

SECTION III
GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

A. INTERPRETATION AND APPLICATION

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever, any easements, covenants, or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings, or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits, or any easements, covenants, or other agreements between parties, the provisions of these regulations shall govern.

B. USE OF LAND OR STRUCTURES

The provisions of this Ordinance shall apply to all properties as hereinafter specifically provided:

1. **New and Existing Uses.** No building or structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or altered, except in conformity with the regulations herein specified for the district in which it is located;
2. **Nonconforming Uses.** Any lawful building, structure, or use existing at the time of the enactment of the Zoning Ordinance may be continued, even though such building, structure, or use does not conform to the provisions herein for the district in which it is located, and whenever a district shall be changed hereafter, the then existing lawful use may be continued, subject to the provisions of Section VI;
3. **Lot of Record.** A Lot of Record at the time of the adoption of this Ordinance which is unable to meet the requirements of this Ordinance as to area and lot width may be used, provided it shall meet all the other requirements of this Ordinance. However, when two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a Permitted Use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, at the time of or subsequent to the adoption of this amendment, they shall be used as one zoning lot for such use; and

4. **Construction in Process.** Where construction of a building or structure has begun prior to the effective date of this Ordinance and is being diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the Building Permit was issued, and further may, upon completion, be occupied under a Certificate of Occupancy subject to the provisions herein set forth in the section pertaining to nonconforming structures and uses.

C. HEIGHT LIMITATIONS

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio, television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits when recommended by the Zoning Board of Appeals and approved by the Village Board. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the District in which it is located; nor shall such structure have a total area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Provided, however, that all buildings in the Zoning Districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are, therefore, exempt from the height limitations set forth in this Section III.C.1.
2. Hospitals, institutions, schools, or public utility and service buildings, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, provided said specified buildings shall be set back from the front, rear, and side lot lines on the ratio of two (2) feet for every one (1) foot of building height greater than forty (40) feet; provided, however, that said specified requirements shall apply in addition to the other requirements for building line setbacks and for rear and side yards specifically set forth in this Ordinance. Provided, however, that all buildings in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the height provisions of said Legacy Code and are therefore exempt from the height limitations set forth in this Section III.C.2.
3. Planned Unit Developments may exceed the height limits established for the district in which the structure is located, provided that the height conforms with the standards and requirements set forth in Section VII.C.2.O of this Ordinance.

D. LOTS

1. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one principal building on a lot except in a Planned Unit Development, or as otherwise provided in this Ordinance.
2. No lot shall hereafter be divided in order to secure one or more additional lots for transfer of ownership or establishment of a principal use thereon, unless each lot, resulting from such division, shall have the minimum lot area and lot width as required in this Ordinance for the district in which the lot is located.
3. Where two (2) or more permitted or Special Uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.
4. Every dwelling shall be constructed or erected upon a lot or parcel of land which has at least twenty (20) feet of frontage abutting upon a public street.
5. Where unique land planning designs are employed in a subdivision or a Planned Unit Development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:
 - a. Adequate provision is made for free access to the lot for the property owner, or in the case of a non-residential lot, for those persons who would normally require access to the lot;
 - b. Adequate provision is made for the unobstructed access of firefighting equipment, police protection, rubbish collection, and other governmental services;
 - c. Adequate provision is made for the extension and maintenance of public and private utility services; and
 - d. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking, or other reasons.
6. The maintenance of yards, courts, and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence.

E. YARDS

1. All yards and other open spaces, as required by this Ordinance, shall be located on the same lot as the principal structure or use. No legally required yards, open space, or lot areas for any use or structure shall be used to satisfy yard, open space, or lot area requirements for any other structure or use.

2. On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback on corner lots shall apply to each side of the lot facing a street.
3. On vacant through lots, the front lot line shall be along the street line designated by the Building Inspector except that when a front line has been established on one or more lots in the same block and all have front lot lines established along the same street line, the street line designated as the front lot line for such lot or lots shall be the front lot line on all vacant through lots in such block. On through lots, only those obstructions permitted in this Ordinance in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard; however, where a no-access strip has been provided for such lots on a recorded plat, the Zoning Administrator may waive such requirements if, in his judgment, an exception to this requirement would be appropriate.
4. No yards allocated to a structure or use existing on the effective date of this Ordinance shall be subsequently reduced or further reduced below the yard requirements of this Ordinance, except a yard adjoining a street may be reduced in depth in the event and to the extent the right-of-way width of such street adjoining such yard is subsequently increased.
5. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five (5) feet or less) a front yard greater in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings. Provided, however, that all building in the zoning districts established by the 2011 Legacy Code (being the Downtown Core District, Downtown Flex District, Downtown General District, Neighborhood General District, Neighborhood Flex District, and Civic District) are governed by the front yard/frontage provisions of said Legacy Code and are, therefore, exempt from the frontage/front yard requirements set forth in this Section III.E.5.

F. REQUIRED SETBACKS

Setback lines shall be maintained on all lots abutting streets and thoroughfares. The minimum setback on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard, adjoining a street, in the district where such lots are located, measured from the existing right-of-way line of the street or thoroughfare, or from the proposed right-of-way line as designated on the Official Map, and as duly established by other Ordinances or as established by county or state highway authorities, whichever has the greatest right-of-way width requirements.

Except for incidental uses, no structure shall be constructed on a dedicated public or private utility easement, nor shall any structure be constructed so as to encroach upon any easement. No portion of the eave, gutter, of roof overhang shall project into or over any dedicated easement.

G. VISIBILITY REQUIREMENTS – CORNER LOTS

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding two (2) feet in height above the curb level and shade trees where all branches are not less than eight (8) feet above the street level will be permitted. For residential corner lots, this unobstructed area shall be a triangular section of land formed by the two street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of said right-of-way.

H. PERMITTED ENCROACHMENTS IN REQUIRED YARDS

1. Residential Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village’s Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots residentially zoned (R-1, R-2, R-3, R-4, R-5, R-6, and R-7) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses		P	P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings and canopies	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of any property line.
Balconies	P		P	P	P	Not projecting more than five (5) feet into the required yard.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Breezeways			P			
Brick Mailbox (in public right-of-way areas)	P					Masonry mailbox shall not be larger than 24 inches wide or 24 inches deep or greater than five feet in height. The front edge of the masonry structure shall not be set closer than fifteen inches from the rear edge of the curb or within two (2) feet of a Buffalo Box, or within 10 feet of a fire hydrant. The front of the mailbox shall not be closer than six inches nor further than fifteen inches from the rear edge of the curb. A maximum of two pedestals per address, only one of which may contain a mailbox. Masonry mailbox structures shall comply with USP Regulations; a copy is available in the Building Department. A permit is required for any decorative or brick mail boxes in the public right-of-way and a waiver form must be signed by the homeowner with any required document recording fees paid by the owner.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into the required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Driveways	P	P	P	P	P	Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveway shall take the most direct route from the public right-of-way to the parking structure/facility, which may include relocation of curb depressions. Alternative driveway paths may only be approved with the approval of the Village Engineer and Community Development Director. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than a total of thirty (30) foot in the apron at its intersection with the Village Right of Way.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. No portion of the eave, gutter, of roof overhang shall project into or over any dedicated easement.
Fences		P	P		P	See additional regulations within Section III.J.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line.
Outdoor fireplaces			P		P	In no case shall an outdoor fireplace be placed closer than five (5) feet to any property line.
Patios		P	P			In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas			P			Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. In no case shall porches or porticos extend more than fifteen (15) feet from the exterior wall. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Private swimming pools and hot tubs			P			Pools are to be placed in rear yards only. In no case shall a pool be placed closer than five (5) feet to any property line, including transitional grading, accessory items such as pavers or concrete, and equipment.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trash and Equipment Enclosures		P	P			Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Trellises	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.

2. Commercial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village’s Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards in lots commercially zoned (B-1, B-2, B-3, B-4, and B-5) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P	P	P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Awnings, canopies, marquees and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet into a required yard.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Driveways	P	P	P	P	P	Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveways may be shared between adjoining properties with an approved site plan and cross-access easement recorded. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than thirty (30) foot in the apron at its intersection with the Village Right of Way.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. No portion of the eave, gutter, of roof overhang shall project into or over any dedicated easement.
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three-and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to; air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code Regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trash and Equipment Enclosures		P	P			Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.
Trellises	P	P	P	P	P	

a. Additional Allowable Encroachments:

In commercially zoned lots (B-1, B-2, B-3, B-4, and B-5) that front streets or major interior access lanes, front yard areas will be primarily used for landscaping and other pedestrian-oriented uses including:

- (1) Widened sidewalks and entranceways;
- (2) Plazas, outdoor gardens, patios, and outdoor seating areas;
- (3) Water features, including bioswales or other stormwater management elements; and
- (4) Public art or outdoor architectural features like clock towers, pergolas, etc.

It is the intent of this Ordinance to help create a stronger pedestrian scale. As such, in addition to the design elements specifically permitted above, other architectural or landscape features not enumerated herein that create a stronger pedestrian connection may be permitted to extend into the required yard up to ten (10) feet. These encroachments may be approved by the Plan Commission during Site Plan Approval.

3. Industrial Zoning Districts:

Encroachments into easements shall be subject to all regulations of this Ordinance and the Village's Building Code.

