

**VILLAGE OF HUNTLEY  
CHAPTER 156: ZONING ORDINANCE**



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**ARTICLE I**  
**TITLE AND PURPOSE**

**§ 156.001      TITLE**

This document shall be known, and may be referred to as the Village of Huntley Zoning Ordinance.

**§ 156.002      PURPOSES**

This Ordinance is adopted for the purpose of improving and protecting the public health, safety, and welfare. To this end the Ordinance seeks:

- (A) To further the implementation of the adopted Official Comprehensive Plan for the Village of Huntley, as amended.
- (B) To zone all land in the Village with a view to conserving property values and encouraging the most appropriate use of land throughout the Village.
- (C) To prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration.
- (D) To facilitate provision of adequate public services and facilities such as transportation, water, sewerage and parks.
- (E) To provide for adequate drainage, control of erosion, reduction of flood damage, and destruction of sensitive or valuable environmental resources.
- (F) To foster a desirable pattern of relationships among residential, commercial, industrial, and other uses for the mutual benefit of all types of development.
- (G) To isolate and control the location of unavoidable nuisance-producing uses.
- (H) To establish reasonable standards to which buildings, structures, and other uses of land shall conform
- (I) To prevent new construction or alteration or expansion of existing construction that does not comply with the restrictions herein
- (J) To prescribe penalties for any violation of the provisions hereof.
- (K) To protect the physical and mental health of the public by reducing or abating objectionable smoke, noise or other objectionable materials or influences wherever possible.
- (L) To establish setback lines along streets, traffic ways, drives, parkways and storm and flood water runoff channels or basins, and property lines and to regulate the location of structures relative to such lines.
- (M) To protect the character and maintain the stability of the existing residential, commercial, office and manufacturing areas in the Village from the encroachment of incompatible uses.
- (N) To encourage and enhance the preservation of natural resources, aesthetic amenities and natural features.
- (O) To protect existing public facilities and utilities from being overloaded due to excess development.
- (P) To protect and enhance a pattern of interconnected streets and highways that is unified, integrated, safe, effective and efficient.

- (Q) To regulate uses along regional arterial streets and highways to protect their through-traffic function and capacity.
- (R) To protect residential streets from degradation by non-residential traffic.
- (S) To reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity.
- (T) To establish procedures and standards for the efficient and effective use of the provisions of this Ordinance.

**ARTICLE II  
INTERPRETATION AND DEFINITIONS**

**§ 156.010 WORD USAGE**

For the purpose of this Ordinance, certain terms are defined as indicated in this section. These definitions and all other provisions of this Ordinance are subject to the following rules of interpretation:

- (A) The present tense includes the past and future tenses and the future tense the present.
- (B) The singular number includes the plural number and vice-versa.
- (C) The word "shall" is mandatory; the word "may" is permissive.
- (D) The masculine gender includes the feminine and neuter.
- (E) All measured quantities shall be to the nearest integral unit of measure, and if a fraction is one-half or greater, the next highest integral unit shall be used.
- (F) Any term not herein defined shall be as defined elsewhere in the Village Code or, if not defined elsewhere in the Code, as defined in Webster's New International Dictionary, most recent edition.
- (G) Time. The time within which any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.
- (H) Person. The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.
- (I) Used For. The phrase "used for" shall include intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.
- (J) Captions, Illustrations and Tables. In case of any difference of meaning or implication between the text of this Code and any caption, illustration or table, the text shall control.
- (K) Village. The word "Village" means the Village of Huntley, Illinois.
- (L) County. The word "County" means McHenry County, Illinois, or Kane County, Illinois, where applicable.
- (M) Article, Section and Paragraph Headings. This Code is divided into articles, sections, subsections, paragraphs, and subparagraphs that shall be numbered according to the following format:

156.002 (B) (2) (c) i. a. and that format shall be referred to in accordance with the following example:

XI	Article
156.002	Section
156.002 (B)	Paragraph
156.002 (B) (2)	Subparagraph
156.002 (B) (2) (c)	Subparagraph
156.002 (B) (2) (c) i.	Subparagraph

**§ 156.011 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural, the singular; and the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory; and the words zone, district, or zoning district may be used interchangeably.

**ABUTS:** Having a common property line or district line.



**ACCESSORY BUILDING AND STRUCTURE:** A subordinate building the use of which is incidental to that of the principal building, and which is located on the same lot as the principal building. Where a substantial part of the wall of an accessory building is part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building and shall conform to all regulations applicable thereto. A wood deck or platform, open to the sky, even when attached to the main building is defined as an accessory structure.

**ACCESSORY USE:** A use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary, incidental and subordinate to the conduct of the principal use when permitted by district regulations.

**ADDITION OR EXPANSION:** Any of the following: (1) any increase in the floor area of a building; (2) a modification to the roof line of a building, such as by the construction of dormer, so as to increase the amount of existing floor space which may be devoted to human use or occupancy; (3) the demolition and reconstruction of a building or structure, or part thereof, which is not accompanied by a change in the use of the lot; (4) the construction or expansion of an off-street parking area beyond the number of spaces required under this Chapter, but not any expansion or construction up to the required number of parking spaces; or (5) the intensification of use of a property as indicated by an increase in traffic generation or an expansion in the hours of operation. For special uses, addition or expansion shall be determined by reference to the date the special use was approved by the Village or the date of the zoning ordinance or amendment thereto which first reclassified an existing use as a special use.

**ADJACENT:** To lie near or close to; in the neighborhood or vicinity of.

**AGENT:** A person authorized to act for another person.

**AGRICULTURE:** The tilling of the soil, the growing of crops or plant growth of any kind including forestry, the maintenance of non-retail greenhouses and nurseries; the raising of livestock, poultry and customary farm animals for the purpose of farming; provided, that such activity is incidental to and subordinate to the tilling of the soil; and incidental structures for carrying out the above.

**ALLEY:** A public or private right-of-way not constituting a street used primarily for secondary vehicular access to property abutting on a street.

**ALTERATION:** Any change in the size, shape, character, occupancy, or use of a structure. For a sign, alteration shall mean any change in the size, shape, character, content, use, or location of a sign.

**ANTENNA HEIGHT:** The height of an antenna measured from the ground level at the lowest grade level within three feet of any part of the antenna.

**APARTMENT HOTEL:** A property offering guests a complete self-contained sole occupancy unit consisting of bedrooms, a living room, a kitchen with full cooking facilities and dining area. Usually

requires a hotel license to operate as such. Serviced apartments which are let on a daily basis function like apartment hotel.

**ARBOR:** A shelter of latticework covered with climbing shrubs or vines

**ANTIQUÉ SALES:** Antique Sales engage exclusively in the business of selling, bartering, or exchanging items which are by their style, design, or use commonly considered to be of another era or age, and not simply because the same is not a new product, including but not limited to works of art, pieces of furniture, decorative objects, clocks, lamps, clothing, rugs, toys, and the like. This definition excludes firearms, and vehicles and vehicle parts, both restorable and in working condition. This definition further excludes "pawn shops" and "secondhand store." A store that primarily sells books is included under "bookstore."

**AREA, GROSS:** The total land area included in a parcel that is the subject to an application filed pursuant to this Ordinance, excluding only property located in public rights-of-way or private easements of access or egress at the time of application.

**AREA, NET:** The gross area of a parcel less land required or proposed to be publicly dedicated or land to be devoted to private easements of access or egress. Land not so publicly dedicated or devoted shall be included in the calculation of net area.

**ASSISTED LIVING ESTABLISHMENT:** "Assisted Living Establishment" or "Assisted Living Facility" means a home, building, residence, or any other place where sleeping accommodations are provided for at least 3 unrelated adults, at least 80% of whom are 55 years of age or older and where the following are provided consistent with the purposes of this Act:

- (a) services consistent with a social model that is based on the premise that the resident's unit in assisted living and shared housing is his or her own home;
- (b) community-based residential care for persons who need assistance with activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident;
- (c) mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative; and
- (d) a physical environment that is a homelike setting that includes the following and such other elements as established by the Department in conjunction with the Assisted Living and Shared Housing Advisory Board: individual living units each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room readily accessible to each resident. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit. Sufficient common space shall exist to permit individual and group activities.

"Assisted Living Establishment" or "Establishment" does not mean any of the following:

- (a) A home, institution, or similar place operated by the federal government or the State of Illinois.
- (b) A long term care facility licensed under the Nursing Home Care Act. However, a long term care facility may convert distinct parts of the facility to assisted living. If the long term care facility elects to do so, the facility shall retain the Certificate of Need for its nursing and sheltered care beds that were converted.
- (c) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness and that is required to be licensed under the Hospital Licensing Act.
- (d) A facility for child care as defined in the Child Care Act of 1969.
- (e) A community living facility as defined in the Community Living Facilities Licensing Act.
- (f) A nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer in accordance with the creed or tenants of a well-recognized church or religious denomination.

- 
- (g) A facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act.
  - (h) A supportive residence licensed under the Supportive Residences Licensing Act.
  
  - (i) A life care facility as defined in the Life Care Facilities Act; a life care facility may apply under this Act to convert sections of the community to assisted living.
  - (j) A free-standing hospice facility licensed under the Hospice Program Licensing Act.
  - (k) A shared housing establishment.
  - (l) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

**ATTIC:** A space beneath the roof and above rooms in a dwelling or building used for storage not for habitation.

**AUCTION HOUSE:** An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or for sale property or property belonging to the personal property owner.

**AUTOMATIC BANKING FACILITY:** An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**AUTOMOBILE REPAIR, MAJOR:** Rebuilding, replacement or reconditioning of engines, or transmissions for motor vehicles; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; automotive glass and upholstery; those uses listed under 'Automobile Repair, Minor' and other similar uses. All repair work shall be performed inside a structure. Outside storage of vehicles, awaiting or following repair or service shall not be stored on site for longer than five (5) days.

**AUTOMOBILE REPAIR, MINOR:** Replacement of parts, tires, tubes, and batteries; diagnostic services, minor motor services such as grease, oil, spark plug, and filter parts, mufflers, automobile washing steam cleaning, and polishing; servicing of air-conditioning systems and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under 'Automobile Repair, Major' or any other similar use. All repair work must be performed inside a structure and vehicles shall not be stored outside on-site for longer than 24 hours.

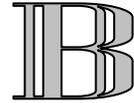
**AUTOMOBILE SERVICE STATION:** A facility or premises used for retail sale of fuels or oils for automobiles, trucks, or boats having pumps and storage tanks, which may include retail sale of tires, batteries, and similar accessories and/or the making of repairs to motor vehicles excluding major vehicle repairs as defined herein.

**AWNING:** A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

**AWNING, FIXED:** An awning constructed with a rigid frame that cannot be retracted, folded or collapsed.

**AWNING SIGN:** See *Article XIII* - Sign Ordinance.

**BALCONY:** A platform that projects from the wall of a building and is surrounded by a railing or balustrade and does not accommodate a means of ingress and/or egress to and from the structure.



**BASEMENT:** A story partially or wholly underground, where more than one-half of its height is above the average ground elevation, a basement shall be counted as a story for purposes of height measurement.

**BED AND BREAKFAST:** An owner-occupied single-family dwelling where short-term lodging and morning meals are provided for compensation.

**BERM:** An earthen mound that acts as a visual barrier and landscaping element.

**BLOCK:** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, shorelines of meandering lakes, the centerlines of other lakes and streams or a corporate line of the village.

**BOARDING HOUSE:** a private house that provides accommodations and meals for paying guests

**BUFFERING:** Any means of protecting a parcel from the visual or auditory effects of an adjacent use. Buffering may include, but is not limited to: berming, fencing, landscaping, setbacks, and open spaces.

**BUILDABLE AREA:** The space remaining on a zoning lot after the minimum yard requirements of this chapter have been complied with.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property. References to “building” shall in all cases be deemed to refer to both buildings and structures.

**BUILDING, COVERAGE:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**BUILDING HEIGHT:** The vertical distance measured from grade to the highest point of the roof for flat roofs, or to the deck line for mansard roofs, or to the mean height between eaves and ridge for gable, hip and gambrel roofs, or to the highest point of a structure without a roof. When a parapet wall, a penthouse, or any similar structure is located on the roof of a building, height shall be measured to the highest point of said structure if any part of it extends above the height as measured pursuant to the first sentence of this definition. Notwithstanding the foregoing, mechanical equipment and any wall or similar structure designed exclusively for the purpose of screening such mechanical equipment from view shall not be considered in determining the height of a building. Chimneys shall not be considered in determining the height of a building. [See PLATE 1]

**BUILDING LINE:** A line or lines including the building setback line on the horizontal surface of a lot, parallel or nearly parallel to the front, side, and rear lot lines, and located at a distance prescribed by the yard regulations of this chapter beyond which no portion of a building may extend except as provided by this chapter. Where established buildings on platted lots in a block, or 400 feet on either side, have an average front yard setback greater than that required in the Zoning District, the front yard setback requirement shall be the mean average setback of the existing buildings.

**BULK:** The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls; (c) floor area ratio; (d) open space allocated to buildings; and (e) lot area and lot width.

**CAMPER TRAILER:** A folding or collapsible vehicular structure without its own motive power, designed as a temporary living quarters for travel, camping, recreation and vacation use, and is required to be licensed or registered and insured for highway use.



**CANOPY:** A permanently roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**CHILD CARE, CENTER:** A building or facility, other than the operator's primary place of residence, where children receive child care from a provider: (1) while unattended by a parent or legal guardian or custodian; (2) for compensation; and (3) for more than four (4) hours but less than 24 hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays. The child care provider must hold a valid license from the State of Illinois.

**CHILD CARE, HOME-BASED:** A residential structure which is the primary residence of the child care provider, in which at least seven (7) but not more than twelve (12) minor children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from the provider: (1) unattended by a parent or legal guardian or custodian; (2) for compensation; and (3) for more than four (4) hours but less than 24 hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays. The child care provider must hold a valid license from the State of Illinois.

**CLINIC:** A place for the care, diagnosis, and treatment by doctors of various specialties of persons needing medical, dental, or surgical attention but where in-patient care is not provided.

**CLUB OR LODGE, PRIVATE:** A non-profit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.

**COMMERCIAL OUTDOOR RECREATION:** Public or private swimming pools, tennis courts, ball fields, ball courts, and similar facilities that are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Commercial Outdoor Recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses that are designed and intended primarily for the use of patrons of the principal recreational use. "Commercial Outdoor Recreation" shall not include skateboarding courses, water slides, mechanical rides, go-cart or motorcycle courses, raceways, dragstrips, stadiums, marinas, overnight camping, or gun-firing ranges, or any use that is otherwise listed specifically in a zoning district as a permitted or special use.

**COMMUNITY or RECREATION CENTER FOR RESIDENTS.** An indoor facility used for and providing social, cultural, and/or recreation programs designed to serve an identified group of residents of a hospital, nursing home, specialized hospital facility or similar facility.

**COMPREHENSIVE PLAN, OFFICIAL:** The officially adopted plan for the physical development, conservation, redevelopment and use of the land in the Village.

**CONDOMINIUM:** A form of ownership which permits individuals to own a portion of a building and common areas either in fee simple or jointly. An elected board of the owners manages the condominium association.

**CONFERENCE CENTER:** A facility designed for use by the Owner and/or third parties (including governmental agencies) for meetings, conferences, ceremonies and social events.

**CONGREGATE HOUSING FACILITY FOR THE ELDERLY AND/OR PERSONS WITH DISABILITIES:** A building or use housing more than one family, with or without separate dwelling units for each family, the occupancy of which is limited to persons who are sixty-two (62) years of age or more (or, if two or more persons occupy a unit, at least one shall be sixty-two (62) years of age or more) and/or have a disability, and/or have an annual income below the maximum established by resolution of the Board of Trustees in accordance with State and Federal regulations governing assisted housing, and which provides coordinated social and support services to residents (such as meals, housekeeping, laundry, recreation, education, and transportation). For the purposes of this definition, the term "persons with disabilities" shall include a person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of having such an impairment, or (3) is regarded as having such an impairment. For the purposes of this definition, the term "persons with disabilities" shall include any persons who has a physical and/or mental impairment qualifying that person for assistance under the Federal regulations governing the housing assistance program in which the housing facility is participating, such as the Section 202 program administered by the U.S. Department of Housing and Urban Development. However, "persons with disabilities" shall not include any person involved in the current illegal use of or addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Sec. 902)), nor shall it include any person whose residency in the facility would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. The term "congregate housing facility for the elderly and/or persons with disabilities" shall not include an alcoholism or drug treatment center, a work-release facility for convicts or ex-convicts, or any other housing facility serving as an alternative to incarceration.

**CORPORATION:** A body of persons authorized by law to act together as a single person, and, for the purpose of this ordinance, includes any association, joint stock company, syndicate or partnership.

**CORNER LOT:** See LOT, CORNER.

**CORNER LOT, REVERSED:** See LOT, REVERSED CORNER.

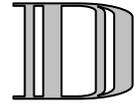
**COUNTRY CLUB:** A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, for example, golf, tennis, and the like.

**COVERAGE, LOT:** See LOT, COVERAGE.

**CURB LEVEL:** The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the center line of the street pavement shall be the "curb level".

**CURRENCY EXCHANGE:** A commercial use that exchanges common currencies, sells money orders, or cashier's checks and cashes checks as its principal business activity. "Currency Exchange" shall not include a "Financial Institution."

**DAY CARE CENTER, ADULT:** A facility which provides personal care, supervision, protection, and programs to meet the needs of the adults serviced who desire or need shelter and care during a portion of a 24-hour period.



**DAY SPA:** An establishment offering a variety of personal health and beauty related services, including weight reduction and hair styling, but expressly excluding any adult regulated uses.

**DECK:** A structure without a roof, directly adjacent to a principal building, which has an average elevation of 30 inches or greater from finished grade.

**DENSITY, GROSS:** The total number of dwelling units divided by the gross area of the development.

**DENSITY, NET:** The total number of dwelling units divided by the net area of the development

**DEVELOPMENT:** Any man-made change, other than maintenance of existing structures, paved areas or utilities, to improved or unimproved real estate, including, without limitation, the construction or installation of new, or enlargement of existing structures, streets or utilities; dredging, filling, drilling, mining, grading, paving or excavating operations; and open storage of materials or vehicles.

**DEVELOPMENT AGREEMENT** - A written agreement recorded against the property entered into between the Corporate Authorities of the Village and the legal owner of the property subject to the Development Agreement and its lender evidencing the terms and conditions pertaining to the development of the property. A Development Agreement may be required in connection with land zoned in either a planned development district, developed as a planned unit development, or as a special use. A Development Agreement, if required, shall govern such land development matters inter alia as: Architecture; Landscaping; Lighting; Parking including land banking of required parking; Covenants governing the dedication and long term maintenance of open space; Timing and Sequence on the Installation of Public Improvements and Infrastructure; Permitted Uses; Accessory Uses, Structures and Obstructions; Bulk Requirements; Impact Fees, Dedications and Contributions; Fences; Regulations over certain Business; Storage Areas; Maintenance of Unimproved Sites and Condition of Unimproved Lots; and other matters pertaining to the use and development of the land including all conditions approved by the Corporate Authorities.

**DISCONTINUANCE:** The cessation or termination of a use or activity for a period of three months or 90 days shall be considered a discontinuance of the use of activity under the non-conforming use regulations of this chapter. The continuance of public utilities; water, gas, electricity or telephone, shall not automatically be considered a continuance of the use or activity.

**DISTRICT:** A division of the geographic area of the village, as shown on the zoning map within the character and intensity of land use is regulated by the terms of this chapter. The terms "district", "use district", and "zone" are synonymous.

**DOG RUN:** An outdoor area enclosed on all sides by a fence, or by a fence and a principal or accessory structure for the exclusive purpose of continuous or occasional confinement of one or more domestic animals.

**DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENTS:** See FOOD SERVICES.

**DRY CLEANING PLANT:** An industrial dry cleaning establishment which receives dry cleaning to be processed from other retail establishments located elsewhere.

**DWELLING:** A building or portion thereof designed or used as a residence, excluding boarding or lodging houses, nursing homes, motels, hotels, tourist homes, cabins, tents, or recreational vehicles.

**DWELLING, DUPLEX:** A building containing two single family dwelling units totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor assembly extending from exterior wall to exterior wall.

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**DWELLING, MULTIPLE-FAMILY:** A building, other than a townhouse, containing three (3) or more dwelling units.

**DWELLING, SINGLE-FAMILY:** A building consisting of a single dwelling unit.

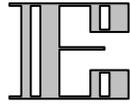
**DWELLING, SINGLE-FAMILY DETACHED:** A single-family dwelling separated from other dwelling units by open space.

**DWELLING, TOWNHOUSE:** A dwelling composed of a row of two (2) or more, but not more than six (6) adjoining dwelling units, each situated on a separate subdivision lot and that has an individual private ground-level entrance or being a separate condominium unit capable of individual sale and each of which is separated from the others by one or more unpierced walls extending from ground to roof.

**DWELLING UNIT:** One (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each "dwelling unit."

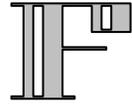
**DWELLING, ZERO LOT LINE:** Placement of a dwelling unit so one wall on the property line.

**EASEMENT:** A grant by a property owner for the use of a portion of said owner's property by another person or other legal entity or the general public for a specified purpose or purposes.



**EROSION:** The group of natural processes including weathering, dissolution, abrasion and corrosion by which earthy or rock materials are removed from any part of the earth's surface.

**FAMILY:** One or more persons (excluding servants) related by blood, marriage or adoption, or a group of not more than eight unrelated children (unless all the children are of common parentage) received for care by a state-authorized agency, living together and maintaining a common household, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including communes, sororities, fraternities, private clubs or other similar organizations.



**FENCE:** A structure not part of a building forming a physical barrier.

**FENCE HEIGHT:** The height of a fence, hedge, or wall measured from the ground level at the lowest grade level within three feet of either side thereof.

**FINANCIAL INSTITUTION:** A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines (ATM's), credit unions, savings and loan institutions, and mortgage companies. "Financial institution" shall not include any use or other type of institution that is otherwise listed specifically in a zoning district as a permitted or special use.

**FLICKER or SHADOW FLICKER:** The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point.

**FLOOR AREA:** A measure of floor area, as defined herein, used for purposes of calculating floor area ratio, conversions of existing structures, and maximum size of business establishments. Floor area excludes only:

- (a) Areas devoted to off-street parking or off-street loading, including aisles, ramps, and maneuvering space
- (b) Attic or half-story space having headroom of seven (7) feet nine (9) inches or less
- (c) Exterior balconies
- (d) Space on the roof used for mechanical equipment.

**FLOOR AREA RATIO:** The total floor area, as defined herein, of all buildings on a lot divided by the net area of the lot. [See PLATE 3]

**FOOD SERVICES:**

- (a) **CAFETERIA:** A primary or secondary use within a business establishment in which food and drink are served for consumption inside the building only. Patrons select from a visible array of prepared items with selections varying from day to day.
- (b) **CARRY-OUT FOOD SERVICE:** Food is prepared for consumption off-premises and no Drive-in or Drive-Through component is included.
- (c) **DRIVE-IN OR DRIVE-THROUGH ESTABLISHMENTS:** An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on or off the premises or to be entertained while remaining in a motor vehicle.
- (d) **RESTAURANT:** Any public place kept, used, and maintained, advertised and held out to the public as a place where meals are regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

**FURNITURE SALES, USED:** A retail store that buys or accepts donations and sells previously used furniture that is in good repair or has been restored or reconditioned to a clean and usable condition.

**GARAGE, BUS OR TRUCK:** A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding three-quarter ton capacity.



**GARAGE, COMMERCIAL OR PUBLIC:** A building other than a private garage used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire, or sale within the structure, but not including trucks, tractors, truck trailers, and commercial vehicles exceeding one and one-half ton capacity.

**GARAGE, PRIVATE:** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the premises.

**GARAGE/YARD SALE:** A private sale of personal property used to dispose of personal household possessions. Not for the use of any commercial ventures.

**GASOLINE SERVICE STATION/GASOLINE STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail. A gasoline service station/gasoline station is not a truck stop and no over the road trucks shall be allowed to stop and park overnight or for any other period in which the operator of the truck takes mandatory down time or sleeps to enable the driver to return to service. May include a convenience center/mini-mart and/or car wash.

**GENERAL RENTAL CENTERS:** This industry comprises establishments primarily engaged in renting a range of consumer, commercial, and industrial equipment. Establishments in this industry typically operate from conveniently located facilities where they maintain inventories of goods and equipment that they rent for short periods of time. The type of equipment that establishments in this industry provide often includes, but is not limited to: audio visual equipment, contractors' and builders' tools and equipment, home repair tools, lawn and garden equipment, moving equipment and supplies, and party and banquet equipment and supplies. Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing establishments primarily engaged in renting or leasing, without drivers, one or more of the following: trucks, truck tractors, buses, semi-trailers, utility trailers, or RVs (recreational vehicles) also falls under this definition.

**GLARE.** The effect of site lighting or individual lighting fixtures producing brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

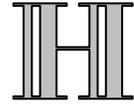
**GOLF COURSE:** A nine hole or 18 hole course for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges which are not an accessory to a golf course.

**GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of a building more than five feet from a street line. For buildings closer than five feet to a street line, the grade is the sidewalk elevation at the center of the building. Where there is no sidewalk, the grade shall be established by the Village Engineer.

**GROUND-FLOOR AREA:** The lot area covered by a building measured from the exterior faces of exterior walls but excluding open porches, patios, or terraces, garages, or carports.

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**HEALTH CLUB:** A privately owned building or enclosed structure containing recreational facilities, such as athletic or physical conditioning equipment, racquet courts, and or a swimming pool, which is operated on a private membership basis and restricted to use by members and their guests.



**HELIPORT.** Heliport shall include helipads and helistops and shall mean an area on land or upon a structure set aside and used for the landing and takeoff of rotary wing aircraft, including hangar and refueling facilities.

**HEDGE:** Planted vegetation, including trees, shrubs, or other natural vegetation, that is planted in close proximity or clustered together and that has a surface area that obstructs the view.

**HEIGHT:** See BUILDING HEIGHT.

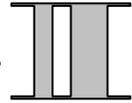
**HOME-BASED BUSINESS:** Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of that structure as a dwelling unit. (See §156.080.)

**HOSPICE:** A facility which provides care for terminally ill patients.

**HOSPITAL:** An institutional facility, public or private, for profit, or not, providing acute care and overnight accommodations of short or longer duration for persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions; a "general" hospital treats a wide variety of such conditions and may also include outpatient facilities, administrative office, physicians offices, laboratories, training facilities and other uses accessory to that principal use; a "specialized" hospital treats one or a few such conditions and may also include uses accessory to the principal use.

**HOTEL:** A building containing lodging rooms, a common entrance lobby, halls and stairways; and where each lodging room does not have a doorway opening directly to the outdoors except for emergencies; and where more than fifty (50) percent of the lodging rooms are for rent to transient guests for a continuous period of less than thirty (30) days.

**IMMEDIATE or LONG-TERM CARE FACILITY:** A facility which is equipped to provide medical care and programs to meet the needs of persons who are disabled, infirmed, or of advanced age, in a residential setting, for as long as necessary.



**IMPERVIOUS COVERAGE:** The area covered by any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

**IMPROVEMENT:** A desirable change or addition to any of the topographical features of land, or appurtenances thereto including, but not limited to, construction of buildings, or drainage, sewerage, or water distribution systems, or pavements, parking areas, sidewalks, lighting systems, signs, trees, grading, or related appurtenances.

**INCIDENTAL DISPLAY:** See OUTDOOR DISPLAY AND SALES.

**INDEPENDENT LIVING FACILITY:** A facility which is designed as individual living units with kitchens for self-sufficient elderly persons, but contains no provisions for medical services or medical facilities.

**INDOOR AMUSEMENT:** This use includes, but is not limited to, commercial or nonprofit indoor health and exercise clubs, skating rinks, bowling alleys, indoor sports clubs, golf domes, and indoor establishments where pool or billiards, foosball, table tennis, shuffleboard, pinball machines, video games or any other games of recreation or amusement are provided for public patronage, where the insertion of a coin, slug, or token or the payment of a fee is required, and where five (5) or more such tables or game machines are present. “Indoor Amusement” shall include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. “Indoor Amusement” shall not include “Indoor Recreation,” as defined herein.

**INDOOR RECREATION:** This use includes, but is not limited to, indoor recreation facilities, community centers, gymnasiums, indoor tennis or other racquet courts, indoor sports arenas, auditoriums, indoor swimming pools, or similar uses which are enclosed in buildings and are open to all community residents or those living within certain developments or neighborhoods. “Indoor Recreation” shall include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. “Indoor Recreation” specifically excludes commercial and non-profit indoor facilities that are included as “Indoor Amusement,” as defined herein.

**INSTITUTION, EDUCATIONAL:** A public or private school, college, university, seminary, museum, library, or similar educational or cultural establishment.

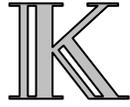
**INSTITUTION, RELIGIOUS:** A church, synagogue, temple, convent, monastery, or other premises devoted to religious or church-connected activities.

**INSTITUTION, RECREATIONAL:** A public or private facility for group recreational or social activity, including private clubs, lodges, recreation buildings, and community centers.

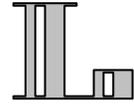
(J) Reserved for future use.



**KENNELS:** Any premises or portion thereof on which more than three dogs, cats, or other household domestic animals over one year old are kept, or on which more than two such animals are maintained, boarded, bred, or cared for in return for remuneration or kept for the purpose of sale shall qualify as a kennel and shall comply with all zoning requirements regulating business districts. Kennels may include outdoor animal runs. Household domestic animals do not include farm animals or exotic species.



**LABORATORY:** A facility equipped for testing, analysis, scientific experimentation, or observation of medical or biological nature.



**LAND TRUST:** An express agreement whereby the legal and equitable title to real estate is held by a trustee for the benefit of beneficiaries who have the exclusive right to manage and control said real estate.

**LAUNDRY, COMMERCIAL:** Dry cleaning or laundry establishment, other than laundry retail where the cleaning process is done on the premises by the operator of the establishment, except dry cleaning plants as defined herein.

**LAUNDRY, RETAIL:** Dry cleaning or laundry establishments where the cleaning process is self-service or is done on the premises by the operator in equipment units of thirty pounds or less capacity or is received for processing off the premises.

**LEARNING INSTITUTE/EDUCATIONAL CENTER:** A facility which is designed for providing educational and/or leadership development, for use by the Owner and/or third parties (including governmental agencies).

**LIGHT MANUFACTURING.** Land and buildings used in the manufacture, predominantly from previously prepared materials, of finished products or parts conducted wholly within enclosed buildings involving fabrication, processing, assembly, disassembly, repairing, cleaning, servicing, treatment, testing, packaging and incidental storage of materials used in conjunction with such activities and incidental storage and distribution of such products and goods manufactured on the premises or at a satellite establishment located within the Village in close proximity to the facility.

**LINE, STREET:** The dividing line between a lot, tract, or parcel of land and the right-of-way of a contiguous street.

**LOADING SPACE:** An open, easily accessible hard-surfaced area of land, other than a street or public way, and providing space for the standing, loading and unloading of motor trucks, tractors and trailers to avoid undue interference with the public use of streets, alleys and sidewalks.

**LOGISTICS, FREIGHT, AND TRUCKING OPERATIONS:** A business engaged in long-distance general freight trucking that provides movement of freight from origin to destination. Such operations may include areas for the minor maintenance of trucks associated with the business and private parking areas for trucks and trailers. All repair work must be performed inside a structure.

**LOT:** A parcel of land under unified ownership or control (whether legally so described or subdivided as one or more lots or parts of lots) located within a single block, occupied by or intended for occupancy by one principal building or principal use, and having its principal frontage upon a dedicated public street.

**LOT AREA:** The area of a lot within its front, rear, and side lot lines.

**LOT AREA, GROSS:** The total land and water area included in a parcel that is the subject of an application filed pursuant to this Code, excluding only property located in the public rights-of-way or private easements of access or egress at the time of application.

**LOT AREA, NET:** The gross area of a parcel less land and water areas required or proposed to be publicly dedicated or land to be devoted to private easements of access or egress. Both land and water areas not so publicly dedicated or devoted shall be included in the calculation of net area.

**LOT, CORNER:** A lot located at the intersection of two or more streets, or a lot located at the point where the alignment of a single street curves or changes; provided that an interior angle of not more than one hundred and thirty-five (135) degrees is created by the right-of-way lines of the abutting street or streets or, in the case of a curving right-of-way, by straight lines projected tangent to the curve from the points of intersection between the curve and the lot lines.

**LOT, COVERAGE:** A measure of intensity of land use, expressed as a percentage, representing the portion of a site that is impervious (i.e., does not absorb water). This portion includes but is not limited to all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt.

**LOT LINE:** A property boundary line of any lot held in single or separate ownership, except that where any portion of a lot extends into an abutting street or alley the lot line shall be deemed to be established at the existing street or alley line.

**LOT LINE, CORNER:** Any street line of a corner lot other than its front lot line.

**LOT LINE, FRONT:** The front property line of a zoning lot. Where a lot contains an easement for street purposes across the front of a lot, the edge of the easement shall be considered the front lot line. In the case of a Corner Lot the narrowest street frontage shall be considered the front lot line, except when abutting Route 47, the lot line abutting Route 47 shall be considered the front lot line.

