. Side setback = 10 feet
2. The minimum size of a manufactured home site shall be four thousand (4,000) square feet for a single-wide unit and five thousand (5,000) square feet for a double-wide unit.
3. The manufactured home stand, anchor, and skirting shall be constructed in accordance with local building regulations and applicable State and Federal regulations.
4. Each manufactured home site shall be provided with an outdoor living area. Such area shall either be paved or constructed of masonry or concrete blocks to create a single usable surface adjacent to the manufactured home. The area shall be a minimum of one hundred sixty (160) square feet, with a minimum dimension of eight (8) feet.
5. Any additions or alterations made to a manufactured home unit including porches, awnings, and overhangs shall not exceed one hundred sixty (160) square feet, shall be setback a minimum distance of fifteen (15) from an adjacent manufactured home, conform in color with the existing unit, and be of compatible material.

B. SERVICE BUILDINGS AND ACCESSORY USES

1. All manufactured home developments shall provide the following service buildings and other community facilities:
 - i. A management office
 - ii. Maintenance storage facilities
 - iii. Other facilities required by State law
2. Laundries, daycare, and other permitted uses accessory to the manufactured housing development may only be established as part of an approved site plan for the provisional use.
3. Accessory storage structures for individual manufactured home sites shall not exceed two hundred fifty (250) square feet in area and shall not be located within two (2) feet of any edge of the manufactured home site.

C. SIZE, DENSITY, AND SETBACKS

4. The minimum size of a manufactured housing park shall not be less than five (5) acres.
5. The overall density of a manufactured housing park shall not exceed eight (8) units per acre.
6. The setback along the periphery of the manufactured housing park shall be as follows:

- i. Front Yard Adjacent to State Highway/Interstate = 45 feet
- ii. Front Yard Adjacent to Local Street = 30 feet
- iii. Side and Rear Yard = 15 feet

D. RECREATIONAL OPEN SPACE, LANDSCAPING, AND SCREENING

- 1. Not less than ten (10) percent of the gross site area of the manufactured housing park shall be devoted to recreational open space.
- 2. The area of each parcel designated as recreational open space, shall not be less than six thousand (6,000) square feet in area nor less than thirty (30) feet in its smallest dimension.
- 3. Recreational open space shall meet the design standards for open space guidelines established for Planned Developments.
- 4. Unpaved areas between manufactured homes shall have permanent lawns or groundcover as approved in the Plant List which is available for inspection in the office of the Village clerk. Such areas shall be maintained in accordance with Article Nineteen, Landscaping and Screening.
- 5. Manufactured housing parks shall meet the requirements for screening contained in Article Nineteen, Landscaping and Screening.

E. WASTE DISPOSAL

- 1. All refuse shall be stored in watertight containers located on each mobile home site or at a common collection site within one hundred fifty (150) feet of each site.
- 2. Solid waste shall be collected and disposed of in conformance with applicable State and Village regulations.

F. STREETS, PARKING, AND LIGHTING STANDARDS

- 1. All manufactured housing parks shall be provided with adequate, safe, and convenient vehicular access from abutting public streets.
- 2. Public street dedications within or abutting mobile home parks shall be constructed in accordance with the Subdivision Regulations of the Municipal Code.
- 3. Entrance drives shall meet the requirements for residential access drives contained in Article Seventeen, Parking, Loading, and Access Drives.
- 4. The internal circulation system shall meet the requirements for internal circulation contained in Article Sixteen, Planned Developments.
- 5. Individual walkways to each mobile home stand from the parking area is required and shall be a minimum of two (2) feet in width. The walkway shall either be paved or constructed of masonry or concrete blocks to create a single usable surface. Location of the parking area adjacent to the mobile home stand is sufficient to meet this standard.
- 6. Common walks are required at locations where heavy pedestrian traffic is likely to occur, such as at entrances, service facilities, and recreation areas. Common walks should be located through interior areas removed from streets wherever possible and shall be constructed to the same standards as an individual walkway.

7. Two (2) parking spaces per unit shall be provided within the manufactured home development. One parking space shall be provided on the individual manufactured home site. One parking space shall either be provided on the manufactured home site, on the access drive in front of the site, or in a guest parking area. The guest parking space shall be located within two hundred (200) feet of the site it is intended to serve.
8. All internal access drives shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least five thousand (5,000) lumens, and the light poles shall be not more than two hundred fifty (250) feet apart.

G. UTILITIES

1. Water, sanitary sewer, electrical, telephone, and cable television services shall be provided in accordance with State and local regulations.
2. Stormwater management shall be provided in accordance with the Village's Subdivision Ordinance.
3. Fire hydrants shall be provided in accordance with State and local regulations.

11.1.4 Requirements for existing manufactured home parks.

- A. Manufactured housing parks in existence on the date of adoption of this Ordinance, may be altered to bring such parks into greater conformity with this article upon approval of a provisional use in accordance with this article. Such developments may be exempted from some of the design standards in this article upon demonstrating that as many of the nonconforming elements as possible have been brought into compliance. In no case, however, shall an existing manufactured housing development be altered to increase the nonconformity for any standard or increase density above that permissible in this article.
- B. Additions made to manufactured housing parks in existence on the date of adoption of this Ordinance, shall only be allowed in conformity with the provisional use approval and design requirements of this article.
- C. Manufactured housing parks in existence on the date of adoption of this Ordinance and at least three (3) acres in area and which do not make any alterations or additions, may continue to operate without a provisional use permit. Such manufactured housing developments less than three (3) acres in size shall be considered nonconforming uses and shall comply with the requirements in Article Twenty-Two, Nonconformities.
- D. If any site in a manufactured housing park is designed to accommodate a single-wide unit, it shall not be replaced by a double-wide unit unless all applicable setbacks and area requirements for a double-wide unit are met and the stand is modified to accept the double-wide unit. The modification of a site or combination of two (2) sites to make this change shall be considered a minor amendment to the provisional use.

END OF ARTICLE ELEVEN.

Article 12. CENTRAL BUSINESS COMMERCIAL DISTRICT CB

SECTION 12.1 GENERAL

12.1.1 Purpose.

The purpose of this zoning district is to provide for high density retail, service, and office development mixed with residential units, parking, and institutional uses that are located in the urban core. This district has high intensity uses in terms of scale of buildings, traffic that is generated, size of businesses, and hours of operation. The floor area ratio in this district is the highest density allowed by the Ordinance. Public parking is provided in this district, reducing the necessity of providing on-site parking for individual businesses. The area draws heavy pedestrian traffic from nearby residents and employees in the area.

12.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

12.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. A minimum lot area of not less than 3,500 square feet.
2. A minimum width at the building line of twenty-five (25) feet.
3. No more than ninety (90) percent of any lot may be covered by buildings.

B. SETBACKS

Setbacks for lots situated adjacent to a residential district shall comply with the buffer yard and screening requirements in this Ordinance.

1. Front Yards. 0 feet from the right-of-way line.
2. Side Yards.
 - a. Where abutting lots have buildings or other structures, employing a common wall, no side yard is required.
 - b. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twelve (12) feet.
 - c. All interior lots shall have two side yards, each having a width of not less than five (5) feet, except where party walls are used.

- d. On each corner lot, there shall be a side yard along the side yard not abutting the street having a width of not less than five (5) feet unless the building employs a common party wall with the building on the adjoining lot.

3. Rear Yards

- a. Where abutting lots have buildings or other structures, employing a common wall, no rear yard is required.
- b. Where the rear lot line abuts an alley, no rear yard is required.
- c. Where the rear lot line does not abut an alley or another building or structure employing a common wall, the rear yard setback shall be ten (10) feet.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 4.00.

D. MAXIMUM HEIGHT

The maximum height of any building shall not exceed 50 feet not exceeding four stories.

E. ADDITIONAL PERFORMANCE STANDARDS

1. Dwelling units shall be limited to the second story and above.
2. There shall not be outdoor on-site storage of bulk storage of hazardous substances, construction materials or heavy equipment

12.1.4 Provisional & Special Use Development and Performance Standards.

A. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

B. ADULT ENTERTAINMENT USES

1. No building shall be constructed or developed for the purposes of operating an adult entertainment use included but not limited to adult bookstore, adult cabaret and an adult motion picture theater unless a provisional use permit has been granted by the Planning and Zoning Board.
2. Any place of business which changes so as to be considered an adult entertainment use may not operate without first obtaining a provisional use permit from the Planning and Zoning Board.

F. FREESTANDING TELECOMMUNICATION TOWERS

1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.

2. A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
3. No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.
4. The type and height of tower shall be restricted based on the maximum height in this Zoning District.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as described in Article Nineteen: Landscaping and Screening.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

END OF ARTICLE TWELVE.

Article 13. COMMERCIAL NEIGHBORHOOD DISTRICT CN

SECTION 13.1 GENERAL

13.1.1 Purpose.

The purpose of this zoning district is to for the development of convenience shopping and personal service needs of surrounding residential neighborhoods, specifically apart from the Central Business District. This is a low density commercial district. Overall sizes can range up to ten acres with proper design. These areas should have good access to arterial and collector streets and provisions for bicycle and pedestrian traffic.

13.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

13.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. A minimum lot area of not less than 6,500 square feet.
2. A minimum width at the building line of sixty-five (65) feet.
3. No more than thirty-five (35) percent of any lot may be covered by buildings.

B. SETBACKS

Setbacks for lots situated adjacent to a residential district shall comply with the buffer yard and screening requirements in this Ordinance.

1. Front Yards. 35 feet from the right-of-way line.
2. Side Yards.
 - a. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than twelve (12) feet.
 - a. All interior lots shall have two side yards, each having a width of not less than ten (10) feet, neither side yard having a width of less than five (5) feet.
 - b. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the adjacent street (generally at a ninety degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than thirty (30) feet, and the side yard not abutting the street having a width of not less than five (5) feet.

- c. On each corner lot, where the corner lot dwelling faces one street and the dwelling on the lot to the rear of the corner of the lot faces the next parallel street (generally at a one hundred and eighty degree angle), there shall be two side yards, the side yard abutting the street having a width of not less than twenty (20) feet, and the side yard not abutting the street having a width of not less than five (5) feet.

3. Rear Yards.

- a. There shall be a rear yard, the depth of which shall be not less than ten (10) feet.
- b. For lots with frontage on the west side of US Route 45, from the north right-of-way line of Walnut St, south to the south right-of way-line for Benham St, and on with frontage on the east side of US Route 45, from the north end of parcel 252-003 (NE ¼, Section 26, T 18, N, R 8 E), south to the south right-of-way line for Benham St., no rear yard setback is required.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 0.40.

D. MAXIMUM HEIGHT

The maximum height of any building shall not exceed thirty-five (35) feet, not exceeding two and one-half stories.

F. ADDITIONAL PERFORMANCE STANDARDS

1. The maximum gross area of any individual establishment within the District shall not exceed ten thousand square feet.
2. There shall not be outdoor on-site storage of bulk storage of hazardous substances, construction materials or heavy equipment.
3. There shall be no outdoor storage or display of any goods, supplies, products or other equipment associated with the business.
4. The sale and consumption of food and beverages shall be constructed indoors, except for benches or tables placed for the convenience of customers. Tables associated with a snack bar or restaurant may not be located within one hundred feet of a lot line of a residential district. Outdoor seating per establishment shall not exceed eight seats.

13.1.4 Provisional & Special Use Development and Performance Standards.

A. TAVERNS AND BARS IN THE CN DISTRICT

1. No activity of the tavern or bar may be conducted outdoors, without special permission from the Village Board of Trustee.
2. The total floor area of the establishment shall not exceed three thousand square feet.

3. All lights related to advertising signs for the bar or tavern, or any products sold on site, visible from outside the establishment shall be turned off at the close of business hours. Lights for purposes of security are not subject to this provision.
 4. No accessory parking for a bar or tavern may be located in a residential district.
 5. For purposes of determining landscaping requirements, a bar or tavern in the CN district shall be considered a medium impact use.
 6. There shall be no amplified sounds or speakers outside the establishment, without special permission from the Village Board of Trustees.
- B. GASOLINE STATION W/ATTACHED MINI MARKET/GROCERY/RESTAURANT IN THE CN DISTRICT**
1. Fuel pumps shall be set back at least fifty feet from the right-of-way line or from any residential property line, and at least eighty-five feet from any school, hospital, church, or other place of public assembly.
 2. No part of the operation, including the queuing of vehicles at the fuel pump, or display of merchandise, shall encroach within the public right-of-way, buffer yard, or required area for parking spaces and aisles.
 3. All auto repair and service functions shall take place in an enclosed area. No inoperable vehicles may be stored on-site for more than one week.
 4. Outdoor storage and display of merchandise associated with the use is permitted in the CN district, but may not exceed a total area of one hundred fifty square feet or five foot in height, and must be set back a minimum of twenty-five feet from any property line.
- C. ANIMAL CLINICS, KENNELS AND VETERINARY HOSPITALS**
1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
 1. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.
- D. FREESTANDING TELECOMMUNICATION TOWERS**
1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.
 2. A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
 3. No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.

4. The type and height of tower shall be restricted based on the maximum height in this Zoning District.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as described in Article Nineteen: Landscaping and Screening.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

END OF ARTICLE THIRTEEN.

Article 14. INDUSTRIAL DISTRICT I-1

SECTION 14.1 GENERAL

14.1.1 Purpose.

The purpose of this zoning district is to provide for the development of light industrial uses such as service or wholesale establishments, manufacturing establishments, distribution, research and development, and storage. Limited retail sales and services related to the industrial uses may also be permitted as accessory uses. Performance standards minimize the potential for significant by-products or hazardous uses. It is preferable to have a transition area between the I-1 District and residential areas. I-1 Districts can be served by local street system designated for trucks, although, the street system should exit to an arterial or truck route. Traffic from the industrial area through residential areas is discouraged.

14.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

14.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

1. A minimum lot area of not less than 8,000 square feet.
2. A minimum width at the building line of seventy (70) feet.

B. SETBACKS

Setbacks for lots situated adjacent to a residential district shall comply with the buffer yard and screening requirements in this Ordinance.

1. Front Yards. 30 feet from the right-of-way line.
2. Side Yards.
 - a. On each interior and corner lot, there shall be two side yards, having an aggregate width of not less than twenty-five (25) feet, neither side yard having a width of less than ten (10) feet.
3. Rear Yards. There shall be a rear yard setback of not less than twenty (20) feet.

C. FLOOR AREA RATIO

The maximum FAR for the principal building shall be 2.00.

D. MAXIMUM HEIGHT

The maximum height of any building shall not exceed thirty-five (35) feet, except that such height may be increased to a maximum of eighty-five (85) feet provided that for every foot of

height in excess of thirty-five (35) feet there shall be added to each yard requirement one corresponding foot of width or depth.

E. ADDITIONAL PERFORMANCE STANDARDS

1. The use shall not exceed the vibration perception threshold at the lot line for any uses. For the purposes of the Ordinance, the “vibration perception threshold” means the minimum ground-borne or structure-borne vibration motion necessary to cause a person to be aware of the vibration by such direct mean, but not limited to sensation by touch or visual observation of moving objects.
2. No odor from the following sources shall be detectable at the lot line:
 - a. Dead or decaying matter
 - b. Storage of waste, garbage or untreated sewage.
 - c. Animal offal and similar by-products
3. Explosive materials and the bulk storage of hazardous substances shall not be located within 500 hundred feet from any residential or commercial district.

14.1.4 Provisional Use Development and Performance Standards.

A. Automobile Salvage Yards

1. If there is crushing or demolition of any automobile or vehicle, no such use shall be located within five hundred feet of any residential district. If there is only dismantling, disassembly, or storage, these uses shall not be located within three hundred feet of a residential district.
2. The area used for an outdoor storage site shall be enclosed by an opaque screen fence of not less than eight feet in height. These shall be no outdoor storage between the fence and the street.

B. Recycling Centers and Waste Haulers

1. The processing of materials shall be completely indoors.
2. No solid waste may be stored on-site.
3. Any recyclable or related materials to be stored outdoors shall be stored in containers, dumpsters, or similar apparatus that can be covered when not in use. Any outside storage area for recyclable materials or processed materials shall be enclosed by a minimum eight foot high opaque fence or solid wall.
4. Screen requirements for said use shall be equal to Type E Screening in the front yard. Screening in the side and rear yard shall only be required with the use adjacent to the property is a less intense use that would normally require screening.
5. Parking and storage of all vehicles related to the business shall be on approved surfaces.
6. Such use shall be located a minimum of four hundred feet from any lot in a residential zoning district.

7. Such use shall provide the Zoning Administrator with evidence that it has complied with all Federal and State licenses, certifications, and other regulations.
8. There shall be a plan for regular shipping or reprocessing of recyclable materials, such that the size of the storage yard is minimum in relationship to the amount of recyclable materials estimated to be received. In no event shall recyclable materials remain on-site for a period exceeding one year. This plan shall be part of the provisional plan approval.
9. Any drop-off areas for recyclable materials shall meet the stacking requirements for drive through uses. Each dumpster is equivalent to a drive through window. Any dumpsters for drop-off materials must be screened on three sides by an eight foot high opaque fence or solid wall.

C. Adult Entertainment Uses

1. No building shall be constructed or developed for the purposes of operating an adult entertainment use included but not limited to adult bookstore, adult cabaret and an adult motion picture theater unless a provisional use permit has been granted by the Planning and Zoning Board.
2. Any place of business which changes so as to be considered an adult entertainment use may not operate without first obtaining a provisional use permit from the Planning and Zoning Board.

D. Livestock Sales Facilities and Stockyards in the Ag-1 and I-1 Districts

1. No livestock sales facilities and stockyards shall be located within five hundred feet from an adjoining property line of a non-agricultural or non-industrial district.
2. All livestock facilities and stockyards shall be screened on four sides by a Type F screen, as defined in Article Nineteen: Landscaping and Screening.

E. Animal Clinics, Kennels and Veterinary Hospitals

1. The outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be located a minimum of fifty feet from the property lines of any adjoining residential district.
2. All outdoor facilities for the care and keeping of animals at animal clinics, kennels, and veterinary hospitals shall be screened on four sides by a Type A screen, as defined in Article Nineteen: Landscaping and Screening.

F. FREESTANDING TELECOMMUNICATION TOWERS

1. If a freestanding telecommunication tower is allowed by right, the tower must meet the applicable building setback requirements for the zoning district.
2. A tower within three hundred (300) feet of a residentially zoned parcel, must be setback from that parcel a minimum distance of one and one-half (1.5) times the height of the tower.
3. No tower shall be constructed on a lot between the front building line and right-of-way or in the required front yard setback on a lot that is not improved with a building.

4. The type and height of tower shall be restricted based on the maximum height in this Zoning District.
5. All towers must provide the degree of screening based on their proximity to residentially zoned parcels as described in Article Nineteen: Landscaping and Screening.
6. Co-location on an existing tower shall be allowed by right given that the height of the tower is not changed.
7. A tower constructed completely within an existing building shall be allowed by right.
8. An array constructed on top of or attached to an existing building shall be allowed by right given that the overall height of the building from grade to the top of the array is not increased by more than fifteen (15) feet.

14.1.5 Special Use Development and Performance Standards.

A. Slaughterhouses

1. No slaughterhouse shall be located within five hundred feet from an adjoining property line of a non-industrial district.
2. All slaughterhouses shall be screened on four sides by a Type F screen, as defined in Article Nineteen: Landscaping and Screening.

END OF ARTICLE FOURTEEN.

Article 15. PUBLIC LANDS OVERLAY DISTRICT PL

SECTION 15.1 GENERAL

15.1.1 Purpose.

The purpose of this zoning district is to serve as an overlay district for public uses such as schools, parks, colleges, and other government facilities. The district recognizes the more intense use of land while underlying zoning regulates signage and space requirements. The intensity of uses in this district can range from low intensity parkland to high intensity, high traffic generators such as athletic fields. Low intensity uses in this district, such as parks, are appropriate next to residential uses. High intensity uses require a buffer or transition area.

15.1.2 Use Regulations.

See Table 3-1: Use Table for permitted, provisional, and special uses.

15.1.3 Development and Performance Standards.

For every building or other structure erected or used for any use permitted use in this district every lot shall have:

A. LOT REQUIREMENTS

Minimum lot areas and widths shall reflect the requirements of the underlying district.

B. SETBACKS

Minimum setbacks shall reflect the requirements of the underlying district.

C. FLOOR AREA RATIO

Maximum FAR shall reflect the requirements of the underlying district.

D. OPEN SPACE RATIO

Maximum OSR shall reflect the requirements of the underlying district.

E. MAXIMUM HEIGHT

Maximum height shall reflect the requirements of the underlying district.

END OF ARTICLE FIFTEEN.

Article 16. PLANNED UNIT DEVELOPMENTS

SECTION 16.1 GENERAL

16.1.1 Purpose:

These regulations for Planned Unit Developments for residential uses offer an alternative method for developing land. This alternative allows flexibility in applying certain zoning standards. Such flexibility requires a review process and development plan to safeguard health, safety, and welfare concerns. In exchange for flexibility, Planned Unit Developments are required through traditional zoning techniques. These requirements are designed to offset the impact of changes in development standards allowed through these provisions such as increased densities, mixed land uses and reduced setbacks. The Planned Unit Development designation acts as an overlay zone. With this approach, the overall intensity of a development is consistent with the underlying zoning district and Land Use Plan.

The Planned Unit Development regulations should have the following outcomes:

- A. Allow flexibility that is not available through standards and restrictions contained elsewhere in this Ordinance.
- B. Promote more efficient use of land.
- C. Incorporate site features such as topography, views, vegetation, water features, and other factors into the design so they become assets to the development.
- D. Provide additional amenities that would not otherwise be required under conventional zoning.
- E. Promote building styles and architectural styles that complement one another.
- F. Allow a mix of uses that are designed to negate potential conflicts that normally occur between incompatible land uses.
- G. Promote the most efficient arrangement of circulation systems, land use, and buildings.
- H. Promote environmentally sensitive developments.
- I. Allow development, under a specifically approved design concept and site plan, which otherwise may not be permitted by the Zoning Ordinance.

16.1.2 Zoning:

Planned Unit Developments for residential uses are permitted in zoning district R-4 by right, and may be permitted as a provisional use in the AG-I, RS, and R-3 zoning districts. Refer to Table 3-1: Use Table of this Ordinance.

SECTION 16.2. APPROVAL PROCESS

16.2.1 Pre-application conference:

- A. Prior to the preparation of a formal application for a Major Planned Development, the applicant shall meet with the Planning and Zoning Board to discuss the proposed development. The Plat Officer shall inform the applicant of the Village's plans and policies which may affect the development, the specific requirements for Planned Developments, and the procedures involved in submitting an application for a Planned Development.
- B. The Plat Officer may request the applicant to conduct a public information meeting about the project and provide notice to neighborhood groups.
- C. A pre-application conference is not required for a Minor Planned Development, but may be scheduled at the applicant's or Plat Officer's request. Submission requirements for a pre-application conference are contained in TABLE 16-1: Application Checklist for Planned Developments of this Article.

16.2.2 Preliminary plan application requirements:

Preliminary plan review by the Planning and Zoning Board and review and approval by the Village Board is required for Minor and Major Planned Developments. Application requirements for a preliminary plan are contained in TABLE 16-1: Application Checklist for Planned Developments. Ten copies of all documentation should be submitted with the exception of the application form and fee.

16.2.3 Planned development documents:

In addition to the application requirements in TABLE 16-1: Application Checklist for Planned Developments of this Article, the application shall include the following information:

- A. Common address and legal description of subject property.
- B. A general description of the project and how the proposal relates to the purpose statements at the beginning of this Article.
- C. Present and proposed zoning, (if applicable).
- D. A list of conditions for future development, site plan review criteria, design features, required improvements, and other standards specific to the proposal that should be incorporated in the final plan.
- E. A list of any waivers or items required of the Village which are part of the proposal.
- F. Any elements of the Planned Development which are based on any flexible requirements which are permitted in this Article.
- G. O. The most recent site plan, landscape development plan, and project data that have been submitted for approval, and any other exhibits, architectural drawings, or plans that document the development proposal being reviewed by Planning and Zoning Board.

- H. If the applicant intends to sell or lease all or a portion of the Planned Development after the project is approved, the application shall contain a statement indicating this intent. If applicable, the conditions of sale and maintenance of such developed properties shall be described and shall include a general description of any deed restriction, covenants, or other similar agreements.
- I. A description of the guarantee or covenants of ownership to be used for maintenance of any common open space.
- J. A development schedule indicating the proposed time frame for construction and improvements.