The following accessory structures and uses are permitted to encroach and shall not be considered to be obstructions when located in the required yards, in lots industrially zoned (ORI, M-1, and MU-1) as specified:

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Accessory structures, including but not limited to: accessory sheds, carports, detached garages, equipment shelters, and playhouses			P			See additional regulations in Section III. I.
Arbors	P		P	P	P	Must be located so as not to obstruct the line of sight of pedestrians and motorists at intersections or driveways.
Architectural features, including but not limited to: belt courses, cornices, and sills	P	P	P	P	P	Not projecting more than eighteen (18) inches from the exterior wall.
Athletic courts, including but not limited to: basketball or tennis courts			P			All athletic court areas shall be subject to Village review to ensure the court is properly designed, graded, and constructed. In no case shall an athletic court be placed closer than fifteen (15) feet to any property line.
Awnings, canopies, and other projections that create shaded and protected entrances	P	P	P	P	P	Not projecting more than ten (10) feet into the required yard and at least seven (7) feet above the average level of the adjoining ground. In no case shall awnings or canopies be placed within five (5) feet of the side or rear property line. Awnings and canopies with signage must conform to the Sign Regulations in Section IX.
Balconies	P		P	P	P	Not projecting more than five (5) feet in front yards.
Bay windows	P		P	P	P	Not projecting more than three (3) feet into the required yard.
Chimneys	P	P	P	P	P	Not projecting more than twenty-four (24) inches into a required yard.
Decks		P	P			In no case shall a deck be placed closer than five (5) feet to any property line.
Driveways	P	P	P	P	P	Must be located a minimum of one (1) foot from property line and lead to a permitted parking structure or parking facility. Driveways may be shared between adjoining properties with an approved site plan and cross-access easement recorded. Driveways shall have a minimum width of ten (10) feet and a maximum width of forty (40) feet. Driveways shall be no greater than thirty (30) foot in the apron at its intersection with the Village Right of Way.
Eaves and gutters	P	P	P	P	P	Not projecting more than four (4) feet into the required front and rear yards. Not projecting more than forty (40) percent of the required side yard, but in no case exceeding three (3) feet. No portion of the eave, gutter, or roof overhang shall project into or over any dedicated easement.

Permitted Encroachments	Front Yard	Side Yard	Rear Yard	Corner Lots		Additional Requirements
				Primary Front Yard	Secondary Front Yard	
Fences and walls		P	P			See additional regulations within Section III.J.
Fire escapes, open or enclosed	P	P	P	P	P	Not projecting more than five (5) feet into the required front yard or side yard adjoining a street. Not projecting more than three- and-one-half (3 1/2) feet into the required interior side yard or court.
Flag poles	P	P	P	P	P	
Fountains	P	P	P	P	P	
Mechanical equipment, including but not limited to: air conditioning units/ shelters, and generators		P	P			Equipment shall be placed as close as possible to the principal structure and in no case shall equipment be placed within five (5) feet of any property line. Equipment shall be screened to comply with the Village Landscape Ordinance.
Patios	P	P	P	P	P	In no case shall a patio be placed closer than five (5) feet to any property line.
Pergolas	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a pergola be placed closer than five (5) feet to any property line.
Plant boxes	P	P	P	P	P	
Porches and porticos	P	P	P	P	P	Not to extend into the required yard more than thirty-five (35) percent of the minimum setback. In no case shall a porch or portico be placed closer than five (5) feet to any property line. Handrails and guardrails shall conform to Village Building Code regulations. Knee walls shall not exceed forty (40) inches in height from the porch floor.
Projecting blade signs	P	P	P	P	P	See additional regulations in Section IX.
Sculptures	P	P	P	P	P	
Steps/threads	P	P	P	P	P	See the Village Building Code for additional regulations.
Trash and Equipment Enclosures		P	P			Shall be placed as close as possible to the principal structure but in no case shall be placed within five feet of the property line. Enclosure shall be solid with no chain link fencing permitted. Any enclosure constructed shall have a height not greater than 6 feet. Enclosures shall comply with any approved site plans. See additional regulations within Section III.U.6.j.
Trellises	P	P	P	P	P	

I. ACCESSORY STRUCTURES AND USES

1. All accessory structures shall be subject to the following:

- a. Accessory structures and uses shall be compatible with the principal use;

- b. Accessory structures and uses shall not be established prior to the establishment of the principal use;
 - c. Accessory structures which are structurally attached to a main or principal building shall be subject to all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - d. Accessory structures shall not be located less than ten (10) feet from a principal building unless the accessory structure meets all regulations of this Ordinance and the Village Building Code which are applicable to the principal building;
 - e. When a side yard is required, no part of any accessory structure shall be located closer than five (5) feet to the side lot line along such side yard; and
 - f. When a rear yard is required, no part of any accessory structure shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard.
 - g. Maximum height of all accessory structures (other than detached garages as outlined in the section below) is fifteen (15) feet above finished grade.
2. Residential accessory structures serving single- or two-family residences in any Residential Zoning District, and all accessory structures in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
- a. All conditions of Subsection III.I.1 above must be satisfied;
 - b. The maximum floor area shall be seven hundred twenty (720) square feet, two hundred (200) square feet for a storage shed, and four hundred (400) square feet for all other structures. The width of any structure shall not exceed 34 feet;
 - c. The maximum height shall be eighteen (18) feet to the peak of the structure;
 - d. The pitch of the roof shall be found by the Zoning Administrator to be architecturally compatible with the pitch of the main roof element of the principal structure, provided that subsection (c) above shall be met;
 - e. Detached or attached garages and accessory structures shall not be utilized as living space;
 - f. Detached or attached garages and accessory structures shall not be utilized for any business related activity; and
 - g. Detached garages and accessory structures shall not be serviced by water, sanitary sewer, or natural gas.

- h. No more than one (1) of any type of residential accessory structure shall be permitted accept where a second detached garage may be permitted in Section III.I.3.
 - i. Storage/Utility Sheds: No more than one (1) storage/utility shed shall be located on any residential lot at a maximum of two hundred (200) square feet in floor space, and shall not exceed fifteen (15) feet in height. No overhead (roll up) doors larger than six (6) feet in width or seven (7) feet in height are allowed on storage/utility sheds.
3. Second detached garages serving single- or two-family residences in any Residential Zoning District and in the R-1 through R-5 Zoning Districts, inclusive, shall conform to the following:
- a. All conditions of Subsections III.I.1 and III.I.2 above must be satisfied for each garage;
 - b. The property must be a minimum of fifteen thousand (15,000) square feet in lot area and ninety (90) feet in lot width; and
 - c. Both garages must be fully accessible by way of a driveway constructed and located in conformance with all other sections of the Village Zoning, Subdivision, and Building Code Ordinances.

J. FENCE REGULATIONS

1. Permit Required.

- a. A building permit is required for all work performed in association with the construction, alteration, or relocation of a fence except as outlined in Section III.J.1.b.
- b. Exemptions. The following circumstances do not require a building permit; however, they are subject to the regulations within Section III.J.2.:

(1) Repairs of not more than one (1) eight-foot (8') section of fencing per year on a legally permitted fence; and

(2) Fences two feet (2') in height or less.

2. Regulations.

- a. Location.

(1) Permitted fence location in Nonresidential zoning districts:

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE - NONRESIDENTIAL				
LOT TYPE	YARD TYPE			
	Front/Primary Front	Secondary Front	Side	Rear
Interior Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Interior Key Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Reversed Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Flag Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line

(2) Permitted fence location in Residential zoning districts:

PERMITTED FENCE LOCATION BY LOT TYPE AND YARD TYPE - RESIDENTIAL				
LOT TYPE	YARD TYPE			
	Front/Primary Front	Secondary Front	Side	Rear
Interior Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Interior Key Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted no less than ten feet in from secondary front yard property line(s). See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Reversed Corner Lot	Fence Permitted at or behind Required Setback Line	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line
Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Corner Through Lot	Fence Permitted at or behind Required Setback Line. See also Section III.J.3.	Fence Permitted no less than ten feet in from secondary front yard property line(s). See also Section III.J.3.	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line. See Section III.J.3.b.
Flag Lot	Fence Permitted at or behind Required Setback Line	n/a	Permitted at 0' Setback from Property Line	Permitted at 0' Setback from Property Line

(3) Rights-of-Way, Drainage, and/or Utility Easements

- (i) No private fences shall be allowed or constructed within public street, highway, or alley rights-of-way.
- (ii) Fences may, by permit and written approval, be placed on drainage and/or public utility easements, so long as the fence does not interfere in any way with existing drainage patterns, underground, ground, or above-ground utilities.

- (iii) Fences shall not obstruct access to utilities. A gate or moveable section of fencing may be required.
 - (iv) The Village or any utility company having authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged, or destroyed by virtue of the lawful use of said easement.
- (4) Clear Vision Triangle. Fences shall not obstruct sight lines and/or cause a negative impact to safety of pedestrians or vehicles. A clear vision triangle must be maintained.