**LOT LINE, REAR:** That lot line which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot line other than a front, corner or rear lot line.

**LOT, NONCONFORMING:** A building lot lawfully existing at the time of enactment of this Ordinance or any amendment thereto but which does not conform to all the requirements of the zoning district in which it is situated.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which was recorded in the office of the County Recorder of Deeds, or a parcel of land the deed to which was recorded in the office of said Recorder, prior to the adoption of this Ordinance.

**LOT OF RECORD, NONCONFORMING:** A lot of record that does not comply with the lot requirements for any use permitted in the district in which it is located.

**LOT OF RECORD,**

**LEGAL NONCONFORMING:** A tract of land, designated on a duly recorded subdivision plat, or by a duly recorded deed which indicates the establishment of the parcel prior to the adoption of the Village Subdivision Ordinance, or by other lawful means, which has less than the minimum lot area or width or other dimension prescribed for the particular zone in which it is located and which met the lot area, width and other dimensions for the zone in which it was located at the time of such recording, but was made non-conforming by a subsequent amendment to this chapter.

**LOT, DEPTH:** The horizontal distance between the front and rear lot lines exclusive of all rights-of-way and easements for street purposes, measured in the mean direction of the side lot lines. [See PLATE 4]

**LOT, FRONTAGE:** The front of a lot shall be that boundary of a lot along a public or private street. For a corner lot the front shall be the narrowest side edge of the lot fronting on a street provided that the owner may orient his building toward either street.

**LOT, INTERIOR:** A lot other than a corner lot, through lot or reversed corner lot. [See PLATE 2]

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**LOT, REVERSED CORNER:** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not. [See PLATE 2]

**LOT, THROUGH:** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. [See PLATE 2]

**LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line. [See PLATE 4]

**LOT, ZONING:** A tract of land consisting of one or more lots of record, or parts thereof, under single fee simple title ownership or control, located entirely within a block and occupied by, or designated by its owner or developer at the time of filing for any zoning approval or building permit as a tract to be developed for, a principal building and its accessory buildings, or a principal use, together with such open spaces and yards as are designed and arranged, or required under this Ordinance, to be used with such building or use.

Notwithstanding the foregoing, sale of individual lots of record underlying individual dwelling units in a townhouse or two family dwelling detached or three family detached dwelling, following issuance of a Certificate of Occupancy for such dwelling, shall not prevent treatment of the tract of land underlying such dwelling as a zoning lot and all applicable bulk, space and yard requirements shall be applied with respect to such dwelling and such zoning lot rather than with respect to individually owned dwelling units and lots of record.

**MASONRY:** solid units manufactured from clay, shale or similar naturally occurring earth substances that are bonded together with mortar.



**MEDICAL CANNABIS CULTIVATION CENTER:** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide registered medical cannabis dispensing organizations with usable medical cannabis.

**MEDICAL CANNABIS DISPENSARY:** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered medical cannabis cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

**MEDICAL OFFICE:** A facility used for offices of one or more physicians, dentists, clinical psychologists, nurse-practitioners, physical therapists, and similar medical or chiropractic professionals, licensed by the State of Illinois, for the examination and treatment of patients, in which one or more medical professional may be associated together or practicing individually of each other. Medical offices may include apothecaries, dental and medical laboratories, x-ray and other facilities, but do not include inpatient facilities devoted primarily to major surgical procedures or accommodations for the overnight stay of patients.

**MICROBREWERY/WINERY:** A microbrewery/winery is principally a retail establishment with the subordinate manufacture of malt beverages and wines. The microbrewery/winery must include a tasting or tap room, and it must include the manufacture of malt beverages or wines. A microbrewery/winery may include a restaurant for the sale of prepared food and drinks on the premises; miscellaneous retail, such as microbrewery/winery clothing, souvenirs, gifts, etc.; accessory outdoor entertainment; accessory outdoor restaurant seating; and accessory silo structures. Accessory outdoor entertainment shall be subject to the requirements for Temporary Uses, Structures, and Obstructions.

A microbrewery/winery which produces more than 30,000 barrels per year and less than 120,000 barrels per year must include a restaurant for the sale of prepared food and drinks on the premises. A microbrewery/winery which produces more than 30,000 barrels per year and less than 120,000 barrels per year shall be limited in floor area, such that the floor area used for manufacturing and its ancillary uses shall be not greater than the floor area used for retail and its ancillary uses.

A microbrewery/winery which produces less than 30,000 barrels per year shall only be required to include a tasting room or a tap room, and the manufacture of malt beverages or wines. Such a microbrewery/winery shall not be subject to the floor area limitations for manufacturing and retail; and:

**MINI MART:** (aka convenience stores) An automobile service station which offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service or repair of motor vehicles.

**MOTEL:** A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

**MOTOR/RAIL FREIGHT TERMINAL.** See definition of “Truck Terminal”.

**MOTOR HOME:** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, designed as a living quarters or temporary living quarters for travel, camping, recreation, or vacation use, and is required to be licensed and/or registered and/or insured for highway use.

**NIGHTCLUB:** Commercial establishments dispensing alcoholic beverages for consumption on premises where such establishment is used by patrons beyond midnight.



**NOMINEE:** One designated to act for another with limited authority.

**NON-CONFORMING STRUCTURE:** Any building or structure, other than a sign, lawfully existing on the effective date of this Ordinance, or any amendment to it rendering such building or structure nonconforming, that:

- (1) Does not comply with all of the regulations of this Ordinance, or any such amendment thereto, governing parking, loading, or bulk and space requirements for the zoning district in which such building or structure is located; or
- (2) Is located on a lot that does not, or is so located on a lot as not to, comply with the area, dimension, yard, or setback requirements for the zoning district in which such building or structure is located; or

**Both 1 and 2;** except any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming structure.

**NONCONFORMITY:** A nonconformity is any characteristic of a building, structure, or lot or parcel of land, or of the use thereof, which was lawful prior to the date of enactment of this Ordinance or any amendment thereto and that does not conform to the requirements applicable to the zoning district in which it is located.

**NON-CONFORMING USE:** An activity using land or structures or both, legally established prior to the effective date of this chapter or subsequent amendment thereto, that would not be permitted as a new use in the zone in which it is located under the terms of this chapter.

**NON-CONFORMING USE, LEGAL:** Any building or land lawfully occupied by a use lawfully established at the time of the adoption of this chapter or amendments thereof, which does not conform after the passage of this chapter or amendments hereto with the use regulations of this chapter. (See §§ 156.140 through 156.152.)

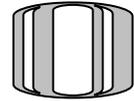
**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS):** A multi-digit code utilized by the federal Office of Management and Budget to classify establishments by type of activity in which they are engaged.

**NOXIOUS MATTER:** Material capable of causing injury to living organisms by chemical reaction or of detrimentally affecting the physical or economic well-being of individuals.

**NURSERY SCHOOL:** A school or other instructional facility for preschool or kindergarten children that is not a part of an elementary school.

**NURSING HOME OR SHELTERED CARE HOME:** A private home or institution licensed by the State of Illinois for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or surgical care.

**OBSTRUCTION:** Any building or structure, or part thereof, in the way of any open area required by this Ordinance, excluding trees and shrubs.



**OFFICE:** A place, such as a building, room or suite in which services, clerical work, professional duties, or the like, are carried out.

**OFFICES, CORPORATE HEALTH CARE:** A building or place used by a corporation which has oversight of a hospital or medical facility located within the same health care campus.

**OFFICE, MEDICAL, DENTAL and OPTOMETRY:** A medical facility used for offices of one or more physicians, dentists, optometrists, clinical psychologists, nurse-practitioners, and similar medical professionals, for the examination and treatment of patients, in which one or more medical professionals may be associated together or practicing independently of each other. Medical offices may include dental and medical laboratories, and/or x-ray facilities, but shall not include inpatient facilities devoted primarily to major surgical procedures; nor shall they provide beds or other accommodations for the overnight stay of patients.

**OFFICES, MEDICAL SUPPORT SERVICES:** A building or place used by businesses providing support services to hospitals and medical personnel including, but not limited to, home care services, hospital suppliers, health insurers and other uses.

**OFFICES, NON-PROFIT ORGANIZATIONS:** A building or place used for offices of the nonprofit organization which provide medical services or medical support services.

**OFF-ROAD VEHICLE:** A vehicle intended principally for recreational use off road where state vehicle licenses are required, such as a dune buggy, motorcycle or go-cart.

**OPEN SALES LOT:** Land used or occupied for the purpose of buying, selling or renting merchandise stores or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motorcycles, boats, or similar commodities.

**OPEN SPACE:** Uncovered area open to the sky on the same lot with a building.

**OPEN SPACE, COMMON:** Gross site area not covered by buildings or pavement that is permanently set aside for the common use and enjoyment of the residents or businesses within a development or for the community at large and the preservation and perpetual maintenance of which is assured by dedication to the Village or other satisfactory legal arrangement. Common open space shall not include street rights-of-way, off-street parking or loading areas, or detention or retention areas.

**OUTDOOR DISPLAY AND SALES** (See §156.085 General Business Regulations., (D), (3) Incidental Display): The exhibit of merchandise for sale, rent or lease out-of-doors and shall include vending machines of any type (i.e. movies, propane, beverages).

**OUTDOOR STORAGE:** The keeping or storage of any goods, material, equipment, part or merchandise in an enclosed but open to the sky area, for more than a twenty-four hour period. "Outdoor Storage" shall not include junkyard or salvage yard establishments or landfills.

**OUTLOT:** A parcel of land which is a separate lot within a main shopping center under unified control authorized as a planned unit development and intended for occupancy by a use permitted on the main tract having its sole means of vehicular access connected to an internal transportation network on the main tract. No outlot shall be occupied by more than two users in a single building, unless subject to the Special Use provisions of Article VIII or the Planned Unit Development provisions of Article IX and subject to the following conditions:

- (a) All uses shall be compatible and with each other (e.g. all retail, all office) and in character with the main tract as a whole;
- (b) The architecture, landscaping and signage of the building shall be integrated, so that the building and its signage presents a unified appearance.

**OUTPATIENT DIAGNOSTIC and SURGICAL FACILITIES:** A building or place dedicated primarily to medical diagnosis and treatments not requiring patients to remain in the facility for an extended period of time.

**OVERNIGHT FACILITIES:** Sleep-in accommodations for relatives or guardians of patients who require medical treatment in an associated general hospital for more than 24 hours.

**PARK or CONSERVATION AREA:** A parcel or parcels of land designed for outdoor activities and maintained in a naturalistic state, or designated for planned management to prevent exploitation, destruction, or neglect of the natural resources contained therein.



**PARKING AREA, PRIVATE:** An open, hard-surfaced area of land, other than a street or public way designed, intended, arranged or made available for the storage of automobiles, trucks, trailers or other vehicles, for occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC:** An open, hard-surfaced area other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under three-quarter ton capacity, and available to the public whether for compensation, free, or as an accommodation to clients or customers.

**PARKS and RECREATION FACILITIES FOR RESIDENTS:** A parcel or parcels of land designed for outdoor activities in conjunction with a building, place or area which is designed for indoor or outdoor activities such as organized sports, physical exercise, games, relaxation, social interaction, and similar leisure pursuits, designated primarily for use by residents of a hospital, nursing home, specialized hospital facility, or residential area.

**PARTICULATE MATTER:** Material, other than steam or water vapor, suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

**PARTY WALL:** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

**PAWN SHOP:** An establishment that engages, in whole or in part, in the business of receiving property in pledge or as a security for money or other things advanced to the pawnor or pledger.

**PERFORMANCE STANDARD:** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects generated by or inherent in uses of land or buildings.

**PERGOLA:** A structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters

**PERMIT, SPECIAL USE:** A permit required for the use of land, water, or building as a special use received only after approval by the Village of an application for a special use.

**PERSON:** Any individual, partnership, corporation, firm or other entity.

**PERSONAL LOAN AGENCY:** An establishment providing loans to individuals in exchange for receiving personal checks or titles to the borrower's motor vehicles as collateral. The definition excludes "financial institution" and "currency exchange".

**PERSONAL SERVICE ESTABLISHMENT:** A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at another location. This includes drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, postal substations, package delivery drop-off and pick-up stations, quick-print photo establishments, shoe repair shops, interior design studios, and domestic pet services.

**PHYSICAL FITNESS CENTER:** An establishment offering instruction, training or assistance in athletic sports, body building, exercising, weight reducing, martial arts, or self-defense training.

**PLANNED UNIT DEVELOPMENT:** See Article VIII.

**PORCH:** A porch is a permanent structure covered with a roof, and is permanently affixed to the principal structure.

**PRIVACY SCREEN:** A barrier erected within the interior of a parcel of property and not upon, or immediately adjacent to, a property line for the purpose of obscuring patios, decks, courtyards, swimming pools, and other similar outdoor features, from observation by persons outside the perimeter of the property. Privacy screens shall not include landscape treatments.

**PROPERTY, *NON-PARTICIPATING*:** Real property on which either there is no large wind system.

**PROPERTY, *PARTICIPATING*:** Property on which a large wind system is located.

**PROTECTIVE COVENANTS:** Protective covenants are contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners; and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

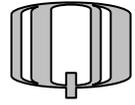
**PSYCHIATRIC, ALCOHOLIC, and NARCOTIC TREATMENT FACILITY:** A facility having programs specifically designed to treat alcoholism, narcotic abuse and/or psychiatric disorders.

**PUBLIC HEARING:** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act at which members of the general public must be permitted to give testimony, evidence or opinions relevant to the subject matter.

**PUBLIC MEETING:** A meeting conducted pursuant to the provisions of the Illinois Open Meetings Act where members of the general public, as opposed to members of the Board or Commission and as opposed to the applicant for relief, have no right (but may be given the opportunity) to offer testimony, evidence or opinions.

**PUBLIC PARK OR RECREATION AREA:** Land which has been designated for leisure recreational or artistic activities under the operation, management or control of the Village or a park district having jurisdiction within the Village boundaries, including, but not limited to, a playground, swimming pool, sports complex, athletic field, basketball or tennis court or similar public land but excluding golf courses and forest preserves.

(Q) Reserved for future use.



**RACING CAR or CYCLE:** A vehicle, stored on a licensed trailer, intended to be used in racing competition, such as a race car, stock car, or racing cycle. Note: A racing car or cycle shall either be stored or parked within an enclosed structure or be placed on an approved trailer and located within the setbacks as required by this section.



**RECREATION CENTER:** A building or enclosed structure operated by a government agency for use by the public for recreation activities such as a tennis court, swimming pool, and/or gymnasium. This shall include outdoor amphitheatres, tennis courts, and swimming pools. This shall also include any accessory office, museum, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facilities, boating or boat storage facility, or similar accessory use or structure.

**RECREATIONAL VEHICLE (OTHER):** Any other vehicle determined to be a recreational vehicle by the village authority having jurisdiction over these regulations.

**RECREATIONAL WATERCRAFT:** A general term applying to all manner of watercraft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, or other power source, and which is designed primarily for recreational or vacation use.

**RESIDENCE, GROUP (Group Home):** A halfway house or similar non-hospital residential facility for senior citizens, the terminally or seriously ill or disabled, and others with special needs, housing more than three persons not related by blood, marriage, or adoption to the owner who need psychological rehabilitation and who are provided 24-hour professional supervision while on the premises.

**RESIDENCE, RETIREMENT (Retirement Home):** An establishment providing living accommodations and services principally to non-transient residents who are retired from full-time work. Accommodations provided may consist of dwelling units of any type or rooming units, with common dining facilities.

**RECREATIONAL VEHICLE:** Any boat, boat trailer, trailer, any camping trailer, travel trailer, pickup, coach, motor home, or other unit built or mounted on a vehicle or chassis, without permanent foundations which may legally be driven or towed by motor vehicles.

**RETAIL:** The sale of commodities in small quantities or the offering of a personal service directly to the consumer. The term retail, when applied to uses in this chapter, shall include the production of goods or services to be offered at retail on the premises or in associated off-premises outlets owned and operated by the owner of the principal use in question, as in the case of a retail bakery where baking is done on premises or a laundry or dry cleaning establishment with processing on premises. The term retail, when used in this sense, specifically excludes any production or processing for wholesale purposes or distribution to other retailers.

**RIGHT-OF-WAY:** A strip of land used for passage of motor vehicles, railroads, or pedestrians or for the location of utility lines. An access easement shall not be considered a right-of-way.

**RETAIL SALE:** The sale for use or consumption and not for resale.

**RURAL EVENT VENUE:** A business that provides the use of land or buildings in the RE-1 Residential Estate District for hosting private events including wedding receptions, holiday parties, fundraisers and other similar events with food and beverages that are prepared on-site or by a caterer and served to invited guests during intermittent dates and hours of operation. A Rural Event Venue shall include an owner-occupied residence and shall have a minimum lot area of 2 ½ acres.

**SCENIC CORRIDOR:** An easement along designated roadways to preserve the rural character of the village, reduce the impacts of traffic on residents, provide habitat for birds and other native animals, assist in the establishment of environmental corridors, serve as an area for undisturbed native trees, shrubs and prairie plant life, and to serve as a natural buffer between developed areas.



**SCHOOL, PUBLIC OR PRIVATE:** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Illinois School Code or which is maintained pursuant to standards set by the State Board of Education and including all adjacent land owned and used by such institution for the education or recreation of its students. This definition includes a preschool, nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a commercial, vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

**SCREENING:** A structure erected or vegetation planted to conceal the area behind it from the street and/or adjacent properties.

**SECONDHAND STORE:** A retail store that buys or accepts donations and sells previously used merchandise, such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and usable condition.

**SELF-STORAGE FACILITY:** Any real property designed and used for the purpose of renting or leasing individual storage spaces to occupants who are to have access to such for the purpose of storing and removing personal property.

**SETBACK LINE, BUILDING.** See **BUILDING LINE.**

**SETBACK, BUILDING:** The minimum horizontal distance between a lot line and the nearest wall of a building or structure.

**SETBACK, PARKING LOT:** The minimum horizontal distance between a lot line and the back of the curb of a parking lot or the edge of pavement or other required surface where there is no curb

**SHOPPING CENTER:** A development devoted principally to retail sale and/or service businesses and having common or coordinated signage, ingress and egress and parking. It may consist of one or more principal buildings and may contain one or more lots not having access to the public right-of-way devoted to separate uses that are owned by different entities. An integrated shopping center may be developed in phases and shall initially be under unified control or ownership.

Lots which are part of the integrated shopping center but not having access to a public right-of-way are subject to the Special Use provisions of Article VII or and Planned Unit Development provisions of Article VIII. Also see definition of "Outlot."

**SHELTERED CARE HOME:** See **NURSING HOME**

**SIGN:** Every name, identification, description, announcement, declaration, demonstration, display, flag, illustration, or insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. The term **SIGN** shall include, among other structures, and whether illuminated or non-illuminated, every ground sign, wall sign, roof sign, projecting sign, or temporary sign. However, the term "sign" shall not include any display of official, court, or public notices, nor shall it include the flag emblem, insignia of a nation, governmental unit, school, or religious group, provided such "signs" conform to regulations governing structures as stipulated in this chapter.

**SITE AREA, NET:** The acreage of land excluding the rights-of-way of streets and private easements of ingress or egress within and bordering a development.

**SKILLED CARE FACILITY:** An institution (or designated part of an institution) which provides licensed, skilled nursing care and related services for senior citizens, the terminally or seriously ill or disabled and others with special needs, who require medical, nursing or rehabilitation services.

**SLOPE:** A stretch of ground forming a natural or artificial incline.

**SNOWMOBILE:** A vehicle with a continuous tread and runner-type steering device used primarily for over-snow travel.

**SPECIALIZED HOSPITAL FACILITY:** A building or place providing one or several isolated types of medical treatment or care, but which does not provide the full range of types of medical treatment or care available to a patient through the profession of medicine. Specialized hospital facilities may be equipped for obstetric, surgical, orthopedic, psychiatric, or skilled nursing care, or other types of medical treatment.

**SPORTS MEDICINE FACILITY:** A building or place where the branch of medicine dealing with injuries, ailments, or abnormal physical conditions caused by participation in organized sports or similar physical activity is practiced.

**STABLE, PRIVATE:** A detached accessory structure for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale. The owner must have a minimum fenced grazing area of 40,000 square feet per animal.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above its then the space between the floor and ceiling above it. Any basement with more than one-half of its height above the average level of the adjoining ground at the front of the building shall be considered a story for purposes for both height and area measurements.

**STORY, HALF:** A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which are not more than 4½ feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three full stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this chapter. In the case of multiple-family dwellings, three or more full stories in height, a half story shall be counted as an additional story.

**STREET:** A public right-of-way as defined herein that affords a primary means of motor vehicle access to abutting property and/or provides for the movement of traffic.

**STREET, MAJOR:** A street, except an expressway or a limited access highway, serving as a traffic artery for communication between areas of concentrated development.

**STRUCTURAL ALTERATION:** An change, other than incidental repairs, in the supporting members or any partition therein of a building or structure such as bearing walls, columns, beams, or girders, or any substantial change in the roof or exterior walls.

**STRUCTURE, PRINCIPAL:** A structure or building in which is conducted the main use of the zoning lot on which it is situated. Anything constructed or erected the use of which requires more or less permanent location on the ground or attachment to something having such a location. An outdoor

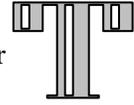
advertising or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure. Structures also include buildings, mobile homes, wall, or fences.

**STRUCTURE, ACCESSORY:** A structure that is an accessory use.

**STRUCTURE, TEMPORARY:** A structure erected for a fixed period of time with intent to deconstruct structure upon the expiration of such time; and does not involve the construction or alteration of any permanent structure.

**SURFACE WATER:** Waters which fall on the land surface as precipitation (rain, snow or hail) and may percolate into the soil as ground water or runoff into natural drainage ways.

**TAVERN:** Establishments primarily engaged in the sale and service of alcoholic beverages for on-premise consumption during any period of the day as permitted by law. The incidental sale or provision of food or snacks shall not entitle such use to be considered a restaurant under other provisions of this code. Hours of operation of these types of establishments may exceed normal operating hours of a restaurant or similar establishment.



**TERRACE, OPEN:** A level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within two and one-half feet of the finished grade and not covered by a permanent roof.

**TOBACCO AND VAPE SHOPS:** An establishment engaged in the retail sale and display of tobacco products and tobacco paraphernalia. Tobacco and vape shops also include smoke lounges. A smoke lounge is a retail establishment that is dedicated in whole or in part to entertaining smokers and users of tobacco products and tobacco paraphernalia. Smoke lounges include any establishment that allows a customer to purchase, take delivery of, and smoke or use tobacco products and/or tobacco paraphernalia on the premises. For purposes of this Chapter, the terms “tobacco product” and “tobacco paraphernalia” shall have the following meanings:

- (a) Tobacco product shall mean any product in leaf, flake, plug, liquid, or any other form that is made from or derived from tobacco or otherwise contains nicotine derived from the tobacco plant or any other source, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. Tobacco products includes, but is not limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, and e-liquids such as propylene glycol, glycerin, nicotine, flavorings, or other products for use in electronic cigarettes, personal vaporizers, or electronic nicotine delivery systems. The term “tobacco product” excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation aid.
- (b) Tobacco paraphernalia shall mean cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, smoking or vaping devices, and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia also includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems, or any item designed to aerosolize or atomize liquid solutions that simulate smoking. Devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, vaporizers, hookahs, and devices for holding burning material. Lighters and matches shall be excluded from the definition of tobacco paraphernalia.

**TOXIC MATERIAL:** A liquid, solid, or gaseous substance which by reason of an inherent deleterious property tends to destroy life or impair health.

**TRAVEL TRAILER:** A rigid vehicular structure, without its own motive power, designed as a living quarters or a temporary living quarters for travel, camping, recreation, or vacation use, and, may be required to be licensed and/or registered and/or insured for highway use.

**TRELLIS:** A frame of latticework used as a support for climbing plants

**TRUCK CAMPER (SLIDE-IN CAMPER):** A structure designed primarily to be mounted on a pickup or truck chassis and designed to be used as a temporary dwelling for travel, camping, recreational or vacation uses.

**TRUCK STOPS.** An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop consists of, at the very least, a diesel grade fueling station with bays wide and tall enough for modern tractor/ trailer rigs, have a large enough parking area to accommodate five or more semi-trucks or other heavy vehicles, exclusive of the fueling lanes. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Over the road trucks shall be allowed to stop and park overnight or for any other period in which the operator of the truck takes mandatory down time or sleeps to enable the driver to return to service. A truck stop is not a gasoline service station/gasoline station. A convenience store may also be associated with a truck stop; however, diesel fuel sales are the primary source of retail sales.

**TRUCK TERMINAL.** Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**URGENT CARE FACILITY:** A facility that provides treatment for patients on a walk-in basis without a scheduled appointment for a condition that requires prompt attention, but does not pose an immediate, serious health threat. (Ord., passed 6-21-07)



**USE:** The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**USE, PERMITTED:** A use allowable generally within a zoning district without a Special Use Permit.

**USE, PRINCIPAL:** The main use of a property as distinguished from an accessory use.

**USE, PUBLIC SERVICE:** The use of property by a public utility, railroad, or governmental body for the provision of public utilities or services, including sewerage, water supply, electricity, gas, rail transport, public safety, government administration, public transportation, and communications.

Public service uses shall include power plants or substations; water or sewage treatment plants, reservoirs, or pumping stations; railroad and utility lines, rights-of-way, and related buildings; police and fire stations, municipal buildings and local government offices; and public transportation facilities, including shelters, garages, terminals, parking and turnaround areas, and service buildings.

Municipal public utility uses shall include any land or building for municipal public purposes, including, but not limited to Public Works facilities, Village Hall and Pumping Station sites.

**USE, SPECIAL:** A use that because of its special character cannot be allowable generally in a particular zoning district but which may be allowed under special conditions and which is therefore subject to the prior approval of a Special Use Permit by the Village.

**USE, TEMPORARY:** A use established for a fixed period of time with intent to discontinue use upon the expiration of such time and not involving the construction or alteration of any permanent structure.

**UTILITIES:** Services provided by public or quasi-public agencies, including but not limited to: water, sanitary, storm sewer, telephone communication, electrical power, heating gas, cable television signals, steam, transportation, etc.

**UTILITY TRAILER:** A vehicular structure, without its own motive power, designed and/or used for the transportation of all manner of motor vehicles, boats, equipment, goods or materials and may be required to be licensed and/or registered and/or insured for highway use in accordance with the Illinois Motor Vehicle Code. When a vehicle or vehicles is mounted on the trailer, such vehicle or vehicles and trailer shall be counted as one vehicle and shall be subject to the provisions of this section.

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**VARIANCE:** A modification of the provisions of this Ordinance in accordance with the provisions herein concerning variances in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district.



**VETERINARY HOSPITAL:** Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries in animals.

**VILLAGE MANAGER:** The chief administrative official of the Village, subject to the superior right and power of the Board of Trustees to supervise and administer the government and affairs of the Village. When used in this Ordinance, the term Village Manager shall refer either to such official or to his or her duly authorized designee.

**VISION CLEARANCE TRIANGLE:** A triangular area located at the at-grade intersection of streets, railroads, or both, formed by the right-of-way lines between their intersection and points fifty (50) feet (twenty-five feet (25') for intersections of private driveways and sidewalks) from their intersection along each line, and by a straight line connecting these two points. Overhanging objects shall be permitted within this triangle only if all parts thereof are higher than nine (9') feet above the level of the pavement of the street where the center lines intersect. [See PLATE 5]

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**WAREHOUSE.** Land and buildings used primarily for the storage of goods and materials produced and resulting from light manufacturing activities off the premises.



**WAREHOUSING AND DISTRIBUTION.** Land and buildings used for storage, wholesaling, and distribution of manufactured products, supplies, and equipment, produced and resulting from activities off the premises but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WHOLESALING.** Land and buildings used for the primary purpose of storage of goods

**WIND ENERGY SYSTEM:** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

**WIND ENERGY SYSTEM (types):**

- (1) Large Wind Energy Systems: A wind energy system that has a nameplate capacity of more than 100 kilowatts and one wind tower or turbine.
- (2) Small Wind Energy Systems: A wind energy system that has a nameplate capacity of 100 kilowatts or less and one wind tower and turbine.
- (3) Rooftop (Personal) Wind Energy Systems: A wind energy system that has a nameplate capacity of 10 kilowatts or less, one wind tower and turbine, a maximum height of fifteen (15') feet higher than applicable maximum height requirement, is as visibly obscured as possible from adjacent properties, produces no measurable noise and complies with all other zoning regulations.

**WIND TOWER:** The monopole, freestanding, or guyed structure that supports a wind turbine generator.

**WIRELESS TELECOMMUNICATION SERVICE FACILITIES:** (WTSF) The mast, pole, monopole, guyed, or freestanding framework, or other vertical elements acting as an antenna or to that an antenna is affixed, attached or enclosed within. The WTSF includes: The building, cabinet or mounting frame located at the base of or near a wireless communication facility within or upon equipment is installed and connected to the antenna by cable; The lease space and access pathway/easement to maintain and service the facility.

(X) Reserved for future use.



**YARD:** An open space on a zoning lot which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at a depth or width specified in the yard regulations for the district in which the lot is located.



**YARD, CORNER SIDE**

**(YARD ABUTTING STREET):** A yard extending between a side lot line abutting a street and a line drawn parallel thereto at a distance there from equal to that established by the yard requirements of this Ordinance and also extending the full depth of the lot but excluding any area included in a front yard. Yard requirements are measured horizontally irrespective of the slope of the land.

**YARD, FRONT:** An open space extending across the full width of the zoning lot and lying between the front line of the lot and the nearest building line.

**YARD, PERIMETER:** A yard within, and abutting the boundary of, a planned development.

**YARD, REAR:** A yard extending the full width of a lot between the rear lot line and a line drawn parallel thereto at a distance there from equal to that established by the rear yard requirements of this Ordinance but excluding any portion of a corner side yard. Yard requirements are as measured horizontally irrespective of the slope of the land.

**YARD, REQUIRED:** The minimum yard depth designated in the regulations of this Code establishing minimum front, corner side, side and rear yard requirements for various uses, structures and districts.

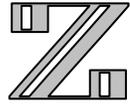
**YARD, SIDE:** An open space extending along each side lot line between the front yard and rear yard and located between the side lot line and the nearest wall of the principal building or structure.

**YARD, TRANSITIONAL:** A strip of land that separates adjoining land uses that is used exclusively for the purpose of providing open green space, berming, and landscaping. Paved areas, specifically off-street parking and loading areas are prohibited in the transitional yard.

**ZERO LOT LINE:** See DWELLING, ZERO LOT LINE.

**ZONING DISTRICT:** A use district as defined in this chapter.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals of the Village of Huntley.



**ARTICLE III  
ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**§ 156.020 SCOPE OF REGULATIONS**

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located. (Ord., passed 7-17-89) Penalty, see § 156.999

*Subdivision Ordinance Compliance.* Whether or not the development constitutes a subdivision of land as defined in the Subdivision Ordinance, the development shall conform to the minimum requirements and general design principal set forth therein and the minimum design standards and procedures for the installation of public improvements.

**§ 156.021 ESTABLISHMENT OF ZONES**

The intent of this Ordinance is to create a series of zones of such number and character as are necessary to achieve compatibility of uses within each zone, to implement the adopted Official Comprehensive Plan, and to complement the Official Zoning Map of the Village. For the purposes of the Zoning Ordinance, all land and water areas in the Village are hereby divided into the following districts:

- (A) *Residence Districts*
- RE-1 Residential Estate District
  - RE-2 Residential Estate District
  - R-1 Single Family Detached Residence District
  - R-2 Single Family Detached Residence District
  - R-3 Duplex Residence District
  - R-4 Townhouses, Condominiums Residence District
  - R-5 Multiple Family Residence District
- (B) *Business and Non-Residential Districts*
- B-1 Neighborhood Convenience District
  - B-2 Highway Service District
  - B-3 Shopping Center Business District
  - B-4 Adaptive Re-use Business District
- (C) *Office, Health Care and Manufacturing Districts*
- O-1 General Office District
  - HC Health Care District
  - M Manufacturing District
  - ORI Office / Research / Industrial District
  - ORI-1 Specialty Office/Research/Industrial District
- (D) *Special Districts*
- E Extraction District
  - P Park and Open Space Development Guidelines

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**§ 156.022 ZONING MAP**

- (A) *Classification.* The zoning district classification of all land in the Village shall be shown on the map designated as the Village of Huntley Zoning Map, dated and signed by the Village Clerk upon adoption.
- (B) *Zoning Map.* The Zoning Map, everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Village Clerk. Said Map shall be available for public inspection in the Office of the Village Clerk. Any amendments to this map shall be similarly dated, filed, and made available for public reference.
- (C) *Interpretation of District Boundaries*
- (1) *Unclassified Lands:* It is the intent of the Zoning Ordinance that every part of the area regulated be included in one of the zones established. Any land located within the Village not shown to be included in a zone on the Official Zoning Map shall be deemed to be in the RE-1 Residential Estate District.
  - (2) District boundary lines shall, unless otherwise indicated, be on the boundary lines of the Village, of sections or divisions of sections, or tract or lot lines; on the center lines of streets, railroads, alleys, easements, rivers and other water bodies; or on the extension of such lines.
  - (3) District boundary lines approximately following such lines shall be interpreted as located on those lines. Distances not specifically indicated on the map shall be established using the scale of the map.
- (D) *Changes.* If by amendment to the Zoning Ordinance, any zone boundary as shown on the Official Zoning Map or any other matter shown thereon, is changed by action of the Village Board, such change shall be promptly indicated on the official Zoning Map by the Village Manager, together with the date of passage of the amendment and sufficient written description to give a precise understanding of the change. Every change shall be certified by the Village Clerk.
- (E) *Update.* The Zoning Map shall be updated once a year and published in accordance with the Illinois Compiled Statutes, 65 ILCS 5/11-13-19.
- (F) *Zoning of Annexed Land.* Any parcel of land hereafter annexed to the Village shall be classified in the RE-1 Residential Estate District except as may be provided for by an annexation agreement or by subsequent amendment to this Ordinance.
- (G) Where a lot (as distinguished from acreage) held in one ownership and of record at the effective date of this chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20%.
- (H) In subdivided property, unless otherwise indicated, the district boundary line on the map accompanying and made a part of these regulations shall be determined by the use of the scale contained on such map.
- (I) *Zoning Of Streets, Alleys, Public Ways And Railroad Rights-Of-Way.* All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and

railroad rights-of-way serving as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be such center line.