16.2.4 Preliminary plan approval:

- a. Upon receipt of the application and supporting documents, the Planning and Zoning Board shall conduct a public hearing. Such hearings may be continued for purposes of revising the submitted application, or other documentation.
- b. The Planning and Zoning Board shall review the proposed Planned Development. The Commission shall make a determination on whether the following criteria have been met:
 - 1. The proposal advances the purpose statements of this Article.
 - 2. The proposal meets the minimum development requirements of this Article.
 - 3. The proposal adequately and appropriately incorporates the design guidelines in Section 16.4 that are appropriate to the type of development being proposed.
- c. The proposed zoning is consistent with the Land Use Plan and is in the best interest of the public.
- d. Within thirty days after completion of the hearing, the Planning and Zoning Board shall forward its recommendation to the Village Board.
- e. The Village Board shall approve or deny the preliminary plan, based on the review criteria listed for Planning and Zoning Board review. Approval of the preliminary plan by the Village Board shall expire after twelve months, unless the final plan application is filed within twelve months of Board approval.

16.2.5 Final plan application requirements:

Final plan approval is required for all Planned Developments. Within twelve months following the approval of a preliminary plan by the Village Board, the applicant shall file for final plan approval. Requirements for final plan applications are contained in TABLE 16-2: Specifications for Required Plans and Drawings of this Article. Ten copies of all documentation should be submitted with the exception of the application form, fee, and preliminary plan.

16.2.6 Final plan approval:

- A. Upon submittal of the final plan application, the Plat Officer shall review the application to determine if the final plan meets the requirements of the preliminary plan.
- B. If any requirements is absent or has been modified in the final plan application, or if new waivers are requested, the final plan application shall be referred to the Planning and Zoning Board. If the final plan conforms to the preliminary plan and no new waivers are requested, the final plan shall be referred directly to Village Board.
- C. The Planning and Zoning Board shall review the submitted documents and ascertain whether or not the final plans substantially conform with the purpose and intent of the approval preliminary plan and other provisions of this Article. Upon review of the final plan, the Planning and Zoning Board shall forward the final plan and supporting documents to the Village Board along with its recommendation.
- D. The final plan shall be presented to the Village Board to accept or reject within thirty days following Planning and Zoning Board action. If the plan is approved by the Village Board and the Village Attorney, upon direction of the application, shall deliver for recording all dedications, covenants, and such other documents as may be required by this Article to the Recorder's Office or other escrow agent for recording, but only after all documents and bonds required of this Article have been tendered to the Village in satisfactory form.

SECTION 16.3 POST APPROVAL PROCESS

16.3.1 Performance schedule:

The applicant shall conform to the development schedule as approved. If an initial application for a building permit for the Planned Development has not been approved within twelve months from the approval of the final development plan, the approval of the final development plan shall lapse and be void and shall no longer be in effect.

16.3.2 Site plan review - issuance of building permits:

The Zoning Administrator shall approve a building permit within a Planned Development once the following requirements have been met:

- A. For Minor Planned Developments, a site and landscape development plan shall accompany the building permit application. The site and landscape plan shall be prepared in accordance with specifications for a final development plan in TABLE 16-2: Specifications for Required Plans and Drawings of this Article and shall be in conformance with the approved preliminary plan.
- B. For Major Planned Developments, the final development plan and landscape plan approved by Village Board satisfies the site plan requirements for the building permit approval process.
- C. Evidence that all plans, covenants, bonds, or certificates have been properly recorded and executed shall accompany the permit application.

- D. The Zoning Administrator shall review the building permit application and determine if it meets the requirements of the final development plan, the conditions in the Planned Development, and all other applicable zoning regulations. The Zoning Administrator shall approve the building permit if it meets all requirements, or withhold approval of the building permit and notify the applicant of the reasons why the building permit was denied.
- E. A Planned Development shall be developed according to the approved final development plan. Amendments or modifications to the Planned Development Certificate and final plan are permitted in accordance with this Article.

16.3.3 Planned development amendments - minor:

The Zoning Administrator shall review the application for site plan review and building permits to determine if there are any major or minor amendments. The Zoning Administrator may approve minor amendments to the Planned Development during the permit review stage. In no case shall an amendment be approved as a minor amendment that permits changes beyond the minimum or maximum requirements set forth in this Ordinance.

Minor amendments include the following:

- A. Changes that are expressly provided for in the Planned Development.
- B. Minor changes in the location, siting, and height of the buildings and structures that are not a major amendment as defined below. Such changes may only be authorized if engineering or other physical limitations of the site or building, not reasonably foreseeable at the time the final plan were approved, warrant such a change.
- C. Construction of accessory structures less than six hundred square feet in area.

16.3.4 Planned development amendments - major:

Major amendments may only be made under the procedures that are applicable to the initial approval of a Planned Development. Unless accounted for in the approved Planned Development, the following are major amendments:

- A. A change in the use or mix of uses in the development based on the percentage of floor or land area designated for a particular use.
- B. An increase in overall lot coverage of the structures by more than ten percent.
- C. An increase in overall ground coverage of structures or density by more than ten percent.
- D. An increase in more than ten feet in height of any building.
- E. A reduction in overall amount of usable open space or a reduction of any area designated as common open space.
- F. A reduction in off-street loading and parking spaces by more than five percent.
- G. The change in location of any structure by more than ten feet in any direction.

- H. A reduction in required street, access drive, or parking lot dimension widths.
- I. An overall reduction in the area designated for landscaping treatment in anyone phase by more than ten percent.
- J. A change in street layout or circulation pattern.

16.3.5 Required documents and bonds:

The construction and maintenance of all public facilities and improvements which are a part of the Planned Development shall be bonded for in accordance with the Subdivision Regulations, and approved prior to the recording of the Certificate. Such bonding shall also be required for private drives that provide ingress or egress for more than one structure.

SECTION 16.4 PLANNED DEVELOPMENT STANDARDS

16.4.1 Minimum development standards:

The provisions of all other Articles of this Ordinance shall be met unless specifically excepted by this Article.

- A. Yard. Yards along the periphery of a Planned Development shall be provided as required by the regulations of the district in which said development is located.
- B. Parking. The number of parking spaces required for residential uses in a Planned Development shall be calculated in accordance with the provisions for collective parking in Article Seventeen: Parking, Loading and Access Drives.
- C. Signs. Signs and other sign structures in a Planned Development must comply with the regulations for the district in which such Planned Development is located.
- D. Street construction. Street construction, regardless of ownership, shall be made in conformance with the Subdivision Regulations. Minimum pavement widths for private drives servicing more than one structure when authorized, shall be thirteen feet for the first lane of traffic in each direction and eleven feet for each additional lane. Street construction plans and details shall be submitted to the Village Engineer for review and approval prior to final plan approval.
- E. Multiple structures. There may be more than one main building on a lot in a Planned Development. Buildings to be used for multiple dwellings, institutional, or other purposes and shall comply with the spacing requirements of the Ordinance.
- F. Public improvements. All public improvements shall meet the requirements of the Subdivision Regulations. A waiver of the requirements for public improvements may be granted as part of the Planned Development approval when criteria in the Subdivision Regulations for granting a waiver have been met.

16.4.2 Floor area ratio (FAR) requirements:

Planned Developments with a land area equal to or greater than sixty thousand square feet shall not exceed the floor area ratio in this Article. Planned Developments with less than sixty thousand square feet in land area shall comply with the FAR for the underlying zoning district.

**MAXIMUM FLOOR AREA RATIO
FOR PLANNED DEVELOPMENTS**

<u>DISTRICT</u>	<u>MAXIMUM FAR</u>
AG-I	0.30
RS	0.42
R-3	1.08
R-4	1.68

16.4.3 Zero lot line - cluster developments:

The fee simple transfer of ownership of a lot in an approved Planned Development with a zero lot line or a single-family detached cluster development is permitted provided the development meets the recording and permit requirements in this Article and the requirements of the Subdivision Regulations. Such developments shall comply to the following regulations:

- A. The minimum area of a lot shall not be less than three thousand two hundred square feet for a zero lot line dwelling and four thousand square feet for a cluster development. The minimum width shall not be less than forty feet.
- B. There shall be no minimum side yard on one side (zero side yard setback) and a minimum ten foot side yard on the opposite side for zero lot line dwellings. The minimum front yard shall be no less than twenty feet and the minimum rear yard shall be no less than ten feet for both a zero lot line and cluster subdivisions.
- C. c. A four foot building wall maintenance/drainage easement shall be provided on a lot adjacent to the zero lot line property line, dedicated the entire length of the lot. With the exception of walls or fences, such perpetual maintenance easement shall be clear of structures and above ground utility appurtenances. This easement shall be shown on the final development plat and shall be incorporated into each deed transferring title to the property either as a covenant in the Owner's Certificate or in each deed transferring property in the Planned Development.
- D. Roof overhangs may penetrate the easement of the adjacent lot a maximum of twenty four inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area or transported to an approved outlet.

16.4.4 Common open space requirements for major planned developments:

- A. For Major Planned Developments, in addition to required usable open space necessary to meet the open space ratio as established by the underlying zoning district for residential Planned Developments, a minimum of ten percent of the gross site area shall be common open space in accordance with the design guidelines in Table 16-3: Planned Development Design Guidelines for Planned Developments of this Article.
- B. Major Planned Developments must contain a parcel designated as common open space which shall be not less than six thousand square feet in area or less than thirty feet in its smallest dimension.
- C. Public parks and water surfaces such as ponds or lakes may count towards the required common open space if such water surfaces or park areas are adjacent and accessible to

land that is designated as common open space in the development. In no case shall a public park or water surface comprise or be counted towards more than fifty percent of the required open space.

D. All common open space shall be either:

1. Conveyed to a not-for-profit corporation or entity established for the purpose of maintaining said common open space for the benefit and use of the owners and residents of the Planned Development, or adjoining property owners, or anyone or more of them by providing perpetual maintenance of all recreational open space in the project. All lands so conveyed shall be subject to the right of the owners within the Planned Development to enforce maintenance and improvement of the recreational open space; or
2. Guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of residents of the Planned Development, or adjoining property owners.

16.4.5 Design Guidelines for planned developments:

Table 16-3: Planned Development Design Guidelines for Planned Developments of this Article contains Design Guidelines for Planned Developments. Since Planned Developments can be built at higher density and may contain uses not allowed on adjacent properties, design quality above the minimum otherwise allowed in zoning districts is necessary. It is intended that the Planned Development Design Guidelines provide a general outline of criteria needed to be addressed as part of the review of individual developments. It is recognized that not all of the Design Guidelines may apply to each Planned Development, but the intent of each Section must be met as described in the Purpose Section of each guideline. Within Table 16-3: Planned Development Design Guidelines for Planned Developments, use of the word "shall" indicates a design guideline which must be met for all Planned Developments. Use of the word "should" indicates a design guideline which must be met unless the applicant demonstrates that the particular criteria is not applicable or impractical as applied to the particular Planned Development. Use of the word "may" indicates a design guideline which is desirable, but not required and may be requested in exchange for flexibility granted through the Planned Development.

END OF ARTICLE SIXTEEN TEXT.

TABLE 16-1: APPLICATION CHECKLIST FOR PLANNED DEVELOPMENTS

		Pre- Application	Preliminary Plan	Final Plan	Permit Review
1	Application Form		X	X	
2	Fee		X	X	
3	Sketch Plan	X			
4	Project Data		X	X*	X

5	Site Plan of Existing Conditions	X	
6	Preliminary Site Plan	X	
7	Elevation or perspective drawings of all building improvements, including signs, sufficient to show the developers intent.	X	X*
8	Development Schedule indicating approximate start and completion dates of each phase if more than one phase.	X	X*
9	Planned Development Certificate	X	X*
10	Final Development Plan		X X*
11	Certificates, seals, and signatures required for the dedication of land and recording of documents in accordance with this Ordinance.		X X
12	Plans or specifications for final engineering approval of drainage, street, and other facilities.		X
13	Landscape Development Plan		X X*

* Only required if there are revisions to the plans approved with the original submittal.

END OF TABLE 16-1.

TABLE 16-2: SPECIFICATIONS FOR REQUIRED PLANS AND DRAWINGS IN TABLE 16-1

Document		Specifications	
1	Application Form	1.1	Common address and legal description
		1.2	Existing and proposed zoning
		1.3	Names and addresses of all owners
		1.4	Names and addresses of all design professionals or other consultants working on the project
		1.5	Other information as required
3	Sketch Plan	3.1	Property lines
		3.2	Major site features such as prominent vegetation, topography, water features, flood prone areas, existing buildings, and other relevant information
		3.3	General layout of streets
		3.4	General indication of land use
		3.5	Approximate number and type of units
4	Project Data	4.1	Number of buildings and total number of dwelling units
		4.2	Land area and lot coverage (percentage)
		4.3	Approximate gross and net residential densities
		4.4	Amount of usable and common open space

	4.5	Parking calculations
	4.6	Buildings heights
	4.7	For Major Planned Developments, project data in the preliminary application stage may represent approximate numbers. These figures must be updated for the final plan application
	4.8	Other calculations as may be required
5	Site Plan of Existing Conditions	5.1 Existing streets, easements, utilities and public improvements
	5.2	Significant physical features on and around the site
	5.3	Contour lines (two foot intervals)
	5.4	Water courses and existing drainage facilities
	5.5	Wooded areas and isolated trees of six inches or more in diameter
	5.6	Existing buildings with an indication of those to be removed
	5.7	Surrounding land use, zoning, and public facilities
6	Preliminary Site Plan	6.1 General location of buildings, structures, and other improvements
	6.2	Common open space and use of open space
	6.3	Off-street parking facilities and number of spaces to be provided
	6.4	Location of streets and sidewalks and an indication of which areas will be privately maintained or dedicated to the Village
	6.5	Illuminated areas
	6.6	All utilities including storm drainage, sanitary sewers, and water service
	6.7	General areas of landscaping and type of landscape treatment
	6.8	Screening or buffering treatment along the perimeters
10	Final Development Plan	10.1 Legal description and property survey by a Registered Land Surveyor of the entire area within the Planned Development
	10.2	Survey data sufficient to reproduce any line or reestablish any monument
	10.3	All highways, streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way
	10.4	The length of boundary lines of all streets, alleys, blocks, lots, required setbacks, and yards, public grounds, easements, and rights-of-way and information sufficient to derive the length of these lines by simple calculation

	10.5	The width of all rights-of-ways, easements, and location of utilities
	10.6	The location dimensions and configuration of all proposed structures and the internal uses to which each building shall be used, in sufficient detail to determine off-street parking calculations
	10.7	All curb cuts, driving lanes, parking, and loading areas, public transportation points, and illuminated facilities
	10.8	The location and area of all usable and recreational open space
	10.9	Recreational facilities to be included in the recreational open space areas
13 Landscape Development Plan	13.1	Screening and buffering treatments along the perimeter of the development
	13.2	Existing plantings and vegetation that will remain, and methods that will be used to protect the existing growth
	13.3	Indicate the number, type, and size of trees, shrubs, and ground cover to be planted and their placement
	13.4	Indicate other landscaping elements such as walls, fences, decorative paving treatments, or street furniture
	13.5	Indicate other natural features such as ponds, streams, and similar features

All plans must include a date, north arrow, and name of development. All plans, except the sketch plan, should be drawn to scale or with accurate measurements and dimensions sufficient in detail to ascertain the location and size of various elements of the drawing.

END OF TABLE 16-2.

TABLE 16-3: PLANNED DEVELOPMENT DESIGN GUIDELINES

1.0 SITE PLAN GUIDELINES

Purpose:

Well-designed site plans create a sense of internal cohesiveness and compatibility with the surrounding property. The site plan shall be designed to take into account all internal and external physical features to create an arrangement of and relationship between all structures on the site, which minimizes impacts from or on surrounding land uses and which promotes a sense of cohesiveness for the development.

- 1.1 Dumpsters, central air units, utility boxes, and other similar features should be located in inconspicuous locations and screening should be provided so that they are not visible from public right-of-way or adjacent property.
- 1.2 Individual buildings should be integrated into the overall site plan through joint parking, pedestrian connections, plantings, shared access, and location of freestanding buildings so as not to block visibility of the larger commercial center.

- 1.3 Adverse off-site impacts should be minimized through building orientation and provisions for appropriate transition areas such as a landscaped buffer, park, berm, or combination of treatments.
- 1.4 Buildings should be sited and grouped in a coherent layout based on a site analysis that considers topography, views, privacy, drainage, function of buildings, and other design guidelines contained herein.

2.0 TRAFFIC AND CIRCULATION

Purpose: The layout of the circulation system is basic to the design of a Planned Development. The traffic and circulation system shall provide for efficient, safe, aesthetic movement of pedestrians and vehicles, through and adjacent to the development.

- 2.1 There shall be adequate access for emergency vehicles, garbage collection, and delivery vehicles.
- 2.2 The development shall be designed with the minimum number of access points to public streets necessary to serve the traffic generated by the proposed use.
- 2.3 Safe and convenient multi-use sidewalks or paths should be provided from residences to recreation areas, bus stops, parking areas, and community buildings within the Planned Development.
- 2.4 Design of the internal street system should be coordinated with the existing and future street system and conform to the Transportation Element of the Comprehensive Plan.
Continuation of collector streets shall be provided for through the site in accordance with the Comprehensive Plan.
- 2.5 Parking facilities for bicycles should be provided at convenient locations.

3.0 ARCHITECTURAL QUALITY

Purpose: Planned Developments shall include architectural design which results in a cohesive design compatible with existing buildings on or around the site.

- 3.1 Multiple buildings in a Planned Development should relate to one another through common architectural styles, scale, building materials, and signage.
- 3.2 Architectural design should create visual interest through textures, complementary colors, and attractive facades.
- 3.3 Buildings and signage should be sensitive to the style, period, and scale of neighboring properties.
- 3.4 Street furniture such as light posts, trash receptacles, and benches shall be functional and compatible with the architectural design.
- 3.5 Where large structures are required, mass should be broken up through setbacks, building offsets, varied story heights, and other design techniques.
- 3.6 Use of art features such as fountains, special landscaping, sculpture, and murals that lend identity to a development should be utilized.

3.7 Wails and fences should be compatible with site architecture and should be unobtrusive to neighbors.

3.8 All buildings shall utilize finished building materials on all sides.

4.0 ENVIRONMENTAL GUIDELINES

Purpose: Planned Developments shall be constructed with regard for the environment to avoid adverse impacts on existing natural features, drainage, erosion, water quality, and energy conservation.

4.1 Drainage features should be integrated into the development and treated as an asset by providing aesthetically pleasant open space and multi-use facilities.

4.2 Floodplains, drainage features, and natural areas should be preserved and enhanced as natural environments.

4.3 Adequate setbacks and access to stormwater facilities and drainage ways should be provided in order to encourage dual use as recreation, habitat, and storage area for excessive rainfalls and to provide for future maintenance.

4.4 Preservation and addition of vegetation should be provided along stream and drainage ways to prevent erosion, provide natural habitats, and improve water quality.

4.5 Significant trees of good health should be protected from damage during construction and from future land uses in the development whenever possible.

4.6 Building layout should consider sun angles, prevailing winds, shade, and other factors to save energy costs.

5.0 OPEN SPACE GUIDELINES

Purpose: Planned Developments shall provide for both the preservation of natural areas and the creation of areas for active or passive recreation.

5.1 Where space permits, a development should incorporate a variety of open space including areas for active recreation, passive recreation, and undeveloped natural areas.

5.2 Undeveloped open space should preserve healthy vegetation and remove dead or diseased trees.

5.3 Play areas for children should be close to building entrances and should be located so children do not have to cross high traffic area.

5.4 Active recreation facilities provided on site should reflect the age of the residents, consider existing nearby public facilities, and provide adequate area and dimensions for the use consistent with national standards.

5.5 Passive recreation areas should be graded and seeded or have other ground cover. Such areas should include trails, picnic areas, and take advantage of vegetation, shade and views, and be removed from nuisance areas.

5.6 Open space areas should be spread out to serve the entire development and should be connected through trails or common yards.

5.7 Water detention areas may comprise a portion of the open area, but should not represent the majority of open space and should be usable by the residents.

6.0 PRIVACY/SECURITY GUIDELINES

Purpose: As an incentive, Planned Developments may be built at a higher density than conventional developments. Allowing higher density while maintaining privacy for residents is a goal. Planned Developments shall consider security as a design feature.

6.1 Residential units should be oriented and spaced to promote privacy.

6.2 Entrances to buildings and parking areas shall be well lighted.

6.3 Public spaces should be designed to be visible from dwelling units and promote a sense of ownership for surveillance and security purposes.

6.4 Remote entrances to public spaces not directly visible from neighboring units and the establishment of secluded areas should be avoided.

6.5 Dwelling units should be oriented or screened to avoid glare from headlights.

7.0 LANDSCAPING AND SCREENING GUIDELINES

Purpose: Landscaping of the Planned Developments shall be designed to provide for adequate landscaping and effective screening for off-street parking areas and for areas where non-residential use or high density residential use may be detrimental to lower density areas. Landscape materials shall be integrated into the overall scheme of the site and should complement the other physical features of the area.

7.1 Landscaped buffers required along the perimeters between incompatible uses shall be integrated into the overall landscaping for the development.

7.2 Selection of plant materials shall be in conformance with the Village's Tree Ordinance.

7.3 The selection and location of landscape materials in utility corridors shall be such that at their mature height, trees shall not interfere with overhead utilities and streetlights.

7.4 Clusters of trees and bushes or flowerbeds should also be used throughout the site to provide visual relief.

7.5 Street trees along public streets and private access drives should be provided at a ratio of at least .one tree per sixty feet of frontage.

7.6 Other treatments such as planters, flower beds, and decorative rock or stone should be considered to provide relief in larger impervious areas.

7.7 Landscaping should be provided at site entrances, public areas, and adjacent to buildings to provide visual interests and screen mechanical equipment.

7.8 Plant material shall be maintained in such a manner as to preserve their functional aesthetic integrity.

7.9 Whenever possible, existing mature trees on the site should be incorporated into the overall landscape design and preserved as part of the development.

END OF TABLE 16-3.

END OF ARTICLE SIXTEEN.

Article 17. PARKING, LOADING, AND ACCESS DRIVES

SECTION 17.1 GENERAL

17.1.1 Purpose:

This Article will alleviate traffic congestion by providing parking facilities with adequate capacity for employees, residents, and customers, to promote safe and efficient design of parking facilities, and to minimize negative impacts of large parking facilities.

17.1.2 Compliance:

- A. Any use of land or structure that is established, enlarged, converted, or structurally altered shall provide and maintain parking and loading spaces according to the requirements of this Article. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction has begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit maybe provided in lieu of any different amounts required by this Ordinance.
- B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of or loading facilities, the required amount of parking shall be recalculated to bring the entire use or structure on the lot into compliance.
- C. When a parking area is enlarged, the added area shall comply with the requirements of this Article. When a parking lot is enlarged by more than fifty percent in area, both the existing and the new portions of the parking lot shall conform to these regulations.
- D. The requirements of this Article shall apply to all parking and loading areas, regardless of whether said area is required parking or in excess of required parking. Excess parking for storage lots used for motor vehicle sales, rental and leasing establishments shall not be subject to the size and dimensional requirements of this Article.
- E. Notwithstanding other provisions, the owner or occupant of an existing building occupied by a conforming use may remodel the structure solely for the purpose of meeting the minimum requirements of applicable fire, health, and safety regulations or state, local, or federally mandated accessibility regulations without complying with the parking regulations which might otherwise be required due to the mandated changes. If other changes are made, then parking requirements as applicable shall be met.
- F. Accessory off street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building for use under the provisions of this Ordinance.

- G. Any parking or loading space established prior to the effective date of this Ordinance which is used or intended to be used in connection with any building, structure or use, or any space designed and intended to comply with the requirements of this Ordinance for any such building or structure erected after such effective date shall hereafter be maintained in conformance with the provisions of this Ordinance for as long as said building or structure remains, unless the owner provides in another location an equivalent number of spaces in conformance with the provisions of this Ordinance. The Planning and Zoning Board shall at all times be furnished proof of permanency of the parking area provided in compliance with this Ordinance.