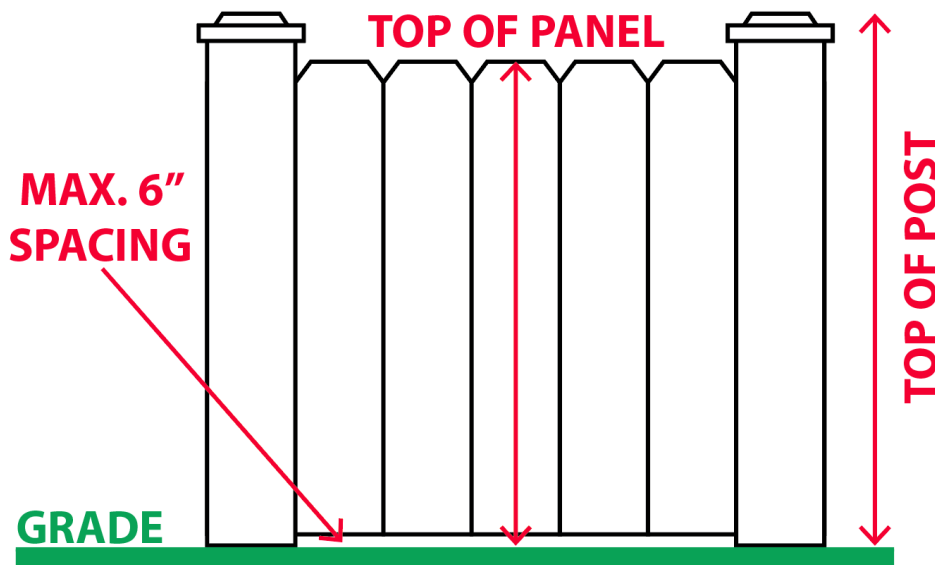
b. Materials.

- (1) Fences shall consist of materials that are found by the Zoning Administrator or their designee to be durable and weather resistant. Fencing shall be painted, rust-proofed or otherwise protected against damage and decay so as to present an orderly appearance.
- (2) All fences shall be maintained in good, structurally sound repair and in a neat, clean, presentable and attractive condition.
- (3) Allowable Materials:
 - (i) PVC/vinyl
 - (ii) Wood
 - (iii) Wrought iron
 - (iv) Aluminum
 - (v) Galvanized steel (open style fencing only)
 - (vi) Masonry
 - (vii) Chain-link without slats (can be coated or uncoated)
 - (viii) Perimeter fencing (stone or concrete)
 - (ix) Similar materials, as approved by the Zoning Administrator or their designee
- (4) Prohibited Materials:
 - (i) Chain-link with slats
 - (ii) Glass and other reflective materials
 - (iii) Barbed wire
 - (iv) Chain-link within required secondary front yards.
- (5) Orientation of Finished Side. When a fence has a finished or decorative side, it shall be oriented to face outward toward adjacent parcels or street rights-of-way (away from the interior of the lot upon which the fence is erected).

- (6) Fencing shall not have sharp edges.
- (7) Fencing shall be uniform in color.

c. Maximum Height. (see graphic)

- (1) Top of Posts: six feet, six inches (6'6") when measured from grade.
- (2) Top of Panel: six feet (6') when measured from grade.
- (3) Spacing Between Grade and Bottom of Panel: maximum of six inches (6").



3. Administrative Approvals: The Zoning Administrator or their designee may grant administrative approval for a fence in the following circumstances:

a. In the instance that a residential structure is nonconforming to the required front yard setback, a fence may be permitted to encroach into the required front yard setback to align with the established setback of the residential structure, provided that:

- (1) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (2) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

b. Through Lot.

(1) A fence may be permitted to be constructed along a property line that directly abuts a public right-of-way or private street if the Zoning Administrator or their designee determines that the lot line should be considered a side or rear lot line based on the adjacent established development pattern, provided that:

- (i) The fence meets all provisions within Section III.J.2.b. and III.J.2.c.; and
- (ii) The fence does not obstruct sight lines that may cause a negative impact to safety of pedestrians or vehicles.

4. Temporary Fences.

a. Temporary fences may be authorized by the Zoning Administrator or their designee for the purposes of securing or enclosing an area for a limited period of time (ex. construction sites, special events, and unsafe structures).

5. Nonconforming Fences. Fences existing at the time of the enactment of this Section III.J., or any amendment thereto, or at the time of annexation to the Village of the property on which they are located and not conforming to the provisions of this Section III.J., shall be regarded as nonconforming fences – either a legal nonconforming fence or an illegal nonconforming fence.

a. Legal Nonconforming Fences. Fences constructed with a permit on file with the Village. Minor ordinary repairs and maintenance (not exceeding repair on one (1) eight foot (8') wide section of fencing per year) may be completed on such fence. Nonconforming fences shall not be changed or altered in any manner that would increase the degree of its nonconformity or structurally altered to prolong its useful life.

b. Illegal Nonconforming Fences. Fences constructed without a permit. Such fences shall be immediately removed by the property owner or a variation (in accordance with Section X.G. of the Zoning Ordinance) must be obtained.

6. Appeals and Variations. If the Zoning Administrator or their designee denies a fence as proposed, the Petitioner may appeal the denial before the Zoning Board of Appeals as outlined within Section X.F. of the Zoning Ordinance. A Petitioner may also submit a request for a variation as outlined within Section X.G. of the Zoning Ordinance.

K. TEMPORARY BUILDINGS

Temporary buildings for construction purposes may be allowed in any zoning district for a period not to exceed the completion date of such construction.

L. FLOODPLAIN AREAS

No building shall be erected in areas subject to flooding, as determined in the floodplain maps (Tinley Park Quadrangle) of the Northeastern Illinois Planning Commission, unless suitable provisions for drainage are approved and constructed in accordance with the requirements of the Village's Floodplain Ordinance - Ordinance No. 73-0-003.

M. USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed in the sections devoted to permitted uses, such uses are hereby expressly prohibited, unless by written decision of the Zoning Administrator it is determined that said use is similar to and not more objectionable than other uses listed. Such uses may then be permitted.

N. EXEMPTIONS

The regulations of this Ordinance do not specify or regulate the type or location of poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment; regulator and compressor stations, and the underground storage of gas from a public utility or a natural gas company including facilities and exploratory and operating wells; or a public utility or natural gas company for telephone or other communications, electric power, gas, water, and sewer lines, provided that installation shall conform with rules and regulations of the applicable administrative authorities nor the location, use or occupancy of publicly-owned land, structures or installations of any kind whatsoever.

O. OPEN STORAGE AND OUTDOOR SALES DISPLAYS

1. Open Storage:

- a. The purpose and intent of the regulations established herein is to provide development and environmental performance standards for controlling the development and use of open storage areas so that such uses can be established and operated in the Village of Tinley Park without adversely affecting neighboring development or existing environmental conditions; and
- b. All open storage, as defined in Section II, shall be subject to the following:

General Requirements:

- (1) Zoning Districts Allowed: The following table shall govern the zoning districts in which open storage is allowed and to what level:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
-------	-----------------	-----------------	-----	-----	------

Level 1	X	X	P	P	P
Level 2	X	X	S	P	P
Level 3	X	X	X	S	S
Level 4	X	X	X	X	X

P = Permitted (with conditions) S = Special Use X = Prohibited

Open storage requests that require a Special Use Permit should refer to Section X.J of the Village’s Zoning Ordinance regarding the Special Use application process.

- (2) Location: Open storage shall not be located in any front or corner side yard. No open storage shall be permitted to occur in areas designated for parking, driveways, or walkways;
- (3) Maximum Lot Coverage: The following table shall govern the maximum lot area for the use of open storage within zoning districts:

Level	R-1 through R-7	B-1 through B-5	ORI	M-1	MU-1
Level 1	X	X	15%	30%	30%
Level 2	X	X	15%	30%	30%
Level 3	X	X	X	30%	30%
Level 4	X	X	X	X	X

X = Prohibited

- (4) Proximity to Residential Zones: If a Residential District abuts the property, the open storage area shall be set back from the property line on such side a minimum of fifty (50) feet in addition to the mandatory screening enumerated below.

(5) Screening:

(A) Fence:

- (i) Material: Shall be constructed in compliance with Section 311.C.1 of the Village Building Code;

- (i.a) Chain link fencing to be concealed with landscaping, and placed on the exterior side of the fence to conceal from the street side or residential neighborhoods;

- (ii) Opacity: Shall be a solid, one hundred (100) percent opaque wall or fence. Chain link fencing may be used in conjunction with landscaping to achieve one hundred (100) percent opacity if approved by the Village;

- (iii) Height: Shall be a minimum of six (6) feet and maximum of eight (8)

feet in height measured from ground level to the top of the fence; and

(iv) Gate/Doors: Shall be visually consistent with the fence or wall and secured.

(B) Landscape:

(a) Refer to §158.18.12 of the Village Landscape Ordinance for open storage landscaping requirements.

(6) Environmental Performance:

(A) Nuisance: All open storage shall be in compliance with the nuisance regulations enumerated in Title IX, Chapter 98 of the Tinley Park Municipal Code;

(B) Stormwater Runoff: Fertilizers, pesticides, and any other agent which could potentially pose a threat to water quality shall be properly stored in containers that prevent the infiltration of these agents into the stormwater system;

(C) Windborne Agents: The open storage of materials which have a tendency to become windborne such as powder, grain, stone, sand, salt, and coal is prohibited unless securely covered and contained;

(D) Organic Materials: Any open storage of decomposed, fetid, or putrescent matter shall be removed and disposed of if determined to be a nuisance, and in such manner as not to cause a nuisance and to avoid the unnecessary raising of dust or noxious material;

(E) Lighting: Any lighting of open storage areas shall be directed in a manner as to prevent spillover onto surrounding properties; and

(F) Subject to Inspection: Any open storage shall be subject to inspection by the Fire Prevention Bureau as enumerated in Ch. VII, Sec. 700.A.1 of the Village Building Code.

2. Level 1 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and

- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

Conditions of Operation:

- a. Shall be stored in the rear of the property not in a public drainage and utility easement or in an area that will negatively impact overland drainage; and
- b. Level 1 Open Storage is intended to allow for vehicles or equipment essential to the day-to-day operation of a business. Vehicles exceeding eight thousand (8,000) pounds or equipment not essential to business operations shall be excluded from Level 1 Open Storage.