**ARTICLE IV  
RESIDENTIAL DISTRICTS**

**§ 156.026 (RE-1) RESIDENTIAL ESTATE DISTRICT**

(A) *Purpose.* The RE-1 Residential Estate District is intended to be established in accordance with the goals and objectives stated in the comprehensive plan. The district is designed to preserve and enhance low density areas (40,000 square foot minimum lot area) in the Village that are characterized by rural character.

(B) *Uses*

(1) *Permitted Uses*

- FARMING - Dairy Farming (including processing), Farming (cultivation of field/garden crops), including farm residents , Fish Hatchery, Floriculture, Game Animal Farm, Grass or Sod Farm, Nursery (including retail sales), Orchard, Truck Farming
- AGRICULTURAL BUSINESS – Forest Preserve, Greenhouse (Commercial), Park
- COMMERCIAL RECREATION - Golf course
- PUBLIC FACILITIES - Government offices and services
- PUBLIC RECREATION - Arboretum, Playground, Tot Lot
- PUBLIC UTILITIES - Water storage tank
- RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Religious retreat, Sunday school, Theological seminary
- RESIDENTIAL - Single family dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- FARMING - Apiary
- AGRICULTURAL BUSINESS - Stable (Private), Wind Energy Systems (large or small)
- COMMERCIAL RECREATION - Club (private outdoor), Conservation club, Country club, Marina, Rod and gun club, Wildlife preserve, Zoological park
- EDUCATION - College, university or junior college & high school, Elementary or junior high school, Nursery school, School for mentally or physically handicapped
- HEALTH CARE - Child care (center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)
- PUBLIC FACILITIES - Cemetery or mausoleum
- PUBLIC RECREATION - Amphitheater
- PUBLIC UTILITIES - Sub-station, Telephone exchange, Utility service yard or garage, Wastewater treatment facility, Wireless Telecommunications Service Facilities (WTSFs), WTSFs on existing structures
- RESIDENTIAL - Bed and breakfast establishments
- RURAL EVENT VENUE
- TRANSPORTATION - Airport, Heliport

(C) *Bulk, Space and Yard Requirements*

(1) *Minimum Lot Area*

- |     |                          |                |
|-----|--------------------------|----------------|
| (a) | Single family            | 40,000 sq. ft. |
| (b) | Other                    | 80,000 sq. ft. |
| (c) | Planned unit development | 80,000 sq. ft. |

(2)	<i>Minimum Lot Width</i>	
(a)	Single family	150'
(b)	Other	200'
(3)	<i>Minimum Yards</i>	
(a)	<i>Single family</i>	
	Front*	50'
	Rear	40'
	Corner Side	30'
	Total Side	30'
	Minimum Side	10'
(b)	<i>Other</i>	
	Front*	50'
	Rear	40'
	Corner Side	30'
	Total Side	50'
	Minimum Side	20'

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

(4)	<i>Maximum Height</i>	
(a)	<i>Principal buildings</i>	
	Single family	25'3 stories
	All other uses	25'3 stories
(b)	<i>Accessory buildings</i>	
	Single family	12'2 stories
	All other uses	12'2 stories
(c)	<i>Detached garage</i>	15'1 story
(5)	<i>Maximum Floor Area Ratio</i>	
(a)	Single family	0.4
(b)	All other uses	0.4
(6)	<i>Maximum Building Coverage</i>	
(a)	Single Family	20%
(b)	All other uses	20%
(7)	<i>Maximum Impervious Coverage</i>	
(a)	Single Family	60%
(b)	All other uses	80%

(D) *General Regulations:* As set forth in Article XI.

(E) *Parking and Loading Requirements:* As set forth in Article XII.

(F) *Signs:* As set forth in Article XIII.

§ 156.027 (RE-2) RESIDENTIAL ESTATE DISTRICT

(A) *Purpose.* The RE-2 Residential Estate District is intended to be established in accordance with the goals and objectives stated in the comprehensive plan. The district is designed to preserve and enhance low density areas (20,000 square foot minimum lot area) in the Village characterized by rural character.

(B) *Uses*

(1) *Permitted Uses*

FARMING - Dairy Farming (including processing), Farming (cultivation of field/garden crops), including farm residents, Fish Hatchery, Floriculture, Game Animal Farm , Grass or Sod Farm, Nursery (including retail sales), Orchard, Truck Farming

AGRICULTURAL BUSINESS – Forest Preserve, Greenhouse (Commercial), Park

COMMERCIAL RECREATION - Golf course

PUBLIC FACILITIES - Government offices and services

PUBLIC RECREATION - Arboretum, Playground, Tot lot

RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary

RESIDENTIAL - Single family dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

FARMING – Apiary

AGRICULTURAL BUSINESS - Stable (Private), Small Wind Energy Systems

COMMERCIAL RECREATION - Club (private outdoor), Conservation club, Country club, Marina, Rod and gun club, Wildlife preserve, Zoological park

EDUCATION - College, university or junior college & high school, Elementary or junior high school, Nursery school, School for mentally or physically handicapped

HEALTH CARE - Child care (Center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

PUBLIC FACILITIES - Cemetery or mausoleum

PUBLIC RECREATION - Amphitheater

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, Wastewater treatment facility, WTSFs on existing structures

RELIGIOUS - Religious retreat

RESIDENTIAL - Bed and breakfast establishments

(C) *Bulk, Space and Yard Requirements*

(1) *Minimum Lot Area*

(a) Single family 20,000 sq. ft.

(b) Other 80,000 sq. ft.

(c) Planned unit development 80,000 sq. ft.

(2) *Minimum Lot Width*

(a) Single family 100'

(b) Other 200'

- (3) *Minimum Yards*
  - (a) *Single family*
    - Front\* 50'
    - Rear 40'
    - Corner Side 30'
    - Total Side 30'
    - Minimum Side 10'
  - (b) *Other*
    - Front\* 50'
    - Rear 40'
    - Corner Side 30'
    - Total Side 50'
    - Minimum Side 20'

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

- (4) *Maximum Height*
  - (a) *Principal buildings*
    - Single family 25<sup>2</sup>/<sub>3</sub> stories
    - All other uses 25<sup>2</sup>/<sub>3</sub> stories
  - (b) *Accessory buildings*
    - Single family 12<sup>1</sup>/<sub>2</sub> stories
    - All other uses 12<sup>1</sup>/<sub>2</sub> stories
  - (c) *Detached garage* 15<sup>1</sup>/<sub>1</sub> story
- (5) *Maximum Floor Area Ratio.*
  - (a) Single family 0.4
  - (b) All other uses 0.4
- (6) *Maximum Building Coverage*
  - (a) Single Family 20%
  - (b) All other uses 20%
- (7) *Maximum Impervious Coverage*
  - (a) Single Family 60%
  - (b) All other uses 80%

- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.028 (R-1) SINGLE FAMILY RESIDENCE DISTRICT**

- (A) *Purpose.* The R-1 Single Family Residence District is established in accordance with the goals and objectives stated in the comprehensive plan. The district is designed to protect, promote and maintain the development of single-family detached housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood.

(B) *Uses*

(1) *Permitted Uses*

FARMING – Farming (cultivation of field/garden crops) including farm residents, Floriculture, Grass or Sod Farm, Nursery (including retail sales), Orchard

COMMERCIAL RECREATION - Golf course

EDUCATION - Elementary or junior high school, Nursery school

PUBLIC RECREATION - Arboretum, Playground, Tot lot

RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary

RESIDENTIAL - Single family dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

COMMERCIAL RECREATION - Club (private outdoor), Country club

COMMERCIAL SERVICES - Radio & Television Studio

EDUCATION - College, university or junior college & high school, School for mentally or physically handicapped

HEALTH CARE – Child care (center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

PUBLIC FACILITIES – Cemetery or mausoleum

PUBLIC RECREATION - Amphitheater

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures

RELIGIOUS - Religious retreat

RESIDENTIAL - Bed and breakfast establishments

(C) *Bulk, Space and Yard Requirements*

(1) *Minimum Lot Area*

(a)	Single family	12,600 sq. ft.
(b)	Other	40,000 sq. ft.
(c)	Planned unit developments	80,000 sq. ft.

(2) *Minimum Lot Width*

(a)	Single family	90'
(b)	Other	150'

(3) *Minimum Yards*

(a)	<i>Single family</i>	
	Front*	30'
	Rear	40'
	Corner Side	30'
	Total Side	20'
	Minimum Side	8'
(b)	<i>Other</i>	
	Front*	30'
	Rear	40'
	Corner Side	30'
	Total Side	30'

Minimum Side 10'

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

- (4) *Maximum Height*
  - (a) *Principal buildings*
    - Single family 25<sup>2</sup>/<sub>3</sub> stories
    - All other uses 40<sup>2</sup>/<sub>3</sub> stories
  - (b) *Accessory buildings*
    - Single family 12<sup>1</sup>/<sub>2</sub> stories
    - All other uses 12<sup>1</sup>/<sub>2</sub> stories
  - (c) *Detached garage* 15<sup>1</sup>/<sub>1</sub> story
- (5) *Maximum Floor Area Ratio*
  - (a) Single family 0.8
  - (b) All other uses 0.4
- (6) *Maximum Building Coverage*
  - (a) Single Family 35%
  - (b) All other uses 25%
- (7) *Maximum Impervious Coverage*
  - (c) Single Family 60%
  - (d) All other uses 80%

- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.029 (R-2) SINGLE FAMILY RESIDENCE DISTRICT**

- (A) *Purpose.* The R-2 Single Family Residence District is established in accordance with the goals and objectives stated in the comprehensive plan. This District is intended to provide for a single family detached residential environment characterized by medium sized lots (8,400 square foot minimum lot area).
- (B) *Uses*
  - (1) *Permitted Uses*
    - FARMING – Farming (cultivation of field/garden crops) including farm residents, Floriculture, Grass or Sod Farm, Nursery (including retail sales), Orchard
    - COMMERCIAL RECREATION - Golf course
    - EDUCATION - Elementary or Junior High School, Nursery school
    - PUBLIC RECREATION - Arboretum, Playground, Tot lot
    - RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary
    - RESIDENTIAL - Single family dwelling.

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

COMMERCIAL RECREATION - Club (private outdoor), Country club

EDUCATION - College, university or junior college & high school, School for mentally or physically handicapped

HEALTH CARE – Child care (Center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

PUBLIC FACILITIES – Cemetery or mausoleum

PUBLIC RECREATION - Amphitheater

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures

RELIGIOUS - Religious retreat

RESIDENTIAL - Bed and breakfast establishments

TRANSPORTATION - Parking area (private)

(C) *Bulk, Space and Yard Requirements*

- |     |   |                |
|-----|---|----------------|
| (1) | <i>Minimum lot area per dwelling unit</i> |                |
| (a) | Single family                             | 8,400 sq. ft.  |
| (b) | Other                                     | 40,000 sq. ft. |
| (c) | Planned unit development                  | 80,000 sq. ft. |

- |     |                          |      |
|-----|--------------------------|------|
| (2) | <i>Minimum Lot Width</i> |      |
| (a) | Single family            | 70'  |
| (b) | Other                    | 150' |

- |     |                      |     |
|-----|----------------------|-----|
| (3) | <i>Minimum Yards</i> |     |
| (a) | <i>Single family</i> |     |
|     | Front*               | 30' |
|     | Rear                 | 40' |
|     | Corner side          | 30' |
|     | Total side           | 18' |
|     | Minimum side         | 7'  |
| (b) | <i>Other</i>         |     |
|     | Front*               | 30' |
|     | Rear                 | 40' |
|     | Corner side          | 30' |
|     | Total Side           | 30' |
|     | Minimum Side         | 10' |

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

- |     |                            |               |
|-----|----------------------------|---------------|
| (4) | <i>Maximum Height</i>      |               |
| (a) | <i>Principal buildings</i> |               |
|     | Single family              | 25' 3 stories |
|     | All other uses             | 40' 3 stories |
| (b) | <i>Accessory buildings</i> |               |

- |     |                                    |              |
|-----|------------------------------------|--------------|
|     | Single family                      | 12'2 stories |
|     | All other uses                     | 12'2 stories |
| (c) | <i>Detached garage</i>             | 15'1 story   |
| (5) | <i>Maximum Floor Area Ratio</i>    |              |
|     | (a) Single family                  | 0.8          |
|     | (b) All other uses                 | 0.4          |
| (6) | <i>Maximum Building Coverage</i>   |              |
|     | (a) Single Family                  | 35%          |
|     | (b) All other uses                 | 25%          |
| (7) | <i>Maximum Impervious Coverage</i> |              |
|     | (a) Single Family                  | 60%          |
|     | (b) All other uses                 | 80%          |
- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.030 (R-3) DUPLEX RESIDENCE DISTRICT**

- (A) *Purpose.* The R-3 Duplex District is established in accordance with the goals and objectives stated in the comprehensive plan. The district is established to protect, promote and maintain the development of single-family detached and attached housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood.
- (B) *Uses*
- (1) *Permitted Uses*
- COMMERCIAL RECREATION – Swimming pool (indoor, private)  
EDUCATION - Elementary or junior high school, Nursery school  
PUBLIC FACILITIES - Library  
PUBLIC RECREATION - Arboretum, Community center, Playground, Swimming pool (indoor), Tennis court (indoor), Tot lot  
RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary  
RESIDENTIAL - Duplex dwelling, Single family dwelling
- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.
- COMMERCIAL RECREATION - Club (private outdoor)  
EDUCATION - College, university or junior college & high school, School for mentally or physically handicapped  
HEALTH CARE - Child care (Center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)  
PUBLIC FACILITIES - Cemetery or mausoleum  
PUBLIC RECREATION - Amphitheater

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures

RELIGIOUS - Religious retreat

RESIDENTIAL - Bed and breakfast establishments

(C) *Bulk, Space and Yard Requirements*

- (1) *Minimum Lot Area*

(a) Single family	8,400 sq. ft.
(b) Duplex	16,000 sq. ft.
(c) Other	40,000 sq. ft.
(d) Planned unit developments	80,000 sq. ft.
  
- (2) *Minimum Lot Width*

(a) Single family	70'
(b) Duplex	110'
(c) Other	150'
  
- (3) *Minimum Yards*

(a) <i>Single Family</i>	
Front*	30'
Rear	40'
Corner side	30'
Total side	18'
Minimum side	7'
(b) <i>Other</i>	
Front*	30'
Rear	40'
Corner side	30'
Total Side	30'
Minimum Side	10'
  
- \* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.
  
- (4) *Maximum Height*

(a) <i>Principal buildings</i>	
Single family	25' 3 stories
Duplex	27' 2 stories
All other uses	40' 3 stories
(b) <i>Accessory buildings</i>	
Single family	12' 2 stories
All other uses	12' 2 stories
(c) <i>Detached garage</i>	
	15' 1 story
  
- (5) *Maximum Floor Area Ratio*

(a) Single family	0.8
(b) Duplex	0.6
(c) All other uses	0.4
  
- (6) *Maximum Building Coverage*

- (a) Single Family 35%
  - (b) Duplex 35%
  - (c) All other uses 35%
- (7) *Maximum Impervious Coverage*
- (a) Single Family 60%
  - (b) Duplex 60%
  - (c) All other uses 80%
- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.031 (R-4) TOWNHOUSES RESIDENCE DISTRICT**

(A) *Purpose.* The R-4 Townhouses Residence District is intended to be established in accordance with the goals and objectives stated in the comprehensive plan. The R-4 District is intended to provide for intermediate housing types and densities between single family detached and multi-family development in order to further a more balanced distribution of non-single family detached housing in the Village, provide a wider range of housing opportunities for Village residents, and to provide for intermediate density development in locations where apartment buildings would not be compatible.

(B) *Uses*

(1) *Permitted Uses*

- COMMERCIAL RECREATION – Swimming pool (indoor, private)
- EDUCATION - Elementary or junior high school, Nursery school
- PUBLIC FACILITIES - Library
- PUBLIC RECREATION - Arboretum, Community center, Playground, Swimming pool (indoor), Tennis court (indoor), Tot lot
- RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary
- RESIDENTIAL - Duplex dwelling, Multiple Family – 4 dwelling units or less, Single family dwelling, Townhomes – 4 dwelling units or less,

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- COMMERCIAL RECREATION - Club (private outdoor)
- EDUCATION - College, university or junior college & high school, School for mentally or physically handicapped
- HEALTH CARE - Child care (center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)
- PUBLIC FACILITIES - Cemetery or mausoleum
- PUBLIC RECREATION - Amphitheater
- PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures
- RELIGIOUS - Religious retreat

RESIDENTIAL - Residence (group), Residence (retirement)

(C) *Bulk, Space and Yard Requirements*

- (1) *Minimum Lot Area*
  - (a) Single family 8,400 sq. ft.
  - (b) Duplex 16,000 sq. ft.
  - (c) Townhomes and multiple-family
    - First two units 12,000 sq. ft.
    - Each additional unit 4,000 sq. ft.
  - (d) Other 40,000 sq. ft.
  - (e) Planned unit developments 80,000 sq. ft.
  
- (2) *Minimum Lot Width*
  - (a) Single family 70'
  - (b) Duplex 110'
  - Townhomes and multiple-family
    - First two units 100'
    - Each additional unit 10'
  - (c) Other 150'
  
- (3) *Minimum Yards*
  - (a) *Single family*
    - Front\* 30'
    - Rear 40'
    - Corner side 30'
    - Total side 18'
    - Minimum side 7'
  - (b) *Duplex*
    - Front\* 30'
    - Rear 40'
    - Corner side 30'
    - Total side 18'
    - Minimum side 7'
  - (c) *Townhomes and multiple-family*
    - Front\* 30'
    - Rear 40'
    - Corner side 30'
    - Total side 20'
    - Minimum side 8'
  - (d) *Other*
    - Front\* 30'
    - Rear 40'
    - Corner side 30'
    - Total side 30'
    - Minimum side 10'

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

- (4) *Maximum Height*
  - (a) *Principal buildings*
    - Single family 25' 3 stories
    - Duplex 27' 3 stories
    - Townhomes and multiple-family 35'3 stories
    - All other uses 40'3 stories
  - (b) *Accessory buildings*
    - Single family 12'2 stories
    - Duplex 12'2 stories
    - Townhomes and multiple-family 12'2 stories
    - All other uses 12'2 stories
  - (c) *Detached garages* 15'1 story
- (5) *Maximum Floor Area Ratio*
  - (a) Single family 0.4
  - (b) Duplex 0.6
  - (c) Townhomes and multiple-family 0.6
  - (d) All other uses 0.4
- (6) *Maximum Building Coverage*
  - (a) Single Family 35%
  - (b) Duplex 35%
  - (c) Townhomes and multiple-family 35%
  - (d) All other uses 25%
- (7) *Maximum Impervious Coverage*
  - (a) Single Family 60%
  - (b) Duplex 60%
  - (c) Townhomes and multiple-family 60%
  - (d) All other uses 80%

- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.032 (R-5) MULTIPLE FAMILY RESIDENCE DISTRICT**

(A) *Purpose.* The R-5 Multiple Family Residence District is established to protect, promote, and maintain the development of multi-family housing and limited public and institutional uses that are compatible with the surrounding residential neighborhood. The development standards and range of allowable uses for this district are designed to provide for convenience and affordability in residential living, at densities characteristic of low-rise multi-family residential buildings.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION – Swimming pool (indoor, private)

EDUCATION - Elementary or junior high school, Nursery school

PUBLIC FACILITIES - Library

PUBLIC RECREATION - Community center, Playground, Swimming pool (indoor), Tennis court (indoor), Tot lot

RELIGIOUS - Church or other place of worship, Convent or monastery, Rectory, Sunday school, Theological seminary

RESIDENTIAL - Boarding house, Multiple Family Dwelling – 20 dwelling units or less, Single family Dwelling, Townhomes

TRANSPORTATION - Parking area (private), Parking area (public)

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

COMMERCIAL RECREATION - Club (private outdoor)

EDUCATION - College, university or junior college & high school, School for mentally or physically handicapped

HEALTH CARE - Child Care (Center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

PUBLIC FACILITIES - Cemetery or mausoleum

PUBLIC RECREATION - Amphitheater

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures

RELIGIOUS - Religious retreat

RESIDENTIAL - Multiple Family Dwelling – 21 to 50 dwelling units, Residence (group), Residence (retirement)

- (C) *Bulk, Space and Yard Requirements* (Footnote references appear in Subsection G, below.)

(1) *Minimum Lot Area*

(a)	<i>Townhomes</i>	
	First two units	12,000 sq. ft.
	Each additional unit	4,000 sq. ft.
(b)	<i>Multiple family</i>	
	First two units	10,000 sq. ft.
	Each additional unit	3,000 sq. ft.
(c)	<i>Other</i>	40,000 sq. ft.
(d)	<i>Planned unit developments</i>	80,000 sq. ft.

(2) *Minimum Lot Width*

(a)	<i>Townhomes</i>	
	First two units	100'
	Each additional unit	10'
(b)	<i>Multiple family</i>	
	First two units	100'
	Each additional unit	5'
(c)	<i>Other</i>	150'

(3) *Minimum Yards*

(a)	<i>Townhomes and multi-family</i>	
	Front*	30'
	Rear	40'
	Corner side	30'
	Total side	30'
	Minimum side	10'
(b)	<i>Other</i>	

Front*	30'
Rear	40'
Corner side	30'
Total side	30'
Minimum side	10'

\* - Front yard setbacks may vary – Where established buildings, on platted lots in a block (or in a distance of 400 feet from the lot in question), have an average setback greater than required in the zoning district, the front yard setback requirement shall be the average setback of the existing building.

- (4) *Maximum Height*
  - (a) Principal buildings
 

Townhomes and multi-family	35 <sup>1</sup> / <sub>3</sub> stories
All other uses	40 <sup>1</sup> / <sub>3</sub> stories
  - (b) Accessory buildings
 

Townhomes and multi-family	12 <sup>1</sup> / <sub>2</sub> stories
All other uses	12 <sup>1</sup> / <sub>2</sub> stories
  - (c) *Detached garages*

	15 <sup>1</sup> / <sub>2</sub> stories
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- (5) *Maximum Floor Area Ratio*
  - (a) Townhomes and multi-family 0.6
  - (b) All other uses 0.4
- (6) *Maximum Building Coverage*
  - (a) Townhomes and multi-family 35%
  - (b) All other uses 20%
- (7) *Maximum Impervious Coverage*
  - (a) Townhomes and multi-family 60%
  - (b) All other uses 80%

- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.033 MONOTONY CODE**

- (A) *Purpose.* This section is established to preserve the aesthetically pleasing character of the village's residential districts by promoting same; protect and enhance property values; and promote the easy identification of houses by encouraging new dwelling unit construction of distinctive design and discouraging excessive similarity among adjacent dwellings. (Ord. 98-08-13-03, passed 8-13-98)
- (B) *Residential Construction; Design Variety*
  - (1) No building permit shall be issued for any new single-family detached or multi-family dwelling unit which is similar in appearance to any dwelling on the same street which is within three lots distance of it. However, those single-family and multi-family dwellings with a signed sales contract or approved application for building permit bearing a date prior to the date of this subchapter shall be exempt from the provisions of this subchapter.

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- (2) A dwelling on a corner lot may be considered dissimilar to another if the two dwellings face different streets. On cul-de-sac turnarounds, no dwelling shall be similar in appearance to another dwelling on the turnaround. (Ord. 98-08-13-03, passed 8-13-98)
- (C) *Excessive Similarity; Standards*
- (1) For the purpose of this subchapter, *Similar in Appearance* shall mean a dwelling which is identical, or nearly identical, to another in any three of the following characteristics:
- (a) Roof type (gable, hip, mansard, gambrel, flat, combination);
  - (b) Roof height;
  - (c) Approximate dimensions (height and length) of the front wall closest to the front lot line;
  - (d) Shape of the front elevation silhouette;
  - (e) Relative locations and sizes of windows in the front elevation;
  - (f) Relative location and dimensions of garage door(s), if included on the front elevation;
  - (g) Type(s) of siding (e.g., brick veneer, lapped horizontal siding, half-timber, board and batten, shakes, etc.) on the front elevation;
  - (h) Exterior color.
- (2) *Housing Styles*. If adjacent lots contain different housing styles as herein described, the previously delineated similarity standards do not apply. Housing style is in and of itself a significant enough characteristic to constitute dissimilarity. Housing styles shall consist of the following: ranch, bi-level, tri-level, 1½-story, two-story and three-story. (Ord. 98-08-13-03, passed 8-13-98)
- (D) *Administration*
- (1) If the Building and Zoning Administrator, or person acting in that capacity, finds that the dwelling for which a building permit is requested is similar in appearance to a dwelling for which a building permit has been issued within three lots distance and facing the same street, the Building and Zoning Administrator shall deny the permit request for non-compliance with this subchapter.
- (2) An applicant for a building permit that has been denied based on the provisions of this subchapter may:
- (3) In appealing the interpretation of this Code to the Village Board of Trustees, an applicant for a building permit shall present evidence sufficient to demonstrate conformity with this subchapter, such as architectural drawings. (Ord. 98-08-13-03, passed 8-13-98)
- (a) Alter the dwelling plans so that the proposed dwelling is no longer similar to another adjacent dwelling, according to the criteria specified herein; or
  - (b) Appeal the decision of the Building and Zoning Administrator to the Village Board of Trustees.
- (E) *Exceptions*

- (1) These regulations shall not apply to dwellings for which building permits have been approved before the effective date of this subchapter, including dwellings that are being remodeled, reconstructed or replaced after fire, windstorm or other catastrophe.
- (2) These regulations may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of a neighboring dwelling for which a building permit has already been issued but is not yet built. In such instances, the builder shall request, and the Village Board of Trustees may grant, an exception from this subchapter.
- (3) These regulations may be waived for residential planned unit developments in which similarity of architectural form and style among dwellings is integral to the success of a unified plan, in which the high quality of building materials, building plans and site plan details overcome the presumed deficiencies of similarity. In such cases, the developer shall request, and the Village Board of Trustees may grant, an exception from the subchapter as a condition of a planned unit development. (Ord. 98-08-13-03, passed 8-13-98)

**ARTICLE V  
BUSINESS AND NON-RESIDENTIAL DISTRICTS**

**§ 156.037 (B-1) NEIGHBORHOOD CONVENIENCE DISTRICT**

(A) *Purpose.* The B-1 Neighborhood Convenience District is intended to provide convenient access to goods and services close to residential areas in a manner that is environmentally compatible with such areas. To accomplish this intent, the district provides smaller scale, close-to-home locations for a limited range of frequently patronized establishments providing convenience goods and services that predominantly serve only the neighborhood. As such, it is anticipated that the design will facilitate pedestrian, as well as, vehicular access. It is intended that such uses will create minimal land use incompatibility with surrounding residential areas. The desired character of the district will be attained by providing substantial buffering, restricting the maximum size of all buildings, encouraging innovative design techniques, and by preserving open spaces and natural features, all of which are intended to minimize the impacts to adjacent residential districts.

(B) *Uses*

(1) *Permitted Uses*

FINANCIAL - Credit Union

FOOD SERVICE - Automat (vending machine – inside), Ice cream shop

HEALTH CARE - Medical, dental, and optometry offices / clinics

OFFICE - Income tax service

PERSONAL SERVICES - Barber shop, Beauty shop, Clothes (pressing and repair), Laundry (cleaning and dyeing - retail), Photography studio

RETAIL SALES - Bakery, Bookstore, Craft shop, Drug store, Florist sales, Fruit & vegetable market – retail, Furniture sales (new), Gift shop, Grocery shop (convenience center), Health food & vitamin store, Hearing aid store, Hobby shop, Jewelry - retail, Liquor store, Stationary store, Watch/clock (sales and repair)

PUBLIC FACILITIES - Government office & services, Library, Post office

PUBLIC RECREATION - Community center, Playground, Tot lot

TRANSPORTATION - Parking area (public)

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

AUTOMOTIVE - Gasoline station (retail non-bulk sales)

COMMERCIAL RECREATION - Club (private outdoor), Health and fitness center (including outdoor athletic facilities), Marina, Swimming pool (indoor, private), Tennis/racquetball club (private)

COMMERCIAL SERVICES - Laundromat, Real estate office

FINANCIAL - Bank, Savings and loan association

FOOD SERVICE - Cafeteria, Restaurant, Tavern

HEALTH CARE - Child care (center), Hospital (communicable disease), Hospital (general or specialized), Psychiatric (alcohol and narcotic treatment center)

OFFICE - Insurance office/agency, Professional offices

PERSONAL SERVICES - Day spa, Funeral home (mortuary, caretaker residence or crematorium), Reading room

RETAIL SALES - Bait shop, Clothing store, Meat market

PUBLIC RECREATION - Swimming pool (indoor), Tennis courts (indoor)

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, WTSFs on existing structures

(C) *Bulk, Space and Yard Requirements.* (Footnote references appear in Subsection G., below.)

- (1) *Minimum Lot Area*
  - (a) All uses 10,000 sq. ft.
  - (b) Planned unit developments 80,000 sq. ft.
- (2) *Minimum Lot Width* 50'
- (3) *Minimum Yards*
  - (a) Front 30'
  - (b) Rear 20'
  - (c) Corner side 20'
  - (d) Total Side 10'
  - (e) Minimum Side 5'
  - (f) Residential Setback 30'
- (4) *Minimum Parking Lot Setbacks*
  - (a) Front 10'
  - (b) Rear NA
  - (c) Corner side 10'
  - (d) Side NA
- (5) *Maximum Height*
  - (a) Principal Use 25 1/2 stories
  - (b) Accessory Use 15 1/1 story
- (6) *Maximum Floor Area Ratio* 1.0
- (7) *Maximum Building Coverage* 50%
- (8) *Maximum Impervious Coverage* 85%

(D) *General Regulations:* As set for in Article XI

(E) *Parking and Loading Requirements:* As set forth in Article XII

(F) *Signs:* As set forth in Article XIII

**§ 156.038 (B-2) HIGHWAY SERVICE DISTRICT**

(A) *Purpose.* The B-2 Highway Service District is established to maintain and promote a mix of commercial and institutional uses that provide goods and services for the Village as a whole as well as for the convenience of residents of the surrounding neighborhood. The development standards and range of allowable uses for the District are designed to accommodate larger scale retail, service, entertainment, and institutional uses that serve the entire Village.