17.1.3 Site Plan Requirements for Parking Lots:

A site plan is required prior to the construction or redesign of any accessory parking lot or any parking lot in excess of three parking stalls. Said site plan may be part of a larger site plan for the development of the property. The site plan shall be reviewed and approved by the Zoning Administrator. The site plan shall contain the following components:

- A. The north arrow, scale, date and common address.
- B. The site plan shall be drawn to scale, with accurate measurements and dimensions indicating the location of all pavement, parking stalls, aisles, walkways, driving lanes, and loading areas.
- C. The location and type of screening and landscaping shall be provided in accordance with Article Nineteen: Landscaping and Screening.
- D. The lighting details shall be provided in accordance with Article Twenty: Supplemental Regulations.
- E. The location and dimensions of any handicap or long-term spaces.
- F. For parking lots with a surface area exceeding fifteen thousand square feet, a drainage plan is required.
- G. For parking lots with a surface area of fifteen thousand square feet or less, a grading plan with curbing shall be indicated.
- H. Adjoining land uses shall be indicated.

17.1.4 Site Plan Requirements of Access Drives:

A site plan is required prior to the construction of any access drive over, across, or upon any public sidewalk or parkway in any commercial or industrial district. The site plan shall be reviewed and approved by the Zoning Administrator. The site plan information for access drives may be included on the site plan for parking lots if such a plan is also required. The site plan shall contain the following information:

- A. The north arrow, scale, date and common address.
- B. The site plan shall be drawn to scale, with accurate measurements and dimensions.

- C. The property lines of the property for which the access drive approval is requested including existing street and right-of-way lines.
- D. Adjacent properties on the same frontage, and adjacent properties on the opposite frontage, indicating location of ingress and egress to such properties.
- E. The exact location and dimensions of facilities of ingress and egress to the subject property, existing proposed curb cuts, if any, and the proposed direction of a) flow on the subject property to and from public ways.
- F. The location of any Visual obstructions in the right-of-way adjoining the property such as street lights, traffic control devices, or similar devices.
- G. The location and dimensions of existing and proposed access drives on the subject property.
- H. The name and address of the person seeking approval and the owner of the proposed access drives.
- I. Details of construction in the public right-of-way.

SECTION 17.2. LIMITATIONS AND RESTRICTIONS ON PARKING AREAS

17.2.1 Prohibited Uses of Parking Lots and Loading Areas

It shall be unlawful to lease, sell, convey, or use a lot that is required for off-street parking, or any other purpose or use by another property with providing other parking facilities which meet the requirements of this Ordinance. It shall be unlawful to store merchandise, materials, equipment, refuse containers, inoperable vehicles, or to conduct the major repair of vehicles in required off-street parking spaces.

17.2.2 Sales in Parking Area:

It is unlawful to maintain a permanent outdoor sales area in required off-street parking areas. Temporary sales may be conducted under the following conditions:

- A. Temporary sales are allowed at any time in parking areas that exceed the minimum required spaces.
- B. For the purposes of this Section, temporary sales shall not exceed five continuous days or a total of five days in one month.

17.2.3 Parking in Front Yards:

Parking in front yards is permitted in accordance with the following regulations:

- A. All parking shall be upon an approved driveway or parking lot.
- B. In any R-1, R-2, or R-3 District, where it is not physically possible to provide parking in side or rear yards or required setbacks, parking of licensed vehicles is permitted. Parking in the front yard is required to be located directly in front of the garage to minimize paving of the front yard.

- C. In any R-4 District, when a town or rowhouse building is located on a street that is a cul-de-sac, then off-street parking may be provided in the required front yard setback contiguous to the street, as long as said parking is at least fifteen feet from the townhouse or rowhouse. Two parking spaces for each dwelling unit may be provided on the lot in the required front yard setback in this instance. Parking spaces provided in this manner shall not be enclosed, covered, or otherwise obstructed.
- D. In any Commercial or Industrial District, parking spaces may be situated in a required front yard provided that the parking lot meets the design standards for parking lots in this Article.
- E. In any district, when parking is permitted in the required front yard, or when no front yard is required, a parking lot which accommodates more than three cars shall be set back from the property line and landscaped in accordance with Article Nineteen: Landscaping and Screening.

17.2.4 Parking in Side Yards:

Parking in required side yards is permitted in accordance with the following regulations. All parking shall be upon an approved surface.

- A. Parking spaces may be situated in a side yard under the following conditions. When parking is situated in a side yard and no other landscaping or screening is required, then an opaque screen fence of not less than four feet or more than six feet in height, or living screen not less than four feet in height, shall be provided between such parking and the abutting property.
- B. Where a shared driveway spanning the property line between two residential lots existed prior to the adoption of this Ordinance, such driveways shall not be required to comply with side yard setback provisions or the screening requirements of this Section.

17.2.5 Parking in Rear Yards:

Parking in required rear yards is permitted in accordance with the following regulations. All parking shall be upon an approved surface. Parking spaces may be situated in any rear yard. Parking areas adjacent to residential zoning districts that are located within the required rear lot line, and contain more than three spaces, shall provide a screen as specified in Article Nineteen: Landscaping and Screening. Such screening shall not be required when the property adjoins an alley.

17.2.6 Recreational Vehicles, Watercraft and Commercial Vehicles:

In residential districts, the following shall regulate the parking of recreational vehicles, watercraft and their trailers, off-road vehicles, travel trailers, campers, motorized dwellings, and the like, and cases or boxes used for transporting recreation equipment, whether occupied by such equipment or not:

- A. No person(s) shall park any semi-trailer, pole trailer, trailer, or bus (except school buses) on any lot in a residential zoning district. School buses are allowed to be parked on any residential lot only during the daylight hours. In the event that the owner or lessee of an

affected property has been engaged in a use otherwise prohibited in this paragraph prior to the adoption of this Ordinance, such use may continue notwithstanding the prohibition of this paragraph. Any allowed uses shall comply with all other applicable Ordinances.

- B. No more than two recreational vehicles and/or watercraft may be stored outdoors at any one time. Such vehicles stored to the side or front of the principal structure must provide an approved surface for the vehicle, which shall be an approved surface or brick or concrete pavers set into the ground. Dirt, wood, or sod surfaces are prohibited. Parking of recreational vehicles on gravel is only permitted in the rear yard. If gravel is used, the surface must be surrounded with a solid form to hold the gravel in place. Recreational vehicles, etc. , cannot be parked where they extend into the front yard farther than the front of the principal structure, nor can they be parked there they obstruct the sight visibility triangle.
- C. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes while stored on the property or upon public right-of-way.
- D. Commercial vehicles shall comply with Article Three: Districts, Uses and Boundaries Thereof regarding home occupations.

17.2.7 Special Requirements for Garbage and Special Waste Hauling Trucks:

- A. These vehicles and similar types of vehicles are not allowed be parked on streets or lots in any residential districts.
- B. These vehicles and similar types of vehicles which transport any type of hazardous materials are not allowed to be parked on streets or lots in any residential districts.
- C. These vehicles and similar types of vehicles are not allowed to be parked on streets in a manner that would obstruct or impede the flow of traffic.

17.2.8 Parking Facilities Off-Site:

- A. Required off-street parking for residential uses must be provided on the lot which the residential use is located.
- B. Any off-street parking facilities that are not provided on the same lot as the principal use can be located by right in the same zoning district as the principal use. These lots may be located immediately adjacent to the use or within six hundred feet of the use, unless the property is zoned RS, R-I, R-2, or R-3. In these districts, the parking lot must be located immediately adjacent to the use. Off-premise parking lots may be located in other zoning districts as provided for in the following table. Accessory parking lots may be permitted in residential districts providing they meet the requirements of Section 17.2.9.

<u>Zoning District of Use</u>		<u>Districts within which off –street parking may be provided</u>
RS	Any District	
R-1	Any District	
	R-2	Any District
	R-3	Any District

R-4
R-5
CB
CN
I-1

I-I, CB, CN, R—4
R-5
I-I, CB, CN
I-1, CB, CN
I-1

- C. If the principal use is or becomes a nonconforming use, expansion of the off-street parking facilities which are not located in the site of the principal use are not permitted.
- D. The distance specified herein and the distances specified in the district use regulations shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

17.2.9 Off-Site Parking Limitations:

When off-street parking facilities are provided on a lot other than the lot upon which the building or use requiring such facilities is located, the owner of the lot upon which the principal use is located and the owner of the lot upon which parking is provided, shall execute a written covenant containing at least the following:

- A. In consideration of the issuance of a building permit for the principal use, the lot or portion of the lot on which the parking facility is located will be used and maintained solely for off-street parking purposes for such principal use.
- B. Such covenant will be in effect so long as the structures comprising such principal use continue to exist without sufficient parking elsewhere or upon the lot with the principle use.
- C. The parking lot or portion of the parking lot shall contain appropriate signage to indicate that certain parking spaces are reserved for the use herein described.
- D. The owners shall notify the Zoning Administrator if the right to use such facilities lapses for any reason within thirty days of cessation of the right to use. The covenant shall not be released except with the written approval of the Zoning Administrator. The instrument shall be in the form acceptable to the Village Attorney, and recorded with the County Recorder.

17.2.10 Accessory Parking Lots in Residential Districts:

In addition to the regulations provided in this Article, accessory parking lots in Residential Districts must comply with the following stipulations:

- A. Accessory parking lots located within the RS, R-1 and R-2 districts may be provided on property immediately adjacent to permitted uses within any district. Said accessory parking lot shall have vehicular access only through the property on which the associated use is located or through adjacent alleys between the accessory parking lots and the associated use.
- B. Accessory parking lots may only be used for the temporary parking of vehicles for the customers or employees of its associated use.

C. Design Standards:

1. Setbacks :
 - a. Yard immediately adjacent to use: zero feet
 - b. Front yard: fifteen feet
 - c. Side yard: ten feet
 - d. Street side yard: fifteen feet
 - e. Rear yard: ten feet, unless adjacent to a public alley. Setback would then be zero feet
2. Size: Paved area not to exceed twenty thousand square feet or comprise more than fifty percent of any block face.
3. Screening: Accessory parking lots shall adhere to the screening requirements in Article Nineteen: Landscaping and Screening.

17.2.11 Parking and Storage of Certain Vehicles:

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

SECTION 17.3 PARKING DESIGN STANDARDS

17.3.1 Landscaping and Lighting for Parking Lots:

- A. Parking lots shall comply with the landscaping standards in Article Nineteen: Landscaping and Screening.
- B. Parking lot lighting shall comply with the lighting standards in Article Twenty: Supplemental Regulations.

17.3.2 Detention Requirements:

- A. **Areas greater than one-half acre.** A combination of stormwater storage and controlled release is required for parking areas which exceed one-half acre of impervious surface area. The required stormwater storage and controlled release rate shall comply with the design criteria set forth in the Village's Subdivision Ordinance even if said Ordinance is not otherwise applicable to the activity for which the parking areas is being created.
- B. **Areas less than or equal to one-half acre.** Stormwater storage and controlled release of stormwater is not required for parking areas which are less than or equal to, one-half acre of impervious surface area. However, the creation of impervious surface area shall not create any adverse impacts to or additional stormwater runoff onto adjacent properties. Any additional stormwater runoff may be stored on-site or may be discharged onto public rights-of-way if such rights-of-way can accept the stormwater runoff without an adverse impact on the stormwater collection system.

17.3.3 Construction Standards:

- A. All off-street parking and loading areas constructed after the effective date of this Ordinance shall be graded and surfaced with bituminous concrete, at least three inches in thickness, over a base course of at least four (4) inches of compacted stone or crushed rock; or Portland cement concrete to a thickness of not less than five (5) inches or equivalent..

[

- B.
- C. For head-in parking spaces, where the surface area is within six feet of the property line, wheel stops of precast concrete or other materials shall be placed two feet from the end of the parking space. Wheel stops shall be at least four inches, but not more than six inches, above the grade of the Adjoining parking Spaces.

17.3.4 Dimensions for Parking Spaces:

Off street parking spaces shall be designed with the following minimum dimensions:

Type	Width	Length
Standard	8'9"	18'6"
Parallel	8'6"	22'0"
Long Term	8'3"	18'6"
Handicap	16'0"	18'6"

17.3.5 Dimensions for Parking Modules:

Off street parking lots shall meet the standards in the following table regarding minimum stall depth, aisle, and module widths and the associated figure in the Appendix. The number and location of handicap spaces shall comply with the Illinois Vehicle Code. Motor vehicle display lots are not required to park vehicles in accordance with these standards. Such display lots are required to meet all other applicable standards for parking lots.

Angle (in degrees)	Space Width	Stall Depth	Aisle Width	Module Width (2 rows of parking)
45	8'9"	17'6"	14'0"	49'0"
60	8'9"	19'0"	16'0"	54'0"
75	8'9"	19'6"	18'6"	57'6"
90	8'9"	18'6"	23'0"	60'0"
Parallel	8'9"	22'0"	13'0"	30'0"

Aisle widths for 60 and 165 degree angle modules are for one-way aisles. 90 degree angle and parallel modules must provide for a two-way aisle. All dimensions are the same for long term parking spaces except for space width.

17.3.6 Long Term Spaces:

The long term stall width may be substituted for the standard stall width if the following conditions are met:

- A. Long term spaces shall be specifically designed as employee, rental, valet, or overnight parking spaces.
- B. Long term spaces shall be located in a separate parking lot from visitor or customer parking. Such lot shall be considered a separate lot if it has an individual access that is not shared by users of the visitor parking lot, or if there is a shared access but the portion designated for long term spaces is separated by a barrier that limits access of visitors or customers.
- C. Long term spaces shall only be permitted for the following uses:
 - 1. Bus/tram station.
 - 2. Business/professional office.
 - 3. Elementary/High School.
 - 4. Wholesale/Warehouse.
 - 5. Industrial/Manufacturing.
 - 6. Exclusive valet parking.
- D. No more than thirty percent of required parking spaces may be designated as long term Spaces.

17.3.7 Handicap Spaces:

All off-street parking lots shall provide handicapped parking spaces in conformance with the State of Illinois Vehicle Code and the Americans with Disabilities Act.

SECTION 17.4 REQUIRED NUMBER OF SPACES

17.4.1 Rules for Computing Required Spaces:

- A. Accessory off street parking facilities required as accessory to uses listed herein, shall be solely for the parking of passenger automobiles of patrons, occupants, or employees. When bus transportation is provided, for patrons, occupants, or employees of a Specific establishment, additional open or enclosed off street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations herein for access, in yards, design and maintenance and area applicable to accommodating such buses.
- B. When the application of the off street parking regulations specified hereafter results in a requirement of not more than three spaces on a single lot in any commercial district, such parking spaces need not be provided. However, where two or more uses are

located on a single lot, only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.

- C. In the case of a premises not specifically covered in Table 17-1: Required Number of Parking Spaces by Use, such a premises shall be subject to the regulations of the premises to which it is most related or similar, as determined by the Zoning Administrator. The amount of parking required shall be determined on a case-by-case basis, as part of the building permit approval process.
- D. In the case of mixed uses or businesses with multiple components, the total requirements for off street parking facilities shall be the sum of the requirements for the various uses computed separately.
- E. In the cases of uses where floor area is the unit for determining the required number of off street parking spaces, such floor area shall mean gross floor area measured to the outside walls, but shall not include such floor area as may be used for parking facilities within the principal building.
- F. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction shall require one parking space.
- G. In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, and other similar seating facilities, each (twenty-two inches of such seating facilities shall be counted as one seat for the purpose of determining the off—street parking requirements.

In places that have both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- H. The number of off-street parking spaces required for multiple family dwellings shall be based on calculations for cumulative bedroom area per dwelling unit as defined in Article Two: Definitions.
- I. Floor area calculations shall include area devoted to outdoor table service for patrons of the establishment.
- J. In the CB district, parking shall be required for apartment units for which a building permit is issued after the effective date of this Ordinance, located in a structure existing before the effective date of this Ordinance. Parking for any residential use in a new structure built since the effective date of this Ordinance shall be provided on the same property as the residential unit. Parking for all other uses shall not be required.

17.4.2 Collective Parking Provision:

The required total of off-street parking spaces for two or more businesses or industrial uses collectively providing parking Spaces, shall meet the following requirements:

- A. The number of parking spaces shall equal a minimum of eighty-five percent of the sum of the required number of parking spaces as computed in paragraph B. of this Section 17.4.2.

- B. The number of parking spaces shall not be less than the largest amount required for any of the uses computed separately.
- C. In the case of collective usage involving dwelling units, there shall be no reduction in the requirements of this Article.

17.4.3 Exemptions or Reductions from Required Number of Parking Spaces:

- A. Non-residential uses located in the CB district shall not be required to provide off-street spaces.
- B. Off-street parking facilities required for theaters and churches may be reduced or omitted provided that such uses are within six hundred feet of a parking lot serving a business or industrial use which would make parking available during the peak hours of operation of the church or theater.
- C. In the case of dwelling units erected as housing for the elderly, the required off-street parking spaces for such dwelling units may be reduced to one space for every four dwelling units.
- D. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one the.

TABLE 17-1: REQUIRED NUMBER OF PARKING SPACES BY USE

Agricultural Uses	Number of Spaces Required
Crop and Livestock Production	None
Grain Elevator	1 None
Greenhouse or Nursery	1 per 400 square feet of sales area
Industrial Uses	Number of Spaces Required
Industrial/Laboratory/Manufacturing	1 per 100 square feet
Wholesale Distribution/Warehouse	1 parking space for each employee and 1 parking space for each vehicle maintained on the premises
Cartage, Express, Parcel Delivery Freight Terminal Establishments	1 parking space for each employee employed on the premises and 1.5 parking spaces for each vehicle maintained on the premises
Manufacturing Establishments, Establishments engaged in Production, Processing, Assembly, Disassembly, Cleaning, Servicing, Testing, or Repairing of Materials, Goods, or Products	1 parking space for every 2 employees or 1 parking space for each 1,200 square feet of floor area, whichever requires the greater number of parking spaces
Office and Related Uses	Number of Spaces Required
Bank	1 per 250 square feet
Business/Professional/Other	1 per 300 square feet
Medical/Dental Clinic	1 per 250 square feet

Public and Quasi-Public Uses	Number of Spaces Required
Auditorium	1 per every 4 seats
Church	1 per 5 seats in the principal assembly area
Community Building/Country Club/Municipal Facility	Based upon the uses and facilities provided in accordance with the provisions of this Table
Crematory/Mausoleum	None
Day Care Center/Nursery School	1 per 6 children at maximum capacity
Gymnasiums, Stadiums, Grandstands	1 parking space for each 6 seats, or each 108 inches of seating space
Hospital	1 per bed
Library	1 per 300 square feet
Meeting Halls, Convention Halls, Exhibition Halls	The number of parking spaces shall be equal to 30 percent of the maximum number of people that can be accommodated in accordance with such design capacity
Museum/Gallery	1 per 500 square feet
Nursing Home/Residential Care Facility	1 per every 2 beds
Public Utility Building Devoted to the Storage of Mechanical Equipment	None
Public Utility/Public Service Uses	1 parking space for each 2 employees, plus spaces in adequate number as determined by the Planning and Zoning Board to serve the Visiting public
Schools:	
Elementary/Middle School	1 per classroom plus 1 per each 300 square foot of office
High School	1 per classroom plus 1 per 300 square foot of office plus 1 per every 10 students of design capacity
College	Based upon the uses and facilities provided in accordance with the provisions of this Table
Trade, Commercial, Music	1 per 4 students at maximum capacity
Recreational Uses	Number of Spaces Required
Bowling Alley	5 parking spaces for each lane
Community or District Park	Spaces in adequate number as determined by the Planning and Zoning Board to serve the visiting public
Golf Course	4 per tee
Health Club	1 per 250 square feet
Residential and Related Uses	Number of Spaces Required
Bed and Breakfast Establishment	2 per dwelling unit, plus 1 for each bedroom for a Bed and Breakfast use
B	1
Boarding or Rooming House	1 per living or sleeping unit
Community Living Facility	2 for each community living facility

Congregate Elderly Housing Single Room Occupancy	1 for every 2 living units
Dormitory/Fraternity/Sorority	1 per 4 beds for residents
Mobile Home Housing	2 per dwelling unit
Multifamily Dwelling	
1-139 square feet of bedroom area per unit	1 per dwelling unit
140-199 square feet of bedroom area per unit	1.5 per dwelling unit
200 square feet or more of bedroom area per unit	2 per dwelling unit
Multifamily in the CB District	As required for multifamily dwellings
Planned Unit Developments	The number of parking spaces in accordance with the required spaces for each individual use
Single-Family and Duplex Dwellings	2 per dwelling unit
Townhouse or Rowhouse	2 per dwelling unit
Service Business Uses	Number of Spaces Required
Animal Hospital/ Veterinarian/Kennel	1 per 400 square feet
Barber or Beauty Shop	2 spaces for every operator chair
Contractor Shop and Showroom	1 per 400 square feet
Dry Cleaner	1 per 300 square feet
Food Service Pick-Up only	1 per 400 square feet
Funeral Home	8 parking spaces for each chapel or parlor, plus 1 parking space for each funeral vehicle maintained on the premises
Hotel/Motel	1 per living or sleeping unit plus the corresponding requirement for any restaurant or convention space
Off-Site Service Establishment (Catering, carpet cleaning, moving...)	1 per 500 square feet
Printing and Copy Shop	1 per 300 square feet
Repair Shop (appliances, upholstery...)	1 per 300 square feet
Restaurant - Drive-in and Carry-Out	1 per 100 square feet
Restaurant - Drive-In	1 per 100 square feet
Tavern/Bar	1 per 100 square feet
Retail Business Uses	Number of Spaces Required
Apparel, Accessory, & Other Specialty Store	1 per 300 square feet
Building Material, Hardware, Garden, Paint, & Wallpaper Store	1 per 300 square feet
Furniture, Carpet, & Appliance	1 per 400 square feet
General Merchandise, Variety & Department	1 per 300 square feet

Shopping Center	1 per 300 square feet
Supermarket, Convenience, Drug, Food Store	1 per 300 square feet
Transportation and Related Uses	Number of Spaces Required
Auto Parts Supply	1 per 300 square feet
Automobile, Boat, Truck, Mobile Home, and RV Sales	1 for every 400 square feet of floor area
Bus or Train Station	1 per 300 square feet
Car Wash - Full Service	15 spaces times the maximum capacity of the car wash.
Car Wash - Self Service	14 stacking spaces per wash stall
Freight or Truck Terminal	1 per 2,000 square feet
Motorcycle & Bicycle Sales	1 per 300 square feet
Service Station & Mini Mart	12 for each service stall

SECTION 17.5 LOADING

17.5.1 Locating Loading Areas:

- A. All required off-street loading areas shall be located on the same lot as the use served.
- B. All loading areas shall be located so that a public street or sidewalk will not be occupied during the loading or unloading process.
- C. All motor vehicle loading spaces which abut a residential district or intervening alley separating a residential district from a commercial or industrial district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height.
- D. No permitted or required loading space shall be located within forty feet of the nearest point of intersection of any two streets.
- E. No loading space shall be located in any required side or front yard. If located in a required rear yard, the space shall be open to the sky.
- F. No part of any loading space shall be located within the site distance triangle, as defined in Article Two: Definitions.

17.5.2 Loading Design Standards

- A. Loading spaces shall have a vertical clearance of at least fourteen feet.
- B. Each loading space shall be served by appropriate means of vehicular access to a street or alley in a manner which will not interfere with traffic movements on a public street.

17.5.3 Number of Required Loading Spaces:

Except in the CB district, off-street loading spaces shall be required in accordance with the following:

Use	Size (feet)		Gross Floor Area (Square Feet)		
	Width	Length	At Which 1 st Space Required	At Which 2 nd Space Required	1 Space for Each Additional Sq. Ft. in Area
Funeral Home	12	25	10,000	100,000	100,000
Institutional (School, Hospital)	12	35	10,000	100,000	100,000
Commercial:					
Restaurant	12	60	5,000	25,000	25,000
Office	12	35	10,000	100,000	100,000
Retail (first 50,000)	12	35	10,000	25,000	25,000
Addit'l for Retail	12	60	100,000	100,000	100,000
Other	12	35	10,000		
Industrial < 9,999	12	35	5,000	N/A	N/A
Industrial > 10,000	12	60	10,000	40,000	100,000

SECTION 17.6 ACCESS DRIVES

17.6.1 General:

No person shall hereafter construct, build, establish or maintain any access drive over, across, or upon any public sidewalk or parkway in any business or industrial district, without first obtaining a permit to do so in accordance with this Ordinance.