3. Level 2 Open Storage:

Submission Requirements:

- a. A dimensioned sketch or drawing of the proposed location of the open storage area and any additional alterations to the site;
- b. Fencing specifications including height, material, color, and style;
- c. Location, quantity, size, and type of proposed landscaping on a Site Plan, showing its relation to other site features such as utilities and easements; and
- d. Description of materials to be stored.

Approval:

- a. Subject to review by the Building and Planning Departments.

4. Level 3 Open Storage:

Submission Requirements for Site Plan Approval Application:

- a. A Special Use Permit application that fulfills the provisions within Section X.J of the Tinley Park Zoning Ordinance; and
- b. Description of materials to be stored.

Approval:

- a. All Level 3 Open Storage areas shall be subject to Site Plan and Special Use Permit approvals. A Site Plan Approval application must be reviewed and approved by the Village of Tinley Park Plan Commission. A Special Use Permit application must be reviewed by the Plan Commission and receive approval by the Village Board.

5. Level 4 Open Storage:

Conditions of Operation:

- a. Shall be prohibited within all zoning districts. The storage of junk, used lumber, or metal, refuse, scrap, disabled, or damaged motor vehicles not awaiting immediate repair, must be accommodated within a structure and in compliance with all other Village Code requirements.

Exemptions:

- a. The provisions and regulations of this Section III.N.1 shall not apply to governmental service uses.

6. Outdoor Sales Display Standards:

- a. Intent: The intent of the Outdoor Sales Display Standards is to permit the use of outdoor areas for display and sales of merchandise, but to ensure that such displays are sensitive to the character of the Village and do not jeopardize the health, safety, and welfare of the people within the Village of Tinley Park. Outdoor sales display areas shall be categorized as Level 1, Level 2, or Level 3 in accordance with the regulations within this Section.
- b. Applicability:
 - (1) Outdoor areas that a business or organization wants to use on a regular or seasonal basis for outdoor sales displays shall meet the regulations within this Section.
 - (2) This Section does not include outdoor sales display related to automotive dealerships.
- c. Requirements for Level 1 Outdoor Sales Display:
 - (1) Description of Level 1 Outdoor Sales Display: Level 1 Outdoor Sales Display includes the display of seasonal gardening goods or special sales. These displays may include, but are not limited to: sale of potted plants, mulch, clothes racks, and small product display racks.
 - (2) Approval:
 - (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to

displaying products outside. The submittal shall include the following:

- (i) Application form
- (ii) Plat of Survey or dimensioned Site Plan
- (iii) Dimensioned plans showing the display area
- (iv) Information about what types of products will be displayed
- (v) Display time plan outlining when the outdoor display period will occur

(B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.

(C) Fees: The fees for Level 1 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

(A) Zoning:

- (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.

(B) Accessibility:

- (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
- (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.

(C) Setbacks:

- (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
- (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.

(D) Proximity to Primary Structure:

- (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.

(E) Placement:

- (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
- (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.

(iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

(A) Maximum Area:

- (i) The cumulative area of all Level 1 outdoor displays shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
- (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Outdoor sales displays for seasonal garden items shall occur only between April 15th and October 15th of each year, unless otherwise approved in writing by the Zoning Administrator or their designee.
- (B) Outdoor sales displays for special sales may be displayed for up to seven (7) days at a time and shall be allowed up to six (6) times per year; however, there must be at least three (3) weeks between special sale displays.
- (C) Outdoor sales displays shall only be displayed outside the tenant space during the business or organization's hours of operation, unless otherwise approved in writing by the Zoning Administrator or their designee.

d. Requirements for Level 2 Outdoor Sales Display:

(1) Description of Level 2 Outdoor Sales Display: Level 2 Outdoor Sales Display includes the display of year-round goods that are subordinate and customarily incidental to the principal use. These displays may include, but are not limited to: propane, ice, and vending machines.

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur

- (B) The Zoning Administrator or their designee shall review the application and determine if the criteria within this Section have been met.
- (C) Fees: The fees for Level 2 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

- (A) Zoning:
 - (i) Outdoor sales displays are limited to non-residential properties and mixed-use properties.
- (B) Accessibility:
 - (i) An outdoor sales display area shall not block any accessibility ramp, parking space, door, fire hydrant, drive aisle, or driveway.
 - (ii) A minimum of thirty-six inches (36") shall be maintained for sidewalks and pedestrian ways in front of the outdoor sales display area.
- (C) Setbacks:
 - (i) Front Yard: An outdoor display area can encroach up to five feet (5') into the required front yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
 - (ii) Side and Rear Yards: An outdoor display area shall meet the accessory structure side yard and rear yard setback standard identified in the applicable Zoning District in Section V. of the Zoning Ordinance.
- (D) Proximity to Primary Structure:
 - (i) An outdoor sales display area shall be fifteen feet (15') or less from the façade of the primary structure.
- (E) Placement:
 - (i) An outdoor sales display area shall be located at grade level and shall not be allowed on top of the roof.
 - (ii) An outdoor sales display shall not create any visibility hazard or obstruction to vehicles or pedestrians.
 - (iii) An outdoor sales display area shall be located on the same parcel as the principal structure.

(4) Size:

- (A) Maximum Area:
 - (i) The cumulative area of all Level 2 outdoor displays shall not exceed twenty percent (20%) of the tenant frontage of the tenant space to which the outdoor display area is associated.
 - (ii) If the tenant has both Level 1 and Level 2 displays: The total combined area of all Level 1 and Level 2 outdoor display areas shall

not exceed twenty-five percent (25%) of the tenant frontage of the tenant space to which the outdoor display area is associated.

(B) Maximum Height:

- (i) Products displayed outside the principal structure shall not exceed ten feet (10') in height.

(5) Time for Display:

- (A) Due to the nature of these types of goods, the display shall be permitted permanently unless otherwise noted in writing by the Zoning Administrator or their designee.

e. Requirements for Level 3 Outdoor Sales Display:

- (1) Description of Level 3 Outdoor Sales Display: Level 3 Outdoor Sales Display includes the display of goods that do not meet the regulations within the Level 1 or Level 2 Outdoor Sales Display herein and are subject to Staff review and Plan Commission review on a case-by-case basis. These displays may include, but are not limited to: large products or equipment, appliances, seasonal recreational items (pools, play equipment, etc.), accessory structures (sheds, gazebos, etc.) or display of building materials (fencing, pavers, etc.).

(2) Approval:

- (A) A permit application (including plans for the display) must be submitted to the Community Development Department prior to displaying products outside. The submittal shall include the following:
 - (i) Application form
 - (ii) Plat of Survey or dimensioned Site Plan
 - (iii) Dimensioned plans showing the display area
 - (iv) Information about what types of products will be displayed
 - (v) Display time plan outlining when the outdoor display period will occur
- (B) The Village Planner or their designee shall review the application and present the information to the Plan Commission for approval.
- (C) Fees: The fees for Level 3 Outdoor Sales Displays shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

(3) Location:

- (A) To be determined on a case-by-case basis by the Plan Commission.

(4) Size:

- (A) To be determined on a case-by-case basis by the Plan Commission.

(5) Time for Display:

(A) To be determined on a case-by-case basis by the Plan Commission.

f. Signage:

(1) Any signage affiliated with an Outdoor Sales Display is subject to the regulations within Section IX of the Zoning Ordinance, as amended from time to time.

g. Appeals:

(1) Outdoor Sales Displays not meeting the regulations herein for Level 1 or Level 2 shall be automatically considered Level 3 and subject to Staff Review and Plan Commission Review.

(2) If the Plan Commission denies the Level 3 Outdoor Sales Display request, then the Applicant may appeal the Commission's decision to the Village Board.

h. Penalty:

(1) Outdoor sales displays without permits must be removed immediately upon notice of the violation.

(2) If an outdoor sales display is exhibited without a permit, then the business owner is subject to a fine equal to double the permit fee and a permit still must be obtained.

P. PORTABLE STORAGE DEVICES

1. Portable storage container units and devices shall include all types of storage devices and enclosed trailers with or without wheels.
2. Portable storage devices shall not be stored on any public street, alley, or public right-of-way in any zoning district.
3. Portable storage devices shall be maintained in good repair, structurally sound, and free from any graffiti or peeling paint.
4. Portable storage devices shall require a Temporary Use Permit, and shall be subject to the following regulations:

Residential Zoning Districts:

- a. No more than one (1) portable storage device, not exceeding outside dimensions of twelve (12) feet in length, eight (8) feet in width, and nine (9) feet in height, shall be permitted per zoning lot in all Residential Zoning Districts for no more than fourteen (14) days per calendar year, provided they are placed on and do not extend beyond a driveway surface and do not encroach across any public sidewalk or across any property line.

Commercial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Commercial Zoning Districts for no more than thirty (30) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and/or drive aisles. Such storage devices shall not be stacked. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot.

Industrial Zoning Districts:

- a. No more than one (1) portable storage device not exceeding outside dimensions of forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height shall be permitted per zoning lot in all Industrial Zoning Districts for no more than sixty (60) days per calendar year. Such devices shall be placed on an impervious surface of concrete or asphalt, and shall not be located in any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance, or within any area that hinders access to parking spaces and or access aisles. Such storage devices shall not be stacked. Such storage devices must be screened from view on all sides. Requests for more than one (1) such device require submission of a Site Plan for review and approval by the Zoning Administrator or his designee, prior to placing the units on the zoning lot:
- b. No more than two (2) semi-trailers, with or without tractors, can be stored outside of a loading dock for loading and unloading of goods or materials, for more than five (5) days; and
- c. Portable storage container units cannot be stacked.