(B) *Uses*

- (1) *Permitted Uses*
  - FARMING - Farming (cultivation of field/garden crops) including farm residents, Floriculture, Grass or Sod Farm, Nursery, Orchard
  - AGRICULTURAL BUSINESS - Feed and Grain Sales, Forest preserve, Kennel/boarding, Nursery (including retail sales), Park, Veterinary hospital

AUTOMOTIVE - Agricultural implement sales and service, Ambulance service and garage, Automobile rental, Automobile repair (minor), Automobile sales (new-showroom), Boat sales, Garage (bus or truck), Motorcycle showroom and service, Trailer rental, Truck rental, Truck sales (showroom)

COMMERCIAL RECREATION - Billiard parlor, Club (private outdoor), Commercial outdoor recreation, Dance hall, Golf driving range, Health and fitness center (including outdoor athletic facilities), Miniature golf, Swimming pool, (indoor, private), Tennis/racquetball club (private), Theater (enclosed), Trampoline center

COMMERCIAL SERVICES - Advertising agency, Appliance service only, Blueprint/photostat/copy shop, Business machine repair, Exterminating and fumigating, Furniture repair and refurbishing, Newspaper or publisher, Office equipment & supplier sales, Real estate office, Stenographic service

CONSTRUCTION - Electrical equipment sales/fixtures, Plumbing supplies & fixture sales, Pump sales

FINANCIAL - Bank, Credit union, Savings and loan association

FOOD SERVICE - Automat (vending machine – inside), Cafeteria, Catering service, Ice cream shop, Restaurant, Soft drink stand

HEALTH CARE - Medical, dental, and optometry offices / clinics, Medical laboratory

OFFICE - Bookkeeping service, Detective agency, Employment office, Engineering office, Income tax service, Insurance office/agency, Manufacturer's agent office, Professional offices, Public accountant, Stockbroker, Ticket office, Title company, Travel agency, Utility office

PERSONAL SERVICES - Barber shop, Beauty shop, Clothes (pressing & repair), Day spa, Dressmaker and seamstress, Funeral home (mortuary), Hotel/Motel, Interior decorating studio, Laundry (cleaning and dyeing-retail), Locksmith, Photography studio, Reading room, Shoe and hat repair, Tailor, Tanning salon, Taxidermist, Weaving and mending (custom)

RETAIL SALES - Antique sales, Appliance sales, Art supply store, Auto accessory store, Bait shop, Bakery, Bicycle shop, Bookstore, Camera shop, Clothing store, Craft shop, Drug store, Floor covering sales, Florist sales, Fruit & vegetable market - retail, Furniture sales (new), Gift shop, Grocery shop (convenience center), Grocery store (retail), Hardware store (retail), Health food & vitamin store, Hearing aid store, Hobby shop, Household furnishing shop, Jewelry (retail), Leather goods, Liquor store, Magazine & newsstand, Meat market, Music (instrument & record store), Paint & wallpaper store, Pet shop, Picture frame shop, Souvenir (curio shop), Sporting goods, Stationary store, Swimming pool & assoc. fixtures, Toy store, Typewriter sales, Watch/clock (sales and repair)

PUBLIC FACILITIES - Armed forces training center, Armory, Cemetery or mausoleum, Government office and services, Library, Museum, Post office

PUBLIC RECREATION - Community center, Playground, Swimming pool (indoor), Tennis courts (indoor), Tot lot

RESIDENTIAL - Apartment hotel

TRANSPORTATION - Parking area (public), Parking garage (public)

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

AUTOMOTIVE - Automobile Repair (major), Automobile sales (used), Car wash, Gasoline service station, Gasoline station (retail non-bulk sales), Mobile home sales, Outside storage of vehicles, Recreational vehicles sales/service, Taxicab garage, Truck repair

COMMERCIAL RECREATION - Amusement park, Indoor amusement, Indoor recreation, Marina, Rod and gun club, Theater (drive-in)

COMMERCIAL SERVICES - General rental centers, Laundromat, Outdoor sales and service, Radio & television studio

EDUCATION - College, university or junior college & high school, Commercial or Trade School (or other training school), School for mentally or physically handicapped

FINANCIAL - Drive through establishment

FOOD SERVICE - Carry out food service, Drive-in/drive-thru food service, Frozen food locker, Nightclub, Tavern

HEALTH CARE - Child care (center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

INDUSTRIAL SERVICES - Mirror & glass supply (refinish), Upholstery shop

PERSONAL SERVICES - Funeral home (caretaker residence or crematorium)

RETAIL SALES - Furniture sales (used), Outdoor sales & service, Secondhand store

PUBLIC RECREATION - Indoor recreation

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, Wireless telecommunications service facilities on existing structures

RESIDENTIAL - Multi-family dwelling above first floor business uses and office uses

(C) *Bulk, Space and Yard Requirements.* (Footnote references appear in Subsection G., below.)

- |     |                                     |                |
|-----|-------------------------------------|----------------|
| (1) | <i>Minimum Lot Area</i>             |                |
|     | (a) All uses                        | 5,000 sq. ft.  |
|     | (b) Planned unit developments       | 80,000 sq. ft. |
| (2) | <i>Minimum Lot Width</i>            | 50'            |
| (3) | <i>Minimum Yards</i>                |                |
|     | (a) Front                           | 30'            |
|     | (b) Rear                            | 20'            |
|     | (c) Corner side                     | 20'            |
|     | (d) Total side                      | 20'            |
|     | (e) Minimum side                    | 10'            |
|     | (f) Residential setback             | 30'            |
| (4) | <i>Minimum Parking Lot Setbacks</i> |                |
|     | (a) Front                           | 10'            |
|     | (b) Rear                            | NA             |
|     | (c) Corner side                     | 10'            |
|     | (d) Side                            | NA             |
| (5) | <i>Maximum Height</i>               |                |
|     | (a) Principal Use                   | 35/3 stories   |
|     | (b) Accessory Use                   | 25/2 stories   |
| (6) | <i>Maximum Floor Area Ratio</i>     | 1.5            |
| (7) | <i>Maximum Building Coverage</i>    | 50%            |
| (8) | <i>Maximum Impervious Coverage</i>  | 85%            |

(D) *General Regulations:* As set for in Article XI.

- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.039 (B-3) SHOPPING CENTER BUSINESS DISTRICT**

(A) *Purpose.* The B-3 Shopping Center Business District is established to provide a location for higher-volume and higher-intensity commercial uses in centralized and highly accessible locations serving the entire Village and surrounding areas, providing employment and revenues for the Village. Due to the higher volume of such establishments, and the automobile and truck traffic they typically generate, it is intended that the B-3 District be located only along major streets, in order to ensure that the traffic generated by such uses does not spill over into nearby residential neighborhoods and the uses themselves create less of an impact on residential areas than they would in other locations in the Village. Recognizing the impacts such uses may have on adjacent residential areas and the overall character of the Village the development standards for the District are designed to buffer it from nearby residential properties and to maintain the general appearance of major thoroughfares through the Village.

(B) *Uses*

(1) *Permitted Uses*

AUTOMOTIVE - Agricultural implement sales and service, Automobile sales (new-showroom), Motorcycle showroom and service, Truck sales (showroom)

COMMERCIAL RECREATION - Billiard parlor, Club (private outdoor), Dance hall, Game room, Health and fitness center (including outdoor athletic facilities), Miniature golf, Rink/roller/skating/skateboard parks, Swimming pool, (indoor, private), Sports arena, Tennis/racquetball club (private), Theater (enclosed), Trampoline center

COMMERCIAL SERVICES - Advertising agency, Blueprint/photostat/copy shop, Business machine repair, Office equipment & supplier sales, Real estate office, Stenographic service

CONSTRUCTION - Electrical equipment sales/fixtures, Plumbing supplies & fixture sales

FINANCIAL – Bank, Credit union, Savings and loan association

FOOD SERVICE - Automat (vending machine – inside), Cafeteria, Ice cream shop, Restaurant, Soft drink stand

HEALTH CARE - Medical laboratory, Medical, dental, and optometry offices / clinics

OFFICE - Bookkeeping service, Detective agency, Employment office, Engineering office, Income tax service, Insurance office/agency, Manufacturer's agent office, Professional offices, Ticket office, Travel agency, Utility office

PERSONAL SERVICES - Barber shop, Beauty shop, Catalog sales office, Clothes (pressing & repair), Day spa, Dressmaker and seamstress, Funeral home (mortuary), Hotel/Motel, Interior decorating studio, Laundry (cleaning and dyeing-retail), Photography studio, Reading room, Shoe and hat repair, Tailor, Tanning salon, Taxidermist, Weaving and mending (custom)

RETAIL SALES - Antique sales, Appliance sales, Army-Navy surplus supply, Art gallery-art studio sales, Art supply store, Auto accessory store, Bakery, Bicycle shop, Bookstore, Camera shop, Clothing store, Craft shop, Department store, Drug store, Dry goods store – retail, Fish market – retail, Floor covering sales, Florist sales, Fruit & vegetable market – retail, Furniture sales (used), Gift shop, Grocery shop (convenience center), Grocery store (retail), Hardware store, Health food & vitamin store, Hearing aid store, Hobby shop, Household furnishing shop, Jewelry (retail), Junior Department Store (variety store), Leather goods, Liquor store, Magazine & newsstand, Meat market, Music (instrument & record store), Paint & wallpaper store, Pet shop, Picture frame shop, Souvenir (curio

shop), Sporting goods, Stationary store, Swimming pool & assoc. fixtures, Toy store, Typewrite sales, Watch/clock (sales and repair)

PUBLIC FACILITIES - Government office and services, Library, Museum, Post office

PUBLIC RECREATION - Auditorium, Community center, Playground, Sports arena, Stadium, Swimming pool (indoor), Tennis courts (indoor), Tot lot

RESIDENTIAL - Apartment hotel

TRANSPORTATION - Parking area (public), Parking garage (public)

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

AUTOMOTIVE - Automobile Repair (minor), Car Wash, Gasoline Service Station, Gasoline Station (retail non-bulk sales), Outside storage of vehicles

COMMERCIAL RECREATION - Amusement park, Indoor amusement, Indoor recreation, Marina, Rod and gun club, Theater (drive-in)

COMMERCIAL SERVICES - Laundromat, Outdoor sales and service, Radio & television studio

EDUCATION - Commercial or Trade School (or other training school)

FINANCIAL - Currency exchange, Drive through establishment, Personal loan agency

FOOD SERVICE - Carry out food service, Drive-in/drive-thru food service, Frozen food locker, Nightclub, Tavern

HEALTH CARE - Child care (center), Hospital (communicable disease), Hospital (general or specialized), Mental health clinic or center, Mental hospital, Nursing/Sheltered care home, Psychiatric (alcohol and narcotic treatment center)

RETAIL SALES - Furniture sales (used), Outdoor sales & service, Secondhand store

PUBLIC RECREATION - Indoor recreation

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, Wireless telecommunications service facilities on existing structures

RELIGIOUS - Church or other place of worship, Rectory, Sunday school

TRANSPORTATION - Heliport

(C) *Bulk, Space and Yard Requirements*

- |     |                                      |                |
|-----|--------------------------------------|----------------|
| (1) | <i>Minimum Lot Area</i>              |                |
| (a) | All uses - Planned Unit Developments | 80,000 sq. ft. |
| (2) | <i>Minimum Lot Width</i>             | 200'           |
| (3) | <i>Minimum Yards</i>                 |                |
| (a) | Front                                | 50'            |
| (b) | Rear                                 | 20'            |
| (c) | Corner side                          | 20'            |
| (d) | Total Side                           | 20'            |
| (e) | Minimum Side                         | 10'            |
| (f) | Residential Setback                  | 30'            |
| (4) | <i>Minimum Parking Lot Setbacks</i>  |                |
| (a) | Front                                | 10'            |
| (b) | Rear                                 | NA             |
| (c) | Corner side                          | 10'            |
| (d) | Side                                 | NA             |

- (5) *Maximum Height*
  - (a) Principal Use 35'3 stories
  - (b) Accessory Use 15'1 story
- (6) *Maximum Floor Area Ratio* 1.0
- (7) *Maximum Building Coverage* 50%
- (8) *Maximum Impervious Coverage* 85%
- (D) *General Requirements:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.

**§ 156.040 (B-4) ADAPTIVE REUSE BUSINESS DISTRICT**

(A) *Purpose.* The Adaptive Reuse District is intended to provide for small shops, offices, and boutiques along the east and west Main Street corridor and properties adjacent to the central business district where it is possible to retain the residential character and appearance of the Village and at the same time promote business activity. The regulations are designed to encourage the retention and renovation of sound existing structures and to ensure that the business uses remain compatible with the existing distinctive historic residential character. The uses permitted are characterized by low traffic volumes, limited parking demand, and limited outdoor advertising. Replacement structures and additions to existing buildings in the district also must have a residential character and appearance.

(B) *Uses*

(1) *Permitted Uses*

AGRICULTURAL BUSINESS - Park

COMMERCIAL SERVICES - Advertising agency

FOOD SERVICE - Ice cream shop

OFFICE - Bookkeeping service, Detective agency, Engineering office, Income tax service, Insurance office/agency, Professional offices, Public accountant, Ticket office, Travel agency

PERSONAL SERVICES - Barber shop or Beauty shop (*not to exceed three (3) chairs or stations*), Clothes (pressing & repair), Dressmaker and seamstress, Interior decorating studio, Photography studio, Shoe and hat repair, Tailor

RETAIL SALES - Antique sales, Art gallery-art studio sales, Art supply store, Bicycle shop, Bookstore, Camera shop, Craft shop, Florist sales, Gift shop, Health food & vitamin store, Hearing aid store, Hobby shop, Jewelry (retail), Leather goods, Music (instrument & record store), Picture frame shop, Stationary store, Toy store, Watch/clock (sales and repair)

PUBLIC RECREATION - Tot lot

RESIDENTIAL - Single family detached dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

COMMERCIAL SERVICES - Real estate office

FOOD SERVICE - Restaurant

HEALTH CARE - Medical, dental, and optometry offices / clinics

PUBLIC UTILITIES - Wireless telecommunications service facilities on existing structures

RESIDENTIAL - Bed and breakfast establishments

(C) *Bulk, Space and Yard Requirements*

- |     |                                     |                                     |
|-----|-------------------------------------|-------------------------------------|
| (1) | <i>Minimum Lot Area</i>             |                                     |
|     | (a) All uses                        | 8,400 square feet                   |
|     | (b) Planned unit developments       | 80,000 square feet                  |
| (2) | <i>Minimum Lot Width</i>            |                                     |
|     | (a) All uses                        | 70'                                 |
| (3) | <i>Minimum Yards</i>                |                                     |
|     | (a) Front                           | 30'                                 |
|     | (b) Rear                            | 40'                                 |
|     | (c) Corner side                     | 30'                                 |
|     | (d) Total side                      | 18'                                 |
|     | (e) Minimum side                    | 7'                                  |
|     | (f) Abutting Residential District   | <i>Yard Requirement Shall Apply</i> |
| (4) | <i>Minimum Parking Lot Setbacks</i> |                                     |
|     | (a) Front                           | 10'                                 |
|     | (b) Corner side                     | 10'                                 |
|     | (c) Side                            | 10'                                 |
|     | (d) Rear                            | 10'                                 |
| (5) | <i>Maximum Height</i>               |                                     |
|     | (a) Principal Use                   | 25 1/2 stories                      |
|     | (b) Accessory Use                   | 12 1/2 stories                      |
| (6) | <i>Maximum Floor Area Ratio</i>     | 0.80                                |
| (7) | <i>Maximum Building Coverage</i>    | 50%                                 |
| (8) | <i>Maximum Impervious Coverage</i>  | 85%                                 |

(D) *General Regulations:* As set forth in Article XI.

(E) *Parking and Loading Requirements:* As set forth in Article XII.

(F) *Signs:* As set forth in Article XIII.

(G) *Use Limitations*

- (1) *New Structures or Building Additions.* Any new structure or building addition constructed in the District shall be designed to be compatible in appearance and character with adjacent single family residential structures. The quality of exterior design shall be equal on all facades of the structure, and the materials used shall be of the same or comparable quality on all facades of the structure.
- (2) *Conversion of Existing Structures.* No permitted or specially permitted use shall be established in the district by the conversion or rebuilding of any structure originally designed for a residential use, unless the existing residential character of the structure is retained. The quality of exterior design shall be equal on all facades of the structure, and

the materials used shall be of the same or comparable quality on all facades of the structure.

- (3) *Visual Compatibility.* All conversions of existing structures or new construction shall be designed to be visually compatible in terms of the materials used, shapes, textures, colors, projections, proportions, and scale with the buildings, public ways, and places to which they are visually related.
- (4) *Exterior Lighting.* All exterior lighting in the district shall be so arranged as to prevent direct glare of beams onto any residential district by the use of lumina cutoffs. Parking lot lighting shall be installed in accordance with §156.073(C)(7).
- (5) *Screening and Landscaping.* All open off-street parking areas, separation islands, and access drives shall be effectively screened by a wall, a solid fence, earth bed, or densely planted evergreen hedge along any side which adjoins, or is directly across a street or alley from a property in a residential district.
- (6) *Hours of Operation.* No business located in the District shall have regular hours of operation between the hours of 9 p.m. and 8 a.m.

**§ 156.043 (O-1) GENERAL OFFICE DISTRICT**

(A) *Purpose.* The O-1 General Office District is intended to permit high-quality office and institutional land uses at intensities compatible with the overall suburban community character of the Village. This district is used to provide for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the suburban community character is maintained.

(B) *Uses*

(1) *Permitted Uses*

FARMING - Farming (cultivation of field/garden crops) including farm residents, Floriculture, Grass or Sod Farm, Nursery (including retail sales), Orchard

COMMERCIAL SERVICES - Advertising agency, Stenographic service

FINANCIAL - Credit union

FOOD SERVICE - Automat, Vending Machine - inside

HEALTH CARE - Medical, dental, and optometry offices / clinics

INDUSTRIAL SERVICE - Laboratory for experimentation & scientific research, Laboratory for testing materials or products

OFFICE - Bookkeeping service, Detective agency, Engineering office, Income tax service, Insurance office/agency, Manufacturer’s agent office, Professional offices, Public accountant, Stockbroker, Ticket office, Title company, Travel agency, Utility office

PERSONAL SERVICES - Barber shop, Beauty shop, Photography studio

RETAIL SALES - Drug store, Hearing aid store

PUBLIC FACILITIES - Government office and services, Library

(2) *Specials Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

COMMERCIAL RECREATION - Swimming pool (indoor, private)

EDUCATION - College, university or junior college & high school, Commercial or Trade School (or other training school)

FINANCIAL - Bank, Savings and loan association

FOOD SERVICE - Cafeteria, Restaurant

HEALTH CARE - Assisted living facility (stand alone or campus), Child care (center), Medical laboratory

PUBLIC RECREATION - Swimming pool (indoor)

PUBLIC UTILITIES - Sub-station, Telephone exchange, Water storage tank, Wireless telecommunications service facilities on existing structures

RESIDENTIAL - Bed and breakfast establishments

(C) *Bulk, Space and Yard Requirements.*

- (1) *Minimum Lot Area*
  - (a) All uses 21,780 sq. ft.
  - (b) Planned unit developments 80,000 sq. ft.
- (2) *Minimum Lot Width* 80'
- (3) *Minimum Yards*
  - (a) Front 30'
  - (b) Rear 20'
  - (c) Corner side 20'
  - (d) Total Side 20'
  - (e) Minimum Side 10'
  - (f) Residential Setback 30'
- (4) *Minimum Parking Lot Setbacks.*
  - (a) Front 10'
  - (b) Rear NA
  - (c) Corner side 10'
  - (d) Side NA
- (5) *Maximum Height.*
  - (a) Principal Use 25/2 stories
  - (b) Accessory Use 15/1 story
- (6) *Maximum Floor Area Ratio* 1.0
- (7) *Maximum Building Coverage* 50%
- (8) *Maximum Impervious Coverage* 85%

(D) *General Regulations:* As set forth in Article XI.

(E) *Parking and Loading Requirements:* As set forth in Article XII.

(F) *Signs:* As set forth in Article XIII.

**§ 156.044 (HC) HEALTH CARE DISTRICT**

(A) *Purpose:* The health care district regulations set forth herein are established to protect public health and the environment, and promote public safety, convenience, comfort and the general welfare of the village. These general objectives include, among other, the following specific purposes:

- (B) The following health care district is established: HC Health Care
- (C) *Primary, Secondary, Retail, and Special Uses, and Accessory Structures.* The following classification of Primary, Secondary, Retail, and Special Uses and Accessory Structures shall control the establishment of uses in the Health Care District. More than one principal use and one principal building may be located on a single lot. The permitted and special uses in the Health Care District shall be established in the Land Use and Circulation Plan that is approved in conjunction with the Health Care District zoning classification. The permitted and special uses and their appropriate locations, as identified in the Plan, shall be established in accordance with the purpose and intent of the Health Care District. Parking and loading requirements, landscaping and screening requirements, performance standards and signs shall also be specified in the Land Use and Circulation Plan.

(1) *Permitted Primary Uses in the Health Care District*

Assisted Living Facility  
 Cancer Diagnostic/Treatment Facility  
 Child Care, Center  
 Clinic  
 Conference Center  
 Congregate Housing  
 Daycare-Center; Adult  
 Health and Fitness Center  
 Healthcare Museum  
 Hospice  
 Hospital  
 Intermediate/Long-Term Care Facility  
 Laboratory  
 Learning Institute/Education Center  
 Medical Imaging Facility  
 Mental Health Center  
 Nursing Home  
 Offices, Corporate Healthcare  
 Offices, Medical, Dental, and Optometry  
 Offices, Medical Support Services  
 Outpatient Diagnostic and Surgical Facility  
 Psychiatric, Alcohol and Narcotic Treatment Center:  
 Recreational Uses, Including Indoor and Outdoor Athletic Facilities  
 Specialized Hospital Facility  
 Skilled Care Facility  
 Sports Medicine Facility  
 Urgent Care Facility

*Accessory Uses, Buildings, and Structures to all Primary Uses, Including Off-Street Parking and Loading and Signs.*

- (2) *Secondary Uses.* Secondary Uses are intended to support the Primary Uses and make certain services available on the health care campus for the necessity and convenience of the employees, patrons and residents of the campus. The Secondary Uses recognize that certain types of institutional residential uses are desirable on a health care campus. A Secondary Use, which may be attached to or detached from a Primary Use, is permitted, but only if and to the extent that such Secondary Use is appropriate for and related to the

health care campus. The Village Manager shall determine if a proposed use is a permitted Secondary Use, subject to an appeal as provided in Article XVI of the Zoning Ordinance.

*Permitted Secondary Uses in the Health Care District:*

Bus Stop  
 Community or Recreation Center  
 Education Facilities  
 Offices, Non-profit Foundations  
 Overnight Facilities  
 Parks and Conservation Area  
 Parks and Recreation Facility  
 Philanthropic and Charitable Institution  
 Religious Institution  
 Residence, Retirement (Retirement Home)

- (3) *Retail Uses.* The following Retail Uses are permitted but the total square footage of retail uses in the Health Care District shall not exceed fifteen percent (15%) of the aggregate floor area then occupied by the Primary Uses and Secondary Uses and for which building permits have been issued. Permitted Retail Uses in the Health Care District:

Automated Teller Machines (Walk-up Only)  
 Barber and Beauty Shop  
 Cafeteria  
 Camera and Photo Supply Store, With Photo Processing  
 Dry Cleaner and Laundries (processing to be done off site)  
 Exercise Equipment/Sporting Goods Store  
 Financial Institution  
 Flower Shop  
 Gift Shop  
 Grocery Store  
 Healthcare Accessories Shop  
 Health Food Store With or Without Cooking Center  
 Insurance Offices  
 Laundromats  
 Medical Equipment Store  
 Newspaper, Book, Magazine or Sundries Shop  
 Optical Goods Shop  
 Pharmacy  
 Restaurant  
 Travel Agency  
 Video Cassette Sales and Rentals  
 Vitamin Store

- (4) *Special Uses. Permitted Special Uses in the Health Care District:*

All Drive-Thru Facilities  
 Dry Cleaning Plant and Laundry, With Processing Performed On-Site.  
 Facility Serving Alcoholic Beverages, But Without Live Entertainment or Dancing  
 Heliport  
 Independent Living Facility  
 Residence, Group (Group Home)

Wireless Telecommunication Service Facilities on existing structures

- (5) *Accessory Structures.* Accessory Structures as defined herein, which are accessory to the permitted uses hereunder, shall not exceed five percent (5%) of the floor area then occupied by the Primary Uses and Secondary uses and for which building permits have been issued. The floor area of any single Accessory Structure shall be no greater than 5,000 square feet.
- (D) Multiple uses and buildings shall be permitted on a single lot.
- (E) The following site standards shall apply in a HC Health Care District:
  - (1) *Minimum Size of a Health Care District:* 50 acres
  - (2) *Minimum Lot Area:* 2 acres
  - (3) *Maximum Floor Area Ratio:* 0.50
  - (4) *Building Setbacks:*
    - (a) Front: 50 feet
    - (b) Side: 30 feet
    - (c) Rear: 30 feet
    - (d) Abutting a Street: 50 feet
    - (e) Abutting a Residential District: 50 feet
    - (f) Health District Boundary: 50 feet
  - (5) *Parking/drive Setbacks:*
    - (a) Front: 30 feet
    - (b) Side: 10 feet
    - (c) Rear: 10 feet
    - (d) Abutting a Street: 30 feet
    - (e) Abutting a Residential: 30 feet
  - (6) *Building Height:* 45 feet\*
    - \* - except that a Hospital may be up to 120 feet in height, provided that such Hospital shall be set back an additional one foot from the boundary of the Health Care District for every one foot in height in excess of 45 feet. No part of any rooftop HVAC unit or other appurtenance shall exceed 15 feet above the maximum permitted building height.
  - (7) *Landscape Requirements:* Landscaping shall be installed in accordance with Article XV: Tree and Landscape Ordinances.
  - (8) *Required Parking:* Not less than 4 parking spaces shall be provided per 1,000 square feet of gross floor area. The Village Manager may authorize landbanking of required parking spaces subject to the applicant filing his or her unconditional agreement and covenant in form and substance acceptable to the Village Manager that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for parking. All other requirements of *Article XII - Off-Street Parking and Loading* shall apply.
- (F) *Mechanical Equipment and Storage, Service and Maintenance Areas.* Mechanical Equipment and Storage, Service and Maintenance Areas shall comply with the following regulations:

- (1) All rooftop mechanical equipment shall be screened to the full height of such equipment by a parapet wall or other screening structure of the same or compatible materials as the principal building façade.
- (2) All ground mounted mechanical equipment shall be screened by an opaque fence, wall, or densely planted landscaping material of a height sufficient to completely screen such equipment from view from all adjoining property.
- (3) All materials, trash, supplies, or equipment shall be stored within an enclosed building, or screened on all sides by walls that a minimum of 6 feet in height and that are constructed of materials similar to those that are used for adjacent buildings.
- (4) The outdoor storage of bulk materials is prohibited. Screened outdoor storage areas shall not be located in a Required Front Yard or Corner Side Yard, and shall not exceed 1,000 square feet in area.
- (5) Trash collection enclosures shall be designed of durable materials with finishes and colors which are designed of durable materials with finishes and colors similar to those that are used for adjacent building.

**§ 156.045 (M) MANUFACTURING DISTRICT**

(A) *Purpose.* The M Manufacturing District is intended to permit both large and small scale high quality industrial and office development at an intensity which is consistent with the overall desired suburban community character of the Village. The district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing uses that are carefully controlled to reduce the impact on adjacent properties.

(B) *Uses*

(1) *Permitted Uses*

AGRICULTURAL BUSINESS - Mushroom production barn

AUTOMOTIVE - Automobile repair (major), Automobile repair (minor), Garage (bus or truck), Taxicab garage, Trailer rental, Truck rental, Truck repair, Truck sales (showroom)

COMMERCIAL RECREATION - Health and Fitness Center, incl'g outdoor athletic facilities

COMMERCIAL SERVICES - Advertising agency, Advertising display design/production (Graphic Arts), Appliance service only, Blacksmith shop, Business machine repair, Dry cleaning (non-retail), Exterminating and fumigating, Fuel, ice, coal and wood sales, Furniture repair and refurbishing, General rental centers, Newspaper or publisher, Office equipment & supplier sales, Wholesaling of commercial & retail products, Window cleaning services

CONSTRUCTION - Electrical equipment sales/fixtures, Monument works, Plumbing supplies & fixture sales, Pump sales, Septic tank sales & service

FOOD SERVICE - Automat, Vending Machine—inside, Catering service, Frozen food locker

HEALTH CARE - Medical laboratory

INDUSTRIAL SERVICE - Carpet & rug cleaning plant, Dry cleaning plant & dyeing plant, Furniture cleaning plant, Laboratory for experimentation & scientific research, Laboratory for testing materials or products, Laundry Plant (non-retail), Manufacturing, Mirror & glass supply (refinish), Upholstery shop

OFFICE - Manufacturer's agent office, Professional offices

PERSONAL SERVICES – Photography studio

PUBLIC FACILITIES - Armed forces training center, Armory, Government offices and services

PUBLIC RECREATION - Swimming pool (indoor), Tennis courts (indoor)

PUBLIC UTILITIES - Sub-station, Telephone exchange, Utility company maintenance yard or depot, Utility service yard or garage, Water storage tank

TRANSPORTATION - Bus garage/car barn, Motor/rail freight terminal, Parking Area (public), Parking garage (public), Truck terminal, Warehouse (storage)

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance the Village may, by Special Use Permit, allow the following uses in the M District:

AGRICULTURAL BUSINESS - Kennel/boarding, Medical Cannabis Cultivation Center, Poultry hatchery, Veterinary Hospital, Wind Energy Systems (large or small)

AUTOMOTIVE - Car Wash, Gasoline Service Station, Gasoline Station (retail non-bulk sales), Outside Storage of Vehicles

COMMERCIAL RECREATION - Indoor amusement, Indoor recreation, Sports arena, Tennis/Racquetball club (private)

COMMERCIAL SERVICES - Auction house

CONSTRUCTION - Building materials, fabricating, storage, & distribution in conjunction with on-site wholesale & retail sales, Bulk material storage yard, Contractor equipment storage yard or plant, Machinery storage yard

EDUCATION - College, university or junior college & high school, Commercial or Trade School (or other training school)

FOOD SERVICE - Cafeteria

MICROBREWERY, WINERY: A microbrewery/winery is principally a retail establishment with the subordinate manufacture of malt beverages and wines. The microbrewery/winery must include a tasting or tap room, and it must include the manufacture of malt beverages or wines. A microbrewery/winery may include a restaurant for the sale of prepared food and drinks on the premises; miscellaneous retail, such as microbrewery/winery clothing, souvenirs, gifts, etc.; accessory outdoor entertainment; accessory outdoor restaurant seating; and accessory silo structures. Accessory outdoor entertainment shall be subject to the requirements for Temporary Uses, Structures, and Obstructions.

- (a) A microbrewery/winery which produces more than 30,000 barrels per year and less than 120,000 barrels per year must include a restaurant for the sale of prepared food and drinks on the premises. A microbrewery/winery which produces more than 30,000 barrels per year and less than 120,000 barrels per year shall be limited in floor area, such that the floor area used for manufacturing and its ancillary uses shall be not greater than the floor area used for retail and its ancillary uses.

- (b) A microbrewery/winery which produces less than 30,000 barrels per year shall only be required to include a tasting room or a tap room, and the manufacture of malt beverages or wines. Such a microbrewery/winery shall not be subject to the floor area limitations for manufacturing and retail.

PUBLIC RECREATION - Indoor recreation

PUBLIC UTILITIES - Energy generating station, Gas tank storage, Wastewater treatment facility, Wireless Telecommunications Service Facilities, WTSFs on existing structures

TRANSPORTATION - Airport, Grain elevators, Heliport, Warehouse (self-storage facility)

- (C) *Bulk, Space and Yard Requirements.* (Footnote references appear in Subsection G., below.)

- (1) *Minimum Lot Area*

- |     |                           |                |
|-----|---------------------------|----------------|
| (a) | All uses                  | 20,000 sq. ft. |
| (b) | Planned unit developments | 80,000 sq. ft. |

- (2) *Minimum Lot Width*
    - (a) All uses 100'
  - (3) *Minimum Yards*
    - (a) Front 30'
    - (b) Rear 20'
    - (c) Corner side 20'
    - (d) Total Side 30'
    - (e) Minimum Side 15'
    - (f) Residential Setback 30'
  - (4) *Minimum Parking Lot Setback.*
    - (a) Front 10'
    - (b) Rear NA
    - (c) Corner side 10'
    - (d) Total Side NA
    - (e) Minimum Side NA
    - (f) Abutting residential district [requires screening]
  - (5) *Maximum Height.*
    - (a) Principal Use 45<sup>1</sup>/<sub>3</sub> stories
    - (b) Accessory Use 25<sup>1</sup>/<sub>2</sub> stories
  - (6) *Maximum Floor Area Ratio* 0.75
  - (7) *Maximum Building Coverage* 50%
  - (8) *Maximum Impervious Coverage* 90%
- (D) *General Regulations:* As set forth in Article XI.
- (E) *Parking and Loading Requirements:* As set forth in Article XII.
- (F) *Signs:* As set forth in Article XIII.
- (G) *Use Limitations:* All activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing and testing shall be conducted in completely enclosed buildings. If allowed as a permitted or special use, the storage of materials, products, and goods must be screened with a solid fence or wall on all lot lines with only such openings as are necessary for ingress or egress. Said fence or wall shall be maintained in a neat and orderly appearance and shall be of such height that any materials stored within the confines of such fence cannot be seen from any lot line or public right-of-way.

**§ 156.046 (ORI) OFFICE / RESEARCH / INDUSTRIAL DISTRICT**

- (A) *Purpose.* The ORI Office/Research/Industrial-Light Manufacturing District is intended to provide for the development of office, research and light manufacturing uses in high visibility locations adjacent to, and in close proximity of, major thoroughfares. Development in this district shall be characterized by an absence of nuisances in a clean and aesthetically attractive setting. This district shall permit light manufacturing operations which, by nature of the product, or magnitude of production, would be compatible with research, professional or business offices. Commercial uses shall be limited to those which are primarily oriented towards servicing those businesses located within the office/research/ Industrial-light manufacturing district.