17.6.2 Access Drive Design - Commercial and Industrial:

Commercial and industrial access drives shall conform to the following requirements:

- A. No lot or unplatted parcel shall have more than two access drives per frontage. For the purposes of this section, a property shall be defined as:
 1. A platted lot under single ownership which is of record on the effective date of this Ordinance; or
 2. Two or more platted lots or combinations of lots and portions of lots with continuous frontage under single ownership which are of record on the effective date of this Ordinance; or
 3. An unplatted parcel of land with continuous frontage under single ownership.
- B. No access drive shall be located less than two hundred feet from any parallel access drive on the same property, to center line thereof.
- C. No access drive shall be located less than one hundred fifty feet from any parallel street thereof; except in cases where an arterial or collector street intersects another street, then

no access drive shall be located less than two hundred fifty feet from either intersecting street, measured from centerline to centerline thereof.

- D. No access drive shall be located less than two hundred feet from the base of any bridge incline, measured from the centerline of the access drive to the base of the bridge incline.
- E. No on-site vehicular parking aisle or access drive shall be located less than thirty feet from any parallel public street, measured from the nearest curb line of the aisle or access drive to the nearest right-of-way line, measured at right angles to the centerline thereof.
- F. No access drive shall be less than ten or more than thirty-five feet in width at the right-of-way line, measured at right angles to the centerline thereof.
- G. Standards for access drive construction shall meet the requirements of the Village's Subdivision Ordinance. No access drive shall be permitted in violation of said Subdivision Ordinance.

17.6.3 Exceptions for Automobile Service Stations and Mini-Marts:

An exception to the provisions of Section 17.6.2 shall be made for automobile service stations. At street intersections, a minimum distance of ten feet shall be provided between the terminus of the public street curb radius and the nearest access drive edge line extended. In no case, however, shall the distance between the curb line (extended) of the public street and the nearest access drive curb line be separated by less than thirty feet. A distance of not less than twenty five feet shall be provided between access drives, measured from the nearest drive edge thereof. Not more than two access drives per street frontage shall be allowed.

17.6.4 Standards for Drive-Through Uses:

A specific land parcel, to be developed with such uses as a drive-in bank, drive-in car wash, drive-in restaurant, drive-in beer or liquor store, or similar use that requires a continuous flow of one-way traffic onto and off of the site, which has frontage with less than two access drives per frontage, may require one-way traffic around the site, provided one access drive is for entrance only and one access drive is for exit only.

- A. Drive-in facilities shall provide a lane for stacking of automobiles waiting to drive through the facility. The minimum total capacity of the stacking area shall be four automobiles per drive-up window. Each stacking space for automobiles shall be eight feet six inches in width and eighteen feet six inches in length. Such stacking lanes shall not include any portion of any access aisles or driveway for off street parking lots and shall not encroach in any front yard (this requirement does not apply to gas stations). In the case of drive-through restaurants, the minimum total capacity for stacking shall be eight automobiles per pick-up window.
- B. Automatic teller machines and uses with four or more drive-through lanes shall be required to submit a site plan for review and approval by the Planning and Zoning Board.

17.6.5 Residential Access Drives - Design:

Residential access drives shall conform with the following requirements:

- A. No parcel shall have more than two access drives.
- B. No access drive shall be located less than sixty feet from any parallel street, measured from centerline to centerline thereof.
- C. No access drive shall be less than ten feet or more than thirty feet in width at the right-of-way line, measured at right angles to the centerline thereof.
- D. Gravel driveways for single family homes in existence prior to the adoption of this Ordinance are not required to be resurfaced with Portland cement concrete or bituminous concrete. Expansion of an existing driveway or parking area using the same surface as exists prior to the adoption of this Ordinance shall be permitted.

END OF ARTICLE SEVENTEEN.

Article 18. SIGNS

SECTION 18.1 GENERAL

- A. The sign regulations set forth in this Article are made in accordance with an overall plan and program for the public safety, preservation of property values, and the general welfare of the Village. The enactment of these Sign Regulations will establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity, and to avoid uncontrolled proliferation of signs. These are also intended to aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow; recognize the rights of the public in roads, streets, and highways; and to preserve the character of the Village through a community plan that provides for a pleasant, healthful, spacious, clean, and well-balanced community.
- B. These sign regulations distinguish between on-premise and off-premise business signs. The restriction of off-premise business signs will significantly aid in the realization of the goals and purposes recited above.
- C. These sign regulations specifically distinguish between outdoor advertising sign structures and signs based on the specific finding that such structures are and have been and continue to be utilized for announcements of both a commercial and noncommercial nature, have been a traditional and lawful use of land in the Village, and are a unique communication medium involving nationally standardized signs, which are generally made available to the public.. At the same time, the regulations recognize that a limitation upon the size, number, and spacing of such structures is consistent with and will further the goals expressed in this Article.

SECTION 18.2 LIMITATIONS ON SIGNS

18.2.1 Compliance and required permits:

- A. Any sign or outdoor advertising sign structure that is not specifically allowed or regulated in this article is prohibited.
- B. No sign or outdoor advertising sign structure may be erected, constructed, established, maintained, enlarged, relocated, or changed by a person except in accordance with the provisions of this Article.
- C. Permit required. No sign or outdoor advertising sign structure may be installed, erected, constructed, or placed without a permit from the Zoning Administrator, except as specifically provided for by this Article. The permit fee shall be as established from time to time by the Village Board of Trustees. No permit may be issued for a sign or outdoor advertising sign structure which is not permitted under this Ordinance or which is not in compliance with applicable construction codes.

- D. Permit applications for OASSs shall include a site plan prepared by a licensed surveyor and drawn to scale. Said site plan shall, at a minimum, show the location of the footprint of the proposed OASS and the location of the footprint of any buildings and permanent commercial freestanding signs as defined by this ordinance within four hundred (400) feet of the proposed footprint of any OASS measured along the same side of the street and around corners. The following signs need not be included in any survey: instructional or directional signs, real estate signs, temporary signs, political signs, noncommercial signs, or any official traffic control or direction sign.

Applications shall also include color photographs (or color printouts of digital photographs) of the proposed OASS site from one hundred (100) feet to two hundred (200) feet from the proposed OASS from each direction along the street to which the OASS will be directed, with the approximate location of the proposed OASS marked on each photograph.

18.2.2 Prohibited hazardous signs:

- A. No person shall erect, construct, establish, maintain, enlarge, or relocate any of the following signs which:
1. is structurally unsafe; or
 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or
 3. Is not kept in good repair; or
 4. is capable of causing electrical shocks to persons likely to come in contact with it; or
 5. Is supported by hanging or swinging from eye bolts, cables, or similar means.
- B. Any sign or outdoor advertising sign structure which, by reason of its size, location, content, coloring, or intensity of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing or detracting from the visibility of any governmentally erected traffic sign or control device, or any sign which resembles a traffic sign or control device. This Section shall not be construed to prohibit on-site directional signage that does not interfere with official traffic control signage.
- C. Signs or outdoor advertising sign structures which make use of words such as "Stop", "Look", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- D. Any sign or outdoor advertising sign structure which obstructs free ingress to or egress from a required door, window, fire escape, or other required exits.

18.2.3 Prohibited illegal or nonconforming signs:

No person shall erect, construct, establish, maintain, enlarge, or relocate any of the following:

- A. Any sign, whether temporary or permanent, or outdoor advertising sign structure, not erected by the Village or its agents, which extends over or touches upon any Village property or public right-of-way unless specifically permitted by this Article.
- B. Any nonconforming sign or outdoor advertising sign structure which refers to a business no longer in existence or in operation at the location advertised.
- C. Business signs advertising nonconforming uses which do not conform to the Sign Regulations of the most restrictive district where the nonconforming uses are permitted.
- D. Any sign or outdoor advertising sign structure unlawfully constructed, installed, erected, or maintained.

18.2.4 Signs with moving parts or changing messages:

- A. Flags,, banners, pennants, spinners, portable signs, and streamers are prohibited unless and only to the extent expressly allowed in this article.
- B. Any signs with moving parts or the appearance of moving parts shall be regulated as follows:
 - 1. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind currents are prohibited even if indoors if they are visible from the right-of-way or residential areas with the exception of searchlights as permitted elsewhere by this Article.
 - 2. Electronic changing image signs, other than those permitted in paragraph (d) herein, shall be prohibited in residential zoning districts.
 - 3. Electronic changing image signs, other than portions of those signs displaying the current time and temperature, those signs permitted in paragraph (d) herein, and outdoor advertising sign structures, shall not change more than once in any thirty-second period, and shall be restricted to instantaneous full-face changes. No wipes, fades, flashing, or similar effects may be employed.
 - 4. Except for those signs permitted in paragraph (d) herein and outdoor advertising sign structures, the maximum area of any sign face that may have a changing electronic image shall be fifty (50) percent of the maximum allowable area of a sign face in the zoning district where the sign is located, or twenty-five (25) square feet, whichever is smaller.
- C. Time and temperature signs shall be permitted in accordance with district regulations in this Article.
- D. Outdoor stadiums and indoor arenas with a seating capacity of two thousand or greater shall be permitted to have one changing electronic message sign.
- E. Changing outdoor advertising sign structures (OASS) are those whose face can automatically change by either digital or other mechanical means. They shall not change more than once in any ten-second period. Changes shall be instantaneous full-face

changes; no effects (wipes, fades, flashing, etc.) may be employed. Changing OASS with digital displays shall have a minimum resolution of twenty (20) mm. Changing OASS with digital displays shall be equipped with a system to regulate the intensity of lighting, reducing or increasing the light output as exterior light conditions fluctuate.

The separation distance between any two (2) changing OASS shall be a minimum of one thousand (1,000) feet.

Changing OASS with digital displays which are capable of changing more than once per hour shall be directly connected to the regional emergency dispatch system in order that the emergency dispatchers would be able to override the message otherwise displayed on the OASS in favor of an emergency bulletin. The Director of METCAD or the Director's designee shall have authority to direct such an override. Examples of an emergency justifying such override would be broadcasting from the Statewide "Yellow Alert" system regarding abducted children or imminent weather bulletins where the other aspects of the emergency broadcast system (sirens, cable override) are activated.

18.2.5 Special event signs and lights requiring a permit:

- A. Permit and fee required. No special event sign or searchlight shall be erected or maintained on or over any property owned or controlled by the Village by any person without first obtaining a permit issued by the Zoning Administrator, who shall consider the requirements and restrictions of this Section in approving or disapproving the method of display, location, number, and sizes of signs. The permit fee shall be as established by the Village Board of Trustees (Refer also to Section 18.2.1.C).
- B. Numbers and sizes of signs. The number of special event signs shall comply with the following:
 - 1. Except as provided pursuant to this Section, permits shall be granted for no more than ten special event signs to be displayed on any day. Where approved applications are received from more than one organization for such signs to be displayed on the same day, and the total number exceeds the maximum provided in this Section, each organization shall receive a permit for a pro-rata number of such signs.
 - 2. Except as provided pursuant to this Section, special event signs regulated by this section shall be no larger than: Fifty (50) square feet in surface area, in the case of banners, and four (4) square feet, in the case of yard signs.
 - 3. Permits may be granted to not-for-profit corporations who have entered into agreements with the Village for the display of special event signs which are advertising for public benefit signs or vexillum public promotion signs. Such agreement shall be for a duration of up to one year. Such agreements may be executed by the Village President after the form has been approved by the Village Attorney.
- C. Length or time of display. The length and time of display for special event signs shall comply with the following:

1. Special event signs shall be displayed for not more than a consecutive thirty day period.
 2. No more than two days following the special event for which a sign permit is granted pursuant to this Section, such special event signs shall be removed and the area where such signs have been displayed shall be cleaned and restored to its condition prior to display of such signs.
- D. Location of display. Subject to the requirements of this section, the signs regulated by this section shall comply with the following:
1. Banners may be placed over public right-of-way or affixed to railroad and street overpasses, which are above public right-of-way.
 2. Yard signs may be located in the right-of-way only on major entryways and corridors including the following streets:_____.
 3. Yard signs shall be located a minimum of sixty-five (65) feet from any other yard sign, five (5) feet from any curb cut.
 4. Except as provided for in subsection (e), no signs regulated by this section shall be:
 - i. Affixed to public structures located in the right-of-way including but not limited to, utility poles, streetlights, trees or traffic control devices.
 - ii. Erected in violation of any of the specific sign prohibitions set forth in Section 18.2.2.
 - iii. Be located within the visibility triangle setbacks as defined in Article Two, Definitions.
- E. Searchlights. A searchlight may be used for a special event, provided a permit is issued by the Zoning Administrator. The operation of the searchlights shall be limited to Friday, Saturday, and Sunday, but not between the hours of 11:00 p.m. and 7:00 a.m. A searchlight shall be limited to a single beam, of no more than one thousand six hundred million foot candles. The light must be positioned so as to project a beam vertically, but not less than a minimum angle of forty-five degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles.

SECTION 18.3 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The types of signs identified in this division shall not require a permit for installation, and shall comply with the restrictions or other requirements described in this division.

18.3.1 Instructional or directional sign:

The total area for all instructional and directional signs on any premise shall not exceed the area as specified below. Such signs shall not exceed three feet six inches in height. A business

name or logo may be a part of an instructional or directional sign providing that it occupies less than fifty percent of the surface area.

[This is intended to allow exit and entrance signs to direct customer traffic. The total amount of signage relates to the zoning district.]

Zoning District	Maximum Sign Size in Square Feet
RS, R-I, R-2	6
R3, R4	12
Lots of 5 acres or less in CN, CB	16
Lots greater than 5 acres in CN, CB and all lots in I-1	16 per street frontage

18.3.2 Signs for on-site customer traffic:

Such signs shall be presumed not readable from the right-of-way if the following conditions are met:

[This permits business which by their nature conduct a major portion of their business out-of-doors to communicate to on-site customers.]

- A. The sign is placed a minimum of twenty feet from any adjacent street right-of-way.
- B. Letters on the sign are less than one and one-half inches in height.
- C. Pictures or logos on the sign are less than one and one-half square feet.

18.3.3 Real estate sign:

- A. One real estate sign per street frontage may be placed on a lot provided it is removed within ten days after closing and the total surface area of the sign does not exceed the following sizes:

Zoning District	Maximum Sign Size in Square Feet
RS, R-I, R-2	6
R3, R4	12
Lots of 5 acres or less in CN, CB	16
Lots greater than 5 acres in CN, CB and all lots in I-1	32

- A. In addition to the signs permitted in the table above, a sign having an area not exceeding thirty-five (35) square feet may be placed on undeveloped or developing property under the following circumstances:
 - 1. In subdivisions where four or more undeveloped lots exist. Said sign shall be allowed in lieu of individual lot signs.
 - 2. Where the individual undeveloped or developing property exceeds two acres.

18.3.4 Construction site signs:

Such signs shall not exceed thirty-five square feet in area. Such signs shall be placed only when visible work is being conducted upon the property and shall be removed within fourteen days of completion of the construction. For purposes of this type of sign, visible work shall include contractor trucks being located on site or work being conducted outside on the property or on the exterior of the structure located on the property.

18.3.5 Garage sale signs:

Signs announcing auctions and garage sales shall not exceed five square feet in area. Such signs shall be posted not more than two days before and shall be removed two days following the event, with a total time of display not to exceed six days; such signs shall not be attached to or located on public property.

18.3.6 Nonbusiness Signs:

- A. Signs erected by the Village or its agents in the public right-of-way.
- B. Signs used to identify the street address of a building shall not exceed five square feet in area.
- C. Parking signs not exceeding six square feet in area.
- D. Signs required by Federal, State, or local laws for the operation of certain businesses shall not exceed seven square feet.
- E. Public flags and one additional flag other than a public flag. The flag other than a public flag shall not exceed four feet by six feet and shall be mounted on a flag pole.

18.3.7 Political Election Signs:

- A. No political election signs may be placed on any property without the permission of the owner of said property.
- B. The location, size and number of political election signs shall be in accordance with Federal, State, and County laws, rules and regulations including, but not limited to the Illinois Campaign Sign Regulation Act, 10 ILCS 5/29-14.1.
- C. The maximum size of anyone sign shall be six square feet.

SECTION 18.4 ADMINISTRATION AND ENFORCEMENT

18.4.1 Nonconforming Signs:

Every lawful nonconforming sign shall be discontinued and removed, or changed to a conforming sign, within a period of two years from the effective date of this Ordinance, provided that the signs, at the effective date of this Ordinance, are maintained in connection with and upon the same lot as a lawful nonconforming use. They may be repaired or replaced with signs similar in size and character, but may not be enlarged or otherwise altered, or may the illumination or lack of illumination thereof be changed.

18.4.2 Nonconforming outdoor advertising sign structures:

Nonconforming outdoor advertising sign structures shall be removed or made conforming within two years of the date the sign became nonconforming provided, that:

- A. Nonconforming outdoor advertising sign structures attached to and parallel to walls, freestanding and parallel, to any part of which are within three feet of a wall may continue in existence, be rebuilt or maintained, but not enlarged or increased in height.
- B. Nonconforming outdoor advertising sign structures which are freestanding may continue in existence, be rebuilt or maintained, but not enlarged or increased in height provided that such structures shall be limited to:
 - 1. A maximum of three hundred square feet of display space in CB Districts (back-to-back three hundred square feet display areas shall be permitted).
 - 2. A maximum of six hundred square feet of display in all industrial zones, provided, that outdoor advertising sign structures which are currently in existence but which are removed and relocated to any new site which is in an industrial zone. Such relocated nonconforming outdoor advertising sign structures shall not exceed six hundred square feet in surface display or be located within five hundred feet of another outdoor advertising sign structure measured along the same side of the street. Relocated nonconforming outdoor advertising sign structures shall also meet separation height and setback restrictions. The relocation of such outdoor advertising structures shall occur within no more than twenty-four months following their removal. Such relocated outdoor advertising sign structures shall be deemed conforming when relocated in compliance with this Section.

18.4.3 Removal of illegal signs:

- A. Prohibited signs or outdoor advertising sign structures shall be removed or modified within fifteen days notice from the Zoning Administrator.
- B. Signs which refer to businesses no longer in existence or operation at the locations advertised shall be removed within fifteen days from the effective date of discontinuance of the business at the location advertised.

18.4.4 Administrative action - Violation:

- A. Whenever it shall appear to the Zoning Administrator that any sign has been constructed or erected, or is being maintained in violation of any of the terms of this Article, or after a permit for a sign has been revoked or become void, or when a permit was never issued, the Zoning Administrator is empowered to issue a notice in writing to the owner or lessee of the sign, or the owner of the premises upon which the sign is erected or maintained. Such notice shall inform such person of the violation, and shall direct him/her to make such alteration, repair or removal as is necessary to secure compliance with this Article within a reasonable time limit as determined by the Zoning Administrator, which shall not be more than sixty days. The person receiving such notice shall comply with the terms thereof.

- B. Upon failure of the sign or outdoor advertising sign structure owner to comply with the terms of the notice of violation, the Zoning Administrator shall notify the Village Attorney to take appropriate legal action towards the person(s) named in the notice of violation.

SECTION 18.5 SIGN REGULATIONS BY DISTRICT

18.5.1 Residential district regulations:

- A. Signs in the residential districts may be erected at a maximum of one non-illuminated business on-premise sign, not exceeding one square foot in total surface area, in connection with a home occupation.
- B. Illuminated nameplates are permitted subject to the following regulations:
 - 1. In RS, R-I, and R-2 districts a nameplate shall not exceed forty-eight square inches in area and shall indicate only the name or name and address of the occupant. There shall be not more than one such nameplate for each dwelling.
 - 2. In the R-3 district, only such a nameplate shall be permitted for a single family or a two-family dwelling.
- C. Signs in the R-4 district may be erected at a maximum of:
 - 1. One wall sign or signs with incised letters on stone background set as part of the building not to exceed four square feet.
 - 2. One freestanding sign per lot, located in the front or side yard provided that the total height of the freestanding sign shall not exceed six feet. The total area of the sign shall not exceed ten square feet if the lot the sign is located on does not exceed twenty thousand square feet in size; fifteen square feet if the lot exceeds twenty thousand square feet in size.
- D. Signs for provisional uses are permitted in accordance with the standards in the underlying Zoning District.
- E. Accessory parking lots. Within the R-3 and R-4 districts, signs used to identify the accessory parking lots and their associated uses are permitted provided the total surface area of the signage does not exceed six square feet.
- F. Bulletin Board Signs. Bulletin board signs shall be permitted in residential districts, for a maximum duration of three days at one location. A permit, issued annually by the Zoning Administrator, is required for each sign. Each sign shall not exceed 40 square feet in area. Only one sign is allowed for every one hundred feet of lot frontage.

18.5.2 CN. Commercial Neighborhood district:

- A. Permitted wall signs. One wall sign for each business occupying the lot shall be permitted, provided that the wall signs do not exceed seven percent of the wall area, up to a maximum of one-hundred square feet of total wall signage per business. Up to an additional thirty-five square feet of wall signage may be added to anyone permitted wall sign per business, if no individual freestanding sign exists on the lot.

- B. Permitted canopy signs. Fascia mounted canopy or awning signs may be substituted for wall signs. The maximum area of such signs is fifty square feet.
- C. Permitted freestanding signs. The business occupying the building may erect and maintain one two-dimensional freestanding business on-premises sign per street frontage per lot, subject to the following limitations:
1. The sign shall not exceed thirty-five square feet in area for a single business or seventy square feet for more than one business.
 2. The height of the sign shall not exceed twelve feet.
 3. For freestanding signs which advertise more than one business, at least ten percent and not more than sixty-five percent of the total sign face shall be devoted to an individual business.
 4. When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.
- D. Illumination. Exterior signs may be illuminated between the hours of 7:00 a.m., or the opening time, whichever is earlier, and 11:00 p.m., or the close of business, whichever is later. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building nor into a residential district, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green or amber illumination.
- E. Temporary signs. A business shall be permitted to display one temporary sign or portable sign advertising on-premise activities for not more than a total of four weeks per calendar year with no period of display being less than one week. Temporary signs shall conform with the size and height provisions for the CN District. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.
- F. Grand opening signs. A business shall be permitted to display one temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty days from the date the business was started. The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display. Additionally, within the first thirty days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:
1. An oversized banner is limited to twenty-five percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.
 2. A searchlight is limited to a single beam of no more than one thousand six hundred million foot candles. Such lights must be positioned so as to project all

beams vertically, but not less than a minimum angle of forty-five degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

3. An inflatable sign or balloon may not exceed twenty-five feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a ten foot clearance from any overhead electrical wire. No more than one such inflatable device shall be allowed on any premises. Any such sign or balloon must be secured to minimize wind currents.
- G. Bulletin Board Signs. Bulletin board signs shall be permitted subject to the limitations as provided for in this Article. A permit, issued annually by the Zoning Administrator, is required for each sign. Each sign shall not exceed 40 square feet in area. Only one sign is allowed for every one hundred feet of lot frontage.

18.5.3 CB. Central Business district:

- A. Business signs. On-premise business signs shall be permitted subject to the limitations as provided for in this Article and, except those signs in planned regional shopping centers, shall comply with this Article.
1. When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.
- B. Outdoor advertising sign structures. Outdoor advertising sign structures shall be permitted subject to the limitations as provided for in this Article.
- C. Business lots without street frontage. One business sign shall be permitted, provided that the lot upon which the business identified by such sign, does not abut a public street and is not readily visible from a public street. Such signs shall have a maximum surface of twenty-five square feet and a maximum height of twenty-five feet, and shall be located not more than two hundred feet from the lot of the business which is to be identified.
- D. Illumination. Exterior signs may be illuminated between the hours of 7:00 a.m., or the opening time, whichever is earlier, and 11:00 p.m., or the close of business, whichever is later. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building nor into a residential district, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green or amber illumination.
- E. Temporary signs. A business shall be permitted to display one temporary sign or portable sign advertising on-premise activities for not more than a total of four weeks per calendar year with no period of display being less than one week. Temporary signs shall conform with the size and height provisions for the 1-1 district. The permit for a

temporary sign shall stipulate the number and type of temporary signs and dates of display.