Q. COLLECTION/DONATION DEVICES AND BOXES

1. Collection/donation devices (boxes) shall be prohibited within the Village of Tinley Park except as provided below:

- a. An application letter and dimensioned Site Plan must be submitted for the approval by the Zoning Administrator or his designee. In the event this letter is being submitted by persons other than the owner of the subject property, a letter of authorization from the property owner must also accompany the application request;
- b. The collection/donation device must be manned during normal business hours seven (7) days per week; and
- c. The collection/donation device may not be located within any required parking space or drive aisle as required by Section VIII of this Zoning Ordinance.

R. PARKING OF VEHICLES IN RESIDENTIAL ZONING DISTRICTS

- 1. The parking of vehicles in all Residential Zoning Districts shall comply with the following regulations:
 - a. Whenever a structure is erected, converted, or structurally altered for dwelling use, a minimum number of parking spaces shall be provided on the lot for each dwelling unit on the lot as required by Section VIII.A.10 of this Zoning Ordinance;
 - b. No vehicle shall be parked between the street and the front lot line. Parking of vehicles between the front line of any portion of the building and the front lot line shall be limited to private passenger automobiles not exceeding three-quarter (3/4) ton, except as specifically provided for elsewhere in this Ordinance;
 - c. No unlicensed, unregistered (Village sticker), or inoperable vehicle shall be permitted on any residential property for more than twenty-four (24) hours, unless it is in an enclosed garage; and
 - d. In Residential Zoning Districts, the following vehicles and equipment shall be stored only in a garage or fully enclosed structure:
 - i. Any truck or other type of commercial vehicle or equipment in excess of eight thousand (8,000) pounds;
 - ii. Vehicles requiring a Class D truck plate; and
 - iii. Trailers in excess of three thousand (3,000) pounds or requiring a Class TA trailer plate.
 - e. No vehicle used for transporting flammable liquids, explosives, toxic, or noxious materials shall be parked or stored in a Residential Zoning District;
 - f. Nothing in the provisions of this Ordinance shall be construed to prohibit trucks or other service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property owner;

- g. It shall be unlawful for any person to occupy or use any recreational vehicle for living or sleeping purposes upon any street, alley, lane, highway, municipal off-street parking lot, or other public place or upon any lot, piece, parcel, or tract of land within the Village of Tinley Park, except within a lawfully established and licensed recreational park, campground, or other like facility which is designed and equipped to operate for the purpose of providing temporary accommodations for such units, or as provided for hereinafter in Item h(5); and
- h. In all Residential Zoning Districts, it is permissible to park a recreational vehicle, trailer, or boat and trailer in the following manner:
 - (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located;
 - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than two (2) feet to the lot line;
 - (3) Parking is permitted outside on a driveway, provided:
 - i. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is always deemed to have reasonable access to the rear yard; a fence is not necessarily deemed to prevent reasonable access;
 - ii. Inside parking is not possible; and
 - iii. The unit is parked perpendicular to the front curb.
 - (4) No part of the unit may extend over the public sidewalk or public thoroughfare (right-of-way);
 - (5) Parking is permitted only for storage purposes, and any recreational vehicle or trailer shall not be:
 - i. Used for dwelling purposes except one unit for overnight sleeping of visitors for a maximum of three (3) days in any one calendar year. Cooking is not permitted at any time; butane or propane fuel shall not be used, and the host shall receive no compensation for such parking;
 - ii. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging of batteries and other purposes provided the receptacle and connection from the recreational vehicle has been inspected and approved by the Village. This connection must meet the Electrical Code of the Village, and an Electrical Permit must be obtained for all such installations; and

iii. Used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.

(6) Notwithstanding the provisions of Item 3, above, for purposes of active loading and unloading, a recreational vehicle may be parked anywhere on the premises normally deemed as parking space for private passenger automobiles; and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use;

(7) Subject to the exceptions set forth herein, it shall be unlawful for any owner, lessee, or occupant of any lot, piece, parcel, or tract of land within the Village of Tinley Park, whether for gain, hire, reward, or gratuity, or otherwise, to permit the same to be occupied or used by any vehicle for living or sleeping purposes; and

(8) Nothing in the provisions of this Ordinance shall be construed to prohibit the owner or operator of any recreational vehicle from parking or storing said unit upon premises owned, leased, or otherwise lawfully occupied or used by him, so long as such unit is not occupied or used for living or sleeping purposes in violation of the provisions of this section of the Ordinance, or any other applicable ordinance or regulation of the Village of Tinley Park.

S. PARKING OF VEHICLES IN BUSINESS DISTRICTS

The parking of vehicles in all business districts shall comply with the following regulations:

1. The parking regulations for dwellings are the same as those in the Residential Zoning Districts;
2. Where any structure is erected, reconstructed, or converted for any of the business purposes permitted in this Section, there shall be provided parking spaces in the ratio of not less than one (1) parking space for each one hundred fifty (150) square feet of floor space in the building which is used for commercial purposes. Such parking space may be located on the same lot as the building or on an area within three hundred (300) feet of the building. Two (2) or more owners of buildings may join together in providing this parking space;
3. Outside parking or storage of any abandoned, damaged, inoperable, dismantled, or unregistered vehicles for more than forty-eight (48) hours shall be prohibited in all automobile service stations; and
4. Parking of trailers or trucks not registered to the business is prohibited, except when located in an enclosed area that is adequately screened from public view.

T. REGULATION OF TRAFFIC AND PARKING ON PRIVATE PROPERTY

1. Any condominium development, apartment house, or apartment project containing ten (10) or more dwelling units shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate traffic and access to the driveways and parking areas which are open to or used by the public, tenants, owners, guests, and employees. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
2. Any owner of any shopping center, business establishment, hospital, or school shall enter into a contract with the Village that will permit the Police Department of Tinley Park to regulate the parking of automobiles and the traffic at such parking areas. A written request by the owner or developer of the specific property shall be filed with the Village Clerk prior to the issuance of any Building Permits.
3. All regulations adopted and traffic control devices employed by the Village in the regulation of traffic on private drives and parking areas, or the parking of automobiles in parking lots of shopping centers, business establishments, apartment complexes or schools shall be consistent with the statutory provisions contained in chapter 95-1/2, Section 11-209 and 209.1 of the Illinois Municipal Code.

U. SITE PLAN REVIEW

No Building Permit shall be issued for the construction or alteration of any multi-family residence, business, office, or industrial building or structure until a Site Plan and Architectural Review has been reviewed by the Planning Department Staff and if required, approved by the Plan Commission. The filing fee for new site plan reviews and amendments (building additions, parking changes, landscape changes, architectural changes, etc.) shall be as adopted by the Village Board and listed in the Comprehensive Fee Schedule (Tinley Park Code of Ordinances, Table of Special Ordinances, Table XI).

The Planning Department Staff shall review the site and architectural plans for conformance with this Ordinance and other Codes and Ordinances of the Village, and if required, shall make a report with recommendations to the Plan Commission. Plan Commission review is required if the proposed development requires zoning approval (Variation, Rezoning, Special Use Permit, Map Amendment, or Plat approval). For projects requiring Plan Commission review, after receiving the report of the Planning Department Staff, the Plan Commission shall approve the Site and Architectural Plans, with or without conditions, deny it, or refer it back to the Planning Department Staff for further study.

1. Site Plan Contents:

A Site Plan shall:

- a. Be drawn at a scale of 1" = 50' or larger;
- b. Show boundaries and dimensions graphically, contain a written legal description

- of the property, and indicate the date and north point;
- c. Show the present and proposed topography of the area by contour lines at one (1) foot intervals;
- d. Show, by use of directional arrow, the proposed flow of storm drainage from the site;
- e. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;
- f. Show the location and dimensions of existing and proposed curb cuts, aisles, off-street parking, loading spaces, and walkways;
- g. Indicate location, height, and material for screening walls and fences;
- h. List the type of surfacing and base course proposed for all parking, loading, and walkway areas;
- i. Describe the proposed use of the site and list the number of required off-street parking spaces. If the exact use is not known at the time of Site Plan submittal, off-street parking requirements shall be calculated by the general use group using the greatest off-street parking requirement of that use group;
- j. Show the proposed location, indicate direction, and list amount of illumination of proposed lighting facilities; and
- k. Show location of each outdoor trash storage area.

2. Architectural Plan Contents:

An Architectural Plan shall:

- a. Be drawn at a scale of 1/8"=1' 0" or larger;
- b. Provide exterior elevations of all sides of the proposed structure with dimensions;
- c. Identify all building materials along with their specifications; and
- d. Provide building samples as requested by staff.

3. Conditions of Approval:

If Plan Commission review is required, the Planning Department Staff shall first find that the following conditions have been met:

- a. That the proposed Use is a Permitted Use in the district in which the property is located;
- b. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
- c. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient, and convenient movement of traffic, not only within the site but on adjacent roadways as well;
- d. That the Site Plan provides for the safe movement of pedestrians within the site;
- e. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the Site Plan area not used for buildings, structures, parking, or access-ways shall be landscaped with a mixture

- of grass, trees, and shrubs;
- f. That all outdoor trash storage areas are adequately screened; and
- g. That staff has reviewed the Architectural Plans against the Architectural and Site Design Standards and found them to be in general conformance.