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(B) *Intent*

- (1) To provide for parcels of land for large, attractively landscaped sites for research activities or specialized compatible light manufacturing activities, and office buildings;
- (2) To require adequate off-street parking and limited access to roads through the use of frontage roads;
- (3) To provide some retail uses that service the uses within the district;
- (4) To promote office, research, and light manufacturing development in the district;
- (5) To locate office, research, and light manufacturing uses on lands suitable for those purposes, but at locations that would not be harmful or disadvantageous to nearby or adjacent property;
- (6) To encourage the grouping of compatible office, research, and light manufacturing activities, thereby promoting convenience, efficiency and safety in transportation;
- (7) To promote job creation to support the retail businesses in the Village thereby protecting and strengthening the economic base of the Village; and

(C) *Uses*

(I) *Permitted Uses*

- (1) Offices
  - (a) Call Centers
  - (b) Administrative, business, professional, governmental and medical
  - (c) Data processing and computer center, including service and maintenance
  - (d) Newspaper or publisher
- (2) Institutional and Educational Uses
  - (a) College, university or junior college
  - (b) Conference centers
  - (c) Medical Laboratories
  - (d) Philanthropic and charitable institutions
  - (e) Schools - business, corporate training, data processing or electronics.
  - (f) Schools (art, dancing, dramatic, music)
- (3) Commercial/Retail Uses
  - (a) Office equipment & supplier sale
  - (b) Radio and television studio (w/o tower)
  - (c) Floor covering sales
  - (d) Furniture sales (new)
  - (e) Hotel
  - (f) Microbrewery, winery
- (4) Research/Industrial-Light Manufacturing uses:
  - (a) Food processing and handling
  - (b) Laboratories, offices and other facilities for research testing, data analysis and development
  - (c) Light manufacturing
  - (d) Printing and publishing
  - (e) Product research and development

(II) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on a petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- (1) Commercial/Retail Uses
  - (a) Depository and non-depository credit institutions and banks
  - (b) Gas/service stations (not including truck stop)
  - (c) Restaurants, including alcohol sales and service, excluding drive-in or drive-through service
- (2) Office/Industrial-Light Manufacturing Uses:
  - (a) Data Center
  - (b) Day Care Center
  - (c) Heliports
  - (d) Hospitals
  - (e) Planned Unit Developments in accordance with the applicable provisions of the Zoning Ordinance
  - (f) Storage and distribution of bulk commodities
  - (g) Warehousing, storage and distribution
- (3) Retail -Commercial Recreation Uses
  - (a) Amusement and family entertainment establishments, outdoor
  - (b) Aquatic parks
  - (c) Stadiums (outdoor and enclosed)
- (4) Accessory Uses
  - (a) Fuel Dispenser

(D) *Bulk, Space and Yard Requirements.* (Footnote references appear in Subsection G., below.)

- (1) *Minimum Size of a  
Office/Research/ Industrial-Light  
Manufacturing District:* 30 acres
- (2) *Minimum Lot Area* 60,000 sq. ft.
- (3) *Minimum Lot Width* 160'
- (4) *Minimum Yards*
  - (a) Front 35'
  - (b) Rear 15'
  - (c) Corner side 35'
  - (d) Total Side 30'
  - (e) Minimum Side 15'
  - (f) Residential Setback 100'
- (5) *Minimum Parking Lot Setback.*
  - (a) Front 25'

- |     |   |              |
|-----|---|--------------|
| (b) | Rear  | 10'          |
| (c) | Corner side   | 25'          |
| (d) | Total Side  | 20'          |
| (e) | Minimum Side  | 10'          |
| (f) | Abutting residential district   | 100'         |
|     |   |              |
| (6) | <i>Maximum Height.</i>  |              |
| (a) | Principal Use   | 45'3 stories |
| (b) | Accessory Use   | 25'2 stories |
|     |   |              |
| (7) | <i>Maximum Floor Area Ratio</i>   | 0.75         |
| (8) | <i>Maximum Building Coverage</i>  | 50%          |
| (9) | <i>Maximum Impervious Coverage</i>  | 90%          |
|     |   |              |
| (E) | <i>General Regulations:</i> As set forth in Article XI.   |              |
| (F) | <i>Parking and Loading Requirements:</i> As set forth in Article XII.   |              |
| (G) | <i>Signs:</i> As set forth in Article XIII.   |              |
| (H) | <i>Use Limitations.</i> All activities involving manufacturing, fabricating, processing, assembly, disassembly, repairing, cleaning, servicing and testing shall be conducted in completely enclosed buildings. If allowed as a permitted or special use, the storage of materials, products, and goods must be screened with a solid fence or wall on all lot lines with only such openings as are necessary for ingress or egress. Said fence or wall shall be maintained in a neat and orderly appearance and shall be of such height that any materials stored within the confines of such fence cannot be seen from any lot line or public right-of-way. |              |

**§ 156.047 (ORI-1) SPECIALTY OFFICE / RESEARCH / INDUSTRIAL DISTRICT**

- (A) *Purpose.* The ORI-1 Specialty Office/Research/Industrial District is intended to provide for the development of larger-scale light industrial, warehouse/distribution, light manufacturing, office, research, and other compatible uses in locations that are proximate to the I-90/IL47 interchange. Development in this district shall be characterized by an absence of nuisances in a clean and aesthetically attractive setting with significant setbacks and buffering. This district shall permit certain light industrial, light manufacturing, warehousing, and distribution operations as well as compatible research facilities, professional or business offices, and institutional uses. The ORI-1 District is particularly intended to accommodate development of significant, stand-alone light industrial developments (such as warehouse and distribution centers) on appropriately-located large acreage sites pursuant to a unified, planned development concept. Such uses will promote job creation and strengthen the Village’s economic base but must be carefully located and planned. The ORI-1 District is distinguished from the ORI Office/Research/Industrial-Light Manufacturing District, in which a greater range of office, research, and light industrial uses are permitted on smaller sites and in conjunction with complementary commercial and retail uses. With respect to the ORI-1 District, strategic mapping guidelines, use and planned development regulations, bulk regulations, lot size regulations, enhanced landscaping and buffering requirements, and other criteria are intended to facilitate larger-scale light industrial uses while enhancing and preserving the Village’s overall community character and preventing undue

adverse development impacts.

(B) *Intent.*

- (1) To provide for development of significant warehouse/distribution, light industrial, and specialized compatible research, office, and light manufacturing activities on appropriately-located large acreage sites pursuant to thoughtful, unified designs that provide significant setbacks, landscaping, and buffering to protect adjacent uses and community character;
- (2) To require adequate off-street parking and loading, traffic management facilities, and limited access to roads, such as through the use of frontage roads;
- (3) To promote well-planned light industrial, light manufacturing, warehouse/distribution, and complementary office and research uses in the district;
- (4) To locate significant light industrial, light manufacturing, and warehouse/distribution uses on lands suitable for those purposes and only at locations that would not be harmful or disadvantageous to nearby or adjacent property or established retail/commercial corridors;
- (5) To encourage the grouping of larger-scale warehouse/distribution, light industrial facilities, and similar facilities with compatible office, research, and light manufacturing activities, thereby promoting convenience, efficiency and safety in transportation;
- (6) To establish standards for siting, design, and review of larger-scale and potentially higher-intensity developments to protect adjacent properties and uses, preserve the Village's community character, and ensure sound municipal planning; and
- (7) To promote job creation to support the retail businesses in the Village thereby protecting and strengthening the economic base of the Village.

(C) *Mapping Criteria.* The ORI-1 District is designed and intended to be mapped in the area generally lying east of IL Route 47 and north of Freeman Road and only on properties with direct vehicular access to Freeman Road. Such area presents an opportunity within the Village to accommodate larger-scale developments that benefit from convenient access to I-90—including light industrial, manufacturing, and warehouse/distribution facilities—without causing undue impacts on the Village's overall community character. This area is uniquely situated for such uses due to its proximity to the I-90/IL47 interchange, convenient access to the interchange via established frontage roads with minimal impacts on arterial roads and local streets, and separation from established retail corridors, the downtown business area, and residential neighborhoods within the Village. The ORI-1 District is not intended to include properties with frontage on I-90 or IL Route 47. Also, because the ORI-1 District is intended to accommodate larger-scale developments that may generate significant non-passenger vehicle traffic and create other potentially adverse impacts, the ORI-1 District should not be mapped on properties that depend on local residential streets for access nor on properties where development cannot be properly located and buffered with setbacks, landscaping, and screening as required by this Section.

(D) *Uses*

(I) *Permitted Uses*

- (1) Offices
  - a) Administrative, business, professional, governmental and medical
- (2) Research/Industrial-Light Manufacturing Uses
  - a) Laboratories, offices and other facilities for research testing, data analysis and development
  - b) Light manufacturing
- (3) Accessory uses, buildings, and structures that are necessary and customarily incidental and subordinate to a permitted primary use.

(II) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on a petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- (1) Office/Industrial-Light Manufacturing/Warehouse and Distribution Uses:
  - a) Data processing and computer center, including service and maintenance
  - b) Direct selling establishments, where products are stored and distributed
  - c) Storage and distribution of bulk commodities
  - d) Wholesale, warehousing, and distribution of all kinds, including cross-dock facilities
  - e) Cartage, express and parcel delivery
  - f) Transit and transportation facilities
  - g) Food processing and handling
  - h) Industrial firms involved in the fabrication, processing, production, and/or manufacturing of materials, goods or products
  - i) Printing and publishing
  - j) Product research and development firms involved in servicing, packaging, cleaning, repair or storage of materials, goods or products
  - k) Food and/or beverage manufacturing, packaging and processing
  - l) Assembly firms
  - m) Medical laboratories
- (2) Public utility and service uses, including towers and antennas for commercial radio-, television- and telephone-transmitting, receiving or relay stations.
- (3) Planned Unit Developments (PUD) in accordance with the applicable provisions of the Zoning Ordinance, including Subsection 156.047(J).
- (4) Accessory uses, buildings, and structures that are necessary and customarily incidental and subordinate to an approved special use and that are operated in strict compliance with the applicable special use permit.

(III) *Interpretation of uses.* The Village Manager or designee shall consult the Standard Industrial Classification (SIC) Code and/or NAICS to determine similarity or compatibility.

(E) *Bulk, Space and Yard Requirements.*

1. <i>Minimum Size of an ORI-1 District:</i>	250 acres
2. <i>Minimum Lot Area.</i>	10 acres
3. <i>Minimum Lot Width.</i>	400 ft.
4. <i>Minimum Building setbacks:</i>	
(a) Front	35'
(b) Rear	15'
(c) Corner Side	35'
(d) Total Side	30'
(e) Minimum Side	15'
(f) Abutting Residential District	350'
5. <i>Minimum parking lot setback</i>	
(a) Front	35'
(b) Rear	10'
(c) Corner Side	35'
(d) Total Side	20'
(e) Minimum Side	10'
(f) Abutting Residential District	200'
6. <i>Maximum Height.</i>	45'*
7. <i>Maximum Floor Area Ratio.</i>	0.75
8. <i>Maximum Building Coverage</i>	45%
9. <i>Maximum Impervious Coverage.</i>	85%

\* Principal structures in excess of 45 feet, but not exceeding 100 feet, in height may be authorized within a planned unit development in the ORI-1 District provided that the building is set back from the perimeter of the lot on which it is located by an additional: (i) two feet horizontally for every one foot of building height over 45 feet and up to 80 feet, plus (ii) five feet horizontally for every one foot of building height over 80 feet and up to 100 feet.

(F) *General Regulations:* As set forth in Article XI.

(G) *Parking and Loading Requirements:* As set forth in Article XII.

(H) *Signs.* As set forth in Article XIII.

(I) *Use Limitations.* All activities involving manufacturing, fabricating, processing, assembly, disassembly, storage, repairing, cleaning, servicing and testing shall be conducted in completely enclosed buildings. Outdoor storage of materials, products, and goods shall only be permitted if authorized pursuant to a special use permit and, in such cases, must be screened with a solid fence or wall with only such openings as are necessary for ingress or egress and otherwise comply with any conditions applicable to the special use permit. Said fence or wall shall be maintained in a neat and

orderly appearance and shall be of such height that any materials stored within the confines of such fence cannot be seen from any lot line or public right-of-way.

(J) *Planned Unit Developments.*

- a. Because the ORI-1 District is intended to accommodate larger-scale developments that require thoughtful and imaginative planning, unified design, and effective buffering, all lands zoned in the ORI-1 District must be developed as a planned unit development (PUD).
- b. In reviewing an application for approval of a PUD in the ORI-1 District, the Village Board may waive or modify any of the general preliminary and/or final PUD application requirements, including any requirements to submit particular plans or technical information as set forth in Section 156.070. However, the Village Board shall not waive, modify, or alter the public notice, public hearing, or public meeting procedures required for review and approval of a PUD. Any waivers or modifications pursuant to this paragraph will be granted only to the extent the Village Board, in its sole discretion, determines that the waiver or modification will serve the purposes and objectives of the ORI-1 District and the PUD review process. To the extent that the Village Board may waive or modify requirements for the submission of site design and technical plans in connection with a final PUD approval, then the ordinance granting final PUD approval shall include detailed development and design standards for the PUD and procedures for subsequent administrative approval of final technical plans and development permits. Such administrative approvals shall be authorized only subject to strict conformity with the Board-approved detailed development and design standards and procedures as set forth in the final PUD ordinance, and any deviation therefrom shall be deemed a major modification to the final PUD that requires Village Board approval.
- c. All buildable lots within a PUD in the ORI-1 District shall meet the minimum bulk, space, and yard requirements of the ORI-1 District as set forth in this Section. However, in connection with approval of final PUD plans for land within the ORI-1 District, the Village Board may approve a preliminary and/or final plat of subdivision that includes non-buildable outlots not meeting the minimum lot area and/or lot width requirements of this Section, provided that: (i) such outlots are used solely to support development of one or more primary buildable lots that meet the minimum lot size and lot width requirements; (ii) such outlots are, and will be maintained, under unified ownership and control with the buildable lot that they are intended to support; (iii) the use and development of such outlots is limited by a deed restriction or permanent recorded covenant that prohibits construction of any building thereon and limits the outlots' use to stormwater management, open space, conservation, or similar purposes; and (iv) the outlots are subject to permanent recorded covenants that provide for their maintenance in perpetuity by the owner of the primary buildable lot or lots or by an appropriate property owner's association.
- d. In connection with approval of final PUD plans for land within the ORI-1 District, the Village Board shall have the authority to change, alter, vary, modify, or waive any provisions of this Chapter 156 (Zoning Ordinance) or of Chapter 155 (Subdivision Regulations) as they apply to the approved PUD, provided however that:
  - i. No such change, alteration, variation, modification, or waiver shall be approved unless the Village Board shall find that:
    1. The requested change, alteration, variation, modification, or waiver is justified upon consideration of the proposed development's imaginative and

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creative design, benefits to the Village and the public, and the purposes and review criteria for PUDs set forth in Section 156.070.

2. The proposed PUD will achieve the purposes and objectives of the ORI-1 District and the purposes for which PUDs may be approved pursuant to Section 156.070; and
  3. The proposed PUD will result in a development that is consistent with the general purposes, goals, and objectives of this Chapter and the Village of Huntley Comprehensive Plan.
- ii. No such change, alteration, variation, modification, or waiver shall be permitted with respect to the uses permitted in the ORI-1 District or any standard established by this Section that specifically applies to PUDs in the ORI-1 District.
  - iii. The requirements of Section 156.070(I) of this Chapter shall apply to a PUD in the ORI-1 District unless such requirements are expressly waived or modified by the Village Board in connection with the approval of the final PUD plans.
- e. All covenants, deed restrictions, easements, and similar restrictions required to be recorded in connection with a PUD in the ORI-1 District shall provide that they may not be modified, removed, or released without the express consent of the Village Board and that they may be enforced by the Village as well as by future landowners within the PUD whose property is encumbered thereby.

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**ARTICLE VI  
PLANNED DEVELOPMENT DISTRICT (PDD)**

**§ 156.050 SINGLE FAMILY RESIDENTIAL DEVELOPMENT**

- (A) The standards and regulations described in the following paragraphs and exhibits will guide development for the Single Family Residential Districts within the Planned Development District.
- (1) Permitted Uses in All Single Family Residential Districts:
- Single family dwellings
  - Public and private recreational facilities and buildings
  - Open space, park and greenways
  - Church or other place of worship
  - Fences, walls and trellises
  - Swimming pools (in-ground only)
  - Guardhouse or gatehouse
  - Tennis courts
  - Golf courses
  - Municipal buildings
  - Schools
- (2) Parking Regulations in All Single Family Residential Districts:
- (a) The parking or storage of trucks, trailers, boats or other vehicles with any designation other than a class "B" license plate is prohibited in any Single Family District or in any private parking areas adjacent to any single family uses.
  - (b) The storage or overnight parking of any boat, trailer, camper, truck or non-operable vehicles shall be prohibited in any residential area unless it is parked within a fully enclosed garage.
  - (c) Overnight on-street parking is prohibited on any residential district street.
- (3) *Yard and Building Setback Exceptions in All Single-Family Residential Districts.* The following architectural elements shall be allowed to project into or be constructed in any required yard or setback, but such exceptions to established setbacks shall not be allowed to extend beyond the property line.
- (a) Roof projections may extend into a side building setback zone a maximum of two feet and may extend into a front or rear building setback zone a maximum of four feet.
  - (b) Open terraces, non-enclosed porches and steps to a dwelling may extend into front and side building setback zones to a maximum of four feet.
  - (c) Open terraces, swimming pools, tennis courts and non-screened porches may extend into the rear yard, but may not encroach into the rear building setback zone more than three-quarters of the required rear building setback. Swimming pools and tennis courts may not extend into the side building setback zone.
  - (d) Bay windows may extend into all building setback zones, but may not extend more than two feet.

- (e) Chimneys may extend into all building setback zones, but may not extend more than 18 inches.
- (f) Screening fences and walls in side yards that are adjacent to a street may extend into the side building setback zone. Fences and walls may be no closer than 20 feet to any street R.O.W.

**§ 156.051 (ER) ESTATE RESIDENTIAL DISTRICT**

(A) *Purpose.* Land designated as Estate Residential (ER) is for residential development that has a density no greater than one dwelling per net acre. The following regulations and guidelines are applicable for the ER district:

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf course and Country Club

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Garages (attached or detached), Single family detached dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the ER District:

AGRICULTURAL BUSINESS - Stable (private)

EDUCATION - Nursery schools, Parochial and private schools

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in an ER Development.*

- (1) *Minimum Lot Area:* 43,560 sq. ft.
- (2) *Minimum Lot Width:* 150'
- (3) *Building Coverage:* 20% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) Front: 50 feet minimum
  - (b) Side: 20 feet minimum
  - (c) Combined side yard: 40 feet minimum
  - (d) Abutting a street: 30 feet minimum
  - (e) Rear: 50 feet minimum
- (5) *Building Height:* 45 feet / 3 stories maximum
- (6) *Parking Requirements:* Minimum of 2 spaces per dwelling
- (7) *Open Space Requirements:* 50% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.052 (ER-1) ESTATE RESIDENTIAL DISTRICT**

(A) *Purpose.* Land designated as Estate Residential (ER-1) is for residential developments with a density of not more than 2.2 dwellings per net acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION – Golf course and country club, Swimming pool (private, in-ground), Tennis court (private)

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Garages (attached or detached), Single family detached dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the ER-1 District:

COMMERCIAL RECREATION - Stable (private)

EDUCATION - Nursery schools, Parochial and private school

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in an ER-1 Development.*

- (1) *Minimum Lot Area:* 19,800 sq. ft.
- (2) *Minimum Lot Width:* 100 feet
- (3) *Building Coverage:* 20% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) Front: 50 feet minimum
  - (b) Side: 15 feet minimum
  - (c) Combined side yard: 40 feet minimum
  - (d) Abutting a street: 30 feet minimum
  - (e) Rear: 40 feet minimum
- (5) *Building Height:* 45 feet / 3 stories maximum
- (6) *Parking Requirements:* Minimum of 2 spaces per dwelling
- (7) *Open Space Requirements:* 50% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.053 (ER-2) ESTATE RESIDENTIAL DISTRICT**

(A) *Purpose.* Land designated as Estate Residential (ER-2) is for residential development that has a density of not more than 3.4 dwellings per net acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf course and country club

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Garages (attached or detached), Single family detached dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the ER-2 District:

EDUCATION - Nursery school, Parochial or private school

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in an ER-2 Development.*

- (1) *Minimum Lot Area:* 12,600 sq. ft.
- (2) *Minimum Lot Width:* 90 feet
- (3) *Building Coverage:* 30% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) *Front:* 30 feet minimum
  - (b) *Side:* 30 feet minimum
  - (c) *Combined side yard:* 30 feet minimum
  - (d) *Abutting a street:* 15 feet minimum
  - (e) *Rear:* 40 feet minimum
- (5) *Building Height:* 35 feet / 2 stories maximum
- (6) *Parking Requirement:* Minimum of 2 spaces per dwelling
- (7) *Open Space Requirements:* 50% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.054 (SF-1) SINGLE FAMILY RESIDENTIAL DISTRICT**

(A) *Purpose.* Land designated as Single Family Residential (SF-1) is for residential development that has a density of not more than 5.2 dwelling units per net acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf course and country club

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Garages (attached or detached), Single family detached dwelling

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in

Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the SF-1 District:

EDUCATION - Nursery schools, Parochial or private school

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in a SF-1 Development.*

- (1) *Minimum Lot Area:* 8,400 sq. ft.
- (2) *Minimum Lot Width:* 70 feet minimum
- (3) *Building Coverage:* 30% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) *Front:* 30 feet minimum
  - (b) *Side:* 30 feet minimum
  - (c) *Combined side yard:* 30 feet minimum
  - (d) *Abutting a street:* 15 feet minimum
  - (e) *Rear:* 40 feet minimum
- (5) *Building Height:* 35 feet / 2 stories maximum
- (6) *Parking Requirements:* Minimum of 2 spaces per dwelling
- (7) *Open Space Requirements:* 50% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.055 (SF-2) GARDEN RESIDENTIAL DISTRICT**

(A) *Purpose.* Land designated as Garden Residential (SF-2) is for residential development that has a density of not more than 7.9 dwelling units per net acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf courses and country club

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Garages and carports, Single family attached, detached or zero lot line dwellings

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the SF-2 District:

EDUCATION - Nursery schools, Parochial or private school

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in a SF-2 Development.*

- (1) *Minimum Lot Area:* 6,500 sq. ft.

- (2) *Minimum Lot Width:* 50 feet minimum
- (3) *Building Coverage:* 35% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) Front: 25 feet minimum
  - (b) Side: 0 feet minimum
  - (c) Combined side yard: 15 feet minimum
  - (d) Abutting a street: 30 feet minimum
  - (e) Rear: 30 feet minimum
- (5) *Building Height:* 35 feet / 2 stories maximum
- (6) *Parking Requirements:* Minimum of 2 spaces per dwelling
- (7) *Open Space Requirements:* 30% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.056 MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

(A) Multi-Family Residential Development. The standards and guidelines described in the following paragraphs and exhibits will guide development for the Multi-Family Residential districts within the Planned Development District.

(1) *Permitted Uses in All Multi-Family Residential Districts.*

- Public and private recreational facilities and buildings
- Open space, parks and greenways
- Garages and carports
- Fences, walls and trellises
- Swimming pools (in-ground only)
- Guardhouse or gatehouse
- Tennis courts
- Golf courses
- Municipal buildings
- Schools

(2) *Parking and Roadway Regulations in All Multi-Family Residential Districts.*

- (a) No driveway or curb cut shall exceed 25 feet in width unless approved by the Village Engineer. Driveways with extended turning radii and divided driveways may be permitted to exceed this width upon approval in writing from the ARB and the village.
- (b) No driveway or parking lot shall be located closer than 20 feet from any building.
- (c) No driveway or parking lot shall be located closer than 30 feet from any street R.O.W.
- (d) No driveway or parking lot shall be located closer than ten feet from any side or rear property line.
- (e) Parking lots are permitted in required front, side and rear yards provided that the parking areas are screened from all adjacent residential developments,

institutional uses and public roadways. Any and all applicable landscape zone requirements must be met.

- (3) *Yard and Building Setback Exceptions in all Multi-Family Residential Districts.* The following architectural elements shall be allowed to project into or be constructed in any required yard or setback, but such exceptions to established setbacks shall not be allowed to extend beyond the property line.
  - (a) Roof projections may extend into a front, side or rear building setback zone a maximum of four feet.
  - (b) Open terraces, non-enclosed porches and steps to a dwelling may extend into front, side or rear setback zone to a maximum of four feet.
  - (c) Bay windows may extend into all building setback zones, but may not extend more than two feet.
  - (d) Chimneys may extend into all building setback zones to a maximum of 18 inches.
  - (e) Screening fences and walls in side or rear yards that are adjacent to a street may extend into the building setback zone. Fences and walls may be no closer than 20 feet to the street R.O.W. or the property line.
  - (f) Open terraces, swimming pools, tennis courts and non-enclosed porches may extend into the rear yard, but may not encroach into the rear building setback zone more than one half of the required rear building setback. Swimming pools and tennis courts may not extend into the side building setback zone.

**§ 156.057 (MF-1) VILLA RESIDENTIAL DEVELOPMENT**

(A) *Purpose.* Land designated as Villa Residential is for residential development that has a density of not less than 12 nor more than 16 dwellings per net residential acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf course and country club

EDUCATION - Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Single family detached dwellings, townhomes, duplexes and multiple family dwellings.

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the MF-1 District:

EDUCATION - Nursery schools, Parochial or private school

HEALTH CARE - Child care (center), Health care facilities

PUBLIC FACILITIES - Government offices and services

(C) *The following site standards shall apply in a MF-1 Development.*

(1) *Minimum Lot Area:* Ten Acres

- (2) *Minimum Lot Width:* No minimum
- (3) *Building Coverage:* 30% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 20 feet minimum
  - (c) Combined side yard: 40 feet minimum
  - (d) Abutting a street: 30 feet minimum
  - (e) Building-to-building: 30 feet minimum
  - (f) Rear: 20 feet minimum
- (5) *Parking/Drive Setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 10 feet minimum
  - (c) Abutting a landscape zone: 15 feet minimum
  - (d) To buildings: 20 feet minimum
  - (e) Rear: 10 feet minimum
- (6) *Building Height:* 85 feet / 3 stories living area plus one story parking
- (7) *Open Space Requirements:* 30% minimum. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.058 (MF-2) MULTI-FAMILY RESIDENTIAL DEVELOPMENT**

(A) *Purpose.* Land designated as Multi-Family Residential (MF-2) is for residential development that has a density of not less than 16 nor more than 24 dwellings per net residential acre.

(B) *Uses*

(1) *Permitted Uses*

COMMERCIAL RECREATION - Golf course and country club

EDUCATION – Schools

PUBLIC FACILITIES - Municipal buildings

RESIDENTIAL - Community entry gate house or guard station, Single family detached dwellings, townhomes, duplexes and multiple family dwellings

(2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the MF-2 District:

EDUCATION - Nursery schools, Parochial or private school

HEALTH CARE - Child care (center), Health care facilities

(C) *The following site standards shall apply in a MF-2 Development.*

- (1) *Minimum Lot Area:* Ten Acres
- (2) *Minimum Lot Width:* No minimum

- (3) *Building Coverage:* 30% Maximum, includes primary and secondary buildings only.
- (4) *Building Setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 20 feet minimum
  - (c) Combined side yard: 40 feet minimum
  - (d) Abutting a street: 30 feet minimum
  - (e) Building-to-building: 30 feet minimum
  - (f) Rear: 20 feet minimum
- (5) *Parking/Drive Setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 10 feet minimum
  - (c) Abutting a landscape zone: 10 feet minimum
  - (d) To buildings: 20 feet minimum
  - (e) Rear: 10 feet minimum
- (6) *Building Height:* 60 feet / 3 stories living area plus one story parking. Enclosed and covered parking shall be allowed. Drives into enclosed garages shall be allowed to count as a required parking space.
- (7) *Open Space Requirements:* 25% of Total Site. Recreational facilities such as tennis courts and pools shall be considered as open space. Open Space excludes driveways, parking aprons, buildings and structures.

**§ 156.059 COMMERCIAL DISTRICT and NON-RESIDENTIAL DISTRICTS**

(A) Commercial Districts. Two broad categories of commercial land uses have been established for the Planned Development District, Neighborhood Retail (C-1) is intended to accommodate smaller scale commercial developments which serve the day to day needs of the local residents. The Regional Retail District (C-2) is intended to accommodate larger scale commercial developments which serve the broader needs of the region.

- (1) *Parking and Roadway Layout for All Commercial Districts.*
  - (a) Curb cuts for non-divided driveways shall not exceed 25 feet in width. Curb cuts for divided driveways shall not exceed 35 feet in width. Medians in divided driveways shall be a minimum of ten feet in width and shall contain landscape planting.
  - (b) No driveway or parking lot shall be located closer than 20 feet from any building.
  - (c) No driveway or parking lot shall be located closer than 30 feet from any street R.O.W.
  - (d) No driveway or parking lot shall be located closer than ten feet from any side or rear property line.
  - (e) Parking lots are permitted in required front, side and rear yards provided that the parking areas are screened from all adjacent residential districts, institutional uses and public roadways. Any and all applicable landscape zone requirements must be met.

**§ 156.060 (C-1) NEIGHBORHOOD RETAIL DISTRICT**

(A) *Purpose.* The C-1 Neighborhood Retail District is for general retail uses which offer the sale of goods and services to the general public and which, through characteristics of their operation, serve primarily the day-to-day shopping needs of local residents. The Neighborhood Retail District is not intended for those uses which, because of their size or nature of operation, generate vehicular or truck traffic beyond that normally associated with a neighborhood use.

(B) *Uses*

(1) *Permitted Uses*

FARMING - Nursery, Wayside stands

AGRICULTURAL BUSINESS - Feed and grain sales, Greenhouse (commercial), Seasonal sale of local farm products, Veterinary clinic

AUTOMOTIVE - Agricultural implement sales and service, Ambulance service and garage, Automotive rental, Automobile sales (showroom)/used car sales component, Boat sales, Motorcycle showroom and service, Truck sales (new)

COMMERCIAL RECREATION - Baseball field & batting cages, Billiard parlor, Boat launching ramp and/or marina (for non-motorized or less than 10 h.p. craft), Boat rental and storage, Bowling alley, Golf course and driving range, Health club or gymnasium, Indoor rifle/pistol shooting range, Miniature golf, Park, Soccer field, Swimming pool (indoor, private club), Tennis/Racquetball club (private), Theater (Enclosed)

COMMERCIAL SERVICE - Advertising agency, Appliance service only, Blueprint (incl'g. photostat and copy shop), Business machine repair, Exterminating and fumigating, Furniture repair and refurbishing, Newspaper or publisher, Office equipment & supplier sale, Radio and television studio (w/o tower), Real estate office, Stenographic service

CONSTRUCTION - Electrical equip. sales/fixtures, Plumbing supplies & fixture sale, Pump sales

EDUCATION - Art, charm, dancing, dramatic/music schools, College, university or junior college, Commercial or trade school (other school offer training), School for mentally or physically handicapped

FINANCIAL - Bank, Credit union, Savings and loan association - *excluding drive-through establishments*

FOOD SERVICE - Carry-out food service, Catering service, Drive-thru food service, Ice cream shop, Restaurant, Soft drink stand

HEALTH CARE - Medical laboratory, Professional doctor office or clinic

INDUSTRIAL SERVICE - Mirror & glass supply & refinish, Upholstery shop

OFFICE - Bookkeeping service, Corporate headquarters, Detective agency, Employment office, Engineering office, Income tax service, Insurance office/agency, Professional offices (also see: Public uses - HEALTH CARE), Public accountant, Stockbroker, Ticket office, Title company, Travel agency

PERSONAL SERVICES - Barber shop, Beauty shop, Catalog sales office, Clothes (pressing and repair), Day spa, Dressmaker or seamstress, Funeral home (mortuary), Hotel/Motel, Laundry, cleaning & dying—retail, Locksmith, Photography, Reading room, Shoe and hat repair, Tailor, Taxidermist, Weaving & mending (custom)

RETAIL - Antique sales, Appliance sales, Art gallery—art studio sales, Art supply store, Auto accessory store, Bakery, Bicycle shop, Bookstore, Camera shop, Clothing store, Craft studio, Department store, Drug store, Fish market—retail, Floor covering sales, Florist sales, Fruit & vegetable market—retail, Furniture sales (new), Gift shop, Grocery shop (convenience center), Grocery store (retail), Hardware store (retail), Health food store, Hearing aid store, Household furnishings shop, Jewelry (retail), Leather goods,

Liquor store, Magazine & newsstand, Meat market, Music, instrument & record store, Paint & wallpaper store, Pet shop, Picture frame shop, Souvenir (curio shop), Sporting goods, Stationery store, Swimming pool & assoc. fixtures, Toy store, Typewriter sales, Upholstery shop, Watch, clock (sales & repair)

PUBLIC FACILITIES – Armory, Government offices & services, Library, Museum

PUBLIC RECREATION – Sports arena, Stadium

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the C-1 District:

FARMING - Grass or sod farm, Orchard

AGRICULTURAL BUSINESS - Dairy farm, Kennel/boarding, Stable (boarding, livery or private)

AUTOMOTIVE - Automotive car wash and/or detailing, Automobile repair (major or minor), Auto Sales (used), Garage (bus or truck), Gasoline service station/Gasoline station, Mobile home sales, Outside storage of vehicles, Recreational vehicles sales/service, Taxicab garage, Trailer rental, Truck rental, Truck repair, Truck sales (used)

COMMERCIAL RECREATION - Amusement park, Club (indoor or outdoor, private), Dance hall, Game room, Rod and gun club, Theater (Drive-in)

COMMERCIAL SERVICES - Outdoor sales and service, Mini-storage/Mini-warehouse

EDUCATION - Church or church school, High school & grade school (K-12)

FINANCIAL - Drive through establishment

FOOD SERVICE - Drive-in food service, Frozen food locker, Tavern, Nightclub/discotheque

HEALTH CARE - Child care (center), Hospital (communicable disease, general) and Treatment Center for alcoholism, drug addiction and similar affliction, Mental health clinic, Mental Hospital, Nursing/Sheltered care home

PERSONAL SERVICES - Interior decorating studio

RETAIL SALES - Furniture sales (used), Outdoor sales & service, Secondhand store

PUBLIC FACILITIES - Post office

PUBLIC RECREATION - Community center

PUBLIC UTILITIES - Public utility transmitting tower, Sub-station, Water storage tank

RELIGIOUS - Church or other place of worship, Rectory

SPECIAL USE DISTRICTS - Mining (Extraction of Earth Products)

TRANSPORTATION - Parking area (public), Parking garage (public)

- (C) *The following site standards shall apply in a C-1 Neighborhood Retail District:*

- |     |                                |   |
|-----|--------------------------------|---|
| (1) | <i>Minimum Lot Area:</i>       | 7 acres                                   |
| (2) | <i>Minimum Lot Width:</i>      | 450 feet minimum footage                  |
| (3) | <i>Building Coverage:</i>      | 30% maximum, with a maximum F.A.R. of 0.5 |
| (4) | <i>Building Setbacks:</i>      |   |
|     | (a) Front:                     | 50 feet minimum                           |
|     | (b) Side:                      | 50 feet minimum                           |
|     | (c) Rear:                      | 30 feet minimum                           |
|     | (d) Abutting a street:         | 50 feet minimum                           |
|     | (e) Abutting a landscape zone: | 25 feet minimum                           |
|     | (f) Abutting a golf course:    | 15 feet additional setback                |
|     | (g) Building to building:      | 35 feet minimum                           |

- (5) *Parking/drive setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 10 feet minimum
  - (c) Rear: 10 feet minimum
  - (d) Abutting a landscape zone 10 feet minimum
  - (e) To building 15 feet minimum
- (6) *Maximum Height:* 35 feet / 2 stories
- (7) *Open Space Requirement:* 25% Total Site, Open Space excludes paved surfaces, buildings and structures.