- F. Grand opening signs. A business shall be permitted to display one temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty days from the date the business was started. The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display. Additionally, within the first thirty days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three days running Friday through Sunday. This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:
1. An oversized banner is limited to twenty-five percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.
 2. A searchlight is limited to a single beam of no more than one thousand six hundred million foot candle. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicle. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.
 3. An inflatable sign or balloon may not exceed twenty-five feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a ten foot clearance from overhead electric lines.
- G. Bulletin Board Signs. Bulletin board signs shall be permitted subject to the limitations as provided for in this Article. A permit, issued annually by the Zoning Administrator, is required for each sign. Each sign shall not exceed 40 square feet in area. Only one sign is allowed for every one hundred feet of lot frontage.

18.5.4 I-1 Industrial district

- A. Business signs. On-premise business signs shall be permitted subject to the limitations as provided for in this Article.
1. When a lot is a corner lot, and when a freestanding sign is erected in the sign triangle, no additional freestanding sign may be erected with sign faces oriented in the same direction. If a four-sided sign is erected in the triangle, no additional freestanding sign shall be permitted on the lot.
- B. Outdoor advertising sign structures. Outdoor advertising sign structures shall be permitted subject to the limitations as provided for in this Article.

- C. Highway signs. Businesses located along the State Highway may increase the area of a freestanding sign, which is located on the frontage of a road parallel to the highway, to a maximum of one hundred fifty square feet in area and to a maximum height of fifty feet.
- D. Temporary signs. A business shall be permitted to display one temporary or portable sign advertising on-premise activities for not more than a total of four weeks per calendar year with no period of display being less than one week. Temporary signs shall conform with the size and height provisions for the CN District. The permit for a temporary sign shall stipulate the number and type of temporary signs and dates of display.
- E. Grand opening signs. A business shall be permitted to display one temporary or portable sign per business frontage advertising or announcing a new on-site business for a period not to exceed thirty days from the date the business was started. The permit for a grand opening sign shall stipulate the number and type of temporary signs and dates of display. Additionally, within the first thirty days of the operation of a new on-site business, a business shall be permitted to display grand opening signage for a period of no more than three days running Friday through Sunday.

This additional grand opening signage may include oversized banners, inflatable signs and balloons, and searchlights as limited below:

1. An oversized banner is limited to twenty-five percent of the area of the wall upon which it is placed. Such banners must be securely fastened to minimize wind movement.
 2. A searchlight is limited to a single beam of no more than one thousand six hundred million foot candlepower. Such lights must be positioned so as to project all beams vertically, but not less than a minimum angle of forty-five degrees from grade level, and must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the traveled ways or adjoining property, and no light shall be of such intensity or brilliance to cause glare or impair the vision of the driver of any vehicles. No searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.
 3. An inflatable sign or balloon may not exceed twenty-five feet in height and shall not obstruct visibility necessary for safe traffic maneuvering. Such signs shall be set back from any property line a minimum distance equal to the height of the balloon plus five feet, and shall maintain a ten foot clearance from any overhead electrical wire. No more than one such inflatable device shall be allowed on any premise. Any such sign or balloon must be secured to minimize wind currents.
- F. Major retail stores. Single-user retail stores with on hundred thousand square feet of gross floor area or larger and located in the 1-1 district are allowed one freestanding sign up to one hundred square feet in area and may be a maximum height of thirty feet, if no other freestanding sign exists. Up to four wall signs may be installed on the principal elevation. One sign on the principal elevation may be up to two hundred fifty square feet, or other signs on the principal elevation may not exceed one hundred fifty square feet, and total signage on the principal elevation shall not exceed seven percent of the total wall area.

G. Bulletin Board Signs. Bulletin board signs shall be permitted subject to the limitations as provided for in this Article. A permit, issued annually by the Zoning Administrator, is required for each sign. Each sign shall not exceed 40 square feet in area. Only one sign is allowed for every one hundred feet of lot frontage.

END OF ARTICLE EIGHTEEN.

Article 19. LANDSCAPING AND SCREENING

SECTION 19.1 GENERAL

19.1.1 Purpose:

This Article will provide a buffer between land uses of differing intensity, improve the quality of life by creating a more attractive environment in which to live and work, and promote overall quality of development. This purpose can be achieved by breaking up large expanses of paved areas, screening utilitarian and open storage areas, and providing appropriate buffer yards.

19.1.2 Compliance:

- A. Any new use of land development of a structure shall provide and maintain landscaping and screening in accordance with the requirements of this article.
- B. A change in the character of a use shall require that landscaping and screening in accordance with this article shall be provided and maintained. A change in the character of a use shall include:
 - 1. Any expansion of the use onto additional property that is not part of the lot which the use is situated prior to the expansion.
 - 2. Any expansion of the structure which the use is situated in by more than twenty-five (25) percent.
- C. Each applicant for a special use, planned development, provisional use, or building permit which requires landscaping, shall include as part of the application a landscaping plan demonstrating compliance with this article.
- D. When a parking lot is enlarged, the added area shall comply with the requirements of this article for parking lots. When a parking lot is enlarged by more than fifty (50) percent in area, both the existing and new portions of the parking lot shall conform with these requirements. The requirement to bring the parking lot into compliance shall not reduce the number of parking spaces below the minimum number of spaces for that use or combination of uses.

19.1.3 Landscaping Plan Required:

- A. The landscaping plan may be shown on the required site plan for parking lots, special uses, provisional uses, or building permit applications, or may be submitted as a separate document. A landscaping plan shall be required for planned developments in accordance with Article Sixteen, Planned Developments.

19.1.4 Contents of a Landscaping Plan:

A landscaping plan shall include a date, north arrow, and common address of the development. The plan shall be drawn to scale and shall include dimensions, property lines, structure

setbacks, parking areas and driveways. At a minimum, the following information shall be included on the landscaping plan:

1. Existing plantings and vegetation that will remain and that satisfy the planting requirements of this article.
2. The location of trees, shrubs, and ground cover to be planted with appropriate labels as to type of landscaping that correspond with the plant lists.
3. Plant lists with the botanical and common names, and the size of all plant material at the time of planting.
4. Any required walls, fences, or berms being erected or installed to meet the requirements of this article.

19.1.5 Amendments to the Landscaping Plan:

If there is no significant change in the quantity, size, or location of plant material and if new plants are of the same general category and have the same general design characteristics as the materials to be replaced, no modification of the landscaping plan is required. Replacement material must be from the approved plant list in the Village's Tree Ordinance.

SECTION 19.2 SCREENING BETWEEN DIFFERENT LAND USES

19.2.1 Types of Screens for Side and Rear Yards:

For purposes of administering the requirements of this article, the following definition shall apply:

- A. **Type A screening.** There shall be a minimum six (6) foot buffer yard and a decorative fence or wall which is a minimum of six (6) feet in height as measured from the elevation at the lot line. The fence or wall shall be a decorative fence or wall that meets the design standards of section 19.5.2.
- B. **Type B screening.** This screen shall consist of a buffer yard of at least ten (10) feet in width. Within the buffer yard there shall be plantings of one tree and three (3) shrubs for every forty (40) linear feet along the length of the property line between the adjacent uses. Shrubs shall be at least of medium height for buffer areas. Small shrubs used in combination with a berm to achieve an overall height of four (4) feet may be substituted for the required plantings.
- C. **Type C screening.** The screen shall consist of a buffer yard of at least fifteen (15) feet in width. Along the property line between land uses there shall be a decorative fence or wall which is a minimum of six (6) feet in height as measured from the elevation at the lot line. The fence or wall shall be a decorative fence or wall that meets the design standards of section 19.5.2.
- D. **Type D screening.** The screen shall consist of a buffer yard at least fifteen (15) feet in width. Within the buffer yard, there shall be a continuous planting of evergreen trees or any type of shrubs from the approved list in the Village's Tree Ordinance, of at least medium height. The screen should be expected to reach a height of six (6) feet or

greater in three (3) years. The plant material should be three (3) feet in height when planted and there shall be no gap greater than four (4) feet apart when planted. A combination of a berm and small shrubs or evergreen trees may be used to achieve the required minimum six (6) feet for the height of the screen.

- E. **Type E screening.** The screen shall consist of a buffer yard at least twenty-five (25) feet in width. Within the buffer yard there shall be plantings of bushes and trees equal to one tree and (3) shrubs per thirty (30) linear feet. Plantings may be clustered or in a continuous arrangement. Trees and shrubs used in the Type E buffer shall be from the plant list, which is available for inspection in the office of the Village clerk, of trees for buffer areas and shrubs shall be at least of medium height approved for buffer areas. Small shrubs used in combination with a berm to achieve an overall height of at least six (6) feet when the plantings mature, may be substituted for the required plantings.
- F. **Type F screening.** This screening shall consist of a buffer yard at least twenty-five (25) feet in width. Within the buffer yard, there shall be planting screen equal to Type D screening. There shall be a fence or wall which is a minimum of six (6) feet in height as measured from the elevation at the lot line. The fence or wall shall be a decorative or non-decorative material. The fence shall be seventy-five (75) percent or more opaque and the planting shall be located on the lower impact side of the buffer yard.
- G. **Commentary:** Type A and B screens are intended for buffering between land uses where there is generally a low level of land use conflict. The main purpose is to provide privacy and to create a visual barrier. Type A screens with a fence may be more appropriate for developments with space constraints. The Type B screen relies on landscaping to achieve this effect. Additional yard area is required.

Type C, D, and E screens are intended to buffer between residential uses and medium impact uses, such as more intense traffic, noise, litter, and size of development. These screens are necessary not only as a visual barrier but to minimize the negative impacts from the more intense uses. The types of fence and landscaping are taller and wider. Type F screen is for high impact uses. They may also be used for areas with potentially hazardous materials or dangerous equipment. A fence is also required. As long as the planting screen is visible to soften the appearance, the fence does not need to be a decorative type fence.

19.2.2 Screening Requirements along Side and Rear Lot Lines:

Whenever land uses or various intensities are adjacent to one another, screening shall be provided in accordance with the following Table:

	No Impact	Low Impact	Medium Impact	High Impact
No Impact	No Screening	A or B	C, D or E	F
Low Impact	A or B	No Screening	C, D or E	F
Medium Impact	C, D or E	C, D or E	No Screening	C, D or E
High Impact	F	F	C, D or E	No Screening

19.2.3 Classification of Low, Medium and High Impact Uses:

For purposes of determining the appropriate screen, uses shall be classified in accordance with the uses listed below.

- A. **No Impact.** Single-family residential; Two-family residential, Parks; Agriculture.
- B. **Low Impact.** Mobile (manufactured) homes; Multifamily home; Office buildings less than 6,000 square feet; Religious institutions; Schools and Colleges; Government building; libraries; Personal services less 6,000 square feet; Retail uses less than 6,000 square feet; Automobile sales display areas, outdoors; Accessory parking lots
- C. **Medium Impact.** Retail; office building and institutional uses and facilities between 6,000 square feet and 100,000 square feet; Commercial uses not low impact; Restaurants and taverns; Hospitals; Hotels/Motels; Commercial recreation; Auto service uses; Drive-in uses; Warehouse/Manufacturing totally indoor; Power substations; Arenas for less than 2,000 persons
- D. **High Impact.** Retail, office and public facilities greater than 100,000 square feet; Manufacturing with outdoor activity; Truck terminals; Outdoor storage of building supplies, contractor equipment or recycling centers; Storage of inoperable autos/Major auto repair; Power plants, treatment facilities and other similar utilities; Concrete batch plants

[Note: A fence is not required for high impact retail.]

19.2.4 Buffer yard requirements for front yards:

Whenever any higher impact use abuts a lower impact use, the following requirements shall apply.

- A. **Low and medium impact uses.** If a parking lot is located in between the street and building for which screening is required, then requirements for parking lot screening shall satisfy requirements for front yard buffers. If there is no parking lot between the street and building for which screening is required, then the required front yard setback shall be equal to the front yard setback of the adjacent residential district with screening in accordance with requirements for parking lot screening along the street side.
- B. **High impact uses.** The front yard setback for high impact uses shall be equal to the front yard setback of the adjacent residential district. No parking lot shall be located within this front yard setback. The setback shall be landscaped in accordance with requirements for parking lot perimeters except that any area visible from the public right-of-way that is used for loading, mechanical equipment, outdoor storage (not outdoor sales), or trash disposal shall be screened equivalent to a Type F screen.

19.2.5 Buffer yards design requirements:

- A. At least ninety (90) percent of the buffer yard required by this article shall be kept free of obstructions including, but not limited to, outside storage, accessory structures, active recreational uses, and service areas. There shall be no parking permitted in required buffer yards. No parking or access drives are permitted in the buffer yards. Any

encroachment in the buffer yard shall be screened in accordance with requirements for utilitarian areas.

- B. Buffer yards shall be required to have a groundcover with a minimum of seventy-five (75) percent living grass or other groundcover from the Village's Tree Ordinance. The remaining area may be nonliving, consisting of bark, wood chips, decorative rock or stone, or other similar material.
- C. If all or any part of the buffer requirements regarding fence, walls or landscaping is provided on the adjacent property at the time the building permit is approved, the proposed uses must provide only that amount of the buffer which is not provided on the adjacent property regardless of whether the buffer on the adjacent yard is maintained.

19.2.6 Requirements for buffer yards next to vacant property:

- A. When the adjacent property is vacant and zoned or designated in the Land Use Plan for a lower impact use, a minimum of only fifty (50) percent of the required buffer yard shall be required. In no case, however, shall such buffer yard be less than the minimum yard requirements in the underlying Zoning District.
- B. The term "vacant" as used herein means that there is no structure, or vehicular surface area within two hundred (200) feet, or any outstanding approved Village permit or final plat for the construction of the same, from any common property line of the developing property and the adjoining property. Public parks or common open space shall not be considered as vacant land.
- C. When a lower impact development is constructed adjacent to an existing higher impact use or to vacant land or designated on the Land Use Plan as a nonresidential use, the required rear or side setback adjoining the nonresidential use shall be no less than fifty (50) percent of the required buffer yard.

19.2.7 Buffer yards and screening requirements for existing uses:

When an existing use increases the amount of square feet in the building by twenty-five (25) percent or more, the following requirements shall apply:

- A. If the expansion occurs on an adjacent lot, requirements for buffer yards and new lots shall apply as it would for a new use.
- B. If the expansion or change in use occurs on the same lot as the existing building, the buffer yards may be reduced to the setback of the existing building. The type of screen, would be required in accordance with Table is Section 19.2.2.

SECTION 19.3 PARKING LOT LANDSCAPING AND UTILITARIAN AREAS

19.3.1 Parking Lot Screening - Perimeters:

- A. The perimeter area of all open parking lots with more than twenty-five (25) and less than one hundred (100) parking spaces fronting on a public street, shall have a minimum setback from the property line to the back of curb and shall be screened in accordance

with the Table in Paragraph E below. Parking areas with one hundred (100) or more spaces shall have a minimum fifteen (15) feet setback and be screened in accordance with the Table in Paragraph E below.

- B. The shrubs shall have a mature height of at least thirty-six (36) inches with an overall height not to exceed forty-two (42) inches. Small shrubs may be used in combination with a berm to achieve an overall height of thirty-six (36) inches when the shrubs are at maturity.
- C. Trees and shrubs may be clustered in groups, but in no case shall there be a gap between screening materials of more than nine (9) feet.
- D. Opaque or closed fences in the parking lot setback must conform to the design standards in this article.
- E. The reference elevation for the base of the required screen shall be the surface of the parking area that is to be screened.

Parking Lot Perimeter Screening

Setback	Trees Per Linear Feet	Shrubs Per Linear Feet
15'	1 per 30'	3 per 30'
10'	1 per 25'	3 per 25'
8'	1 per 20'	3 per 20'
6'	1 per 20'	3 per 20'

Six foot planting areas must also submit a plan to indicate proper drainage for plant materials to survive.

- F. Setback for accessory lots in residential areas can be found in Article 17, Parking, Loading, and Access Drives.

19.3.2 Parking Lot Interior (required only for lots of 100 or more spaces):

- A. Landscape islands shall be located at the ends of all rows of parking. For rows of parking greater than thirty (30) spaces, there shall be additional islands at a rate of one per twenty (20) spaces. Thirty (30) spaces is along one side of a parking island.
- B. Landscape islands shall be one hundred sixty (160) square feet, with a minimum interior dimension of nine (9) feet, and shall be protected by a barrier curb.
- C. Each island shall contain at least one tree approved for parking lot interiors from the Village's Tree Ordinance.
- D. Islands may be evenly spaced in between the two (2) end islands or combined to form one large island. A combined island shall be equal in size and planting material to the total of the individual islands being combined. In no case shall there be more than sixty (60) spaces between landscaped areas.
- E. A continuous planting strip between rows may be substituted for the required landscaped islands. The planting strip shall be a minimum of eight (8) feet in width and shall be protected by a barrier curb. There shall be at least one tree planted within the strip for every twenty (20) parking spaces. A minimum of two (2) trees shall be planted in

any such strip. The trees shall be evenly spaced and calculated as specified previously in this section.

19.3.3 Screening for utilitarian and outdoor storage areas:

Utility areas accessory to a building, including but not limited to, loading docks, mechanical equipment, trash enclosures, and storage yards for construction materials, machinery, or inoperable vehicles which are visible from public rights-of-way or adjacent property, shall be screened with a one hundred (100) percent opaque masonry or wood fence, earthen berms, landscaping or any combination which provides a minimum height of six (6) feet and ensures that such locations are not visible from adjacent property.

SECTION 19.4 EXCEPTIONS

19.4.1 Tree Preservation Credit:

The preservation of live natural trees in any of the required planting areas may be credited towards requirements for tree planting in accordance with the following requirements:

- A. To receive a credit for the tree, the tree must be from the list in the Village's Tree Ordinance.
- B. No credit will be allowed for any tree if the tree is unhealthy or dead.
- C. Appropriate measures to protect the tree during construction shall be indicated on the landscape plan.
- D. Credit may only be taken for trees within the area where such trees are required to be planted.
- E. A tree must be a minimum of two (2) inch caliper in order to receive one tree credit. A tree of a minimum of six (6) inch caliper may receive a credit for two (2) trees. A tree of a minimum of twenty-four (24) inch caliper may receive a credit for three (3) trees.

19.4.2 Screening waiver due to property features:

- A. Screening may be waived by the Zoning Administrator where the view is or will be blocked by a change in grade, by the natural vegetation, or by man-made features.
- B. Requirements for screening between uses on the same property may be waived if the property is developed as a planned development that considers the relationship of uses to each other.

19.4.3 Alternative method of compliance:

In the event a property owner wishes to use screening techniques not provided for in this article, they may apply to the Zoning Administrator for approval for an alternative method of compliance. The following findings shall be met for approval of an alternative screening technique:

- A. The method of screening achieves the intent behind the screening requirements.

- B. The proposal is at least the equivalent of that specifically prescribed by this article in quality, effectiveness, and durability of the screen.

The Zoning Administrator shall forward the application and arrange a meeting of the Planning and Zoning Board for review and comment. The Planning and Zoning Board shall review the alternative screening technique and approve or deny the application in writing.

SECTION 19.5 DESIGN STANDARDS

19.5.1 Design Standards - Planting:

- A. All trees and shrubs required by this article shall be selected from the list in the Village's Tree Ordinance.
- B. Plant material shall be installed prior to the issuance of an occupancy permit or the commencement of a use. If such installation would not coincide with the optimal planting season, planting may be delayed after a conditional occupancy permit is issued conditioned on installation by the following November 1 or June 1, whichever date is first.
- C. The required trees and shrubs may be clustered or grouped in a natural arrangement within the buffer area.
- D. Tree species in the immediate proximity of overhead utilities shall have mature heights less than the height of the utilities.
- E. All trees shall be a minimum diameter of two (2) inches caliper when planted, and all shrubs shall be a minimum container size of three (3) gallons when planted, unless approved, or otherwise specified.
- F. Shrubs or fences adjacent to entry drives or where necessary visibility from a vehicle may be obstructed shall have a mature height of not more than thirty (30) inches. Plantings along the street shall not obstruct the site distance of oncoming vehicles.

19.5.2 Design Standards - Fences:

- A. Decorative fences shall be at least seventy-five (75) percent opaque and shall consist of:
 - 1. Treated wood or naturally resistant wood such as redwood, cypress, or cedar;
 - 2. Decorative split face concrete blocks;
 - 3. Masonry;
 - 4. Recycled material which replicates any of the above materials.

All material shall be compatible with the materials and architectural treatment of the building and surrounding neighborhood.

- B. Any wall or fence more than forty (40) feet in length shall have a shrub or vine every twenty (20) feet. A masonry or concrete wall shall have a significant design variation every twenty (20) feet.
- C. Braces, supports or posts shall be located on the side of the property providing the screening.
- D. Fences shall not exceed ten (10) feet in height.

19.5.2 Standards for Maintenance:

- A. Planting areas shall be kept free of trash, litter, and weeds.
- B. The owner shall maintain all trees adjacent to pedestrian and vehicular spaces. Trees shall be maintained so that the mature branching occurs a minimum of seven (7) feet from the ground.
- C. The owner shall maintain all plant materials in such a manner as to preserve their functional and aesthetic integrity. The owner shall replace all plant materials that have died within one year.
- D. The owner shall keep fences in good repair. The owner shall replace rotting or missing fence panels or walls and all graffiti shall be removed. Such maintenance shall be conducted within one month of the occurrence causing the repair.
- E. In the event the owner fails to install or maintain a required landscaped or screening area, the Zoning Administrator shall notify the owner of action necessary to meet the requirements of this article and a date when such action should be completed. If the owner has not complied by said date, the Village shall have the right to go onto said property and maintain said buffer.

END OF ARTICLE NINETEEN.

Article 20. SUPPLEMENTARY REGULATIONS

SECTION 20.1 PURPOSE

The purpose of these regulations is to protect natural resources, minimize the impacts of urban development, and respond to unique conditions in the community that are not specifically addressed elsewhere in this Ordinance.

SECTION 20.2 DEVELOPMENT ADJACENT TO WATER COURSES AND WATER BODIES

20.2.1 Intent

The intent of the regulations regarding properties adjacent to watercourses and waterbodies is to:

- A. Prevent property damage from flooding, erosion, and pollution.
- B. Provide for adequate maintenance of watercourses or waterbodies.
- C. Provide for adequate controls so the watercourses or waterbodies will function according to the intended design as part of the stormwater management system.
- D. Enhance the aesthetic quality of the water feature so it becomes an asset to the neighborhood and community.

20.2.2 Setbacks for lots around watercourses or waterbodies:

- A. For purposes of determining the required rear or side yard setback as established in each Zoning District, the setback shall be measured from the edge of the structure to the top of the bank of the watercourse or waterbody.
- B. In no case shall any structure, accessory building, or similar obstruction be located within fifteen feet of the top of the bank of any watercourse. In no case shall any fence be located within five feet of the top of the bank of any watercourse. This area shall be referred to as the setback area.
- C. For purposes of this Article, the bank shall mean the natural or man-made slope immediately bordering the watercourse or waterbody containing and/or confining the normal water flow.
- D. For purposes of this Article, the top of the bank shall be determined by the observed high water mark, or one foot above the maximum discharge elevation or outlet control structure that controls the water elevation of a body of water.

20.2.3 Standards for maintenance:

- A. The setback area shall be kept free of trash, litter, and weeds.

- B. No shrubs shall be allowed in the setback area. Only trees from the plant list in the Village's Tree Ordinance may be planted in the setback area. The setback area must be covered with groundcover, non-living decorative material such as bark, woodchips, decorative rock or stone, or other similar materials. Garden plots, alternative landscapes, and walkways are permitted within the setback area.
- C. The owner shall maintain all plant materials and decorative treatments in such a manner as to protect their functional integrity. The owner shall replace all plant materials that have died within one year.
- D. There shall be no trash or dumpster areas, no storage of hazardous materials, no vehicle maintenance operation, or other source of non-point pollution contained within the setback area.

SECTION 20.3 REGULATIONS REGARDING GROUNDWATER PROTECTION

20.3.1 Intent

The intent of the regulations regarding properties adjacent to watercourses and waterbodies is to:

- A. Preserve the quality and quantity of groundwater resources.
- B. Assure a safe and adequate water supply for present and future generations.
- C. Preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

20.3.2 Additional Definitions

- A. **Act** shall mean the State of Illinois Environmental Protection Act.
- B. **Agency** shall mean the Illinois Environmental Protection Agency.
- C. **Board** shall mean the Illinois Pollution Control Board.
- D. **Maximum setback zone** shall mean the area around a community water supply well established and described in Agency regulations.
- E. **Minimum setback zone** shall mean the area around a community water supply well, established and described in Agency regulations.
- F. **Potential primary source** shall mean any wellhead at a facility or site not currently subject to a removal or remedial action which:
 - 1. Is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site.
 - 2. Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste, and construction and demolition debris.