4. Assurance of Performance:

At the recommendation of the Plan Commission, the Village Board may require the applicant to file with the Village Clerk a performance bond as a condition of approval to ensure completion of approved landscaping, fencing, off-street parking and loading, drainage, and other specific items of the Site and/or Architectural Plans. The amount of the performance bond shall be determined by the Village Board. If, upon inspection of the completed project it is found that the conditions of the Site and/or Architectural Plans have been met, the performance bond shall be released to the applicant. If the applicant does not comply within a reasonable time with the conditions of the Site and/or Architectural Plans, the Village Clerk shall give written notice to the applicant and the bonding company. (Reasonable time shall be determined by the life of the performance bond as stated thereupon, less sixty (60) days.) If the conditions of the Site and/or Architectural Plans have not been met thirty (30) days prior to the expiration of the performance bond, the Village shall bring such action as is necessary to ensure completion of the Site and/or Architectural Plan conditions. However, if the applicant can show that he has tried to the utmost of his ability to meet the conditions of the Site and/or Architectural Plans within the time period allotted, but that adversities not of his making have been the cause of his failure to meet the Site and/or Architectural Plan conditions, the Village Board may require that the performance bond be extended for a specified period of time.

5. Time Limitation:

If no Building Permit is issued for the site within one (1) year from the date of Site/Architectural Plan Approval, the Site/Architectural Plan shall become null and void.

6. Architectural and Site Design Standards:

These design standards serve as a tool to encourage good architectural and site design that is cost effective yet contributes in a positive way to the overall quality aesthetic of Tinley Park. In addition to addressing architecture, building materials, and site design, the Village regulates landscape and lighting design through the Zoning Ordinance and Municipal Code. The Architectural and Site Design Standards shall be used in tandem with these other design regulations.

The following standards do not prescribe a certain architectural style; their intent is to encourage architects and builders to fill the gap between general planning policies and specific zoning standards and encourage creative interpretation by developers and architects, resulting in a design that exceeds minimal standards. Buildings should be attractive and memorable for all the right reasons; quality architecture remains the best signage for any business.

The following design standards apply to all non-residential development (including multi-family developments of 3 or more units):

Architecture

- a. Building Materials: The size of the structure will dictate the required building materials (Section V.C. Supplementary District Regulations). Where tilt-up or pre-cast masonry walls (with face or thin brick inlay) are allowed vertical articulation features are encouraged to mask the joint lines. Concrete panels must incorporate architectural finishes that comply with “Building Articulation” (Section III.U.5.h.) standards. Cast in place concrete may be used as an accent alternate building material (no greater than 15% per façade) provided there is sufficient articulation and detail to diminish it’s the appearance if used on large, blank walls.
- b. Cohesive Building Design: Buildings must be built with approved materials and provide architectural interest on all sides of the structure. Whatever architectural style is chosen, a consistent style of architectural composition and building materials are to be applied to all building facades.
- c. Compatible Architecture: All construction, whether it be new or part of an addition or renovation of an existing structure, must be compatible with the character of the site, adjacent structures, and streetscape. Avoid architecture or building materials that significantly diverge from adjacent architecture. Maintain the rhythm of the block in terms of scale, massing, and setback. Where a development includes outlots they shall be designed with compatible and consistent architecture with the primary building(s). Site lighting, landscaping, and architecture shall reflect a consistent design statement throughout the development.
- d. Color: Color choices shall consider the context of the surrounding area and shall not be used for purposes of “attention-getting” or branding of the proposed use. Color choices shall be harmonious with the surrounding buildings; excessively bright or brilliant colors are to be avoided except to be used on a minor scale for accents.
- e. Sustainable architectural design: The overall design must meet the needs of the current use without compromising the ability of future uses. Do not let the current use dictate an architecture so unique that it limits its potential for other uses (i.e. Medieval Times).
- f. Defined Entry: Entrance shall be readily identifiable from the public right-of-way or parking fields. The entry can be clearly defined by using unique architecture, a canopy, overhang or some other type of weather protection, some form of roof element, or enhanced landscaping.
- g. Roof: For buildings 10,000 square feet or less, a pitched roof is required or a parapet that extends the full exterior of the building. For buildings with a continuous roof line of 100 feet or more, a change of at least five feet in height must be made for every 75 feet.

- h. Building Articulation: Large expanses of walls void of color, material, or texture variation are to be avoided. The use of material and color changes, articulation of details around doors, windows, plate lines, the provision of architectural details such as “belly-bands” (decorative cladding that runs horizontally around the building), the use of recessed design elements, exposed expansion joints, reveals, change in texture, or other methods of visual relief are encouraged as a means to minimize the oppressiveness of large expanses of walls and break down the overall scale of the building into intermediate scaled parts. On commercial buildings, facades greater than 100 feet must include some form of articulation of the façade through the use of recesses or projections of at least 6 inches for at least 20% of the length of the façade. For industrial buildings, efforts to break up the long façade shall be accomplished through a change in building material, color or vertical breaks of three feet or more every 250 feet.
- i. Screen Mechanicals: All mechanical devices shall be screened from all public views.
- j. Trash Enclosures: Trash enclosures must be screened on three sides by a masonry wall consistent with the architecture and building material of the building it serves. Gates must be kept closed at all times and constructed of a durable material such as wood or steel. They shall not be located in the front or corner side yard and shall be set behind the front building façade.

Site Design

- a. Building/parking location: Buildings shall be located in a position of prominence with parking located to the rear or side of the main structure when possible. Parking areas shall be designed so as to provide continuous circulation avoiding dead-end parking aisles. Drive-through facilities shall be located to the rear or side of the structure and not dominate the aesthetics of the building. Architecture for canopies of drive-through areas shall be consistent with the architecture of the main structure.
- b. Loading Areas: Loading docks shall be located at the rear or side of buildings whenever possible and screened from view from public rights-of-way.
- c. Outdoor Storage: Outdoor storage areas shall be located at the rear of the site in accordance with Section III.O.1. (Open Storage). No open storage is allowed in front or corner side yards and not permitted to occupy areas designated for parking, driveways, or walkways.
- d. Interior Circulation: Shared parking and cross access easements are encouraged with adjacent properties of similar use. Where possible, visitor and employee traffic shall be separate from truck or equipment traffic.
- e. Pedestrian Access: Public and interior sidewalks shall be provided to encourage pedestrian traffic. Bicycle use shall be encouraged by providing dedicated bikeways and

parking. Where pedestrians or bicycles must cross vehicle pathways, a crosswalk shall be provided that is distinguished by a different pavement material or color.

V. SPECIAL PROVISION PRESERVING CERTAIN RIGHTS

Special provision is hereby established preserving the rights established in unexpired annexation agreements and Ordinances No. 74-0-015, No. 74-0-016, and No. 74-0-017.

W. REGULATIONS FOR PERSONAL WIRELESS SERVICE FACILITIES

1. Purpose and Intent

- a. Promote the health, safety, and general welfare of the public by regulating the siting of wireless communications facilities and antennae;
- b. Minimize the visual, aesthetic, and public safety impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity, and compatibility with existing telecommunication services;
- c. Encourage the location and Co-Location of wireless communications equipment on existing structures, thereby minimizing visual, aesthetic, and public safety impacts and effects and reducing the need for additional antenna supporting structures;
- d. Accommodate the growing need and demand for wireless communications services;
- e. Encourage coordination between providers of wireless communications services in the Village;
- f. Protect the character, scale, stability, and aesthetic quality of the residential districts of the Village by imposing certain reasonable restrictions on the placement of residential communication facilities;
- g. Establish predictable and balanced regulations governing the construction and location of wireless communications facilities;
- h. Provide for the removal of discontinued antenna supporting structures.

2. Exemptions

- a. The Village is exempt from the regulations herein when there is a demonstrated need for telecommunication services provided by the Village.
- b. Any Small Cell Wireless Facility subject to the Illinois Small Wireless Facilities Deployment Act shall be exempt from these regulations except that the installations

shall comply with the Design Standards located in Section III.W.5.c of the Zoning Ordinance (Small Cell Wireless Facility Design Standards) below. Alternatively, such Small Cell Wireless Facilities shall be subject to the regulations in Title IX, Chapter 106 of the Village's Code of Ordinances.