**§ 156.061 (C-2) REGIONAL RETAIL DISTRICT**

(A) *Purpose.* The C-2 Regional Retail District is for larger retail developments. Typically, the Regional Retail District is intended for uses which, because of their size or nature of operation, generate higher volumes of vehicular or truck traffic. This category is not normally associated with the day-to-day shopping needs of local residents.

(B) *Uses*

(1) *Permitted Uses*

FARMING - Nursery, Wayside stands

AGRICULTURAL BUSINESS - Feed and grain sales, Greenhouse (commercial), Seasonal sale of local farm products, Veterinary clinic

AUTOMOTIVE - Agricultural implement sales and service, Ambulance service and garage, Automotive rental, Automobile sales (showroom)/used car sales component, Boat sales, Motorcycle showroom and service, Truck sales (new)

COMMERCIAL RECREATION - Baseball field & batting cages, Billiard parlor, Boat launching ramp and/or marina (for non-motorized or less than 10 h.p. craft), Boat rental and storage, Bowling alley, Game room, Golf course and driving range, Health club or gymnasium, Indoor rifle/pistol shooting range, Miniature golf, Motion picture theater, Park, Rink (roller, skating or skateboard), Soccer field, Swimming pool (indoor, private club), Tennis/Racquetball club (private), Theater (enclosed),

COMMERCIAL SERVICE - Advertising agency, Appliance service only, Blueprint (incl'g. photostat and copy shop), Business machine repair, Exterminating and fumigating, Furniture repair and refurbishing, Newspaper or publisher, Office equipment & supplier sale, Radio and television studio (w/o tower), Real estate office, Stenographic service

CONSTRUCTION - Electrical equip. sales/fixtures, Plumbing supplies & fixture sale, Pump sales

EDUCATION - Art, charm, dancing, dramatic/music schools, College, university or junior college, Commercial or trade school (other school offer training), School for mentally or physically handicapped

FINANCIAL - Bank, Credit union, Savings and loan association - *excluding drive-through establishments*

FOOD SERVICE - Carry-out food service, Catering service, Drive-thru food service, Ice cream shop, Restaurant, Soft drink stand

HEALTH CARE - Medical laboratory, Professional doctor office or clinic

INDUSTRIAL SERVICE - Mirror & glass supply & refinish, Upholstery shop

OFFICE - Bookkeeping service, Corporate headquarters, Detective agency, Employment office, Engineering office, Income tax service, Insurance office/agency, Professional offices

(also see: Public uses – HEALTH CARE), Office for executive or administrative purposes, Public accountant, Stockbroker, Ticket office, Title company, Travel agency, Utility office

PERSONAL SERVICES - Barber shop, Beauty shop, Catalog sales office, Clothes (pressing and repair), Day spa, Dressmaker or seamstress, Funeral home (mortuary), Hotel/Motel, Laundry, cleaning & dying-retail, Locksmith, Photography, Reading room, Shoe and hat repair, Tailor, Taxidermist, Weaving & mending (custom)

RETAIL - Antique sales, Appliance sales, Art gallery-art studio sales, Art supply store, Auto accessory store, Bakery, Bicycle shop, Bookstore, Camera shop, Clothing store, Craft studio, Department store, Drug store, Fish market-retail, Floor covering sales, Florist sales, Fruit & vegetable market—retail, Furniture sales (new), Gift shop, Grocery shop (convenience center), Grocery store (retail), Hardware store (retail), Health food store, Hearing aid store, Household furnishings shop, Jewelry (retail), Leather goods, Liquor store, Magazine & newsstand, Meat market, Music, instrument & record store, Paint & wallpaper store, Pet shop, Picture frame shop, Souvenir (curio shop), Sporting goods, Stationery store, Swimming pool & assoc. fixtures, Tobacco and vape shops, Toy store, Typewriter sales, Upholstery shop, Watch, clock (sales & repair)

PUBLIC FACILITIES - Armory, Government offices & services, Library, Museum

PUBLIC RECREATION - Sports arena, Stadium

TRANSPORTATION - Heliport

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the C-2 District:

FARMING - Grass or sod farm, Orchard

AGRICULTURAL BUSINESS - Dairy farm, Kennel/boarding, Stable (boarding, livery or private)

ACCESSORY USES - Fuel Dispenser

AUTOMOTIVE - Automotive car wash and/or detailing, Automobile repair (major or minor), Auto Sales (used), Garage (bus or truck), Gasoline service station/Gasoline station, Mobile home sales, Outside storage of vehicles, Recreational vehicles sales/service, Taxicab garage, Trailer rental, Truck rental, Truck repair, Truck sales (used)

COMMERCIAL RECREATION - Amusement park, Club (indoor or outdoor, private), Dance hall, Rod and gun club, Theater (Drive-in)

COMMERCIAL SERVICES - Outdoor sales and service, Mini-storage/Mini-warehouse

EDUCATION - Church or church school, High school & grade school (K-12)

FINANCIAL - Currency exchange, Drive through establishment, Personal loan agency

FOOD SERVICE - Drive-in food service, Frozen food locker, Tavern, Nightclub/discotheque

HEALTH CARE - Child care (center), Hospital (communicable disease, general) and Treatment Center for alcoholism, drug addiction and similar affliction, Mental health clinic, Mental Hospital, Nursing/Sheltered care home

MICROBREWERY / WINERY (MORE)

PERSONAL SERVICES - Interior decorating studio

RETAIL SALES - Furniture sales (used), Medical Cannabis Dispensary, Outdoor sales & service, Secondhand store,

PUBLIC FACILITIES - Post office

PUBLIC RECREATION - Community center

PUBLIC UTILITIES - Public utility transmitting tower, Sub-station, Water storage tank

RELIGIOUS - Church or other place of worship, Rectory

SPECIAL USE DISTRICTS - Mining (Extraction of Earth Products)  
TRANSPORTATION - Parking area (public), Parking garage (public)

(C) *The following site standards shall apply in a C-2 Regional Retail District:*

- |     |                                |   |
|-----|--------------------------------|---|
| (1) | <i>Minimum Lot Area:</i>       | 15 acres  |
| (2) | <i>Minimum Lot Width:</i>      | 600 feet minimum frontage   |
| (3) | <i>Building Coverage:</i>      | 30% maximum, with a maximum F.A.R. of 0.5                                     |
| (4) | <i>Building Setbacks:</i>      |   |
|     | (a) Front:                     | 70 feet minimum   |
|     | (b) Side:                      | 50 feet minimum   |
|     | (c) Rear:                      | 30 feet minimum   |
|     | (d) Abutting a Street:         | 70 feet minimum   |
|     | (e) Abutting a landscape zone  | 35 feet minimum   |
|     | (f) Abutting a golf course     | 15 feet additional setback  |
| (5) | <i>Parking/drive setbacks:</i> |   |
|     | (a) Front:                     | 30 feet minimum   |
|     | (b) Side:                      | 10 feet minimum   |
|     | (c) Rear:                      | 10 feet minimum   |
|     | (d) Abutting a landscape zone  | 10 feet minimum   |
|     | (e) To Buildings:              | 20 feet minimum   |
| (6) | <i>Maximum Height.</i>         | 45 feet/3 stories   |
| (7) | <i>Open Space Requirement:</i> | 25% Total Site, Open Space excludes paved surfaces, buildings and structures. |

(D) *Additional Site Standards for Specific Uses within the area designated PDD on the Zoning Map.*

- (1) *Gasoline Service Stations/Gasoline Station.*
- (a) *Uses Subject to Additional Site Standards.* Dispensing and/or installation of gasoline, diesel fuels, oil, grease, tires, batteries, replacement parts for motor vehicles, convenience stores, mini marts and car washes in conjunction with a gasoline service station/gasoline station. All such uses shall be conducted within a completely enclosed building.
- (b) *Site Standards as set forth in Table VI -1.*
- (c) *Parking and Loading Requirements for Gasoline Service Stations/Gasoline Stations.*
- i. Vehicles shall not be parked on the premises other than in designated parking spaces.
  - ii. No overnight parking shall be permitted except within fully enclosed buildings.
  - iii. All stations which include car wash installations shall provide adequate stacking distance for a minimum of four vehicles at the entity of the facility. Parking areas for air and water servicing, drying and vacuuming shall be provided.

- iv. Tow trucks shall be parked within approved parking spaces. Such spaces shall be located to the rear of the property, shall be screened from public view and shall be clearly identified on submitted development plans.
  - v. No on-site storage of towed vehicles, other than those stored temporarily for minor repair, will be permitted.
  - vi. Loading facilities to serve convenience marts and fuel tanks shall be located such that they do not block or restrict circulation drives.
- (2) *Additional Site Standards—Freestanding Buildings—Excluding Drive-through* - This section establishes regulations and setbacks for free standing sites developed on individual parcels within a Commercial District. Pad sites are typically intended for restaurant uses or financial institutions. These regulations are established to ensure a high quality of design for free standing pad site developments. Unless otherwise noted in this section, all previously established general Commercial District regulations will apply to these pad site uses.
- (a) *Uses Subject to Additional Site Standards.*
    - i. Restaurants and eating establishments with inside eating areas, but excluding drive-through.
    - ii. Financial institutions.
  - (b) *Site standards as set forth in Table VI -1.*
  - (c) *Parking and Loading Requirements.*
    - (i) Parking areas for pad site uses shall be separated from internal retail center drives by a planted median no less than ten feet in width.
    - (ii) Curb cuts for a pad site shall not be permitted within 100 feet of any street intersection or street corner.
    - (iii) No internal retail center drive or parking lot shall be located closer than ten feet from any building.
- (3) *Pad Site Developments - Within a Retail Center - Excluding Drive-through* - This section establishes regulations and setbacks for pad sites developed as an integral part of a retail development within a Commercial District. Pad sites are typically intended for restaurant uses and financial institutions. These regulations are established to ensure a high quality of design for integrated pad site developments. Unless otherwise noted in this section, all previously established general Commercial District regulations will apply to these pad site uses.
- (a) *Uses Subject to Additional Site Standards.*
    - i. Restaurants and eating establishments with inside eating areas, but excluding drive-through.
    - ii. Financial institutions.
  - (b) *Site Standards as set forth in Table VI -1.*
  - (c) *Parking and Loading Requirements.*

- i. Parking areas for integrated pad site uses may be shared within retail or commercial developments.
  - ii. Curb cuts for a pad site shall not be permitted within 100 feet of any street intersection or street corner.
  - iii. No internal retail center drive or parking lot shall be located closer than ten feet from any building.
  
- (4) *Pad Sites Containing Drive-Through Facility* - This section establishes additional regulations and setbacks for all pad site developments containing a drive-through facility. These regulations are established to ensure a high quality of design for pad site developments. Unless otherwise noted in this section, all previously established general Commercial District regulations will apply to these uses.
  - (a) *Uses Subject to Additional Site Standards.*
    - i. Restaurants and eating establishments with drive-through facilities.
    - ii. Financial institutions with drive-through tellers.
  - (b) *Site Standards as set forth in Table VI -1.*
  - (c) *Parking and Loading Requirements.*
    - i. Curb cuts for any drive-through establishment shall not be permitted within 100 feet of any street intersection or street corner.
    - ii. Drive-through lanes shall be separated from open parking areas, drive aisles or adjacent commercial uses by a ten foot wide planted median.
    - iii. All establishments with a drive through shall provide adequate stacking distance for a minimum of ten vehicles.
  
- (5) *Hotel* - This section establishes additional regulations for all hotel developments. These regulations are established to ensure a high quality of design for hotel developments. Unless otherwise noted in this section, all previously established general Commercial District regulations will apply to these uses.
  - (a) *Uses Subject to Additional Site Standards.*
    - i. Hotel accommodations
    - ii. Convention and conference accommodations
  - (b) *Accessory Use Permitted.* Parking structures, not to exceed three stories in height above grade level.
  - (c) *Site Standards as set forth in Table VI -1.*
  - (d) *Parking and Loading Requirements.* Parking areas for integrated hotel site uses may be shared within retail or commercial developments.

<b>Table VI - 1 Additional Site Standards in the C-2 District</b>
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	GASOLINE SERVICE STATION/ GASOLINE STATION	PAD SITES NO DRIVE-THRU	PAD SITES W/IN RETAIL NO DRIVE-THRU	PAD SITES WITH DRIVE-THRU	HOTEL
MINIMUM LOT AREA	0.6 acres	1 acre	N/A	1 acre	4 acres
MINIMUM LOT WIDTH	135'	200'	N/A	200'	N/A
<b>MINIMUM YARDS/SETBACKS</b>					
<b><u>BUILDINGS</u></b>					
Front	50'	50'	50'	50'	70'
Side	30'	15'	15'	20'	50'
Rear	30'	15'	15'	20'	50'
Abutting a street	50'	50'	50'	50'	70'
Abutting a Landscape zone	30'	25'	25'	25'	30'
Abutting a Golf course	+15'	+15'	+15'	+15'	+15'
<b><u>BUILDING SETBACKS (DRIVE-THRU CANOPIES)</u></b>					
Front	35'	N/A	N/A	25'	N/A
Side and Rear	20'	N/A	N/A	10'	N/A
Abutting a golf course	N/A	N/A	N/A	+15'	N/A
MINIMUM BUILDING TO BUILDING	25'	35'	35'	35'	35'
<b><u>PARKING/DRIVES</u></b>					
Front	20'	25'	25'	25'	30'
Side	10'	10'	10'	10'	20'
Rear	10'	10'	10'	10'	10'
Abutting a street	20'	25'	25'	25'	20'
Abutting a Landscape zone	10'	10'	10'	10'	10'
To building	5'	10'	10'	5'	20'
<b><u>MAXIMUM HEIGHT</u></b>					
Principal	1 story	2 stories	2 stories	2 stories	15 stories
Accessory	N/A	N/A	N/A	N/A	5 stories
MAXIMUM BUILDING COVERAGE	N/A	30%	30%	30%	30%
MINIMUM OPEN SPACE REQUIREMENT	30%	30%	SHARED	SHARED	30%
MAXIMUM FAR (1)	N/A	N/A	N/A	N/A	0.5

- (1) In the Planned Development Districts an increase in maximum site building coverage and FAR shall be granted for developments which abut a golf course, greenway, parks, or open bodies of water, which demonstrate quality design, and which adhere to all of the other provisions of the site planning standards pertaining to that particular use. Site building coverage and FAR increases up to 25% may be allowed, not to exceed a maximum of 0.5 FAR.

**§ 156.062 (O) CORPORATE OFFICE DISTRICT**

(A) *Purpose.* The O Corporate Office District is intended to accommodate either single user developments or "campus" style multi-user developments.

(B) *Uses*

(1) *Permitted Uses*

AGRICULTURAL BUSINESS - Open space, park and greenways

COMMERCIAL RECREATION - Golf course and country club, Health club or gymnasium

FINANCIAL - Bank, Credit union, Savings and loan association - *excluding drive-through establishments*

HEALTH CARE - Child care (center), Health care facilities including Professional doctor office or clinic, Research, development and laboratories.

PERSONAL SERVICES - Hotel, Service industries

OFFICE - Administrative, professional general business and medical offices (also see HEALTH CARE)

PUBLIC FACILITIES - Government offices & services

PUBLIC RECREATION - Indoor recreation (gymnasium)

TRANSPORTATION - Parking structures (not to exceed 5 stories above grade level)

- (2) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance, the Village may, by Special Use Permit, allow the following uses in the O District:

OFFICE/BUSINESS PARK USES – Product research and development, Food processing and handling, Light manufacturing, Planned Unit Developments in accordance with the applicable provisions of the Zoning Ordinance

HEALTH CARE - Age restricted congregate care/living facilities, Assisted living facilities, Long term care facilities, Nursing homes

BUILDING TO BUILDING -

Building to Garage: 31 feet

Garage to Drive: 4 feet

Parking/Drive Setbacks:

    Front: 30 feet minimum

    Side/Rear: 10 feet minimum

Floor area ratio: 0.5 up to 0.75 w/ FAR exemption; 0.8 if 45% Open Space

Parking: Independent senior living/housing unit is 1.0 space per unit; Congregate care is 1.0 space per unit with a *land bank option* up to 0.25; Extended care facility is 0.75 spaces per unit with a *land bank option* up to 0.25

- (3) *Yard and Building Setback Exceptions in Corporate Office Districts.* The following architectural elements shall be allowed to project into or be constructed in any required yard or building setback zone, but such exceptions to established setbacks shall not be allowed to extend beyond the property line.

(a) Roof projections, overhangs and porte-cochere may extend into a required front, side or rear building setback zone a maximum of 20 feet.

(b) Open terraces, plazas and steps to a building may extend into required front and side building setback zones to a maximum of ten feet.

- (4) *Parking and Roadway Layout for Corporate Office Districts.* All parking areas, entry drives and roadways should be designed to provide easy and safe access from the street and a clean and simple on-site circulation system within each corporate development. All parking areas, entry drives and roadways must be designed to provide a pleasant view from adjacent properties or perimeter streets. Parking areas must contain perimeter and internal planting areas to break up expanses of paving. Parking and roadway layout requirements for corporate office developments are as follows:

- (a) No driveway or curb cut shall exceed 25 feet in width.
- (b) No driveway or parking lot shall be located closer than 20 feet from any building.
- (c) No driveway or parking lot shall be located closer than 50 feet from any street R.O.W.
- (d) No driveway or parking lot shall be located closer than 25 feet from any side or rear property line.
- (e) Parking lots are permitted in front, side and rear building setback zones provided that the parking areas are screened from all adjacent residential districts, institutional uses and public roadways. Any and all applicable landscape zones must be met.
- (f) In situations where the long side of an open or uncovered parking space is adjacent to a wall, building, fence, or other obstruction, the size of that parking space shall be increased by two feet beyond the minimum required width.

(C) *The following site standards shall apply to (O) Office Districts:*

- (1) *Minimum Lot Area:* 2 acres
- (2) *Minimum Lot Width:* N/A
- (3) *Building Coverage:* 30% maximum
- (4) *Building Setbacks:*
  - (a) Front: 50 feet minimum
  - (b) Side: 30 feet minimum
  - (c) Rear: 30 feet minimum
  - (d) Abutting a street: 50 feet minimum
  - (e) Abutting a landscape zone: 15 additional feet
  - (f) Yard abutting a golf course: 15 additional feet
  - (g) Building to Building: 35 feet minimum
  - (h) Abutting a tollway/interstate: 100 feet minimum
- (5) *Parking/drive setbacks:*
  - (a) Front: 30 feet minimum
  - (b) Side: 10 feet minimum
  - (c) Rear: 10 feet minimum
  - (d) Abutting a landscape zone: 10 feet minimum
  - (e) To building: 20 feet minimum
- (6) *Maximum Height:*
  - (a) General: 200 feet / 15 stories
  - (b) Within 1,000 lineal feet of tollway/interstate: 390 feet / 30 stories
- (7) *Maximum Accessory Building Height:* 3 stories
- (8) *Maximum Floor Area Ratio:* 5.0
- (9) *Open Space Requirement:* 30% Total Site, Open Space excludes paved surfaces, buildings and structures.

**§ 156.063 (BP) BUSINESS PARK DISTRICT**

- (A) *Purpose.* The BP Business Park District is established to provide locations for sizeable

commercial, office, institutional, and light manufacturing, as well as the smaller commercial and service uses on which they rely. The uses in this district must be located on larger parcels in coordinated commercial, office, and industrial structures in a "park-like" atmosphere. To encourage accessibility, this district is generally located on primary thoroughfares.

(B) *Intent*

- (1) To provide for parcels of land for large, attractively landscaped sites for research activities or specialized compatible light manufacturing activities, and office buildings;
- (2) To require adequate off-street parking and limited access to roads through the use of frontage roads;
- (3) To provide some retail uses that service the business park uses within the district;
- (4) To promote light manufacturing in business parks;
- (5) To locate business park uses on lands suitable for those purposes, but at locations that would not be harmful or disadvantageous to nearby or adjacent property;
- (6) To encourage the grouping of compatible business park activities, thereby promoting convenience, efficiency and safety in transportation;
- (7) To promote job creation to support the retail businesses in the Village thereby protecting and strengthening the economic base of the Village; and

(C) *Uses*

(1) *Permitted Uses*

(1) Offices

- (a) Call Centers
- (b) Offices: Administrative, business, professional, governmental, and medical
- (c) Data processing and computer center, including service and maintenance
- (d) Newspaper or publisher

(2) Institutional and Educational Uses

- (a) College, university or junior college
- (b) Conference centers
- (c) Medical Laboratories
- (d) Philanthropic and charitable institutions
- (e) Schools - business, corporate training, data processing or electronics.
- (f) Schools (art, dancing, dramatic, music)

(3) Commercial/Retail Uses

- (a) Office equipment & supplier sale
- (b) Radio and television studio (w/o tower)
- (c) Floor covering sales
- (d) Furniture sales (new)
- (e) Hotel
- (f) Microbrewery, winery

(4) Business Park Uses

- (a) Food processing and handling
- (b) Laboratories, offices and other facilities for research testing, data analysis and development
- (c) Light manufacturing
- (d) Printing and publishing
- (e) Product research and development

(II) *Special Uses.* Upon recommendation by the Plan Commission after public hearing on a petition pertaining thereto, in accordance with the requirements set forth for such hearing in Article VII of this Ordinance.

- (1) Commercial/Retail Uses
    - (a) Building, electrical and construction material sales (no outside storage)
    - (b) Depository and non-depository credit institutions and banks
    - (c) Gas/service stations (not including truck stop)
    - (d) Restaurants, including alcohol sales and service, excluding drive-in or drive-through service
  - (2) Office/Business Park Uses
    - (a) Data Center
    - (b) Day Care Center
    - (c) Heliports
    - (e) Hospitals
    - (f) Logistics, Freight and Trucking Operations
    - (g) Planned Unit Developments in accordance with the applicable provisions of the Zoning Ordinance
    - (h) Storage and distribution of bulk commodities
    - (i) Warehousing, storage and distribution
    - (j) Self-Storage
  - (3) Retail-Automotive Uses
    - (a) Boat sales
    - (b) Recreational vehicles, ATV's, or other similar uses
    - (c) Motorcycle showroom and service
    - (d) Truck sales (new)
  - (4) Retail -Commercial Recreation Uses
    - (a) Amusement and family entertainment establishments, (indoor or outdoor)
    - (b) Aquatic parks
    - (c) Golf course, driving range, and miniature golf
    - (d) Ice centers (indoor or outdoor), roller rinks (indoor)
    - (e) Motion picture theater
    - (f) Athletic fields (baseball, softball, football, cricket, lacrosse, soccer, etc.) (indoor or outdoor)
    - (g) Stadiums (outdoor and enclosed)
    - (h) Swimming pool (indoor, private club)
    - (i) Health, tennis, racquetball, recreation clubs, and spa or day spa
    - (j) Theater (enclosed)
- (D) *Parking and Roadway Layouts for the BP District*
- i. Curb cuts for non-divided driveways shall not exceed 25 feet in width. Curb cuts for divided driveways shall not exceed 35 feet in width. Medians in divided driveways shall be a minimum of ten feet in width and shall contain landscape planting.
  - ii. Parking lots are permitted in required front, side and rear building setback zones provided that the parking areas are screened from all adjacent residential districts, institutional uses and public roadways. Any and all applicable landscape zone requirements must be met.

(E) *The following site standards shall apply to the Business Park District:*

- (1) *Minimum Lot Area:* 1 acre
- (2) *Minimum Lot Width:* N/A
- (3) *Building Coverage:* 50% maximum
- (4) *Building Setbacks:*
  - (a) *Front:* 35 feet minimum
  - (b) *Side:* 15 feet minimum
  - (c) *Rear:* 15 feet minimum
  - (d) *Abutting a street:* 35 feet minimum
- (5) *Parking/Drive Setbacks*
  - (a) *Front:* 25 feet minimum
  - (b) *Side:* 10 feet minimum
  - (c) *Rear:* 10 feet minimum
  - (d) *Abutting a street:* 25 feet minimum
  - (e) *Abutting a landscape zone:* 10 feet minimum
  - (f) *To buildings – Front:* 20 feet minimum
  - (g) *To buildings – Side/Rear:* 10 feet minimum
- (6) *Maximum Height:* 45 feet/3 stories
- (7) *Maximum Floor Area Ratio:* 0.5
- (8) *Open Space Requirement:* 25% Total Site, Open Space excludes paved surfaces, buildings and structures.

**§ 156.064      EXTRACTION DISTRICT (E)**

Extraction of all earth products to be utilized within the PDD or to be moved outside the PDD for non-commercial purposes shall be a permitted use in this District. If excavated earth products are utilized or otherwise moved outside the PDD for commercial sale, a Special Use permit issued by the Village Board of Trustees must be received. It is the intention to utilize said extraction to create water bodies and drainage systems as amenities to development in the PDD as well as to provide materials for construction. Land contouring and sculpting to visually enhance and complement the PDD are anticipated results of the operations in this District.

(A) *Permitted Uses*

- (1) Commercial extraction, including the extraction of minerals, sand, gravel, topsoil and other aggregates; and
- (2) Screening, crushing, mixing, washing, grinding, and storage thereof; and concrete batching plants, ready-mix facilities, and plants producing bituminous products and asphalt; and
- (3) Operation and construction of all buildings, structures and equipment to accomplish the foregoing.

(B) *Overlay District.* The Extraction District is an "overlay" district on the underlying zoning classifications. The Zoning and Concept Plan adopted concurrently with this PDD Ordinance shows this Extraction District as a hatched area "overlying" other zoning districts ("Underlying

Zoning Districts"). Both (1) uses allowed by the Underlying Zoning District, as well as (2) uses allowed under the Extraction District, are permitted uses within these areas. The uses allowed in this Extraction District are permitted prior to building permits being issued for any uses in the Underlying Zoning District. Once building permits are issued for any Underlying Zoning District, only uses permitted in said Underlying Zoning District shall be allowed.

(C) *Site Standards for Extraction Districts.* Notwithstanding any other provision contained in any village ordinance or regulation, the conduct of extraction operations on the property shall not be subject to or limited by the use, bulk, yard, and other limitations contained in village ordinances, but to only the following specific restrictions which shall apply to the conduct of extraction operations:

- (1) All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties.
- (2) No open pit shall be less than 25 feet plus the product of 1½ times the depth of said pit or shaft from any public road or right of way. Final side slopes of any excavation in an extraction operation after rehabilitation shall be 5:1.
- (3) At any time, upon notice to developer and owner, village and its duly authorized officials and agents shall have access to all extraction operations.
- (4) Extraction operations shall be conducted pursuant to applicable county, state, and federal laws and regulations including, but not limited to, the State of Illinois Surface-Mined Land Conservation and Reclamation Act (ILCS Ch. 225, Act 715, §§ 1 et seq.), the Illinois Environmental Protection Act (ILCS Ch. 415, Act 5, §§ 1 et seq.), and the applicable rules and regulations of the United States and Illinois Environmental Protection Agencies (the "EPA").
- (5) A map (1 inches = 100') depicting the general plan for proposed operations and rehabilitation of the site must be included depicting:
  - (a) The locations of proposed watercourses and drainage systems, including lakes, ponds and retention areas;
  - (b) The sequence of operations and the schedule of rehabilitation measures;
  - (c) The proposed locations of storing, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
  - (d) The proposed locations of any buildings, scalehouse, equipment storage areas, and equipment repair sheds or areas;
  - (e) Site rehabilitation plan shall include proposed future land uses, proposed roadways, park lands and recreation features.
- (6) The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:
  - (a) Buildings, structures and storage or repair areas shall be located in conformance with yard requirements of the zone in which they are located.
  - (b) Access ways and roads shall be maintained in a dust-free condition either by oiling, by spraying with calcium chloride or paving where applicable.
  - (c) Perimeter roads shall be buffered from extraction activities with earth mounds at least ten feet in height, which store topsoil. Mounds shall be planted with grass or other suitable material, such as viburnum, as an erosion retardant.
  - (d) All loads of extracted materials removed from the site shall be covered with tarpaulins to insure public safety and prevent damage to individuals or their vehicles.
  - (e) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to

any street by slides, sinking or collapse of supporting soil adjacent to an excavation. All operations shall be fenced. No extraction operation shall be conducted in a manner so as to lower the water table affecting adjacent landowners. This determination is to be made from data secured from testing wells installed, located, operated and maintained by the operator on the perimeter of the excavation site.

(f) No excavation, removal or fill shall be permitted if the finished conditions would contain the following:

- i. Deep pits having side slopes of greater than 30 degrees;
- ii. Serious on-site erosion problems or erosion problems which could extend to neighboring properties;
- iii. Undrained depressions other than artificial lakes or drainage problems which adversely affect neighboring properties.

(7) No processing and stockpiling operations shall be conducted closer than 660 feet from any inhabited estate, residential, commercial or office building or within 660 feet of any occupied public or private educational facility or medical facility. All processing operations should be enclosed whenever possible. Stockpile areas shall be screened from view.

(8) Crushing operation in the Extraction District shall be confined to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m.

(D) *Special Use Permits.* Extraction of earth products shall be issued for a period of time not to exceed twenty years. Such permits are renewable for additional five-year periods.

(E) A corporate surety bond or guaranteed letter of credit shall be furnished to the village to assure compliance with the approved rehabilitation map. The bond or letter of credit shall be in the amount of \$100,000 or \$1,000 per acre, whichever is greater, for the completion of operations and the rehabilitation of the tract.

**§ 156.065 PARK AND OPEN SPACE DEVELOPMENT (P) GUIDELINES**

Land is designated as Park and Open Space (P) to maintain select existing physical features for general public use and enjoyment as passive and active recreational areas. There are a number of components which are contained within the Park and Open Space District. These include: public and private parks, wetlands, lakes, ponds, creeks, drainageways, golf courses, greenways, pedestrian pavements and landscape zones. The standards and guidelines described in the following paragraphs will guide development for the Park and Open Space Districts within the village.

(A) *Permitted Uses*

- AGRICULTURAL BUSINESS – Open space, park and greenways
- COMMERCIAL RECREATION – Golf courses and recreational facilities

(B) *Site Building Coverage and F.A.R. Exemptions.* An increase in maximum site building coverage and FAR shall be granted for developments which abut a golf course, greenway, parks, or open bodies of water, which demonstrate quality design, and which adhere to all of the other provisions of the site planning standards pertaining to that particular use. Site building coverage and F.A.R. increases up to 25% may be allowed, not to exceed a maximum of 0.5 F.A.R.

For purposes of this provision, quality design considerations include: superior visual buffering; visually creative massing of buildings and plant materials; creative use of building materials; creative site lighting; visually pleasing combinations of plant materials, hardscape and grading; noise attenuation measures; creative use of water; effective use of trees; and ease of maintenance.

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**ARTICLE VII  
SPECIAL USE PERMITS**

**§ 156.068 SPECIAL USE PERMITS**

- (A) *Authority.* The Board of Trustees may, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, grant special use permits authorizing the development of uses listed as special use permits in the regulations applicable to the district in which the subject property is located.
- (B) *Purpose.* Special permit uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.
- (C) *Parties Entitled to Seek Special Use Permits.* An application for a special use permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- (D) *Review Procedure*
- (1) *Formal Consideration.* A formal application and associated fees for a special use permit shall be filed in accordance with the requirements of Section 156.204 (A)(3) and (E)(8) of this Code.
  - (2) *Public Hearing.* A public hearing shall be set, noticed and conducted by the Plan Commission in accordance with Section 156.206 of this Code.
  - (3) *Action by Plan Commission.* Within 21 days following conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in a form specified by Subsection 156.201 (C) of this Code, recommending either granting the application for a special use permit; granting the application subject to conditions, as specified in Subsection F below; or denying the application.  
  