3. Is utilized for the landfilling, land treating, surface impounding, or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled, or operated by the same person.
4. Stores or accumulates at any time more than seventy-five thousand pounds of any hazardous substance above ground, or more than seven thousand five hundred pounds below ground of any hazardous substances.

G. Potential secondary source shall mean any wellhead at a facility or a site not currently subject to removal or remedial action, other than a potential primary source, which:

1. Is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled, or operated by the same person, other than livestock and landscape waste, and construction and demolition debris.
2. Stores or accumulates at any time more than twenty-five thousand pounds but not more than seventy-five thousand pounds above ground, or more than two thousand five hundred pounds but not more than seven thousand five hundred pounds below ground, of any hazardous substances.
3. Stores or accumulates at any time more than twenty-five thousand gallons above ground, or more than five hundred gallons below ground, of petroleum, including crude oil or a fraction thereof which is not otherwise specifically listed or designated as a hazardous substance.
4. Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets.
5. Stores or accumulates at any time more than fifty thousand pounds of any deicing agent.
6. Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the "Private Sewage Disposal Licensing Act".

20.3.3 Primary and secondary sources prohibition:

- A. Except as provided otherwise in this Article, no person shall place a potential primary source, or potential secondary source within the minimum setback zone.
- B. Except as provided in this Article, no person shall place a potential primary source within the maximum setback zone.

20.3.4 Waivers exceptions and exclusions:

A. If the owner of a potential primary source or potential secondary source, is granted an exception, waiver, or Certificate of Minimal Hazard under the provisions of the Act, or if such use is excluded from the Act, such person or use shall be deemed to have a waiver, exception, or exclusion to the same extent as provided for in the Act.

B. In no case shall a landfill or land treating operation be subject to such waivers, exceptions, or exclusions.

SECTION 20.4 REGULATIONS REGARDING PRIVATE SEWAGE DISPOSAL

20.4.1 Minimum Lot Sizes:

The following regulations shall apply, notwithstanding the district area and width regulations of this Ordinance:

- A. In all sections of the Village which are served neither by sanitary sewers nor with public water supply, lots shall have minimum area of twenty thousand square feet, and a minimum width at the building line of one hundred feet.
- B. In all sections of the Village which are not served with sanitary sewers, but which are served with public water supply, lots shall have a minimum area of eleven thousand square feet and a minimum width at the building line of eighty feet.
- C. Providing smaller lot sizes and widths than specified in paragraphs A and B above, but not less than prescribed in the district regulations, may be permitted when authorized as a special exception upon submission of satisfactory evidence that smaller lot area of width will provide safe and effective sanitary sewage disposal in the particular location in question. Such evidence may include, but shall not be limited to, a specific recommendation from the Illinois Department of Public Health.

SECTION 20.5 EROSION CONTROL, FLOODPLAIN AND STORMWATER MANAGEMENT

20.5.1 Erosion control:

All developments of five acres or more, shall take measures to control erosion in accordance with the provisions in the Village's Subdivision Ordinance.

20.5.2 Floodplain Requirements:

All development within a floodplain shall be subject to provisions in the Village's Stormwater Management Plan.

20.5.3 Stormwater Management:

All developments of five acres or more, shall comply with Stormwater management measures in accordance with the provisions in the Village's Subdivision Ordinance.

SECTION 20.6 LIGHTING

20.6.1 Intent:

The intent of regulation for exterior lighting and glare is to:

- A. Provide minimal lighting of public and private property for the safety, security, and convenience of occupants and the general public and;

- B. To eliminate or reduce the nuisance and hazards of excessive light and glare.

20.6.2 Parking Lot Lighting:

- A. Definitions for all terms and standards in this Section shall be defined from the 1984 edition of the IES Lighting Handbook, reference volume, New York; Illuminating Engineering Society of North America.
- B. All parking lots where the number of parking spaces exceed ten spaces and are less than fifty spaces, shall at a minimum provide at least one lighting fixture for every ten parking spaces. The fixture shall be mounted at least ten feet above ground. No fixture shall have a cut-off of greater than seventy-five degrees.
- C. All parking lots with fifty or more spaces shall submit a lighting plan which demonstrates that adequate illumination is provided to attain a minimum of one footcandle per square foot of surface area. Light fixtures shall operate from dusk until dawn or until the business closes for the night.
- D. The owner shall maintain all lights. Lights shall be kept in working order and shall be operated as required. Failure to install, maintain, or operate the required lights, shall be considered a violation and shall be subject to enforcement action in Article Twenty-Two: Administration and Enforcement.

20.6.3 Lighting Design Standards

- A. The maximum height for luminaires shall be in accordance with the following table:

1. When light source or luminaire has no cut-off:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1 through R-5	10 feet
CN	15 feet
CB, I-1	20 feet

2. When light source or luminaire has total cut-off of light at an angle of ninety degrees or greater:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1 through R-5	15 feet
CN	25 feet
CB, I-1	35 feet

3. When light source or luminaire has total cut -off of light at an angle of less than ninety degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point at which the cut-off angle intersects the ground:

<u>Zoning District</u>	<u>Maximum Height</u>
RS, R-1 through R-5	15 feet
CN	25 feet
CB, I-1	35 feet

- B. No luminaire shall be placed within the buffer yard abutting a residential district. Luminaires within twenty feet of a residential district shall have a total cut-off of light at an angle of less than ninety degrees, and is located so that the bare light bulb, or lamp is completely shielded from the direct view of an observer at a point, five feet above the ground at the point at which the cut-off angle intersects the ground. Such light shall face away from any residential district.

20.6.4 Exempted uses:

The following uses shall be exempted from these lighting design standards:

- A. Ball diamonds, tennis courts, and playing fields.
- B. Streetlights and fixtures on utility poles (Refer to the Village's Subdivision Regulations for streetlight requirements).

20.6.5 Prohibited lights

The following lighting is prohibited for all uses in all zoning districts:

- A. Flickering or flashing lights.
- B. Laser lights or holograms.

END ARTICLE TWENTY.

Article 21. NONCONFORMITIES

SECTION 21.1 GENERAL

21.1.1 Purpose

This Article will define and regulate different types of nonconformities with the intent that ultimately such nonconformities will be brought into compliance with the requirements of this Ordinance. This Article declares that nonconformities are incompatible with surrounding conforming properties. Consequently, such nonconformities should be removed or mitigated. Their continued existence should be discouraged and they should not be enlarged upon, expanded, or extended.

[Unabated nonconformities undermine the effectiveness of zoning regulations. Some nonconformities, such as industrial activities in residential areas, are a severe detriment to the neighborhoods. Noncomplying properties are also unfair to the majority of property owners who do comply with the regulations.]

SECTION 21.2 APPLICATION OF NONCONFORMING PROVISIONS

21.2.1 Lawful Existing Nonconformities:

- A. Any nonconformity lawfully existing on the effective date of this Ordinance or prior Zoning Ordinances, but does not conform with the regulations of this Ordinance, may be continued under the regulations of this Article.
- B. If a building or land hereafter becomes subject to the provisions of this Ordinance, whether by annexation to the Village or otherwise, and any aspect of the use or land is nonconforming, such use or aspect of the use shall be considered a lawful nonconformity and may continue under the provisions of this Article.
- C. If a nonconformity is created by subsequent amendment to this Ordinance, such nonconformity shall be considered a lawful nonconformity which may continue subject to the provisions of this Article.
- D. Any use, structure, or feature which was illegally established shall not be permitted to continue under the provisions of this Article.

21.2.2 Rules of Interpretation:

- A. The regulations of this Article pertaining to a building occupied by a nonconforming use shall apply not only to buildings completely occupied by such a use, but shall also apply to buildings in which the nonconforming use occupies only a portion of the building.
- B. Nothing herein contained shall be construed as prohibiting change in tenancy, ownership, or management of a nonconforming lot, use, or structure, provided such change is otherwise lawful.

- C. A variation granted by the Planning and Zoning Board shall not be considered a nonconformity and shall not be subject to the provisions of this Article.

21.2.3 Exceptions

- A. If the Village takes by eminent domain or by purchase a portion of a lot for a public right-of-way, and thereby renders said lot or a structure on said lot nonconforming, the following rules shall apply:
 - 1. A nonconforming lot may be developed or redeveloped for any use permitted in the district in question as long as all development regulations in said district, other than those regulating lot area and width, are complied with.
 - 2. A nonconforming structure may be continued, structurally altered, repaired, or reconstructed provided that such modifications shall not increase the nonconformity.
- B. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or lot for which there was an approved building permit at the time of the effective date of this Ordinance. Such building shall be considered a lawful nonconformity and shall be subject to the provisions of this Article. A permit which has been abandoned under the provisions of Article Twenty-Two: Administration and Enforcement shall not qualify for this exemption.

SECTION 21.3 RULES FOR SPECIFIC TYPES OF NONCONFORMITIES

21.3.1 Nonconforming Structures and Lots:

- A. Nonconforming lots shall comply with the provisions for substandard lots in Section 3.5.1.
- B. Alterations to a nonconforming structure shall not increase, extend, or expand the nonconformity.
- C. If the part of the structure which is not in conformance is demolished, removed, or declared uninhabitable, it shall not be replaced or restored unless it is in conformance with the regulations in this Ordinance.

21.3.2 Nonconforming features:

- A. Nonconforming parking and loading areas shall comply with the provisions in Article Seventeen, Parking, Loading and Access Drives.
- B. Nonconforming signs shall comply with the provisions in Article Eighteen, Signs.
- C. Nonconforming screening and landscaping areas shall comply with the provisions in Article Nineteen, Landscaping and Screening.
- D. Any other nonconforming feature shall be allowed to continue to exist, but cannot be altered, enlarged, or expanded in a manner that would increase its nonconformity.

- E. Any other nonconforming feature that is removed, demolished, or destroyed shall be replaced or restored only if it is conformance with the regulations in this Ordinance, unless the nonconforming feature is a historically significant element of a structure designated as a landmark or is located within a conservation or historic district.
- F. The sale of merchandise or food outdoors is only allowed upon receipt of a permit issued by the Village, unless permitted otherwise by the provisions of this Ordinance. When the sales are not permitted by the provisions of this Ordinance, they shall be discontinued immediately.
- G. Nonconforming accessory uses shall be terminated when the principal use is terminated.

21.3.3 Nonconforming Provisional and Special Uses:

- A. Any provisional use that is nonconforming with respect to location, which is abandoned, demolished, destroyed, or declared uninhabitable, shall not be replaced or restored unless it is to a use that is permitted at that location.
- B. No provisional use that is nonconforming with respect to location shall be:
 - 1. Expanded to another part of the building; or
 - 2. Enlarged, extended, or expanded unless the use is changed to a use which is permitted at that location; or,
 - 3. Structurally altered or undergo major repairs.
- C. Any use that would be required to be approved as a provisional or special use, that was legally established prior to the adoption of this Ordinance, which is abandoned, demolished, destroyed, or declared uninhabitable shall not be replaced or restored unless it is approved in accordance with Article Four, Provisional and Special Uses.
- D. Any provisional or special use shall not expand into another part of the building, enlarge the building, make structural alterations, or make major repairs unless approved in accordance with Article Four, Provisional and Special Uses.

21.3.4 Nonconforming Use of Land:

- A. Any lawful use of land which becomes nonconforming as a result of the adoption of this Ordinance, annexation, or subsequent amendments, may be continued only for a period of five years from the date upon which such use becomes nonconforming.

[Since the use of land does not represent major improvements, it is reasonable to expect a land owner to bring the property into compliance. Some examples where this may apply are for salvage yards, used car lots, and parking lots.]
- B. The term "use of land" includes both principal and accessory uses and refers not only to the use of bare or unimproved land, but also to any use of land which involves a structure or involves an accessory structure, but no principle structure. Temporary structures or manufactured homes that are not part of a unified development shall be considered accessory buildings.

- C. Any nonconforming use of land that is abandoned or discontinued for a continuous period of six months or more shall not be resumed unless it complies with the provisions of this Ordinance.
- D. Any nonconforming use of land shall not expand on the zoning lot or move to another portion of the zoning lot unless it complies with the provisions of this Ordinance.

21.3.5 Nonconforming Use of a Building or other Structure:

- A. If a nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or the building or other structure containing said use is demolished, destroyed, or declared uninhabitable, then the subsequent use of such building or other structure shall be in conformance with the provisions of this Ordinance.
- B. If a structure with a nonconforming use is damaged by fire, explosion, or other catastrophe, but is not destroyed, then repairs to the structure will be allowed within twelve months from the date the damage was incurred, and shall be carried on without interruption.
- C. Any nonconforming use of a structure shall not expand into any other portion of the structure unless it complies with the provisions of this Ordinance.
- D. No major repair or structural alteration may be made to any portion of a structure which contains a nonconforming use if the effect of said major repair or alteration is to extend the life of that portion of the structure.
- E. Any structure with a nonconforming use may not change to another use unless the new use complies with the provisions of this Ordinance.

SECTION 21.4 PROVISIONS FOR EXISTING RESIDENCES IN R-1, R-2, AND R-3 ZONING DISTRICTS

- A. If a nonconforming structure in the R-1, R-2, or R-3 zoning districts is damaged as a result of fire, explosion, or other catastrophe; and the owner wishes to reconstruct or repair the structure for the same use; but the owner believes that the damaged structure does not meet the definition of a destroyed structure based upon the value of the structure as established by the equalized assessed valuation; then the Zoning Administrator may require that the owner submit evidence of the value of the structure immediately prior to the occurrence causing said damage and of the estimated cost of said repair or reconstruction below fifty percent of the value of the structure prior to the occurrence. Evidence of the value of the structure immediately prior to the said occurrence may include, but not be limited to a recent appraisal on such property.

[The adoption of these Regulations created nonconforming residential uses in the R-1 through R-3 Districts. Pursuant to applicable Village regulations as set forth in this Ordinance, a nonconforming use damaged by fire, explosion, or other catastrophe must be rebuilt as a conforming use if such damage amounts to more than seventy-

- five percent of the value of the structure immediately prior to the occurrence. In this case, the structure is considered destroyed. In order to lessen the effects of the new regulations, these nonconforming use provisions set forth criteria, by which a nonconforming use that is destroyed may be rebuilt and continued as a nonconforming use.]
- B. Within twenty days following submission of documents to support the owner's claim that the structure was not "destroyed" as defined in this Article, the Zoning Administrator shall render a decision regarding whether said structure was in fact "destroyed".
 - C. If the Zoning Administrator determines that the structure was destroyed, then the structure shall not be repaired or reconstructed for the same or another nonconforming use except in compliance with an approved site plan which meets the requirements for provisional uses as enumerated in Article Four, Provisional and Special Uses.
 - D. The reconstruction of the nonconforming use must commence within the first twelve months following the day on which the nonconforming use was destroyed.

SECTION 21.5 ADMINISTRATION

21.5.1 Evidence of Nonconformity:

The burden of establishing a legal nonconformity is to be met by the owner or party seeking to apply the provisions of this Ordinance. The following items may constitute sufficient proof to establish if the nonconformity was lawfully established:

[As part of the zoning approval process, Article Twenty-Two, Administration and Enforcement requires the Zoning Administrator to determine if any part of the building permit application is nonconforming. If there is a nonconformity, then the owner must supply adequate proof that the nonconformity is lawful as defined in this Article. Upon submitting such evidence, the permit will be reviewed to determine if it complies with the requirements of this Article.]

[If the owner cannot prove that the nonconformity is lawful, then it will be necessary to bring the property into compliance prior to issuing any permit. If the owner fails to comply, zoning enforcement action may be necessary.]

[Some reasons why the property may no longer be conforming is a change of zoning, amendments to the zoning district which no longer allow the use, or annexation of property that does not conform to Village zoning districts.]

- A. Date of construction of the structure or date the use was established (Proof may consist of a certified copy of the business license or structure permit).
- B. Continuous operation of the nonconformity (proof may consist of affidavits signed by persons who have personal knowledge of the continuous use of the premises since said use was in conformity with the then-existing zoning regulations).

- C. Any advertisement, correspondence, or other documentation with a date identifying that the operation was legally in existence prior to adoption of this Ordinance, annexation, or subsequent amendments.
- D. The date of collection or reporting of taxes, fees, or other payments that may establish the date of existence of the nonconformity.
- E. Any other proof of documentation that can legally establish the date of existence of the nonconformity.

21.5.2 Illegal uses or terminated nonconforming uses:

Properties subject to zoning enforcement for an illegal use or termination of a nonconforming use prior to the date of the adoption of this Ordinance are not eligible to continue as a nonconforming use and must be ceased.

21.5.3 Notification of nonconforming uses:

If a non-residential property undergoes a change in ownership, or a change in use, or if a new owner desires to expand, remodel, or renovate any structure on the property or do any other work that requires a building or occupancy permit, as required by this Ordinance, the owner shall meet with the Zoning Administrator to discuss the nonconforming status and, if required, the preparation of a Mitigation Plan.

Upon notification of a nonconforming use or upon determination that a change in ownership or change in use or application for permit as provided herein, the Zoning Administrator shall prepare a notice of the nonconforming use, containing the following items:

- A. A description of the real estate sufficient for identification.
- B. The current zoning designation.
- C. A description of why the property is nonconforming.
- D. An explanation of regulations regarding nonconforming uses of structures.

If an owner does not wish to comply with all the requirements stated in this Ordinance, the owner shall have a period of three months from the date of change in ownership or change in use or application for permit as provided herein, whichever is earlier, to submit a Mitigation Plan. If no plan is timely submitted and the property does not meet the requirements of this Ordinance, the use of the property shall be terminated.

21.5.4 Mitigation Plan submission:

The following material shall accompany an application for a Mitigation Plan:

- A. Application for Mitigation Plan.
- B. Site plan meeting the requirements of this Article.

- C. A description of proposed measures to mitigate the impact of the nonconforming use and time schedule for instituting such measures.
- D. Fee as established by the Village Board of Trustees from time to time.

21.5.5 Mitigation Plan site plan requirements:

Each application for a Mitigation Plan approval shall be accompanied by a site and landscape plan (collectively, the "site plan"). The dimensions of said site plan shall not exceed twenty four inches by thirty six inches and shall be drawn to a scale which is not numerically greater than one hundred feet equals one inch. The following data and information shall be included in said site plan:

- A. The location, dimension, material, and configuration of all buildings, structures, and other improvements.
- B. A statement of the current use of the property. The owner may substitute another nonconforming use, insofar as the use proposed to be allowed through the Mitigation Plan is equal to, or is more restricted than, the classification of the former use and such substitution or addition does not increase congestion in the streets, impair the health, safety, morals or general welfare of the district in which it is located.
- C. The location and extent of usable open space.
- D. The location, access, and other dimensions of existing and proposed off-street parking facilities and the number and configuration of spaces to be provided.
- E. The location, dimensions, and materials of existing and proposed sidewalks, driveways, and other impervious surfaces.
- F. The location and intensity of illumination of any illuminated areas.
- G. The proposed use of open space.
- H. A landscaping plan in accordance with the requirements of Article Nineteen, Landscaping and Screening.
- I. The location of all property lines, utilities, and related easements, including electric lines, storm drainage, sanitary sewers, and water services.
- J. The elevation of all buildings and structures to depict height.
- K. The lot size in square feet and the dimensions thereof.
- L. The land uses surrounding the lot(s) for which site plan approval is being sought.
- M. A date, north arrow, scale, legal description and address of the property, and name of the development.

21.5.6 Procedure for Mitigation Plan review:

- A. Upon receipt of a complete application with the accompanying material, the Zoning Administrator shall schedule the item to be reviewed by the Planning and Zoning Board.
- B. The Zoning Administrator shall prepare a report, presenting the facts of the case to the Planning and Zoning Board. The report shall make a recommendation to forward the case to the Village Board of Trustees; to approve; to approve with additional requirements; or to defeat the proposed Mitigation Plan. In the event the Zoning Board of Trustees defeats the proposed Mitigation Plan, the case shall not be forwarded to the Village Board of Trustees.
- C. The Planning and Zoning Board shall conduct a hearing in accordance with the procedures in Article Twenty-Three, Planning and Zoning Board.

21.5.7 Mitigation Plan findings:

Before approving any Mitigation Plan, the Planning and Zoning Board shall make a favorable finding of fact, solely based upon evidence presented at the public hearing. The findings shall always include the following:

- A. That the proposed continued operation will not increase congestion in the streets, or impair the health, safety, morals or general welfare of the surrounding properties.
- B. That there is a plan to bring as many features of the use into compliance with this Ordinance as is practical, or with the intent of the Ordinance.
- C. That the owners are taking adequate measures to offset negative impacts from the operation.
- D. That the continuation of the nonconforming use, in consideration of the degree of land use conflict between a nonconforming use and its surrounding properties, will diminish the value of nearby property, nor impair the public health, safety, morals or general welfare of the surrounding properties.

21.5.8 Mitigation Plan Approval:

The Planning and Zoning Board will approve or defeat the proposed Mitigation Plan. Approval of the Mitigation Plan may also include additional conditions and requirements as are appropriate or necessary for the protection of the public health, safety, and welfare, and to satisfy the findings required for approving a Mitigation Plan. Such conditions may include, but are not limited to the following:

- A. Regulate the location, extent, and intensity of certain aspects of the use as appropriate.
- B. Require additional landscaping or screening of such uses by means of fences, walls, and vegetation.

- C. Regulate vehicular access and the design and location of parking and loading areas and structures.
- D. Require conformance to health, safety, and sanitation requirements as necessary.
- E. Regulate signs and outdoor lighting to be more compatible with the surrounding neighborhood.
- F. Any other conditions deemed necessary to effect the purposes of this Ordinance.

21.5.9 Mitigation Plan certificate:

As part of the approval of the request for a Mitigation Plan, the Planning and Zoning Board shall complete a "Certificate of Approval" which shall contain the following information:

- A. A legal description and common address of the subject property.
- B. A statement for each finding summarizing how such finding has been satisfied
- C. Any conditions, safeguards, or flexible standards imposed on the Mitigation Plan as a condition of approval.
- D. A list of mitigation measures not indicated on the site plan.
- E. A time table for undertaking mitigation measures.
- F. Any exhibits, including the site plan, shall be attached to the Mitigation Plan permit with a statement that the Mitigation Plan approval is conditioned on the project being operated in accordance with such plans unless specific exceptions are stated in the Certificate of Approval.

21.5.10 Failure to approve Mitigation Plan:

If the Planning and Zoning Board fails to approve the Mitigation Plan, the landowner may elect one of the following options:

- A. Resubmit a new application and plan.
- B. Appeal to the Village Board of Trustees. If the Village Board of Trustees disapproves the Mitigation Plan, then the application shall be referred back to the Planning and Zoning Board to determine a termination date for the nonconforming use.
- C. In anyone case, only three proposed Mitigation Plans may be submitted. If none of these plans are approved by the Planning and Zoning Board or, upon appeal, to the Village Board of Trustees, then a date for termination of the nonconforming use must be established.
- D. Such termination date shall be based on the severity of the impacts, the expected economic life of the structure, the market value of the investment, and any other relevant factors. In no case shall the termination date be longer than ten years.

21.5.11 Failure to reapply for or to comply with the Mitigation Plan:

Failure to comply with the Mitigation Plan shall constitute a zoning violation and shall be subject to zoning enforcement action.

END ARTICLE TWENTY-ONE.

Article 22. ADMINISTRATION AND ENFORCEMENT

SECTION 22.1 GENERAL

22.1.1 Purpose:

The purpose of this Article is to establish procedures for administering and enforcing the regulations in this Ordinance.

22.1.2 Planning and Zoning Board:

The Planning and Zoning Board shall function as described in Article Twenty-Three, Planning and Zoning Board.

22.1.3 Village Building Official:

The Building Official of the Village of Tolono, and such deputies or assistants that have been or shall be duly appointed by the Village Board of Trustees, shall enforce the Zoning Ordinance, and in addition thereto, and in furtherance of said authority shall:

- A. Issue all Building Permits and Certificates of Occupancy and make and maintain records thereof.
- B. Conduct observations of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.
- C. Issue all special permits, when authorized by the Village Board of Trustees according to this Ordinance, and keep permanent and accurate records thereof.
- D. Issue all sign permits where authorized by this Ordinance, and keep permanent and accurate records thereof.