3. General Regulations:

- a. All privately-owned Towers, Antennas, and related components shall not interfere with public safety communications infrastructure.
- b. The Petitioner shall demonstrate that the proposed Antenna(s) and support structure(s) are safe, and that surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.
- c. All TCSF support structures shall be fitted with anti-climbing devices, as approved by the manufacturer;
- d. All Towers and Antennas shall comply with the current standards and regulations of the Federal Communications Commission, the Federal Aviation Administration, and any other agency of the federal government with the authority to regulate owners and Antennas;
- e. A TCSF shall not have signage or advertising other than signage required by state and federal laws, rules or regulations;
- f. Co-Location and Location on Existing Structures Preferred: In order to minimize adverse visual impacts associated with the proliferation of Towers, Co-Location of Antennas by more than one provider on existing Towers and location of Antennas on existing buildings or structures shall take precedence over the construction of new Freestanding Cell Towers. If a new, Freestanding Cell Tower is proposed, a Special Use Permit shall not be granted unless the Petitioner demonstrates, compliance with the following:
 - (1) A diligent effort has been made to locate the Antenna on an existing Freestanding Cell Tower, building or structure and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate location is available;
 - (2) Covenants shall be recorded which require that the Petitioner allow, on a commercially reasonable basis, other providers of personal wireless service facilities and other Antennas to Co-Locate on the proposed Freestanding Cell Tower, where such Co-Location is technologically feasible; and
 - (3) The Site Plan for the construction of a new Freestanding Cell Tower shall delineate an area, either on site or on adjacent property, near the base of the Tower to be used for the placement of additional equipment and buildings for other users. To the extent that the site for the new Freestanding Cell Tower is adequate to allow Co-

Location on such site, the Petitioner must allow, on a commercially reasonable basis, other providers to locate on site.

g. Structural Integrity: A TCSF, including Antenna(s), other component parts, and all related equipment anchorage, shall be designed to withstand the wind force referenced in the applicable building and/or electrical codes currently adopted by the Village including loading without the use of guy wires and including the Telecommunications Industry Association Standards (TIA-222-H, as amended from time to time). As part of the permit application process, the Petitioner shall provide the Village with a structural evaluation of each specific location establishing that the proposed installation meets or exceeds the standards described herein. The evaluation shall be prepared by a structural engineer licensed in the State of Illinois with drawings sealed with a professional seal and including geotechnical verification of the structural design.

h. Abandonment:

(1) In the event the use of a TCSF is discontinued for a period of sixty (60) consecutive days, the TCSF shall be deemed to be abandoned. The equipment owner/operator and the property owner shall notify the Community Development Director of its discontinuation. The Community Development Director or their designee shall determine the date of abandonment based on documentation required from the TCSF owner/operator, property owner, or other appropriate sources. Upon abandonment, the TCSF owner/operator shall have an additional sixty (60) days within which to:

i. Reactivate the use of the TCSF either by said owner/operator or transfer of the Tower to another owner/operator for such use within the aforesaid sixty (60) day period. Transfer of the TCSF to another owner/operator shall not require Special Use Permit approval provided use of the TCSF is re-activated within the sixty (60) day period, and that the use of the TCSF complies with all conditions of the original Special Use Permit approval and the terms of this Ordinance;

ii. Dismantle and remove the TCSF at which time any Special Use Permit approval shall become null and void; and

iii. Request approval from the Village Board to allow the abandoned TCSF to remain for a specified period of time. If said approval is granted, the TCSF shall be reactivated or removed within the time period approved by the Village Board as per regulations herein.

4. Regulations for Locating TCSF

a. Hierarchy of TCSF Locations: In accordance with Section III.W.3.f (Co-Location and Location on Existing Structures Preferred) of the Zoning Ordinance, the Petitioner must perform their due diligence and demonstrate there are no suitable Co-Location opportunities available on existing TCSF locations. Such Co-Location shall be permitted uses subject to Site Plan approval and regulations provided herein. If no such

locations exist, then a new TCSF location, including new Freestanding Cell Towers, shall be sited in accordance with Section III.W.4.c (Location Requirements for New TCSF Locations) of the Zoning Ordinance below.

b. Location Requirements for TCSF Co-Locations

- (1) Antennas shall be attached to existing Freestanding Cell Towers or on existing non-residential structures. Existing non-residential structures include tall buildings, water towers and utility structures such as electrical towers used to support the new Antennas. New support poles may be installed within an existing non-residential structure's dimensions with Site Plan approval.
- (2) Attachment to Existing Freestanding Cell Tower: Antennas shall not project above the top of the monopole and shall not interfere with other Antennas on the monopole.
- (3) New ground equipment and structures shall meet the requirements of new equipment in Section W.4.c.(2) of the Zoning Code listed below.
- (4) Attachment to Existing Non-Residential Building:
 - i. Antennas shall only be permitted on the rear and side walls of a building.
 - ii. Antennas attached to an existing building shall not exceed one foot (1') above the top parapet of the building. Antennas shall not project more than one foot (1') from the side of a building.
 - iii. Antennas shall be made to blend into the architecture of the building.
- (5) Approval for Antenna Co-Location on Existing Freestanding Cell Tower or Existing Structure
 - i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission if the Co-Location involves changes to ground equipment that would alter the existing footprint of the existing ground equipment enclosure.
 - ii. If located on Village property the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
 - iii. The Petitioner must obtain a Building Permit from the Community Development Department.

c. Location Requirements for New TCSF Locations

- (1) New Freestanding Cell Towers shall be sited in accordance with the hierarchy below.
 - i. A new Freestanding Cell Tower shall first be located on Village-owned property where there is likely to be less visual impact and more visual impact controls. If there are no sites available on Village-owned property, then a new Freestanding Cell Tower shall be located on property owned by a publicly-elected body or district (e.g. library district, park district, school district, etc.). The Petitioner must perform their due diligence and demonstrate there are no suitable locations available on Village-owned property.
 - ii. If there are no suitable sites available as listed in paragraph i in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the M-1 (General Manufacturing) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iii. If there are no suitable sites available as listed in paragraphs i or ii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property within the ORI (Office and Restricted Industrial) Zoning District, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - iv. If there are no suitable sites available as listed in paragraphs i, ii, or iii in the hierarchy above, then a new Freestanding Cell Tower shall be located on property in any Business district, provided that the proposed Freestanding Cell Tower is not within one thousand (1,000) feet of a Residential Zoning District or is separated from a Residential Zoning District by a freeway or principal arterial road. The Petitioner must perform their due diligence and demonstrate there are no locations available on any higher levels in the hierarchy.
 - v. All other locations (all residential zoning districts and within 1,000 feet of any residential zoning district) for new Freestanding Cell Towers shall require the Petitioner perform due diligence and demonstrate that there are no locations available in the hierarchy of locations listed above. The petitioner shall demonstrate that they are utilizing the least visually obtrusive location. Location of new Freestanding Cell Towers in any Legacy District location is the least preferred location. Disguised Support Structures shall be required for all locations not listed in the hierarchy of locations (i-iv) above.

- (2) Yards and Setbacks:

- i. A Freestanding Cell Tower and the associated ground equipment shall be permitted in a rear yard.
- ii. A Freestanding Cell Tower and the associated ground equipment must be set back at least ten feet (10') from the principal structure and ten feet (10') from property lines.

(3) Approval for New Freestanding Cell Towers

- i. The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- ii. The Petitioner must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board.
- iii. If located on Village property, the Petitioner must complete a lease agreement with the Village. When a Special Use Permit or Site Plan Approval is required, such agreement must be agreed upon prior to scheduling meetings for the Special Use Permit or Site Plan Approval.
- iv. The Petitioner must obtain a Building Permit from the Community Development Department.

d. Conditions for All TCSF Locations

(1) Maximum Height:

- i. A Freestanding Cell Tower's monopole may extend up to 100' from grade. A lightning rod may extend up to 5' above the top of the monopole.
- ii. Antennas attached to an existing Freestanding Cell Tower shall not project above the top of the monopole.

(2) Color:

- i. A Freestanding Cell Tower, Antennas, and all related equipment and appurtenances shall be a color that blends with the surroundings.
- ii. The use of reflective materials is prohibited.
- iii. Any wiring shall be covered with an appropriate cover or cable shield. No wiring may be visible.

(3) Future Co-Locations: All new Freestanding Cell Towers must allow for a minimum of one (1) Co-Location by other potential users.

(4) Disguised Towers: The Village encourages the use of Disguised Support Structures on Freestanding Cell Towers such as flag poles, monopines, or architectural elements. Such Disguised Support Structures are required as described in Section III.W.4.c.(1).v. of the Zoning Code above.

(5) Screening:

i. The Freestanding Cell Tower shall be architecturally compatible with the surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

ii. All associated ground equipment shall be screened by a masonry shelter or enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity and aesthetic design of the enclosure.

iii. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

5. Regulations for Small Cell Wireless Facilities

a. Small Cell Wireless Facility Locations

(1) Small Cell Wireless Facilities may be installed on existing Utility Poles in the public right-of-way compliance with the Village's Code of Ordinances.

(2) When an existing Utility Pole does not exist in compliance with Section III.W.5.a.(1) of the Zoning Ordinance above, a Small Cell Wireless Facility shall require Special Use Permit approval.

(3) Separation Requirement: Small Cell Wireless Facilities (not exempt from these regulations) shall be attached to a Utility Pole located a minimum of five hundred (500) feet from any other Utility Pole on which a Small Cell Wireless Facility is mounted. A lesser separation may be approved if the Petitioner provides evidence that the lesser separation is necessary to close a significant gap in the Petitioner's services or to otherwise provide adequate services to customers, and the proposed Small Cell Wireless Facility location is the least intrusive means to do so.

b. Conditions

(1) Maximum Number of Antennas: Not more than one (1) Small Cell Wireless Facility shall be located on a single pole or structure.