The failure of the Plan Commission to act within 21 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed special use permit.
  - (4) *Action by Board of Trustees.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions.
- (E) *Standards for Special Use Permits*
- (1) *General Standards.* No special use permit shall be recommended or granted pursuant to this Section unless the applicant shall establish that:
    - (a) *Code and Plan Purposes.* The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.

- (b) *No Undue Adverse Impact.* The proposed use, drainage and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
  - (c) *No Undue Interference with Surrounding Development.* The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
  - (d) *Adequate Public Facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities (water consumption and waste generation), drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.
  - (e) *No Undue Traffic Congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential street.
  - (f) *No Undue Destruction of Significant Features.* The proposed use and development will not result in the destruction, loss or damage of natural, scenic and historic feature of significant importance.
  - (g) *Compliance with Standards.* The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.
- (F) *Special Standards for Specified Special Uses.* Where the district regulations authorizing any special use permit in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the applicant shall establish compliance with such special standards.
- (1) *Airports and Heliports*
    - (a) The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration and the Illinois Division of Aeronautics, Department of Transportation for the class of airport proposed, and in accordance with their respective published rules and regulations.
    - (b) Any building, hangar, or other structure shall be at least 100 feet from any street or boundary line.
    - (c) There shall be adequate off-street parking spaces. The off-street parking design shall be reviewed for approval by the village.
    - (d) If airport zoning is not in effect:
      - i. Any proposed runway/landing strip shall be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures or natural obstructions outside the airport site.
      - ii. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall,

satisfactory evidence thereof shall be submitted with the application.  
(Ord., passed 7-17-89) Penalty, see § 156.999

(2) *Cemetery*

- (a) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity. In addition, the site shall have direct access to a public thoroughfare.
- (b) Any new cemetery shall be located on a site containing at least ten acres.
- (c) All burial buildings shall be set back at least 80 feet from any street bounding the cemetery and at least 55 feet from all side and rear lot lines. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
- (d) All graves or burial lots shall be set back at least 30 feet from any street bounding the cemetery and at least 25 feet from all side and rear lot lines.
- (e) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently occupied. Any expansion to land not occupied must comply with the requirements of this section, subsequent to the issuance of a special use permit.
- (f) Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street. (Ord., passed 7-17-89) Penalty, see § 156.999

(3) *Drive-in Theater, Summer Theater, Amphitheater*

- (a) The site shall contain at least five acres.
- (b) The site shall have direct access to a major street.
- (c) All structures, viewing area, and seating areas shall be set back at least 100 feet from any street or boundary line.
- (d) All parking areas and access ways shall be adequately lighted; provided, however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.
- (e) Off-street parking spaces shall be provided in accordance with the provisions of § 156.106.
- (f) The following accessory uses may be permitted as incidental to, and limited to, patrons of the principal use:
  - i. Amusement park, kiddieland;
  - ii. Refreshment stands or booths;
  - iii. Souvenir stands or booths.
- (g) For any drive-in theater:

- i. The theater screen shall not be visible from any collector or major street within 2,500 feet. The viewing area shall be screened in such a manner that it cannot be observed from outside the property;
- ii. Off-street space for automobiles of patrons awaiting admission to the theater shall be equal to 30% of the capacity of the viewing area. All entrances and exits shall be separated and internal circulation shall be laid out to provide one-way traffic;
- iii. All property lines shall be screened by a solid fence at least six feet in height. (Ord., passed 7-17-89) Penalty, see § 156.999

(4) *Extraction of Earth Products*

- (a) An application for extraction operations shall be accompanied by a map, drawn to a scale of one inch equals 100 feet showing the following:
  - i. Existing topography at two-foot contour intervals;
  - ii. Locations of watercourses and drainage systems;
  - iii. An outline of the area to be excavated.
- (b) An additional map shown at a scale of one inch equals 100 feet shall show a general plan for proposed operations and rehabilitation of the site including the following:
  - i. The locations of proposed watercourses and drainage systems, including lakes, ponds and retention areas;
  - ii. The sequence of operations and the schedule of rehabilitation measures;
  - iii. The proposed locations of storing, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
  - iv. The proposed locations of any buildings, scalehouse, equipment storage areas, and equipment repair sheds or areas;
  - v. Site rehabilitation plan shall include proposed future land uses, proposed roadways, park lands and recreational features.
- (c) The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:
  - i. Excavation shall not take place within a minimum of 100 feet of any street or boundary line. Where deep quarrying 30 feet or more is planned, boundary setbacks shall be a minimum of 150 feet and shall conform to state reclamation standards.
  - ii. Buildings, structures and storage or repair areas shall be located in conformance with yard requirements of the zone in which they are located.

- iii. Access ways and roads shall be maintained in a dust-free condition either by oiling or by spraying with calcium chloride.
  - iv. Perimeter roads shall be buffered from extraction activities with earth mounds at least ten feet in height which store topsoil. Mounds shall be planted with grass or other suitable material, such as viburnum, as an erosion retardant.
  - v. All truck loads of extracted materials removed from the site shall be covered with tarpaulins in conformance to state standards to insure public safety and prevent damage to individuals or their vehicles.
  - vi. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation. All operations shall be fenced. No extraction operation shall be conducted in a manner so as to lower the water table on surrounding properties.
  - vii. No excavation, removal or fill shall be permitted if the finished conditions would contain the following:
    1. Deep pits having side slopes of greater than 30 degrees;
    2. Serious on-site erosion problems or erosion problems which could extend to neighboring properties;
    3. Undrained depressions other than artificial lakes or drainage problems which adversely affect neighboring properties.
  - viii. No processing and stock piling operations shall be conducted closer than 660 feet from any estate, residential, commercial or office district or within 660 feet of any public or private educational facility or medical facility. All processing operations should be enclosed whenever possible and shall be enclosed whenever the operation is to be in existence for a longer period of time than nine months. Stockpile areas shall be screened from view.
  - ix. No extraction operations shall be conducted in such a manner that the groundwater table of surrounding properties is lowered. This determination is to be made from data secured from testing wells installed, located, operated and maintained by the operator on the perimeter of the excavation site.
- (d) Special use permits for the extraction of earth products shall be issued for a period of time not to exceed ten years. Such permits are renewable for additional five-year periods.
- (e) A corporate surety bond or guaranteed letter of credit shall be furnished to the village to assure compliance with the approved rehabilitation map. The bond or letter of credit shall be in the amount of \$100,000 or \$1,000 per acre, whichever is greater, for the completion of operations and the rehabilitation of the tract. (Ord., passed 7-17-89)
- (5) *Public and Private Utilities and Services.* Buildings and structures not included in the Illinois Utility Exemption and not specifically permitted as a matter of right in the various

zones, pertaining to water, sewerage, gas, telephone, Wireless Telecommunication Service Facilities (including associated co-locations) and electric utilities through applicable franchise agreements; and police, fire, radio and television stations, including broadcasting antennae, are required to secure a special use permit.

- (a) *Location:*
- i. Telecommunication Service Facilities with Towers are limited to “RE-1” Residential Estate, “M” Manufacturing, “ORI” Office / Research / Industrial District zoned and municipally-owned property.
  - ii. A minimum of 1,000 feet from the centerline of Illinois State Route 47.
  - iii. Wireless Telecommunication Service Facilities (WTSF) located on existing structures (including lighting and utility structures) may be accommodated with a Special Use Permit in all zoning districts and within the 1,000’ *buffer-area* from the centerline of Route 47.
  - iv. Compliance with all natural resource protection standards established in this Zoning Code and Village’s Subdivision Regulations.
- (b) *Fencing and Screening.* If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted evergreen hedge or other shielding material may be required in a manner consistent with such findings. (Ord., passed 7-17-89) Penalty, see § 156.999
- (c) *Appearance.* The tower and ground facilities shall be constructed in a manner maximizing any and all of the industry-standards for stealth architectural and structural design.
- (d) *Minimum Lot Size:*
- i. Residential Estate (RE-1) – 40,000 square feet
  - ii. Manufacturing (M) – 20,000 square feet
  - iii. Office / Research / Industrial (ORI) – 60,000 square feet
- (e) *Setbacks.* A Wireless Telecommunication Facility with a tower shall be setback a minimum of 1.1 times the tower height from any residentially-zoned property lot line.
- (f) *Maximum Height of Tower* 180 feet
- (g) *Lease Space.* Lease space suitable in size to accommodate tower, any guyed-wires and equipment shelter. Eight-foot high security fence shall surround facility.
- (h) *Equipment Shelter:*
- i. *Maximum Size* – 300 square feet for single carrier; 500 square feet for multiple carriers
  - ii. *Maximum Height* – 12 feet

iii. *Setback – Applicable District Requirements*

- (i) *Landscaping and Screening.* Existing vegetation shall be preserved to the greatest extent possible.
  - i. A Tree Preservation Plan for trees 6” DBH or larger shall be prepared and submitted with the SUP application and include a mitigation plan for the replacement of any trees 6” DBH or larger removed from the site;
  - ii. A Landscape Plan shall be prepared and submitted reflecting evergreen plantings in sufficient number and density to *at-maturity* screen the ground facility from all neighboring properties.
- (j) *Access.* The ingress/egress path, and associated parking area, to and upon the subject facility, shall be an all-weather surface designed to the Village’s Engineering Standards. Every effort shall be made to mitigate the visibility of the facility’s access path and parking area.
- (k) *All abandoned or unused Telecommunication Service Facilities* shall be deemed a nuisance and the Village may act after twelve (12) months of the cessation of operations unless an extension is approved. If an extension is not approved by the Village Manager or designee, the Village may act to abate such nuisance and require its removal at the property owners’ expense. After the Telecommunication Service Facility is removed, the owner of the site shall restore the site to its original, or to an improved condition.

(6) *Self Storage Facilities*

(a) *Site Design*

- i. The following bulk zoning standards shall apply to these uses:

Lot Area:	2 acre minimum – 12 acre maximum
Lot Width:	100 foot minimum
Building(s) Coverage:	50% Maximum
Building Setbacks:	
Front:	35 foot minimum
Side:	15 foot minimum
Rear:	15 foot minimum
Building to Building:	30 foot minimum ( <i>maximum projection to maximum projection</i> )
Parking/Drive Setbacks:	
Front:	25 foot minimum
Side/Rear:	10 foot minimum
Maximum Height:	Outside Access facilities - 15 ft / 1 story Inside Access facilities - 45 ft / 3 stories
Floor Area Ratio:	0.75 maximum
Open Space Requirement:	25 % minimum

- ii. The site shall not directly abut any single-family residential zoning districts.
- iii. Self-storage facilities shall not be permitted on corner lots or lots with more than one yard abutting a street or right-of-way.

- iv. A total of two separate access points shall be provided to the site. One access point shall be considered the main access point allowing for both ingress and egress. The second access point shall be provided for egress and emergency ingress only.
- v. All outside turning radii shall be a minimum 60 feet.
- vi. Outside access, self-storage facilities are those facilities that provide for individual access to each unit from the outside. These facilities typically have a drive isle between buildings that allow for vehicles to be parked next to each unit. Outside access, self-storage units shall be limited to one story or 15 feet in height.
- vii. Inside access self-storage facilities are those facilities that provide a common access point into a building that houses the individual self-storage units. The individual inside access self-storage unit openings are not accessible or visible from the outside. Inside access, self-storage units shall be permitted to a maximum of three stories or 45 feet in height provided the following criteria are met:
  - a. The building(s) meets all current, applicable Building Codes.
  - b. Building elevation design, material, color and style shall be approved by the village.
  - c. The character of the building(s) must fit in with the character of the surrounding developments as determined by the village.
- viii. On-site office required and shall be located immediately adjacent to and provide clear visibility of the main access point.
- ix. The minimum drive width between buildings shall be 30 feet.

(b) *Parking*

- i. Self-storage facilities are required to provide the following parking spaces:
  - a. Office: 3.5 spaces per 1,000 square feet of gross office space
  - b. Self-storage (outside access): 1 space per 15,000 square feet of gross self-storage space
  - c. Self-storage (inside access): 1 space per 5,000 square feet of gross self-storage space
  - d. Handicapped parking spaces shall be provided and designed according to the State Accessibility Code, Village Zoning Ordinance and Building Department requirements.
- ii. All required parking shall be located near the office and main entrance.
  - a. Visitor / new customer parking shall be provided outside the access gate at the main entrance.

- b. Customer/employee parking shall be provided inside or outside the access gate at the main entrance.

(c) *Building Design*

- i. All building elevations facing lot lines shall be constructed with masonry materials approved by the village. Metal siding and similar materials are not permitted on these elevations.
- ii. The openings to the actual self-storage units shall not be visible from any rights-of-way.
- iii. Roofing materials shall be approved by the village. Metal sloped roofs that meet all applicable village codes are permitted.
- iv. Color combinations of the elevation and roofing materials shall be approved by the Village.
- v. Each self-storage unit shall provide a light source approved by the Chief Building Official.
- vi. An exterior lighting plan providing flush mounted and vandal proof lights required. All site lighting shall be deflected, shaded, and focused away from all adjoining property. The Village Engineer must approve the site lighting plan.

(d) *Buffering*

- i. All lot lines abutting any rights-of-way must provide an opaque buffer at least eight feet in height. Combinations of fencing, landscaping, and berming shall be used.
- ii. A landscape plan shall be submitted and approved by the Village.
- iii. Self-storage facilities must provide a minimum six-foot high fence surrounding the entire site.
- iv. Chain-link/cyclone fencing is not permitted along the lot lines that abut rights-of-way, open space, detention areas, undeveloped property or residences. The fencing type and material shall be approved by the Village.
- v. Fencing should be constructed to deter individuals from climbing them. This can be accomplished by using vertical slats, increased height (above six feet), or intense landscaping. Razor wire, barbed ware or other potentially harmful deterrents are not permitted.

(e) *Operation*

- i. The hours of operation are limited to 5:00 a.m. to 11:00 p.m. Twenty-four hour tenant access is prohibited.
- ii. Self-storage facilities shall be staffed by at least one employee during all hours of operation responsible for the maintenance and operation of the facility in conformance with all applicable ordinances.

- iii. On-site residential uses are not permitted.
- iv. The two required access points must be controlled by a moveable gate to be approved by the village.
- v. Emergency response access shall be provided and approved by the Village Police Department and the Village Fire Protection District.
- vi. No sales or services of any kind are permitted out of the self-storage units by tenants. The operator may provide items for sale in the office after having been granted an additional special use permit for sales in the applicable zoning district (if required). Any intended sales operations shall be made known to the village by the petitioner as part of the special use permit required.
- vii. Security and safety concerns shall be approved by the Village Police Department and the Village Fire Protection District. Because the interior of facilities requesting a special use permit under these provisions will not be visible from rights-of-way, additional security items such as security cameras may be required.
- viii. A maximum of one wall sign will be permitted per facility. The wall signs total square footage shall be no larger than 25% of the lot's linear frontage, except that no sign shall exceed a maximum of 50 square feet. A sign permit from the Building Department is required before any signs can be constructed.
- ix. No storage of hazardous or explosive substances shall be permitted.

(7) *Self Storage Facilities with Outside Storage of Vehicles*

- (a) Self-storage facilities that also include the outside storage of vehicles shall meet all of the criteria detailed in *Self Storage Facilities* [Subsection (B)(6)(a) through (e)] above. The following additional criteria shall be met to qualify for a combined special use permit for self-storage facilities with outside storage of vehicles.
- (b) *Vehicles covered under this section:* Automobiles, Trucks, Vans, Recreational vehicles, Campers, Motorcycles, All terrain vehicles, Golf carts, Trailers, Boats and boat trailers, Snowmobiles, and any other vehicles as determined by the village.
- (c) *Site Design*
  - i. The location(s) of outside storage areas must be clearly shown on the site plan submitted for review and approval. At a minimum, the outside storage area shall be designed to current engineering standards with regards to pavement type, thickness, etc. to be approved by the Village Engineer. No outside storage shall be permitted on unpaved surfaces. Outside storage shall only be permitted in the area designated on a site plan or plat of survey subject to the following criteria:
    - a. Painted parking spaces must be provided. Minimum parking space size is 9 feet wide by 19 feet deep. A minimum 25 foot wide drive lane is required to service all outside storage parking

- spaces. All outside storage parking spaces shall be exempt from the requirements of the State Accessibility Code;
- b. Stacked parking of vehicles is not permitted; and
  - c. For larger vehicles such as RV's, boats, trailers and campers, larger parking spaces and drive lanes may be required. The dimensions of those spaces and drive lanes shall be approved by the village.
- ii. The outside storage location(s) shall have a minimum 200 foot setback from any right-of-way, in all directions. Self-storage buildings, open space, re/detention areas, or other zoning lots may fall within this 200 foot minimum setback.
  - iii. Outside storage locations are not permitted to abut front lot lines. Outside storage locations are permitted to abut side and rear lot lines only if all of the following criteria are met:
    - a. The lot, at the area in question, abuts a lot zoned "M" Manufacturing, or "PDD-BP" Planned Development District Business Park. Other areas for the outside storage of vehicles may be approved the village, if it is determined that the outside storage of vehicles will not negatively impact the abutting land use;
    - b. The screening along the entire lot line at the area in question provides for enough vertical screening so no vehicle can be seen from any portion of another property at ground level;
    - c. A landscape plan shall be submitted and approved by the village;
    - d. If the outside storage of vehicles location abuts a rear lot line, then the side parking/drive setback in the location of the outside storage of vehicles shall be 20 feet minimum. This setback shall be extended a minimum of 50 feet in each direction along the side lot line; and
    - e. If the outside storage of vehicles location abuts a rear lot line, then the rear parking/drive setback in the location of the outside storage of vehicles shall be 20 feet minimum. This setback shall be extended a minimum of 50 feet in each direction along the rear lot line.
  - iv. The outside storage of vehicles requires one parking space per 15,000 square feet of storage area (parking spaces only, does not include drive lanes). These spaces should be provided in the same location as other spaces provided for the self-storage and office portions of a development. No outside storage of vehicles shall be permitted in these parking spaces.

(d) *Operation*

- i. No vehicle sales of any kind are permitted to take place on site. Additionally, showrooms for vehicle sales operations with the sales actually taking place off site are also not permitted.
- ii. No inoperable vehicles shall be permitted.
- iii. No maintenance, repair, cleaning, or similar activities shall be permitted on any vehicles by customers stored at these facilities.
- iv. No vehicle service operations of any kind shall be permitted in conjunction with a self-storage facility with outside storage of vehicles.
- v. If truck/vehicle rental is a permitted use in the zoning district, than truck/vehicle rental operations shall be permitted in conjunction with self-storage facilities. If those trucks or vehicles being rented are stored outside, then all provisions of this section shall be met.
- vi. The outside storage of vehicles shall not be permitted in those parking spaces required to service the facility for visitor, customer, and employee parking.
- vii. Security and safety concerns shall be approved by the Village Police Department and the Village Fire Protection District. Because the interior of facilities requesting a special use permit under these provisions will not be visible, additional security items such as security cameras may be required.

(8) *Wind Energy Systems*

(a) *General Standards*

- i. Village permit is required for the installation of any wind energy system.
- ii. Wind energy systems shall comply with all Village of Huntley Building codes and amendments, applicable International Building Code, National Electrical Code, Federal Aviation Administration (FAA), and all federal, state and local statutes, laws, rules and regulations.
- iii. The maximum noise level allowed shall not exceed 60 decibels measures at all site property lines.
- iv. Appropriate warning signage shall be placed on wind turbine towers and all electrical equipment.
- v. Wind energy systems are prohibited from installing structure lighting unless required by the FAA or appropriate authority.
- vi. A wind energy system shall be for the use and benefit of the occupants of the property on which it is located. The usage of power shall be regulated by the appropriate state and federal agency.
- vii. All abandoned or unused wind energy systems shall be deemed a nuisance and the Village may act after twelve (12) months of the cessation of operations unless an extension is approved. If an extension is not approved by the Village Manager or designee, the Village may act to abate such nuisance and require its removal at the property owners'

expense. After the wind energy system is removed, the owner of the site shall restore the site to its original, or to an improved condition.

- viii. The following requirements pertain to the installation of Large and Small wind energy systems:
- a. Security fencing not less than six (6') feet high equipped with an appropriate anti-climbing device shall be required.
  - b. The petitioner shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy systems' life.
  - c. An automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding is required. Wind energy systems shall have lightning protection. If a tower is supported guy wires, the wires shall be clearly visible to a height of at least six (6') feet above guyed wire anchors.
  - d. All access doors to wind turbine towers and electrical equipment shall be lockable. A bird-friendly design is required in order to reduce the number of resting places near the turbine rotors is required.
  - e. The minimum distance between a wind energy system and any lot line or public utility pole shall be a distance equivalent to 1.1 times the total height.
  - f. All on-site electrical transmission lines connecting a wind energy system to a building or the public utility electricity distribution system shall be located underground.
  - g. *Flicker or Shadow Flicker*. The owner of a wind energy system must take such reasonable steps as are necessary to prevent, mitigate, and eliminate shadow flicker on any occupied structure on an adjacent property.
- ix. Small wind energy systems
- a. Allowed by Special Use Permit in the RE-1 and RE-2 Residential Estate Districts and M Manufacturing District.
  - b. One (1) Small wind energy system is allowed per site.
  - c. Maximum height is seventy (70') feet.
  - d. The nameplate capacity allowed shall not exceed 100 kilowatts.
  - e. The blade tip of any rotor shall, at its lowest point have ground clearance no less than fifteen (15') feet or 1/3 of the tower height, whichever is greater, above the ground.
- x. Large wind energy systems

- a. Allowed by Special Use Permit in the RE-1 Residential Estate District and M Manufacturing District.
- b. One (1) Large wind energy system is allowed per site.
- c. Maximum height is one-hundred twenty (120') feet.
- d. The blade tip of any rotor shall, at its lowest point have ground clearance no less than twenty-five (25') feet or 1/3 of the tower height, whichever is greater, above the ground.

(9) *Intentionally Left Blank*

(10) *Medical Cannabis Cultivation Centers*

(a) Location Restrictions

- i. No Medical Cannabis cultivation center shall be established, maintained or operated on any lot that has a property line within 2,500 feet of the property line of a pre-existing public or private pre-school or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.
- ii. Medical Cannabis cultivation centers shall not be established on multiple-use or multiple-tenant property or on a property that shares parking with other users.

(b) Manufacture and Production Standards

- i. Unless otherwise stated herein or provided by state law, the Medical Cannabis cultivation center shall conform to all Village rules, regulations and ordinances.
- ii. All Medical Cannabis cultivation centers shall comply with the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., ("Medical Cannabis Act") and all rules and regulations adopted in accordance therewith.
- iii. Parking areas shall be well lit and monitored by video surveillance equipment in accordance with the Medical Cannabis Act and State regulations.

c) Setbacks/Lot Area/Bulk Regulations. A Medical Cannabis cultivation center shall conform to the setback, lot area, and bulk regulations applicable to the zoning district in which the medical cannabis cultivation center is located.

d) Signage

- i. Other than signage expressly required by State law, all signage for a medical cannabis cultivation center shall be limited to one flat wall sign not to exceed ten square feet in area, and one identifying sign, which can only include the

- center's address, not to exceed two square feet in area; such signs shall not be directly illuminated.
- ii. Electronic changeable copy signs and temporary signs are not permitted in connection with a Medical Cannabis cultivation center.
- e) Age and Access Limitations. Cultivation centers shall not employ anyone under the age of twenty-one (21). Access shall be limited exclusively to medical cannabis cultivation center staff and local and state officials and those specifically authorized under the Medical Cannabis Act and State regulations.
- f) Security and Video Surveillance
- i. The Medical Cannabis cultivation center shall be an enclosed locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance, and alarms that comply with the Medical Cannabis Act and State regulations. The facility shall be enclosed by a high security fence. The fence must be adequately secure to prevent unauthorized entry and include gates connected into an access control system.
  - ii. The Medical Cannabis cultivation center parking area, cultivation, production, warehousing areas, and shipping bays and entrance shall be monitored by video surveillance equipment that complies with the Medical Cannabis Act and State regulations. The operator shall promptly make such records available to the Huntley Police Department upon request.
  - iii. Loading of all Medical Cannabis products shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.
  - iv. A Medical Cannabis cultivation center is subject to inspection by the Huntley Police Department and/or Huntley Development Services at any time during regular business hours.
- g) Noxious Odors. All Medical Cannabis cultivation centers shall operate in a manner that prevents odor impacts on neighboring premises or properties, and, if necessary, the facility shall be ventilated with a system for odor control.
- h) Conduct on Site
- i. Retail sales of Medical Cannabis or medical cannabis infused products are strictly prohibited at medical cannabis cultivation centers.
  - ii. It shall be unlawful for a medical cannabis cultivation center to cultivate, manufacture, process, package, or sell any product other than useable cannabis and cannabis-infused products intended for human consumption in accordance with the Medical Cannabis Act.
- i) Interpretation. The provisions of this Subsection 156.068(F)(10) are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act and State regulations promulgated thereunder.

(11) *Medical Cannabis Dispensaries*

(a) Minimum required buffer from protected uses:

- i. A Medical Cannabis dispensary may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- ii. A Medical Cannabis dispensary may not be located within 1,000 feet of the property line of an existing religious establishment, park district property, or library.
- iii. A Medical Cannabis dispensary may not be located within 250 feet of a residentially zoned property except when separated by a State highway.
- iv. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which an applicable medical cannabis dispensary is located to the nearest point on a property line of any protected use.

v. Summary of Buffer Requirements:

Use	Required Buffer
Schools	1,000 feet
Daycare	1,000 feet
Religious Establishment	1,000 feet
Residentially zoned property*	250 feet
Park District property	1,000 feet
Library	1,000 feet

\*Except when separated by a State highway

- (b) A Medical Cannabis dispensary may not conduct any sales or distribution of cannabis other than as authorized by the Medical Cannabis Act; provided, however, that if the medical cannabis dispensary is also a licensed adult-use Cannabis Dispensary, then it may conduct sales or distribution of cannabis in accordance with the Cannabis Regulation and Tax Act, 410 ILCS 7045/1 *et seq.* and the regulations of this Chapter that apply to adult-use Cannabis Dispensaries.
- (c) Exterior Display: A Medical Cannabis dispensary shall be maintained or operated in a manner that the public viewing of cannabis, cannabis products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or from outside of the cannabis dispensing organization is not allowed.
- (d) Hours of Operations: Hours of operation are limited to between 6:00 am and 10:00 pm

- (e) Environmental: Emission of dust, fumes, vapors, or odors in a manner that impacts neighboring premises or properties or any public property or right-of-way shall be prohibited.
  - (f) Signage: Electronic changeable copy signs are not permitted for a medical cannabis dispensary. No cannabis leaf or bud image may be used in promotional signage for a medical cannabis dispensary.
  - (g) State Requirements: The Medical Cannabis dispensary must comply with all applicable provisions of the Medical Cannabis Act as may be revised or amended from time to time.
  - (h) All hazardous waste and cannabis waste shall be disposed of in accordance with the provisions of the statutes of the State of Illinois and ordinances of the Village of Huntley.
  - (i) On-Premises Consumption: It shall be prohibited to consumer cannabis products in a Medical Cannabis dispensary or anywhere on the site occupied by a medical cannabis dispensary.
  - (j) Other Cannabis Businesses Prohibited: Adult-use cannabis craft growers, cultivation centers, infusers, processors, and transporter organizations shall not be permitted to be co-located with a Medical Cannabis dispensary.
  - (k) Interpretation: The provisions of this Subsection 156.068 (F)(11) are intended to be interpreted in a manner consistent with the provisions and limitations of the Medical Cannabis Act and State regulations promulgated thereunder.
- (G) *Considerations.* In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall consider:
- (1) *Public Benefit.* Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community. Additional facts to consider are those of job creation and aesthetics and enhancement of the Village's reputation; and
  - (2) *Mitigation of Adverse Impacts.* Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.
- (H) *Conditions, Periodic Review, Term.* In order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, or upon public facilities and services, the Plan Commission may recommend, and the Board of Trustees may impose, and expressly include in the ordinance granting a special use permit, conditions and limitations upon the premises benefited by a special use permit. Such conditions and limitations may include, without limitation, the following:

- (1) limitations and restrictions of the use of the subject property;
  - (2) restrictions on construction activity that will occur on and around the subject property;
  - (3) conditions concerning the character and design of the proposed development;
  - (4) the location of the use within the subject property;
  - (5) the provision of landscaping and screening, with specificity as to design, quantity, quality, size and location;
  - (6) restrictions on the hours of operation of the use;
  - (7) a requirement that the subject property be developed and used in strict accordance with a site plan that is attached to the ordinance granting the special use permit; and
  - (8) any other matters relating to the purposes and objectives of this Code.
- (I) *Violation of Conditions.* Violation of any of the conditions imposed pursuant to Paragraph 156.068 (D)(1) of this Code shall be a violation of this Code and shall constitute grounds for revocation of the special use permit.
- (J) *Periodic Review.* The Plan Commission may recommend, and the Board of Trustees may impose, a requirement that the special use permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the special permit. In every instance, such procedures shall provide the applicant with advance notice of, and an opportunity to be heard at, such periodic review.
- (K) *Term of Special Use Permit.* Because of the unique operational nature, and potential unknown adverse impacts, of certain special permit uses, the Plan Commission may recommend, and the Board of Trustees may impose, a term limitation on the duration of certain special permit uses. Such term limitation shall (a) be set forth in the ordinance granting the special use permit and (b) shall be subject to renewal in accordance with Subsection (K) of this Section.
- All Special Use Permits, unless otherwise specified, must be established within six (6) months or the Special Use Permit shall be void.*
- (L) *Affidavit of Compliance with Conditions; Fee.* Whenever any special use permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a nonrefundable fee, to be fixed in each case by the Village Manager, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- (M) *Effect of Issuance of a Special Use Permit.* The granting of a special use permit shall not authorize the establishment or extension of any use not the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes and Ordinances of the Village, including but not limited to, a Building Permit, A Certificate of Occupancy and subdivision approval.
- (N) *Limitations on Special Use Permits.* Subject to an extension of time granted by the Village Manager pursuant to Subsection 156.200 (K) of this Article, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun

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within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

Except when otherwise provided in the Ordinance granting a special use permit, a special use permit shall be deemed to relate to, and be for the benefit of, the current owner or operator of the use or lot in question rather than to the lot itself.

- (O) *Amendments to Special Use Permits.* A special use permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 156.068 for its original approval.
- (P) *Renewal of Special Use Permits.* The Board of Trustees may, in accordance with the procedures and standards set out in this Subsection, consider requests for renewal of special use permits. An application for the renewal of a special use permit must be filed by the party to whom a special use permit was granted, or a permitted successor thereto or assignee thereof, and must be filed prior to the date on which the subject special use permit is to expire.
- (Q) *Development Agreement.* As a condition to approving a special use, a Development Agreement consistent with the requirements of § 156.090 may be required.