22.1.4 Zoning Administrator:

The Zoning Administrator shall be responsible for administering and enforcing this Ordinance, by and with the advice and consent of the Village Board of Trustees, and such duties and responsibilities as specifically delegated to other persons. The Zoning Administrator shall:

- A. Be authorized to make written interpretations of this Ordinance, records of which shall be maintained as Village records.
- B. Maintain permanent and current records of the Ordinance, including, but not limited to, all maps, amendments, variations, appeals, and applications therefor.
- C. Receive, file, and forward to the Planning and Zoning Board, applications for uses and petitions for amendments and other matters on which the Planning and Zoning Board is authorized to decide under this Ordinance, including those applications and petitions which may be filed initially in the office of the Village Building Official.

- D. Receive and transmit to the Planning and Zoning Board copies of all applications for provisional and special uses, appeals, variations, and other matters on which the Planning and Zoning Board is authorized to decide under this Ordinance.
- E. Carry out such other responsibilities as may be specifically delegated to the Zoning Administrator by this Ordinance, or by the Village Board of Trustees.

SECTION 22.2 ZONING REVIEW AND PERMITS

22.2.1 Zoning review - Building permits

- A. A building permit (a copy of the Application for Building Permit and Permit to Occupy is located in the Appendix of this Ordinance) shall be obtained by the owner of any property from the Village Building Official before starting:
 - 1. To construct or erect a new principal structure or accessory structure or part thereof;
 - 2. To extend, enlarge, move, alter structurally, reconstruct a principal or accessory structure or part thereof.

Such application shall include the estimated time of completion of the work for which the building permit is requested.

- B. The Village Building Official shall review each application for a permit made prior to the issuance of the building permit. No such construction shall begin until a Permit to Build (a copy is located in the Appendix) has been issued by the Village. The application shall also be accompanied by a building permit fee, as established from time to time by the Village Board of Trustees. Each application shall be accompanied by a site plan drawn to scale (three copies) and supporting documents, with the following information:

[The information required for zoning review reflects the information needed by the Village Building Official to determine if the proposal meets the requirement of this Ordinance. The requirement that a site plan is drawn to scale is not intended to require that a licensed professional must draw the site plan. Its purpose is to provide the Village Building Official with accurate information to review the plan. Information required for parking, landscaping, access drives, lighting, and other elements may be combined on a single site plan, or may be submitted as several separate Drawings.]

- 1. The full name and address of the applicant and the owner of the property and, if the owner is a corporate body, of its responsible officer.
- 2. The lot occupied or to be occupied by the building or structure, the actual dimensions of the lot and a legal description of the lot.
- 3. The size and location of the building or structure to be erected, converted, enlarged, or structurally altered.
- 4. A statement of purpose for which the building or structure will be used.
- 5. The distance from the building or structure to each lot line.

6. The location of each parking space, loading space, and access drive required under the provisions of this Ordinance, including the dimensions of aisles and stalls.
 7. A landscaping plan for the development.
 8. Calculation of Open Space Ratio and the Floor Area Ratio.
 9. Building height.
 10. Location of trash disposal areas and screening of such areas.
 11. Lighting information for parking areas.
 12. The location of any water courses crossing or adjacent to the property, as well as the elevation and location of the top of the bank of such feature.
 13. The location of adjoining streets, adjacent zoning classifications, and land uses.
- A. No person shall be issued a building permit unless the development of land is in compliance with the Village's Subdivision Regulations.
 - B. The Village Building Official shall not issue a building permit for construction within a new subdivision until the subdivider furnishes, as a condition of acceptance of the public improvements, a maintenance bond, per the requirements of Section 5.11 of the Village's Subdivision Ordinance. [Also refer to the requirements stated in paragraph 22.2.1.B.]
 - C. The Village Building Official shall not issue a building permit for construction within a minor subdivision until all documentation required by Section 4.17 has been approved and all utility connections, stormwater facilities, and/or all other public improvements have been completed. [Also refer to the requirements stated in paragraph 22.2.1.B.]
 - D. The Village Building Official shall not issue a building permit for construction within a re-platted area, per Subdivision Ordinance Section 4.14, until all the re-platting formalities stated in the Subdivision Ordinance have been met and any conditions set by the Planning and Zoning Board, the Planning and Zoning Board, and the Village Board of Trustees have also been met. [Also refer to the requirements stated in paragraph 22.2.1.B.]
 - E. The Village Building Official shall issue building permits for a Planned Unit Development per the requirements of Section 6.3.2 of this Ordinance.
 - F. The Village Building Official shall not issue a building permit for general renovation, new construction, or re-construction on existing lots until the application forms for the proposed work have been reviewed and meet the rules and regulations of this Zoning Ordinance. [Also refer to the requirements stated in paragraph 22.2.1.B.]
 - G. The Village Building Official, prior to the issuance of ANY building permit, may require any applicant to provide the location of a site or lot corner(s), set by a Professional Land Surveyor, when reviewing a building permit application.

- H. All new buildings shall conform to the bulk regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict, or further conflict with the bulk regulations of this Ordinance for the district in which such building shall be located.
- I. It shall be unlawful to reduce or diminish the area of a lot or plat for which a plat plan has been filed and has been used as the basis for a permit, unless a revised plat plan showing the proposed changes in conditions shall have been filed and approved.
- J. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within three months of the effective date of this Ordinance and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved Drawings on the basis of which the building permit has been issued, and further, may upon completion be occupied under a Certificate of Occupancy by the use for which originally designated; subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.
- K. Where the Village Building Official has issued a building permit for a permitted, provisional, or special use, such permit shall become null and void unless work thereon is under way within six months of the date of issuance of such permit.
- L. All building permits shall expire in one year from the date of issuance. All work not completed within said period shall require the issuance of a new permit, at the then prevailing rate.
- M. Normal repairs not involving structural alterations may be made without a permit.

22.2.2 Zoning review - Occupancy permits:

- A. A Certificate of Occupancy shall be applied for coincident with the application for a building permit. Upon completion of any construction, reconstruction, structural alteration, enlargement, expansion or other work on a building or structure for which a building permit was issued, the Village Building Official shall consider the previously submitted application for a Certificate of Occupancy.
- B. No such building or structure shall be occupied, and no change shall be made in the use of the land, structure or building, until a Certificate of Occupancy authorizing such occupancy or use has been issued by the Village Building Official.
- C. The Village Building Official shall not issue a Certificate of Occupancy unless the building or structure, as built, enlarged, extended, structurally altered, reconstructed or moved, complies with all Drawings and specifications included in the application for the building permit. Any variance which may have been granted for the building or structure shall be noted on the application, and on the Certificate, if issued.
- D. The Village Building Official shall not issue a Certificate of Occupancy for any building or structure within a new subdivision until all the construction requirements which follow are completed:

1. The building construction has been completed, including all ancillary structures such as the sidewalks (that are part of the subdivision proper), driveways, etc.
 2. The water, wastewater, natural gas and electric utilities are connected to and functional for the building.
 3. The final site grading has been completed and verified against the elevations shown on the construction Drawings, by the Village Building Official, with assistance from the Village Engineer.
 4. In accordance with Section 5.12.B. of the Village's Subdivision Ordinance, the Village has accepted the dedication of all the required public improvements for the subdivision.
- E. No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a Certificate of Occupancy has been issued by the Village Building Official stating that the building complies with all the building and health laws and ordinances, and with the provisions of this Ordinance and amendments thereto.
- F. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.
- G. If the application for a Certificate of Occupancy involves a change of use, the Village Building Official shall not issue the Certificate of Occupancy unless the proposed use or uses is conforming in the district in which it is proposed to be located. If a provisional use or special use permit was granted to authorize the proposed use, it shall be so noted on the application, and on the Certificate of Occupancy, if issued.
- H. The Certificate of Occupancy issued by the Village Building Official shall state upon its face the precise purpose or purposes for which the building, structure or land shall be used.
- I. Any transfer of ownership of the building, structure or land which does not involve a change of use shall automatically effect a transfer of the Certificate of Occupancy to the new owner.

22.2.3 Zoning review - Other permits:

- A. Applications for electrical, plumbing, heating, ventilating, air conditioning, refrigeration, gas piping, sprinkler and storm water permits, and any other similar permits (which may be required now or required in the future) authorizing a change in a building or property shall contain a statement indicating the existing and proposed use for which the building, structure, or improvement to the land will be used. The Village Building Official and the Zoning Administrator shall review each application which indicates a change of use, even if the proposed permit does not indicate a change in the exterior elements of the property. The permit shall be issued subject to zoning approval. No such permit issued which purports to authorize a use, structure, or improvement to the land not in compliance with the requirements of this Ordinance shall be valid

[This Section adds the requirement that if any other type of permit will result in a change of use, that such permit will also require zoning review. This is intended to prevent illegal

conversions in single-family areas, as well as catch new uses in commercial areas that may not meet parking or other performance standards.]

- B. Proposed provisional uses and special uses shall meet the requirements of Article Four, Provisional and Special Uses.
- C. Proposed residential Planned Unit Developments shall meet the requirements of Article Sixteen, Planned Unit Developments.

22.2.4 Zoning Approval - Determination:

- A. The Drawings submitted for zoning approval shall be reviewed by the Zoning Administrator to determine the following:
 - 1. That, as best can be determined, complete and accurate information as required in this Article is provided with the permit application.
 - 2. That the proposed structure, or land improvement is either entirely occupied by a conforming use or; that if the structure is occupied wholly or partly by a nonconforming use, that such is allowed under and complies with the regulations of Article Twenty-One, Nonconformities.
 - 3. That the proposed structure, or land improvement complies with the applicable height, area, floor area ratio, open space ratio, yard, landscaping, and parking regulations as required by this Ordinance.
 - 4. That the structure, or land improvement comply with specific standards or conditions required through a provisional or special use approval as authorized by this Ordinance.
 - 5. That the proposed structure, or land improvement complies with any and all other applicable standards as required by this Ordinance.
- B. Upon a determination that all of these requirements are met or not met, the Zoning Administrator shall approve or disapprove the permit and note this on the application. The Zoning Administrator shall indicate those uses that are nonconforming. Such approval shall reference action by the Planning and Zoning Board or the Village Board of Trustees which may have imposed specific conditions as authorized by this Ordinance. No permit which requires review under the provisions of this Ordinance shall be issued unless it has received such approval.

22.2.5 Limitations of zoning approval:

- A. Suspension of permits. Any zoning approval shall become invalid if the authorized work is not commenced within six months after the issuance of the permit, if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work, or if the work is not completed within one year after the issuance of the permit.
- B. Revocation of zoning approval. Zoning approval issued under the provisions of this Ordinance, and any permit issued pursuant to such approval, shall be revoked in case of

any false statement, misrepresentation of fact, or error in the application or on the Drawings based on which the permit was issued.

[The intent is that the Village will rescind any and all permits or zoning approvals that were obtained in an illegal manner.]

- C. Revocation of permits. Any building occupancy or other permit issued pursuant to an approved site plan or in conjunction therewith, may be revoked by the Village for failure to comply with the conditions of approval. If the intent of the Village is that the terms of any issued building, occupancy, and other permits be followed by the permittee.]

SECTION 22.3 VIOLATIONS

22.3.1 Violations - Types.

No person shall construct, alter, use, maintain, or allow any building or property to be used or maintained in violation of the provisions of this Ordinance. In addition to any other actions which may constitute a violation, the following constitute violations of this Ordinance and shall be strict liability offenses:

- A. The use, arrangement, or construction of a building, structure, or improvement to land does not conform with that authorized by approved Drawings.
- B. The improvement is constructed or a use is operating without obtaining the appropriate permits or zoning approval.
 - a. The use of a structure or land which is nonconforming and does not meet the requirements of Article Twenty-One, Nonconformities.
- C. The use of the structure or land which is a conforming use, but does not meet the applicable district performance standards or other requirements of this Ordinance, unless otherwise provided for in Article Twenty-One, Nonconformities.
- D. The use of the structure or land does not comply with conditions or standards enumerated in a provisional, or special use approval.
- E. The sale, conveyance, or use of any portion of a lot which reduces the following:
 - 1. The lot area below the minimum area requirements of this Ordinance.
 - 2. The lot area to the extent that the floor area ratio is greater than the maximum permitted by this Ordinance.
 - 3. The usable open space areas below the open space ratio and usable open space requirements of this Ordinance.
 - 4. The depth or width of a yard to less than the minimum depth or width required by this Ordinance.
 - 5. The number and size of parking spaces on the lot is below the minimum number of such spaces required by this Ordinance.

22.3.2 Presumptions for violations:

The following shall be presumed for assessing the existence and length of a violation:

- A. Persons are presumed to be fully aware of the provisions and regulations of this Ordinance and ignorance of such does not exempt such persons from the enforcement action provided for in this Ordinance.
- B. A violation shall be presumed to have existed from the earliest date that can be legally established through the following means:
 - 1. The date of issuance of a notice of violation by the Village Building Official or the Zoning Administrator.
 - 2. The date of a license, permit, registration, inspection report, or other documentation from any governmental agency in relation to the offense or that permits a use that would not otherwise be permitted in the Ordinance.
 - 3. The date of any advertisement, correspondence, or other documentation generated by the establishment announcing or describing the nonconforming operation of that establishment.
 - 4. The date of collection or reporting of taxes, fees, or other payments to any agency in relation to the offense.
 - 5. Any other documentation that can establish the existence of the nonconforming operation.
- C. A separate offense shall be deemed committed on each day during which a violation of this Ordinance occurs or continues after it has been established that the violation existed in accordance with this Article, unless the person charged establishes that the violation did not occur on a subsequent date or dates.
- D. Enforcement action on a violation may be initiated against the owner, whether legal, equitable, or in the case of an Illinois land trust, a beneficial interest, a tenant, occupant, or other person with ownership interest in or control of the property.

22.3.3 Notice of violation:

Whenever the Village Building Official or the Zoning Administrator determines that there has been a violation of this Ordinance, or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed below. Such notice shall:

- A. Be in writing.
- B. Include the date the violation is established and the date the notice is served.
 - a. Include a description of the real estate sufficient for identification.
- C. Include a statement of the reason or reasons why the notice is being issued, including the Article of this Ordinance that is being violated.

- D. Include a correction order allowing a reasonable time for the action, not to exceed sixty days as determined by the Zoning Administrator, as is necessary to bring the property into compliance with the provisions of this Ordinance or otherwise cease the violation. Additional time for compliance may be allowed with the approval of the Planning and Zoning Board or the Village Board of Trustees.
- E. Include an explanation of the owner(s) or person(s) charged with the violation the right to appeal the notice to the Planning and Zoning.

22.3.4 Service of notice:

Such notice shall be deemed to be properly served upon such owner or person charged if:

- A. A copy thereof is personally delivered to the owner(s) or person(s) charged; or
- B. The notice is left at the usual place of abode, in the presence of a resident of suitable age and discretion who shall be informed of the contents thereof; or
- C. The notice is sent by registered mail addressed to the owner(s) or person(s) charged at their last known address; or
- D. If the letter is returned showing that it has not been delivered, by:
 - 1. Posting a copy thereof in a conspicuous place in or about the structure affected by such notice; and
 - 2. At least one publication of such notice in a local newspaper of general circulation.

SECTION 22.4 ENFORCEMENT

22.4.1 Authority to enforce the Ordinance:

- A. This Ordinance shall be enforced by the Zoning Administrator. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.
- B. The owners of the land upon which a violation of this Ordinance has occurred or is occurring shall be prima-facie responsible for such violations of this Ordinance which occur on property owned by such persons; provided, however, the foregoing shall not be construed to relieve the occupants, or any of them, of the land upon which the zoning violation has occurred or is occurring of the responsibility for such violation under this Ordinance.
- C. When a person receives a notice of a violation and does not comply with the order to correct the violation within the specified time, the Zoning Administrator may elect to proceed under anyone, or combination of, the enforcement measures described within this Ordinance or otherwise authorized by law to seek correction of the violation or punishment for the offense or both. Nothing in this Article shall prevent private action pursuant to provisions in the Illinois Compiled Statutes.

- D. When necessary, the Village Building Official or the Zoning Administrator, after investigation and recommendation, may inform the Village Attorney, who, after review, may institute any appropriate action or proceeding in law or equity to restrain, correct, or abate such violation, or to recover an appropriate fine for violation of this Ordinance.

22.4.2 Fines:

The Court may impose a fine on any person convicted of violating any of the terms or provisions of this Ordinance. A separate violation shall be deemed to have been committed on each day from the date the violation was determined to be legally established as specified in this Article.

22.4.3 Stop work orders:

Both the Zoning Administrator and the Village Building Official shall together have the authority to issue a Stop Work Order to any person they have reasonable grounds to believe is committing or has committed a violation of this Ordinance.

22.4.4 Injunctions, restraining orders, and other proceedings:

In addition to other remedies, the Village Attorney may institute any appropriate action or proceeding which:

- A. Prevents the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use of a structure;
- B. Prevents the occupancy of the building, structure, or land;
- C. Prevents any illegal act, conduct, business, or use in or about the premises;
- D. Restrains, corrects, or abates the violation.

In any action or proceeding for a purpose mentioned in this Article, the Village Attorney may request the court with jurisdiction of such action or proceeding to issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will enforce the provisions of this Ordinance.

22.4.5 Suspension of licenses and permits:

If a violation has been determined to exist and the operation has been issued any type of license or permit by the Village Board of Trustees, the Village Board of Trustees may suspend such license or permit.

22.4.6 Notice to appear:

The Zoning Administrator shall have the authority to issue a Notice to Appear at a designated meeting of the Planning and Zoning Board, to any person the Zoning Administrator has reasonable grounds to believe is committing or has committed a violation of this Ordinance.

22.4.7 Settlement or private action:

Nothing in this Article shall preclude the Village from negotiating a settlement of a violation. Such settlement may either be negotiated or may be a consent decree.

SECTION 22.5 FEES

The schedule of fees for various actions taken under the provisions of this Ordinance shall be as found in the Village's Zoning Fee Ordinance, as may be amended from time to time by the Village Board of Trustees.

SECTION 22.6 VALIDITY

That if any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not effect any other section, paragraph, clause or provision of this Ordinance.

SECTION 22.7 REPEAL OF CONFLICTING ORDINANCES

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as the conflicting portions are concerned.

SECTION 22.8 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage and printing as provided by law.

END OF ARTICLE TWENTY-TWO

Article 23. PLANNING AND ZONING BOARD

SECTION 23.1 GENERAL

23.1.1 Purpose:

The purpose of this Article is to establish procedures for appeals from administrative decisions and procedures for relief from the provisions of this Ordinance through variations.

[No Zoning Ordinance can anticipate every situation or condition that will be encountered when administering the regulations. The Zoning Ordinance provides for a form of relief or adjustment. The method of relief has typically been through the Planning and Zoning Board. The Planning and Zoning Board hears appeals on administrative interpretations and acts on requests for variations from the Ordinance.]

23.1.2 Planning and Zoning Board - established:

- A. The Planning and Zoning Board shall consist of seven members appointed by the Village President, and confirmed by the Village Board of Trustees. One member shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years; the successor to each member to be appointed to serve for a term of five years. One of the members so appointed shall be named as Chairperson by the Village President, with the consent of the Village Board of Trustees; said chairperson shall also assume the duties of the Zoning Administrator as described in this Ordinance.
- B. One of the members so appointed shall be named as Secretary by the Village President, with the consent of the Village Board of Trustees. In the event of the absence of the Chairperson, the Secretary shall act in their place and stead as acting chairperson.
- C. The appointing authority has the power to remove a member of the Planning and Zoning Board for cause, including but not limited to missing four (4) consecutive Planning and Zoning Board meetings, and after a public hearing. Vacancies shall be filled for the unexpired term of a member whose place has become vacant. All meetings of the Planning and Zoning Board shall be held at the call of the Chairperson, and at such other times as the Planning and Zoning Board may determine. The Chairperson, or in their absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All regular meetings of the Planning and Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every decision upon which the Planning and Zoning Board is required to act under this Ordinance shall be a public record.
- D. Decisions - generally:
 - 1. The concurring vote of four members of the Planning and Zoning Board shall be necessary to decide in favor of the applicant in any matter which it is required to pass under this Ordinance.

2. Decisions of the Planning and Zoning Board shall be made at a public meeting by motions made and seconded, and by roll call vote. The motions shall include findings as specified in this Ordinance.
3. All reports, testimony, exhibits, plans or specifications which were considered by the Planning and Zoning Board shall be made a part of the record of the case.

SECTION 23.2 PLANNING AND ZONING BOARD JURISDICTION AND AUTHORITY

The Planning and Zoning Board is hereby invested with the following jurisdiction and authority:

- A. To hear and decide appeals from any order, requirement, decision, or determination made by the Village Building Official or the Zoning Administrator under this Ordinance.
- B. To hear and decide variations from the terms provided in this Ordinance in the manner set forth in the applicable Statutes of the State of Illinois and subject to the standards set forth in this Ordinance.
- C. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- D. To receive from the Village Building Official and the Village Clerk all applications required by this Ordinance.
- E. To hold public hearings in matters pertaining to applications uses and amendments required by this Ordinance, and submit reports to the Village Board of Trustees setting forth its findings and recommendations in the manner prescribed in this Article.
- F. To keep minutes of its proceedings, showing the vote of each member upon every question, indicating that the member was absent or failed to vote, and shall also keep records of all its official actions.
- G. To file with the Village Clerk and make a matter of public record, every rule, regulation amendment, order, requirement, decision, or determination of the Planning and Zoning Board.
- H. To initiate, direct, and review, from time to time, studies of the provisions of this Ordinance and to make reports of its recommendations to the Village Board of Trustees not less frequently than once each year.
- I. To hear and report on all matters which it is required to consider under this Ordinance, or that which may be specifically delegated to the Planning and Zoning Board by the Village Board of Trustees.
- J. To prepare and recommend to the Village Board of Trustees, a comprehensive plan for the Village and its peripheral area and, from time to time, to review and propose any needed amendments to the plan.
- K. To prepare and recommend to the Village Board of Trustees, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

- L. To consider all amendments to the Village's Zoning Ordinance, and make recommendations to the Village Board of Trustees.
- M. To review subdivision plans and make recommendations thereon to the Village Board of Trustees.
- N. To review the zoning and special use cases before the Champaign County Planning and Zoning Board which are located within one and one-half miles of the limits of the Village of Tolono, and textual amendments to the Champaign County Zoning Ordinance under consideration by the Champaign County Planning and Zoning Board, and make recommendations thereon to the Village Board of Trustees.

SECTION 23.3 PETITIONS

23.3.1 Amending petitions:

- A. Applicants, or their authorized agents, may request an amendment of an application for a variation or an appeal, by submitting a request in writing prior to the beginning of the public hearing, or to the Planning and Zoning Board at the public hearing. The request shall specify the proposed amendment and reason for the request.
- B. The Planning and Zoning Board shall make a finding as to whether there is substantial difference between the case as it has been described in the public notice and the case as amended. If substantial difference is found, a new public notice shall be required and a new sign shall be posted before the hearing of the case may proceed.
- C. The Planning and Zoning Board shall also determine whether the nature of the amendment is such as to require referral for reexamination by Planning and Zoning Board members having made reports on the original application. If such referral is found necessary, the Planning and Zoning Board may proceed with the hearing or may continue it to a time and place specified.

23.3.2 Repeat petitions:

An applicant seeking to reapply after denial of a request cannot reapply for an identical or substantially similar request as one considered by the Planning and Zoning Board within the last twelve months (of final Planning and Zoning Board action on the request). The Zoning Administrator shall determine if any application is identical or substantially similar to any request made of the Planning and Zoning Board in the last twelve months.

SECTION 23.4 APPEALS

23.4.1 Notice of appeal:

An appeal from any order, requirements, decision, or determination made by the Zoning Administrator, may be taken to the Planning and Zoning Board by any person aggrieved thereby. The appeal shall be taken by filing a Notice of Appeal with the Zoning Administrator within twenty calendar days of a written decision of the Zoning Administrator. The notice of appeal shall contain the following information:

- A. Name and address of applicant.
- B. The Section of the Ordinance subject to the appeal.
- C. A description of the order, decisions, or determination of the Zoning Administrator being appealed.
- D. The grounds or reasons that appeal is being filed.