(2) Surface Area of Antenna:

- i. The Small Cell Wireless Antenna, including Antenna panels, whip Antennas or dish-shaped Antennas, shall not have a surface area of more than six (6) cubic feet.
- ii. No single dimension of the Antenna or associated equipment shall exceed six (6) feet.
- iii. Omnidirectional or whip Antennas shall not extend more than six (6) feet from the pole.

c. Design Standards

- (1) Overall Size: The smallest suitable small cell Antennas, equipment, and facilities available for industry use shall be utilized for all installations.
- (2) Stealth Requirement: The use of stealth technology in the location and construction of Small Cell Wireless Facilities is required. Stealth technology means using the least visually and physically intrusive design and equipment to employ methods that blend into surroundings and not be visible; and to minimize adverse aesthetic and visual impacts on the right-of-way, property, building and/or other facilities adjacent to, surrounding and in generally the same area as the requested location of such Small Cell Wireless Facilities.
- (3) Maximum Height: The top of the highest point of the Antenna shall not extend more than ten (10) feet above the highest point of the existing pole.
- (4) Minimum Height: The bottom of the lowest point of the Antenna shall not be lower than twelve (12) feet above grade.
- (5) Minimum Equipment Height: The operator of a Small Cell Wireless Facility shall, whenever possible, locate the base of the equipment or appurtenances at the highest height possible on the pole, but no lower than nine (9) feet above grade.
- (6) Pole Visual Interference: Small Cell Wireless Facilities shall not interfere with or block any existing signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.
- (7) Extensions: Extensions to poles utilized for the purpose of connecting a Small Cell Wireless Facility shall be fabricated from non-metallic material of a neutral color approved by the Village, and shall have a degree of strength capable of supporting the entire Small Cell Wireless Facility and cabling and capable of withstanding wind forces and ice loads in accordance with the structural integrity standards set forth in Section W.3.h. of the Zoning Code above. An extension shall be securely bound to the Utility Pole perpendicular to the ground in accordance with applicable engineering standards for the design and attachment of such extensions. No extensions fabricated from wood shall be permitted.

- (8) Wires and Cables: Any wiring and cables associated with a Small Cell Wireless Facility must be run through the hollow interior of the pole. If proven to be infeasible to run inside of the pole, all wiring and cables shall be covered with an appropriate cover or cable shield. No exterior wires or cables shall be visible under any circumstance.
- (9) Color:
 - i. A Small Cell Wireless Facility, including the Antenna and all related equipment, extensions, appurtenances and covers, shall be a neutral color that blends with the existing pole and the surroundings of the Utility Pole on which it is mounted.
 - ii. The use of reflective materials is prohibited.
- (10) Antenna Panel Covering: A Small Cell Wireless Facility Antenna shall include a radome, cap, or other Antenna panel covering or shield and shall be of a color that blends with the color of the Utility Pole on which it is mounted.
- (11) Guy Wires: No guy or other support wires shall be used in connection with a Small Cell Wireless Facility unless proposed to be attached to an existing Utility Pole that incorporated guy wires prior to the date that a Petitioner has applied for a permit. No additional guy wires shall be added to a utility pole for the purpose of supporting a Small Cell Wireless Facility. If additional guy wires are required for structural integrity reasons, the Utility Pole shall be required to be replaced to be self-supporting and structurally sound without the use of guy wires.
- (12) Decorative Column and Lantern Light Poles: Locating Small Cell Wireless Facilities on a decorative column, lantern or similar light pole located within the Legacy Code Zoning District for visual and aesthetic enhancement reasons (train stations, public facilities, pedestrian walks or corridors, etc.), shall be discouraged. Alternatives to utilizing these decorative light poles should be used including the installation on private property. When Co-Located on decorative light poles, a Small Cell Wireless Facilities shall keep the existing appearance of the light pole and any extensions shall be disguised in a manner similar to the design and appearance of the pole. Due diligence shall be required to indicate proper structural integrity and non-interference with signage or other Village installations (banners, holiday décor, flowers, etc.) located on a pole.
- (13) Undergrounding: Any mechanical equipment or Antenna equipment associated with a Small Cell Wireless Facility that cannot be located on the pole because of structural reasons or because of other restrictions, such as height and size allowances, shall be concealed underground. When located in a public right-of-way where other utilities are not required to complete the same undergrounding requirements, mechanical equipment shall not be required to be placed underground. If the undergrounding of equipment is not possible, feasible or

required as stated above, as determined by the Community Development Department or Public Works Department, equipment shall be mounted within a concealment box designed as a decorative pole base or within unobtrusive equipment enclosures mounted directly to the pole. Any ground mounted equipment shall not create a safety or tripping hazard, shall ensure any walkways remain in compliance with all state and federal accessibility laws and shall be constructed in compliance with all Village right-of-way ordinances and design standards.

- (14) Screening: Additional landscaping and fencing shall be required to help mitigate the effects of any ground-mounted equipment not feasible to be located underground. This shall include screening all visual appearance of the equipment from roadways and pedestrian facilities. This screening may be used in conjunction with other stealth methods. This may be required by Village staff as part of any permit approval or by the Plan Commission and Village Board as required for any Site Plan, Special Use or Variation requests.
- (15) Burial or Removal of Utility Poles: If a utility pole with a Small Cell Wireless Facility is planned to be buried or removed and is no longer required for a utility or public purpose, then the Small Cell Wireless Facility and all associated equipment shall be removed by the carrier within ninety (90) days of notice from the Village or organization which owns/operates the utility pole. The Small Cell Wireless Facility may apply to be relocated to another nearby site in compliance with this ordinance. No Small Cell Wireless Facilities shall be permitted to be placed on utility poles with active studies, plans or permits to be replaced or buried.
- (16) Illumination: Small Cell Wireless Facilities shall not be artificially illuminated or marked, except as required by law.
- (17) Signage: No signage or advertising shall be visible on any part of the Small Cell Wireless Facility, except as required by law.

d. Approval

- (1) Small Cell Wireless Facilities shall be permitted uses when in compliance with Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above.
- (2) If a Small Cell Wireless Facility is proposed and not in compliance with the location requirements as outlined in Section III.W.5.a (Small Cell Wireless Facility Locations) of the Zoning Ordinance above, the Petitioner shall have an option to request a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use for a Small Cell Wireless Facility request shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid

considerations including physical constraints and economic or technological feasibility, no other appropriate location is available.

- (3) If located within a Village right-of-way, the Petitioner must complete a lease, master pole agreement or similar agreement with the Village prior to approval of the Special Use Permit.
- (4) The Petitioner must obtain a Small Cell Wireless Facility or similar building permit from the Community Development Department.

6. Regulations for Distributed Antenna Systems (DAS)

a. Location

- (1) All Distributed Antenna Systems must be installed on private property.
- (2) Exterior Antennas shall be located upon existing poles or structures.
- (3) Associated exterior equipment shall only be allowed in a rear yard or on the roof of a principal structure and shall not be located within a front yard or side yards.

b. Conditions

- (1) Surface Area of Antennas: Each Antenna within a Distributed Antenna System shall not have a surface area of more than seven (7) square feet. The surface area shall be calculated by measuring all faces of the Antenna visible from the public right-of-way.
- (2) Height:
 - i. The top of the highest point of the Antenna shall not extend beyond the height of the existing structure that the Antenna is mounted upon.
 - ii. Associated equipment located on the roof of a principal structure shall not exceed ten feet (10') in height.
- (3) Color:
 - i. A Distributed Antenna System, including the Antenna and all related equipment and appurtenances, shall be a color that blends with the surroundings of the structure on which it is mounted.
 - ii. The use of reflective materials is prohibited.
 - iii. Any wiring must be covered with an appropriate cover or cable shield.
- (4) Screening:

- i. The Distributed Antenna System shall be architecturally compatible with the proposed building as well as surrounding buildings and land uses or shall be otherwise integrated, through location and design, to blend in with the existing characteristics of the site.
- ii. All associated ground equipment shall be screened by a masonry enclosure at least six feet (6') in height but no taller than eight feet (8') in height. The enclosure shall have a security gate matching the structural integrity of the remainder of the enclosure.
- iii. All associated equipment located on the roof of a principal structure shall be screened from view from all adjacent public right-of-ways.
- iv. Landscaping is required around the ground equipment enclosure in accordance with the recommendation from the Village's Landscape Architect or as required by the Village's Landscape Ordinance, as amended from time to time.

c. Approval

- (1) The Petitioner must obtain Site Plan Approval with review and approval by the Plan Commission.
- (2) The Distributed Antenna System is a permitted use if in compliance with all location requirements set forth in Section III.W.6. of the Zoning Code above. Any Distributed Antenna System not in compliance must obtain a Special Use Permit with review by the Plan Commission and approval by the Village Board. Any Special Use request for a Distributed Antenna System shall comply with the Standards for a Special Use as outlined in the Zoning Code and shall provide proof that a diligent effort has been made to locate the facility in accordance with the requirements and that due to valid considerations including physical constraints and economic or technological feasibility, no other appropriate option is available.
- (3) The Petitioner must obtain a Building Permit from the Community Development Department.

X. HOME OCCUPATIONS

Home occupations shall be subordinate to the principal use of a building as a residential dwelling, and shall conform to the following provisions:

1. The primary use of the building shall be as a residential dwelling unit occupied day and night by the person(s) owning/operating the home occupation;
2. The home occupation shall not employ any other person who is not a member of the family occupying the residential dwelling unit;

3. On-site signs advertising the home occupation shall be prohibited;
4. The home occupation shall not take place in any portion of any attached or detached garage or accessory structure;
5. The home occupation shall not occupy more than twenty (20) percent of the gross floor area of the dwelling unit (excluding any garage or accessory structure). Any area of the dwelling unit (excluding any garage or accessory structure) used for the storage of materials or goods used in conjunction with the home occupation shall be included in the calculation of floor area of the home occupation;
6. The sale of goods or services from the dwelling unit shall be prohibited except by electronic means;
7. The home occupation shall not result in the dwelling unit being visited by customers or clients, except by way of authorization as a Special Use by the Village Board, as well as the issuance of a Village Business License;
8. The outdoor storage of goods or materials used in conjunction with the home occupation is prohibited; and
9. The use or storage of hazardous materials in conjunction with the home occupation shall be prohibited.