23.4.2 Procedure for appeals:

Upon receipt of the Notice of Appeal, the Zoning Administrator shall place the matter on the business agenda of the next regular meeting of the Planning and Zoning Board. The Zoning Administrator shall give at least seven days notice of the hearing in writing to the applicant by first class mail, to the members of the Planning and Zoning Board, and to any other person directly interested in the outcome of the appeal. Persons interested in the appeal shall mean owners of the subject properties identified; party which last paid the property taxes on the property; and all property owners immediately adjacent thereto.

23.4.3 Findings for appeals:

On an appeal from any order, decision or determination made by the Zoning Administrator, the Planning and Zoning Board shall be limited to determination of the propriety of the questioned action taken by the Zoning Administrator. The Planning and Zoning Board may reverse, affirm, or modify the action appealed. In order to reverse or modify an action, anyone or combination of the following findings must be satisfied:

- A. That the provision in question is unclear and an interpretation is necessary to determine the intent and application of the provision.
- B. That the Zoning Administrator misinterpreted the provisions of this Ordinance.
- C. That the section of this Ordinance does not apply in this situation.

23.4.4 Rulings on appeals:

- A. The Planning and Zoning Board shall decide the appeal by the next regular meeting after the close of the hearing.
- B. The Planning and Zoning Board shall not, based on its decision on an appeal, grant a variation in the application of the regulations of this Ordinance.
- C. The Planning and Zoning Board may only reverse any order, requirement, decision, or determination of the Zoning Administrator with a concurring vote of four members of the Planning and Zoning Board.
- D. If the Planning and Zoning Board reverses or modifies any action of the Zoning Administrator, such decision shall state the findings that support the ruling.

SECTION 23.5 VARIATIONS

23.5.1 Variation – purpose:

A variation is a grant of relief from the terms of this Ordinance. The purpose of a variation is to ensure that no property shall be deprived unreasonably of the development opportunities commonly enjoyed by other property in the same locality and district. A variation from the requirements of the Ordinance may only be granted to the Planning and Zoning Board finding that the criteria, as specified herein, have been satisfied.

[It is important to note that a variation is not a matter of right. There should be some hardship or unique conditions which prevent the property from being used as other similarly situated properties.]

23.5.2 Applicants for variations:

An application for a variation may be filed by the property owner, contract purchaser with the owner's consent, or the owner's agent.

23.5.3 Applicant requirements:

Each application for a variation shall be filed with the Zoning Administrator. The application shall contain the following information:

- A. Name and address of the applicant.
- B. Existing zoning classification.
- C. The provision of this Ordinance that the applicant is seeking to vary and a description of the variation being sought.
- D. Legal description and common address for each property for which zoning action is requested.
- E. A description of the facts supporting each of the required findings of fact.
- F. A drawing sufficient to illustrate the nature of the variation request.
[The drawing required in paragraph F. may be a site plan, building plan, elevation, landscape plan or other type of drawing depending on the request.]
- G. Other relevant characteristics about the subject property as indicated on the application form.
- H. Evidence that design options which comply with the provisions of the Ordinance are not feasible.

23.5.4 Evidence of ownership:

Applicants for a variation shall submit evidence of their interest in the property along with complete disclosure of the legal and equitable ownership in any real estate affected by the requested variation. Evidence of ownership may include a policy of title insurance, warranty

deed, a legally binding contract to purchase, or other indication of ownership. If title is in a land trust in addition to proof of ownership, the trustee shall provide certification of the names, addresses, and percentage of interest of each beneficial owner. When the petitioner is someone other than the owner, a letter of authorization from the legal owner shall accompany the application.

23.5.5 Published notice:

Notice of time and place of any hearing date shall be published at least once, not more than thirty days nor less than fifteen days before such hearing, in a newspaper in general circulation within the Village. The notice shall give the date, time, and place of the hearing and contain a brief description of the requested variation.

If the variation pertains to a specific parcel or parcels, then the notice shall also contain a legal description and common address of the area for which the change is proposed.

23.5.6 Written notice:

- A. For any variation, the applicant shall submit with an application, the most recent list of taxpayers of record for all property, any portion of which, is located on or within the area defined by a line extended two hundred fifty feet outward in all directions from the perimeter of the subject properties. The list of taxpayers shall be compiled from records maintained by the Champaign County Assessor's Office not more than 30 days before the date the application is filed with the Zoning Administrator. The responsibility for obtaining and providing this information shall be the applicants. The measurement of all public right-of-way shall be excluded in measuring the two hundred fifty foot perimeter. If any part of a condominium property is located within two hundred fifty feet of the subject property, the name of each taxpayer of record of the condominium shall also be submitted to the Village.
- B. Not less than fifteen days, but not more than thirty days before a public hearing, the Zoning Administrator shall give written notice by first class mail to the following:
 1. The applicant.
 2. The owners of the subject property for which the variation is sought as identified in accordance with this Ordinance. If ownership is in a land trust or partnership, only the trustee or general partner need be notified.
 3. The taxpayers for property within two hundred fifty feet of the subject property as identified in accordance with this Ordinance.
- C. The notice shall contain the place and time for the first public hearing on the application, the address of the subject property, a brief statement of the nature of the request, and the name of the applicant. The Village shall make a good faith effort to comply with the provisions in this Ordinance. Failure to send the notice or notices not received by parties identified herein will not invalidate any action by the Village.

23.5.7 Notice by sign:

- A. An applicant seeking a variance for any real estate, which requires a public hearing, shall allow the Village to post weatherproof signs, indicating the upcoming hearing for the property, which are adequate in size and number to be visible from the adjacent roadways. The Village shall post the signs approximately ten days prior to the public hearing. A good faith effort shall be made to keep the signs in place until the close of the public hearing, but in no case shall the signs remain after ten days from the completion of the final public hearing.
- B. The required sign shall contain the words "NOTICE OF PUBUC HEARING" at the top of the sign. The sign shall indicate that a zoning variation is being requested for this property, the date, time, and place where the hearing shall be conducted, a statement that the public is invited, and the phone number for the Village.
- C. The Zoning Administrator may waive the requirement to post the sign in cases involving multiple lots where other measures are being used to notify interested parties. Such waiver shall be made a record of the case.
- D. The Village shall make a good faith effort to comply with the requirements of this Ordinance, however, failure to comply with these requirements shall not invalidate any zoning action.

23.5.8 Minor variations - defined:

The following shall be classified as a minor variation:

[Minor variations are classified as those provisions where relaxation of the requirements does not represent a significant departure from the overall intent and purpose of the Ordinance. If the applicant can demonstrate the need for such relief, the minor variation would have a relatively low impact on the neighborhood. In many cases, such as a variation for a fire escape, granting the relief from a specific provision may actually result in overall improvement of life safety concerns.]

- A. A reduction of up to twenty-five percent of the minimum required lot width or lot area.
- B. A reduction of up to fifty percent of the minimum required side or rear yard.
- C. A reduction of up to twenty-five percent of the minimum required front yard.
- D. A reduction of up to twenty-five percent of the total number of required off-street parking spaces.
- E. An alternative landscape that would reduce the amount of required plant material or reduce the area of landscaping by twenty-five percent.
- F. A reduction of up to one hundred percent of the required side yard for fire escapes or ramps or handicap accessibility when the building was constructed prior to the adoption of this Ordinance.
- G. Allowing parking of a recreational vehicle or watercraft that extends into a front yard.

23.5.9 Minor variation – finding of fact:

Before any variation is granted, the Planning and Zoning Board shall make a favorable finding of fact, solely based upon evidence presented at a public hearing conducted by the Planning and Zoning Board, that each of the following criteria has been satisfied:

[Since the minor variation is intended to have a relatively low impact on the surrounding area, the findings of fact that need to be met are not as stringent as they are for a major variation. Generally, the applicant must demonstrate that there is some practical difficulty and no reasonable alternative to comply with the regulation. The applicant must present evidence to this effect per the application requirements established previously. Other findings insure that neighborhood, health, safety, welfare, and other concerns are being met.]

- A. That the variation is consistent with the general purpose and intent of this Ordinance.
- B. That the variation is necessary for a reasonable use of the property.
- C. There is a practical difficulty in meeting the requirements of the Ordinance, that the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.
- D. The plight of the petitioner is not common, is due to unique circumstances, and the proposed variation will not serve as a special privilege, but will alleviate conditions not shared by other property in the rest of the Village.
- E. That the petitioner did not knowingly or deliberately create the property condition causing the practical difficulty from which the petitioner seeks a grant of relief through the proposed variation.

[Some examples of a self-created hardship are 1) paying too much for a piece of property and seeking a variation to intensify the use to recapture the investment or there is a personal preference for a particular design; 2) constructing something in violation of the Ordinance regulations and seeking a variation to bring it in conformance after the fact; and 3) selling off a portion of the property and seeking a variation because the lot is now too small for the proposed use.]

- F. The proposed variation will not alter the essential character of the locality.
- G. The proposed variation will not impair an adequate supply of light and air to adjacent property; substantially increase congestion in the streets; increase the danger of fire or crime, diminish the value of nearby property; nor impair the public health, safety, comfort, convenience, or general welfare.
- H. The proposed variation represents the minimum deviation from established standards necessary to accomplish the desired improvement.
- I. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

- J. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classifications.

23.5.10 Minor variations - decisions:

The Planning and Zoning Board shall take action on the variation request within thirty days after the close of the public hearing. The Planning and Zoning Board may require such conditions and restrictions upon the premises to be benefited by a variation as may be necessary to comply with the standards set forth in this Article to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Ordinance. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such variations.

[This Section allows the Planning and Zoning Board to impose conditions on variations to insure that the proposal does not negatively impact surrounding properties. Some common conditions that could be imposed are requirements for landscaping around parking areas, construction specifications, hours of operation, location of parking spaces or drives, and other similar requirements.]

The Planning and Zoning Board shall have the authority to take the following actions regarding the request for minor variations as defined herein:

- A. Grant all or a portion of the minor variation being requested.
- B. Prescribe appropriate conditions and safeguards to ensure that the variation is carried out consistent with the purpose of this Ordinance.
- C. Deny the request for a variation.

The Planning and Zoning Board shall grant the minor variation only upon a favorable finding of fact that each of the criteria specified in each Section have been satisfied. A concurring vote of four members shall be necessary to approve each finding and grant the variation request. Planning and Zoning Board action on a minor variation is the final action.

23.5.11 Grant of variation:

As part of the approval of the request for a minor variation, the Planning and Zoning Board shall complete a written "Grant of Variation" certificate which shall contain the following information:

- A. A legal description and common address of the subject property.
- B. The provision of this Ordinance that the Planning and Zoning Board is granting relief from and a description of the variation being granted.
- C. Findings of fact on each of the criteria required to be met specifying how each finding has been satisfied.
- D. The terms of the relief as prescribed by the Planning and Zoning Board, including any conditions or safeguards appropriate to the proposal.
- E. The date the Grant of Variation becomes effective.

- F. Any exhibits containing plans or specifications for the proposed use or variation shall be attached to the Grant of Variation with a statement that the variation is conditioned on the project being built in accordance with such plans.

23.5.12 Major variation - defined

A major variation is any grant of relief which has not been defined as a minor variation. No variation shall be granted by the Planning and Zoning Board which permits a use which is not a permitted use in the district, where the property in question is located, or which permits a use which is expressly or implicitly prohibited by the terms of this Ordinance.

23.5.13 Minor variation - finding of fact:

Before any variation shall be granted, the Planning and Zoning Board shall make a favorable finding of fact, solely based upon evidence presented at a public hearing conducted by the Planning and Zoning Board, that each of the following criteria has been satisfied:

- A. That the variation is in harmony with the general purpose and intent of this Ordinance.
- B. That the property cannot yield a reasonable return if subject to a strict and literal application of the regulations imposed by this Ordinance.

[No reasonable return means there is generally little, if any alternatives to develop the property. Without the variation, it is likely that the property cannot be utilized. Merely, the likelihood that the property in question may have a greater value if the variation is granted shall not satisfy this criteria.]

- C. There is an unusual hardship in meeting the requirements of this Ordinance.

[An unusual hardship is created by conditions that are not common to the remainder of the community. Often these conditions are unique to one parcel and could not be anticipated by the Ordinance. Floodplains, irregular lots by creeks or railroad right-of-ways, steep topography, and other existing natural features are typical factors that create hardship.)

- D. The plight of the petitioner is due to such unique circumstances that the proposed variation will not serve as a special privilege, but will alleviate some condition not shared by other property in the same locality and district.

[This finding differs from that of the minor variation. The minor variation allows that if the condition is not unusual for a particular area, it may be appropriate to grant the variation. The standard for "unique circumstances" requires that relatively few if any other property in the Village share these circumstances.)

- E. That the petitioner did not knowingly or deliberately create the unusual hardship from which the petitioner seeks a grant of relief through the proposed variation.

- F. The proposed variation will not alter the essential character of the locality.

- G. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the streets, increase the damage of fire or

crime, diminish the value of nearby property, nor impair the public health, safety, comfort, convenience, or general welfare.

- H. The variation represents the minimum deviation from established standards necessary to accomplish the desired improvement.

23.5.14 Major variations - decisions:

- A. Zoning Board authority. The Planning and Zoning Board shall take action on the variation request within thirty days after the close of the public hearing. The Planning and Zoning Board shall take one of the following actions regarding the request for a major variation:

1. Recommend all or a portion of the major variation being requested.
2. Prescribe appropriate conditions and safeguards to ensure that the variation is carried out consistent with the purpose of this Ordinance.
3. Deny the request for a major variation, and so notify the Village Board of Trustees of this action.

[Further actions must follow the procedures stated in Article 24, Amendments and Hearings]

The Planning and Zoning Board shall recommend a request for a major variation only upon a favorable finding of fact that each of the criteria specified for major variations have been satisfied. A concurring vote of four members shall be necessary for the Planning and Zoning Board to make a recommendation.

- B. Village Board of Trustees authority. Within thirty days of the Planning and Zoning Board recommendation to approve a major variation, the Village Board of Trustees shall act to approve or disapprove a resolution issuing a Grant of Variation. Unless extended by mutual agreement, if Village Board of Trustees does not act on the resolution to approve the Grant of Variation, the variation is deemed approved.

23.5.15 Termination of grant:

In the event that a variation is granted for a property, the owner has one calendar year to begin work or construction of the property. If construction does not commence within that one year, then the Grant of Variation is terminated. In the event the variation is terminated, the owner must reapply for the variation.

END OF ARTICLE TWENTY-THREE

Article 24. AMENDMENTS AND HEARINGS

SECTION 24.1 GENERAL

24.1.1 Purpose:

The purpose of this Article is to establish procedures for amending this Ordinance, it's regulations and standards, restrictions and district boundaries, and for conducting hearings regarding such amendments and other zoning action. The procedures are intended to provide adequate notice of pending zoning action, to provide a fair and impartial hearing, and to establish an environment for sound and rational decisions.

24.1.2 Ordinance Amendments:

The regulations imposed and the districts created by this Ordinance may be amended in accordance with the procedures contained within this Article.

SECTION 24.2 APPLICATION AND NOTICE

24.2.1 Applications for zoning action:

The following parties may file for zoning action as specified in this Ordinance.

- A. Map amendments. An application for a map amendment may only be filed by the Village Board of Trustees, the Plan Commission, the Planning and Zoning Board, the property owner, contract purchaser with the owner's consent, or the owner's agent.
- B. Text amendments. An application for a text amendment may only be initiated by the Village Board of Trustees, the Plan Commission, or the Planning and Zoning Board.
- C. Variations, special uses, provisional uses, planned developments. An application for a variation, special use, provisional use, or Planned Unit Development may only be filed by the Village Board of Trustees, the Plan Commission, the Planning and Zoning Board, the property owner, contract purchaser with the owner's consent, or the owner's agent.

24.2.2 Application requirements:

Each application for zoning action as specified in this Ordinance shall be filed with the Zoning Administrator. The application shall contain the following information:

- A. Name and address of the applicant(s).
- B. Existing zoning classification.
- C. Requested zoning action.
- D. Legal description and common address for each property for which zoning action is requested.

- E. Reason and justification for the request.
- F. Other relevant characteristics about the subject property as indicated on the application form.

24.2.3 Evidence of ownership:

Other than Village initiated action, applicants for zoning action shall submit evidence of their interest in the property along with complete disclosure of the legal and equitable ownership in any real estate affected for which zoning action is sought. Evidence of ownership may include a policy of title insurance, warranty deed, a legally binding contract to purchase, or other indication of ownership. If title is in a land trust in addition to proof of ownership, the trustee shall provide certification of the names, addresses, and percentage of interest of each beneficial owner. Where the petitioner is someone other than the owner, a letter of authorization from the legal owner shall accompany the application.

24.2.4 Site plan requirements:

For map amendments, the applicant shall submit one reproducible site plan of existing conditions on the subject property. The site plan shall include the scale, north arrow, property lines, public streets adjoining the property, and if applicable, existing buildings, fences, access points, parking, and circulation areas. The site plan shall show all dimensions of lines, buildings, and setbacks, and include building height. For other zoning action, site plan submission shall meet the requirements of the Article regulating such action.

The Zoning Administrator may waive the requirement for a site plan if it is determined that information on the site plan is generally available from other sources, or that the nature of the request is such that the requirement for a site plan is not necessary to consider the zoning action. The Zoning Administrator shall make the waiver in writing and such a waiver shall be submitted along with the application.

24.2.5 Fees and processing costs:

- A. A fee shall accompany each application; the fee as established by the Village Board from time to time.
- B. The applicant shall be responsible for obtaining and pay all costs thereto or hire a title company to prepare the list of the taxpayers of record for all properties required to receive written notice as required in this Article.

24.2.6 Published notice:

Notice of time and place of the hearing shall be published at least once, no more than thirty days nor less than fifteen days before the hearing, in a newspaper in general circulation within the Village. The notice shall give the date, time, and place of the hearing and contain a brief description of the proposed zoning action. If the zoning action pertains to a specific parcel or parcels, then the notice shall also contain a legal description and common address of the area for which the change is proposed.

24.2.7 Written notice:

- A. For any zoning action for real estate, which requires a public hearing in accordance with this Ordinance, the applicant shall submit, with the application, the most recent list of taxpayers of record for all property, any portion of which, is located on or within the area defined by a line extended two hundred fifty feet outward in all directions from the perimeter of the subject properties. The list of taxpayers shall be compiled from records maintained by the Champaign County Assessor's Office not more than thirty days before the opening of the public hearing. The responsibility for obtaining and providing this information shall be the applicants. The measurement of all right-of-way shall be excluded in measuring the two hundred fifty foot perimeter. If any part of a condominium property is located within two hundred and fifty feet of the subject property, the name of each taxpayer of record for each condominium unit shall also be submitted to the Zoning Administrator.

[This represents the statutory requirement for Notice of Hearings.]

- B. Not less than fifteen days, but not more than thirty days before a public hearing, the Zoning Administrator shall give written notice by first class mail to the following:
 - 1. The applicant.
 - 2. The owners of the subject property for which the zoning action is sought as identified in accordance with this Ordinance. If ownership is in a land trust or partnership, only the trustee or general partner need be notified.
 - 3. The taxpayers for property within two hundred fifty feet of the subject property as identified in accordance with this Ordinance.
- C. The notice shall contain the date, place, and time for the public hearing on the application, the address of the subject property, a brief statement of the nature of the request, and the name of the petitioner. The Village shall make a good faith effort to comply with the requirements of this Ordinance, however, failure to send the notice will not invalidate any action by the Village.

24.2.8 Notice by sign:

- A. An applicant seeking any zoning action for any real estate, which requires a public hearing, shall allow the Village to post weatherproof signs, indicating the upcoming hearing for the property, which are adequate in size and number to be visible from the adjacent roadways. The Village shall post the signs approximately ten days prior to the public hearing. A good faith effort shall be made to keep the signs in place until the close of the public hearing, but in no case shall the signs remain after ten days from the completion of the final public hearing.

[The requirement for posting signs is intended to provide notice to interested parties in the vicinity of the subject property. The sign would provide notice to individuals that would be missed by the written notice such as tenants, homeowners who have tax bills sent to mortgage companies, and residents outside the 250 foot radius from the property.]

- B. The required sign shall contain the words "NOTICE OF PUBLIC HEARING" at the top of the sign. The sign must also indicate the requested zoning action, date, time, and place where the hearing shall be conducted, a statement that the public is invited, and the phone number for the Village of Tolono.
- C. The Zoning Administrator may waive the requirement to post the sign in cases involving multiple lots where other measures are being used to notify interested parties. Such waiver shall be made a record of the case.
- D. The Village shall make a good faith effort to comply with the requirements of this Ordinance, however, failure to comply with these requirements shall not invalidate any zoning action.

SECTION 24.3 HEARING AND DECISIONS

24.3.1 Hearings – open meetings:

All hearings shall be held in a public place and shall be open to the public in accordance with State legislation regarding open meetings. The presence of a majority of the members of the Planning and Zoning Board shall constitute a quorum at the meeting of the Planning and Zoning Board. At any hearing, any person may appear and be heard either in person or by an authorized agent or attorney. The body conducting the hearing may set its own rules for the conduct of its meetings consistent with the provisions of the Village of Tolono Municipal Code and the laws of the State of Illinois.

24.3.2 Continuances:

Once a public hearing is opened, it shall only be closed by a majority of a quorum of the hearing body. By its own motion, or on approval of requests by applicants or their authorized agents, the hearing body may continue the public hearing from time to time. Continuances shall be permitted only for good cause, stated in the motion and shall be made to a date and time certain. If the time and place of the commencement of the next public hearing is not announced at the scheduled hearing, such continuances shall require a new public notice in accordance with this Article. The applicant or other interested parties may request no more than two continuances for a period of not more than sixty days each and not more than one hundred and twenty days total from the date the public hearing was opened.

24.3.3 Decisions:

- A. Decisions of the Planning and Zoning Board on minor variations and other items noted elsewhere in this Ordinance shall be final. Decisions of the Planning and Zoning Board on major variations, map and text amendments, provisional and special uses, and Planned Unit Developments shall be in the form of a recommendation to the Village Board of Trustees. The recommendation shall include any recommended conditions to be placed on the action requested, if conditions are authorized by this Ordinance.
- B. If the Planning and Zoning Board recommends to the Village Board of Trustees to approve a petition, the Village Board of Trustees may approve such petition by a simple majority of the quorum present. If the Planning and Zoning Board recommends that the

petition be denied, the Village Board of Trustees may only approve such petition by at least a favorable vote of four members of the Village Board of Trustees. All testimony, exhibits, plans, or specifications which were considered by the Planning and Zoning Board shall be made a part of the record of the case.

24.3.4 Protest:

If a valid written protest against any map amendment, provisional or special use, or Planned Unit Development is filed with the Village Clerk, then the action shall only be approved by the favorable vote of four members of the Village Board of Trustees. A valid protest shall meet the following criteria:

- A. A valid protest shall be filed with the Village Clerk by 5:00 p.m. three business days before final action by Village Board of Trustees is scheduled to occur.
- B. A written protest shall be signed by the owners of forty percent or more of either:
 - 1. The lots proposed to be altered, or
 - 2. The lots, any part of which, are immediately adjoining, across from an alley or directly opposite the frontage proposed to be altered.

If any lot or property, which meets the requirements of this subsection, has multiple owners, such lot shall be counted as protesting if at least fifty percent of all owners of such lot signed the protest document.
- C. The document shall identify the proposed zoning action, shall contain a statement of protest against the proposal, and shall attest that the signatories are the legal owners of property identified therein.
- D. The document shall bear the signatures and common street addresses of those signing the document, and identify the property which each signatory owns.

SECTION 24.4 INTERIM DEVELOPMENT

24.4.1 Development regulations during consideration:

- A. If a petition for a map or text amendment, variation, provisional use, special use, or Planned Unit Development is filed by the Village Board of Trustees, Plan Commission, or the Zoning Administrator, then during the period the case is under consideration no use of any building or land may be changed, no building permit may be issued, and no building may be erected, reconstructed, converted, enlarged, structurally altered, or established except in accordance with the terms of either the existing regulations or the proposed regulations of the proposed amendment, whichever is more restrictive.
- B. The period of consideration shall be determined as beginning the day after the date of publication of notice as required elsewhere in this Article and ending the day after either:
 - 1. The date the Village Board of Trustees passes or defeats an ordinance containing all or part of the proposed amendment as published, or;

2. The date of publication of notice by the Village Clerk canceling said notice, whichever date is earlier, but in no event for a period no longer than one hundred eighty days after the date of publication of the notice as required elsewhere in this Article.

END OF ARTICLE TWENTY-FOUR.