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**ARTICLE VIII**  
**SPECIAL USE - PLANNED UNIT DEVELOPMENT**

**§ 156.070 PLANNED UNIT DEVELOPMENT (PUD)**

- (A) *Purpose.* The regulations contained in this subchapter are established to encourage imaginative design of coordinated land uses and to provide relief from the subdivision and zoning district requirements which are designed for conventional developments, but which may inhibit innovation and cause undue hardship with regard to the use of parcels which present technical development problems. These regulations are further established to provide a safe and desirable living environment for residential areas characterized by a unified building and site development program, to preserve natural features of the site, and to provide adequate open space for recreation and other community purposes. (Ord., passed 7-17-89)
- (B) *When Required*
- (1) Two or more primary structures on a single zoning lot of any size must be developed as a PUD.
  - (2) Any multiple family projects which contain 14 or more dwelling units on one zoning lot, whether in one building or more than one building, must be developed as a PUD.
  - (3) All lands zoned B-3, Shopping Center, must be developed as a PUD. (Ord., passed 7-17-89) Penalty, see § 156.999
  - (4) All lands zoned HC, Health Care, must be developed as a PUD
  - (5) All lands zoned ORI-1, Special Office/Research/Industrial District, must be developed as a PUD. PUDs in the ORI-1 District shall be subject to Section 156.047 of the Zoning Code and to all regulations provided in this Section except to the extent changed, altered, varied, modified, or waived by the Village Board in accordance with Section 156.047 (J).
- (C) *Where Permitted*
- A Planned Unit Development may be located in any zoning district as shown in Table 2, subject to the procedures and standards set forth below and subsequent to the issuing of a Special Use Permit. (Ord., passed 7-17-89).
- (D) *Standards for Planned Unit Developments*
- (1) For any PUD, the regulations and standards established in this section shall be substituted for the general regulations set forth elsewhere in this chapter unless the PUD ordinance specifies an alternate standard. A PUD ordinance may specify alternate standards for land use, development and design requirements, and other applicable standards that will apply to the development in lieu of the general regulations set forth in this section or elsewhere in this chapter. .
  - (2) *Ownership.* Planned Unit Developments shall remain under one ownership and/or unified control. A sale of a portion of a parcel designated PUD may occur only after a final plat of subdivision is approved and recorded. Further, no final plat of subdivision for a parcel designated PUD shall occur until a Final Planned Development plan has been approved by the Village Board. However, the village shall continue to treat the subdivided parts as a single PUD and require the individual parcel owners to conform to the previously approved Final Planned Development. (Also see Article XV NON-CONFORMITIES)

- (3) *Required Sewer and Water.* A PUD shall be served by a sanitary sewage system and a public water supply system owned and operated by the village. Sanitary sewer and water mains internal to a PUD shall be located in appropriate easements granting access for maintenance purposes to the village.
- (4) *Required Parking.* The off-street parking regulations found in § 156.106 shall apply to all PUDs. Additional parking for guests shall be provided in such number as is determined adequate by the Village Board.
- (5) *Street Improvements.* All streets and street improvements shall be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures shall be based upon their intended use, shall be related to the overall design of the PUD and shall be constructed to the standards of the subdivision regulations of the village.
- (6) *Required Setbacks.* All structures located on the perimeter of a PUD shall be set back from the property line or street right-of-way a distance equal to or greater than the required setback in the adjacent zone. Setbacks shall be in conformity with good site planning practice. Any variations from Table 1 requirements must be identified.
- (7) *Height Restriction.* Any structures within a PUD may be 35 feet in height. Further, any structure may exceed 35 feet in height provided it is set back from the perimeter of its respective section of the PUD two feet horizontally for every one foot of building height.
- (8) *Minimum Site Area.* The minimum land area to be included in a PUD shall be 80,000 square feet, or such lesser size as may be determined acceptable as a PUD by the President and the Village Board upon review of the Planning Commission recommendations or as indicated in § 156.070 (B) WHEN REQUIRED herein.
- (9) *Bonding Required.* A bond or letter of credit to cover the cost of required public improvements submitted prior to issuance of any permits for the PUD.
- (10) *Design Standards.* The development plan shall be prepared by professional persons, architects, planners, engineers, landscape architects and surveyors. The benefits of the PUD and the improved design of the development must justify the intended variation from the normal requirements of this chapter. In preparing the development plan, particular consideration shall be given to the following:
  - (a) The provision of open spaces for recreation and other outdoor benefits and activities in residential portions of PUDs.
    - i. Open space shall not be less than 50% of the net PUD development acreage (gross acreage less public right-of-way acreage and unbuildable acreage). Open space shall consist of areas not covered by buildings or pavement. Open recreation facilities, sidewalks, swimming pools, decks and tennis courts shall be considered open space.
    - ii. The school and park land dedication or cash in lieu standards of the Subdivision Ordinance shall be complied with in all PUDs with residential housing.
    - iii. Required school and park dedication open space shall be so situated that it is accessible to all.
    - iv. Adequate private play areas above the required park dedication or cash donation shall be provided for use by residents in the PUD.

- (b) The conservation of significant natural features of the site, including but not limited to floodplains, wetlands, forest, scenic areas and vistas and historical or archaeological areas.
  - (c) Maximum separation of vehicular traffic from pedestrian ways and play areas.
  - (d) A unified design based upon significant architectural features, compatible building materials and a distinctive arrangement of structures and open space.
  - (e) The provision of adequate sites for retail shopping and service areas, schools, places of worship and other community services where the development is large enough to support these services.
  - (f) The relationship of the development to surrounding uses and property.
  - (g) Surface drainage and storm water detention facilities shall be designed in conformance with the Kane County Stormwater Ordinance (KCSWO) and the Village of Huntley's engineering standards with requisite approval of the Village Engineer.
- (11) *Permitted Uses.* The following uses are principal but not exclusive uses permitted in a planned development subject to the regulations of this section and subject to the zoning district designation to which the PUD special use is attached.
- (a) For parcels inside the VOH limits, uses listed as Principal Uses in Table 2.
  - (b) Single-family detached dwelling.
  - (c) Two-family dwellings, patio homes and zero lot line dwellings.
  - (d) Convenience shopping facilities.
  - (e) Any retail use as an integral part of a shopping center.
  - (f) Any office use.
  - (g) Any public facility use.
  - (h) Church or other place of worship.
  - (i) Any manufacturing use subject to the performance standards in the "M" zone.
  - (j) Facilities for the maintenance of the PUD.
  - (k) Recreational facilities of the use of the occupants of the PUD or the general public.
- (12) *Density Standards for Residential Projects*
- (a) In a residential planned unit development the maximum number of dwelling units permitted shall be determined by dividing the net residential area contained in a zoning parcel by the minimum lot area required per dwelling unit type permitted in the district or districts in which the property is located.
  - (b) Net residential area shall be determined by subtracting the area set aside for non-residential use (commercial or manufacturing uses) and deducting from the

remainder the area required for public or private streets, wetlands, flood ways, flood plains and associated buffers and similar non-buildable areas. (Ord., passed 7-17-89; Am. Ord. 99-12-16-01, passed 12-16-99) Penalty, see § 156.999

(E) *Review Procedures*

(1) *Conceptual Planned Unit Development Review*

- (a) The developer may appear before the Plan Commission (optional) to informally discuss the initial concept for the proposal. The Plan Commission shall not be required to provide a formal position statement on the proposal, and the developer shall not be required to comply with any position statements which are offered by either body.
- (b) *Required Submittals*—Conceptual Planned Unit Development Review. Ten copies of the materials listed in division (B) of this section must be submitted to the village at least one week prior to a scheduled conceptual review by the Plan Commission.

(2) *Preliminary Planned Unit Development Review (PPUD)*

- (a) *When Permitted.* Following the Conceptual PUD Review (optional), the developer must submit required materials for Preliminary PUD approval to proceed.
- (b) *Review Procedure.* Preliminary PUDs are reviewed by the Plan Commission and by the Village Board consecutively.
- (c) *Scheduling of Hearings/Meetings.* Materials required for submittal to the Plan Commission for preliminary PUD review must be submitted to the village a minimum of four weeks prior to the respective hearing/meeting date. The village may require an earlier submittal date if the proposed PUD is expected to require additional staff review time. Hearing/meeting dates shall not be established until all required submittals are received by the village.
  - i. Zoning sought for each segment of the proposed planned development shall be referenced in all notice requirements and cited by the petitioner at the zoning hearing on the proposal. Notice requirements delineated in § 156.206 shall be complied with. Recommendations of the Plan Commission shall be forwarded to the Village Board.
  - ii. Upon receipt of the recommendations of the Plan Commission, the Preliminary PUD proposal shall be placed on the next available Village Board meeting agenda provided there are at least ten days between receipt of the recommendations and the date of such Village Board meeting to allow adequate time for Board consideration of the proposal and recommendations. The Village Board shall approve, approve with modifications, refer the proposal back to the Plan Commission or disapprove the proposal within 60 days of the conclusion of the Planning Commission—public hearing. The Village Board may continue the consideration of the proposal to a future date with the consent of the petitioner; however, any such extension period shall not be counted in the 60 day period. In the event the Village Board disapproves the Preliminary PUD, the petitioner may request to be referred back to the Plan Commission for re-consideration.

- (d) *Required Submittals—Preliminary Planned Unit Development Review.* The number and content of materials required to be submitted to the Village to initiate a review of a Preliminary PUD are delineated below. The time frame under which required materials must be submitted is delineated above in division (E)(2)(c) of this section.
- i. Completed Development Application form (available from the Development Services Department) and applicable *Fees*.
  - ii. Three (3) copies of a Site Plan with notation the plan is a "Preliminary Planned Unit Development" with the *applicable* information per the Village of Huntley Subdivision Regulations, §155.220 Preliminary Plat and those additional items as follows:
    - a. Proposed name of the subdivision.
    - b. Location by township, section, town and range, or by other legal description.
    - c. A location map showing subdivision, impacted schools, existing or adjacent park areas.
    - d. Names and addresses of developer, surveyor and design professional producing the plat.
    - e. Scale of plat, 1 inch to 100 feet or larger. Tracts of 200 acres or more may be drawn at a scale of 1 inch to 200 feet.
    - f. Date.
    - g. Northpoint.
    - h. Elevations. USGS datum shall be used.
    - i. Floodplain designation.
    - j. Boundary line by bearing and length of proposed subdivision shall be clearly indicated and the total approximate acreage encompassed thereby.
    - k. Location, widths, and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within or adjacent to the tract.
    - l. Existing and proposed off-site improvements appurtenant to the developer including but not limited to sewers, water mains, culverts or other underground facilities within the tract indicating pipe sizes, manholes and location.
    - m. Boundary lines of adjacent tracts of unsubdivided and subdivided lands.
    - n. Existing and/or proposed zoning of proposed subdivision and adjacent tracts in zoned areas.

- o. Contours at two-foot intervals except where the average slope is less than 5%, one foot contour intervals.
- p. Layout of streets, widths of right-of-way and pavement, and also the widths of crosswalk-ways and easements.
- q. Layout, numbers, areas and dimensions of lots.
- r. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
- s. Building setback lines, showing dimensions.
- t. Easements shall be provided for any and all public utilities where alleys are not provided. Proper continuity for the utilities from block to block shall be maintained. Drainage easements shall be indicated and declared on the preliminary plat.
- u. A preliminary storm water management plan should be presented indicating an emergency overflow routing, detention areas showing preliminary size and depth and ownership and maintenance responsibilities for the detention areas. Soil borings may be required when it is determined by the Village Engineer that questionable soils or groundwater levels exist. Designation of any wetland as defined by the U.S. Army Corps of Engineers shall also be verified and addressed.
- v. The assessed value of the property.
- w. Existing trees, trees to be removed / replaced, proposed landscaping and a list of all endangered flora and fauna found on the proposed site as identified by the Illinois Department of Conservation pursuant to the "Endangered Species Protection Act."
- x. A natural resource inventory.
- y. Proposed number of units and density of the various residential land use parcels (based on net area excluding public right-of-ways).
- z. Floor area of non-residential structures in each separate section.
- aa. Locations of buildings, including dumpster enclosure.
- bb. Preliminary Sign Plan
- cc. Details of all variations requested in the PUD. If no variations are requested, so state none are being requested.
- dd. Traffic analysis indicating (may be waived by the Village Engineer if the project size is not expected to have substantial impact upon the existing road system):
  - Traffic generation of proposal.
  - Impact on existing traffic.

- Improvements needed to minimize negative impact of site generated traffic on street network.

- (e) *Three (3) copies of each of the following:*
  - i. Proof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosed.
  - ii. Preliminary engineering plans, including drainage and utility plans
  - iii. Plat of survey of parcel.
- (f) *In Addition. The Certified Mail Receipts for mail requirement must be submitted to the Huntley Planning and Zoning Division prior to the public hearing on the preliminary PUD.*
- (g) *Review Criteria - Preliminary Planned Unit Development Review. The Plan Commission shall review and evaluate the preliminary PUD in terms of whether the proposal:*
  - i. Is compatible with the Village of Huntley Comprehensive Plan and Community Goals.
  - ii. Promotes high standards in design, site planning and construction.
  - iii. Provides a safe and desirable living environment.
  - iv. Preserves natural features of the site.
  - v. Provides adequate open space for recreation and other community purposes.
  - vi. Represents a creative approach in land development.
  - vii. The design is compatible with adjacent properties and neighborhood.

(3) *Final Planned Unit Development Review (FPUD)*

- (a) *When Permitted.* Following approval of the preliminary PUD by the Village Board the developer must submit required materials for final PUD approval to proceed. Final PUD approval may be sought for the entire PUD or segments thereof. However, if final PUD approval is sought for a portion of the PUD, the segment must conform to the previously approved Preliminary PUD. Improvements on or off site necessary to support the segment shall be required and a final plat of subdivision for the segment shall be approved by the Village Board before permits will be issued.
- (b) *Review Procedure.* Final PUDs are reviewed by the Plan Commission and the Village Board consecutively. The final PUD must be in general conformance with the previously approved preliminary PUD plans. If the final PUD plans are substantially different than the preliminary PUD, then the development must be reviewed as a new preliminary PUD proposal. If the proposed zoning areas within the final PUD vary in legal description from that which was approved in the Preliminary Planned Development, or additional variations other than those requested at the preliminary PUD review hearing, the proposed final PUD shall also be subject to a public hearing. Should a public hearing be necessary during the final PUD review procedure, schedules under which action must be taken shall follow time frames set forth in the preliminary PUD review procedures. Upon approval of the development plan, the Village Board shall cause to be issued a Special Use Permit authorizing the planned unit development in accordance with the approved development plan and such modifications the Board may make to said plans to assure the development conforms to the intent of the previously approved Preliminary PUD.

- (c) *Scheduling of Hearings/Meetings.* Materials required for submittal to the Plan Commission for Final PUD review must be submitted to the village a minimum of four weeks prior to the respective hearing/meeting dates. The village may require an earlier submittal date if the proposed PUD is expected to require additional review time. Hearing/meeting dates shall not be established until all required submittals are received by the village.
- i. The Plan Commission shall review the final PUD on the basis of criteria set forth herein and forward its recommendations to the Village Board within 30 days after complete information has been received from the petitioner.
  - ii. The Village Board shall take under advisement the recommendations of the Plan Commission when considering the Final PUD. The Village Board shall approve, approve with modifications, or disapprove the final PUD within 60 days of the receipt of the Plan Commission recommendations unless an extension is requested by the petitioner. Should the final PUD be disapproved by the Village Board, the petitioner may resubmit revised plans to the Village Board for reconsideration, if permission to submit is requested and granted by the Board.
- (d) *Required Submittals.* Final Planned Unit Development Review. The number and content of materials required to be submitted to the village to initiate a review of a final PUD are delineated below. The time frame under which required materials must be submitted is delineated above in division (E)(3)(c) of this section.
- (e) Twenty (20) copies of each of the following: (NOTE: If a new public hearing is required, ten additional copies shall be submitted).
- i. Completed Development Application form (available from the Development Service Department) and applicable *Fees*.
  - ii. Three (3) copies of a Site Plan with notation the plan is a "Final Planned Unit Development" with the *applicable* information per the Village of Huntley Subdivision Regulations, §155.221 Final Plat and those additional items as follows:
    - a. Name of subdivision.
    - b. Location by township, section, town and range, or by other legal description.
    - c. *Names of owners.* If an owner of all or any portion of the land is a corporation the developer shall provide the names of all corporate officers. If the owner of all or any portion of the land is a trust the names of all beneficiaries must be provided and certification by a licensed surveyor.
    - d. Scale: 1 inch to 100 feet unless a smaller scale is approved by the Village Engineer.
    - e. Date.
    - f. Northpoint.

- g. Boundary of plat, based on an accurate traverse, with angular and lineal dimensions.
- h. Exact location, width and name of all streets within and adjoining the plat, notation as to whether streets were previously dedicated, or dedicated in this plat, or private, and the exact location and widths of all crosswalk-ways. Proposed street names shall be checked with proper Village officials. Where street direction changes of more than 90 degrees are provided, names of such streets shall change.
- i. True angles and distances to the nearest established street lines or official monuments (not less than two) which shall be accurately described in the plat.
- j. Municipal, township, county and section lines accurately tied to the lines of the subdivision by distances and angles.
- k. Radii, internal angles, points and curvatures, tangent bearings of lengths of all arcs.
- l. All easements for rights-of-way provided for public services and utilities, and a statement of purpose for each indicated thereon.
- m. All lot numbers (numbered consecutively) and lines, with accurate dimensions in feet and hundredths, and area of each lot, if the areas of each lot is substantially different than that indicated on the preliminary plat.
- n. Accurate location of at least two monuments, which shall be concrete 6 inches by 6 inches by 30 inches with metal pipe or rod case in center. Permanent stone or concrete monuments shall be set at two corners or angles on the outside boundary. All U.S., state, county, or other official benchmarks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.
- o. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
- p. Building setback lines accurately shown by dimensions.
- q. Protective covenants which meet with the approval of the Plan Commission shall be made a part of the final plat and filed on record with the County Recorder. Existence of other covenants or declarations pertaining to common responsibilities of individual owners shall be cited by reference on the plat.
- r. An opinion of probable cost of all public improvements prepared by professional engineers licensed in the State of Illinois.
- s. Proper certifications from the surveyor, owner(s) and certification tax/special assessment obligations are paid.

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- t. Proper form for the approval of the Village Board with space for signature. Approval by signature of Village, county, and state officials concerned with the specification of utility installation and road access pursuant to the State Plat Act. Approval by signature of the Plan Commission. This approval of the final plat shall not be deemed to constitute or affect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat.
  - u. Sidewalks.
  - v. Specific details by parcel for separate zoning districts or areas of differing use intensity to include:
    - Gross area
    - Net area (gross area less public right-of-way area).
    - Building coverage, floor area, and height.
    - F.A.R.
    - Parking spaces.
    - Number of housing units by bedroom mix and net density.
    - Hard surface coverage (including buildings, excluding sidewalks and recreation facilities). Building locations.
  - w. Building locations
  - x. Floor plans (if not available, parking requirements will be based on the total square footage of the building(s)).
  - iii. Landscaping plan detailing:
    - a. Proposed types (common names), sizes, trunk diameter, and whether sodded or seeded.
    - b. Treescape Plan: Existing trees six (6") inches diameter breast height or greater and whether or not to be saved.
    - c. Berming and/or fencing where proposed.
  - iv. Building Elevations
  - v. Sign Plan including all wall-mounted, ground (monument) and directional signs
  - vi. Plans showing trash receptacle (masonry with metal gates) accommodation.
  - vii. Development schedule by phase, including projected start and completion dates, and proposed date of dedication of public areas.
  - (f) Three (3) copies of each of the following:
    - i. Proof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosed.
    - ii. Preliminary engineering plans, including drainage and utility plans
    - iii. Plat of Survey.
    - iv. Covenants and restrictions for ownership, use and maintenance of common areas.

- (g) *In Addition.* If a new public hearing is required at the final PUD review stage, the *Certified mail receipts for mail notice requirement* must be submitted to the Huntley Planning and Zoning Division prior to the hearing.
- (h) *Review Criteria—Final Planned Unit Development Review.* The Plan Commission shall review and evaluate the final PUD in terms of whether the proposal:
- i. Is in general conformance with the previously approved preliminary PUD plans.
  - ii. By virtue of its imaginative and creative design and benefits to the village, justifies the intended variations from the strict interpretation of the Subdivision Ordinance.
  - iii. Requires additional conditions and restrictions to protect the public interest and adjacent areas, improve the development and assure compliance with existing village ordinances.

Should a public hearing before the Plan Commission be required at final PUD review, the Plan Commission shall review and evaluate the Final PUD plan under the criteria delineated in division (D) of this section.

(F) *Concurrent Review of Preliminary and Final Planned Unit Developments*

An applicant for approval of a Planned Unit Development may request concurrent review of the Preliminary and Final Planned Unit Development plans. Nothing in this Paragraph shall be deemed or interpreted as obligating the Village to approve a request for concurrent review. Either the Plan Commission or the Village Board may, in their discretion and at any time, reject the request for concurrent review, and require separate review of the Preliminary and Final Planned Unit Development plans. If concurrent review is authorized, the applicant shall submit for Plan Commission and Village Board consideration all of the required documentation for a Preliminary and Final Planned Unit Development plan and a Preliminary and Final Plat of Subdivision.

(G) *Minor Modifications to Final Planned Unit Developments*

The Village Manager or his delegate may from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standard of the PUD. (Ord., passed 7-17-89)

(H) *Formal Subdivision of Parcels in a Planned Unit Development – When Required*

- (1) No division into two or more parts of any parcel designated PUD at the time of passage of this chapter shall occur for purposes of sale, whether immediate or future, unless and until both a final PUD and a final plat of subdivision have been approved by the Village Board. For purposes of this subchapter, the final PUD shall be considered a preliminary plat of subdivision.
- (2) If approval of final PUD plans are sought for a segment of a planned development for which preliminary PUD plans have been approved, a final plat of subdivision for the segment must be approved by the Village Board before permits will be approved.
- (3) If PUD designation is sought for a parcel and no preliminary PUD plans are concurrently presented for consideration, a final plat of subdivision designating the separately zoned segments must be approved by the Village Board before the zoning for each segment becomes effective. Rezoning shall follow procedures set forth in § 156.211. The Village Board may impose such conditions or restrictions as appear necessary to minimize

possible detrimental effects of such special use upon other properties in the area. Subsequent to approval of PUD zoning in this manner, procedures leading to approval of a Final PUD must be followed. (Ord., passed 7-17-89) Penalty, see § 156.999

(I) *Failure to Begin a Planned Unit Development*

Unless the petitioner or a successor to the petitioner has substantially completed construction of the public improvements and has commenced construction of the uses approved in the PUD, the Special Use Permit shall automatically lapse two years after the date of issuance of the Special Use Permit. The Village Board upon a written petition from the holder of the Special Use Permit may for good cause extend for a period of up to one additional year the period for beginning the PUD. The Village Board shall be entitled to grant no more than three such extensions beyond the original expiration date for the PUD. If the Special Use Permit lapses under the provisions of this section, the village shall remove the PUD from the zoning map, and if the basic zoning classification was approved at the time of approval of the PUD by the Village Board, the basic zoning category shall continue in effect. (Ord., passed 7-17-89)

(J) *Planned Unit Development Guidelines*

(1) The Village PUD Guidelines are a compilation of current policies of the Village Board concerning design and composition of potential PUD projects in the village. They are advisory in nature and designed to help petitioners prepare development plans which are consistent with the development goals of the village.

- (a) Development type on the perimeter of the PUD should be similar to that which lies just beyond the perimeter of the PUD. If a development type more intense than that which lies beyond the perimeter is proposed, extensive buffering by physical separation, berming, landscaping, screening and/or other means should be provided.
- (b) Parking areas shall be arranged so as to prevent through traffic to other parking areas via driving aisles between parking spaces.
- (c) Guest parking/overflow parking beyond the required parking stalls per unit figure should be provided either in separate parking areas or on internal streets wide enough to accommodate such parking and the safe flow of vehicular traffic. If necessary, a restriction of parking on one or both sides of internal streets should be included in the ordinance approving the PUD.
- (d) The declaration of covenants and restrictions governing the Homeowners Association where such associations exist should include provisions, which in addition to the standard clauses include:
  - i. Establishment of an escrow fund for the maintenance of the common elements of the development.
  - ii. Prohibition of outdoor parking of recreational vehicles.
  - iii. Delineation of what structures or activities may occur on property deeded to individual property owners or on common property.
  - iv. Delineation of the restrictions on exterior alterations of the individual units.
  - v. The by-laws of the association, at a minimum, contain:

1. A provision acknowledging and accepting the association's obligation to maintain those portions of the stormwater drainage system and special management areas conveyed or otherwise transferred to it under this ordinance;
  2. A mechanism for imposing an assessment upon the owners of all of the lots or parcels comprising the development sufficient, at a minimum, to provide for the maintenance of those portions of the stormwater drainage system and special management areas conveyed or otherwise transferred to it under his ordinance; and the payment of all taxes levied thereon;
  3. A provision adopting the plan of long term maintenance set forth in the application for a stormwater management permit, with approved amendments;
  4. A provision identifying the officer of the association responsible for carrying out the obligations imposed upon the association under this ordinance;
  5. A provision requiring the consent of the permitting authority to any amendment of the bylaws changing any of the provisions of the bylaws required by this ordinance; and
  6. A provision requiring the consent of the permitting authority to the dissolution of the association; and
  7. Any conveyance or other instrument of transfer delivered under KCSWO §600(b) shall include a covenant affirmatively imposing upon the association the obligations set forth in this section and the association's affirmative acceptance thereof.
- (e) Streets intended to be dedicated to the village shall be designed and constructed to village specifications and in order to be dedicated should serve local or area wide through traffic. Minor streets (non-collector or non-arterial) within the development should not be connected to streets beyond the development in such a way as to encourage their use by through traffic, regardless if they are intended to be dedicated or remain private.
- (f) Where bikeway paths are called for on either the Huntley Park District Master Plan or a Village Bikeway Plan, the petitioner should provide for their design and construction. Provision of paths beyond those called for in either plan is encouraged.
- (g) When proposed PUDs include substantial acreage in commercial or industrial development, consideration should be given to provision of frontage roads, larger landscaped setbacks and increased landscaped buffering on the perimeter sections which abut less intensive development.
- (h) To the greatest extent possible, driveway curbcuts should be limited on collector and arterial streets. Preferably, said cuts should be provided on minor residential streets.
- (i) Zoning requested for the PUD should be the same as or more restrictive than neighboring zoning. Land uses in various segments of the proposed zoning

district (with development as a PUD) may vary in type and intensity of development. However, the entire project will be evaluated as a single development when zoning and compatibility with surrounding properties are considered.

- (j) Traffic analysis when required shall take into consideration not only the analysis of the internal street network of the PUD, but also the impact of the traffic from the PUD on the adjoining street network during peak hours.

- (K) *Development Agreement.* As a condition to approving a special use for a Planned Unit Development, a Development Agreement consistent with the requirements of § 156.090 may be required.

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**ARTICLE IX  
SITE PLAN REVIEW**

**§ 156.072 SITE PLAN REVIEW**

- (A) *Authority.* The Board of Trustees may, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, grant site plan approval to uses and developments requiring such approval pursuant to Subsection C of this Section.
- (B) *Purpose.* The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the developer's attention to such elements.
- (C) *Site Plan Review Required.* Site plan review in accordance with this Section shall be required in connection with the following elements:
- (1) Any development or redevelopment, other than for one single family detached dwelling unit, involving a parcel under single ownership or control having an area in excess of 5,000 square feet.
  - (2) Any development or redevelopment involving the construction of any new structure or structures, other than for one single family detached dwelling unit, having a gross floor area in excess of 5,000 square feet, a floor area ratio in excess of 0.25 or a height of more than three stories.
  - (3) Any development or redevelopment involving an existing structure having a floor area in excess of 5,000 square feet, a floor area ratio in excess of 0.25, or a height of more than three stories that would alter any such measure by more than 25% of such amount.
  - (4) Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
  - (5) Any nonresidential development on a lot abutting or across a right-of-way from any residential district.
  - (6) Any development or redevelopment involving utility or drainage improvements.
- (D) *Parties Entitled to Seek Site Plan Review Approval.* Application for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property.
- (E) *Review Procedure*
- (1) *Formal Consideration.* A formal application and associated fees for site plan review shall be filed and submitted in accordance with the requirements of Section 156.204 (A)(3), (D) and (E)(10) of this Code.
  - (2) *Scheduling of Meetings.* Materials required for submittal to the Plan Commission for site plan review must be submitted to the village a minimum of four weeks prior to the respective meeting date(s). The village may require an earlier submittal date if the proposed site plan is expected to require additional review time. Meeting dates shall not be established until all required submittals are received by the village.
    - (a) *Action by Plan Commission.* Within 21 days following conclusion of the meeting to consider the subject request, the Plan Commission shall transmit to the Board of Trustees its recommendation in a form specified by Subsection 156.202 (C) of this

Code, recommending either granting the application for site plan review; granting the application subject to conditions, as specified in Subsection F below; or denying the application.

The failure of the Plan Commission to act within 21 days, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed site plan permit.

- (b) *Action by Board of Trustees; Protest.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the site plan permit, with or without modifications or conditions.
- (3) *Required Submittals.* The number and content of materials required to be submitted to the village to initiate a review of site plans are delineated below. The time frame under which required materials must be submitted is delineated above in Paragraph (E)(2) of this section.

*Initial Review.* Eight (8) copies of a site plan illustrating the proposed use, construction, or development and providing at least the following data and information, on one or more sheets, shall be submitted as part of the application:

- (a) A graphic rendering of the existing conditions, which depicts:
- i. All significant natural, topographical and physical features of the subject property including topographic contours at one foot intervals.
  - ii. The location and extent of tree cover including single trees in excess of six inches in diameter at five feet above ground level.
  - iii. The location and extent of water bodies and courses, wetlands, marshes and special flood hazard areas and floodways on or within 100 feet of the subject property.
  - iv. Existing drainage structures and patterns; and
  - v. Soil conditions as they affect development.
  - vi. The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.
- (b) For areas within any required yard or setback and re-grading of the subject property.
- (c) Data concerning proposed structures and existing structures that will remain including:
- i. Location, size, use and arrangement, including height in stories and feet.
  - ii. Where relevant, floor area ratio, gross floor area and net floor area.
  - iii. Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms.
  - iv. Building coverage
  - v. Description of the calculation method utilized in computing all required

statistics shown.

- (d) Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width and depth of any structure.
- (e) A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts; parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
- (f) All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.
- (g) Location, size and arrangement of all outdoor signs and lighting.
- (h) Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- (i) Location, designation and total area of all usable open space.
- (j) A detailed landscaping plan, showing location, size and species of trees, shrubs and other plant materials.
- (k) A traffic study, if required by the Village Engineer or the Board or Commission hearing the application.
- (l) An erosion control plan for the period during which construction will be taking place, if required by the Village Manager or the Board or Commission hearing the application.
- (m) Hard line elevations and floor plans.

Submittal for Plan Commission/Village Board meetings. Following initial review by the Village Staff, Twenty (20) copies of the site plan(s) containing all, or those portions thereof as per the direction of Village Staff, the information detailed above in Paragraph E (3) shall be submitted.

(F) *Standards for Site Plan Review*

- (1) *Standards.* The Plan Commission and the Board of Trustees shall recommend to approve and approve, respectively, a site plan permit submitted pursuant to this Section provided the petitioner's application meets the following standards:
  - (a) The application must be complete in specified particulars and shall not contain or reveal violations of this Code or other applicable regulations that the applicant has, after written request, failed or refused to supply or correct.
  - (b) Applications submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, must be approved prior to or concurrent with the site plan permit review.
  - (c) Site plans shall adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable.

- (d) Site plans shall equitably accommodate easements or rights-of-way.
  - (e) Proposed site plan shall not be unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
  - (f) Proposed site plan shall not create undue traffic congestion or hazards in the public streets and circulation elements of the proposed site plan shall not unreasonably create hazards to safety on- or off-site or disjointed or inefficient pedestrian or vehicular circulation paths on- or off-site.
  - (g) Requisite screening elements shall provide adequate shielding from or for nearby uses.
  - (h) Drainage and erosion issues shall be addressed to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the Village.
  - (i) The proposed site plan shall not place unwarranted or unreasonable burden upon the specified utility systems serving the site or area or fail to fully and satisfactorily integrate site utilities into the overall existing planned utility system serving the Village.
  - (j) The proposed site plan shall not adversely affect the public health, safety, or general welfare.
- (2) *Alternative Approaches.* In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and 1(b), as the basis for disapproving a site plan, the Plan Commission or the Board of Trustees may suggest alternative site plan approaches that could be developed to avoid the specified deficiency or may state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.
- (G) *Effect of Site Plan Approval.* Approval of a site plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.
- A copy of every approved site plan shall be filed with the Village Manager and the development of the site shall be in substantial conformity with such approved and filed plan.
- (H) *Limitations on Site Plan Approval.* Subject to an extension of time granted by the Village Manager pursuant to Subsection 156.200 (L) of this Article, no site plan approval shall be valid for a period longer than one year unless a building permit issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy issued and a use commenced within that period.
- (I) *Adjustments to Site Plan during Development*
- (1) *Minor Adjustments.* During the development of the site, the Village Manager or his designee may authorize minor adjustments to a site plan originally approved by the Village Board when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be limited to the following:
    - (a) Altering the location of any one structure or group of structures by not more than five (5) feet or one-fourth of the distance shown on the approved site plan

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between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.

- (b) Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.
- (c) Altering the location of any open space by not more than twenty (20) feet.
- (d) Altering any final grade by not more than ten percent (10%) of the originally planned grade.
- (e) Altering the location or type of landscaping elements.

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

- (2) *Major Adjustments.* Any adjustment to a site plan originally approved by the Village Board that is not authorized by Subparagraph 2(a) above shall be considered to be a major adjustment and shall be granted only upon application to and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without referral to the Plan Commission upon finding that any changes in the site plan, as approved will be in substantial conformity with said site plan.
- (J) *Amendments to Site Plan Following Completion of Development.* After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for the original approval of site plans.

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**ARTICLE X**  
**INDUSTRIAL PERFORMANCE STANDARDS**

**§ 156.073 INDUSTRIAL PERFORMANCE STANDARDS**

- (A) *Purpose.* The purpose of this section to establish standards for the installation and operation of industrial uses based upon consideration of the environmental impact of such uses. The standards established herein shall be and standards set forth in the State of Illinois Pollution Control Act, as amended, shall provide the basis for determining the proper zone for particular uses. Uses which cannot meet the minimum standards found herein shall not be considered permitted uses. All uses shall comply at all times with all ordinances of the village.
- (B) Any uses permitted in the M zone, whether such use is permitted as a principal or an accessory use, shall be subject to these standards; further, such use shall be subject to these standards regardless of the location or zone in which it is permitted. (Ord., passed 7-17-89)
- (C) *Permit Procedure.* Before the Village Manager issues a building permit for a use in the M zone, the applicant shall furnish the Village Manager sufficient information to enable the Village Manager to assure himself that all performance standards and site development standards set forth in this chapter can and will be complied with at all times. The Village Manager, in order to determine whether or not the applicant will meet such standards, may require the applicant to submit the following information:
- (1) A plot plan showing the location of all present and proposed structures, drives, parking lots, waste disposal areas, bulk storage areas, adjacent structures and zoning, streets, streams or other significant features on or within 200 feet of the proposed site.
  - (2) A description of the activity to be conducted, including the type and size of equipment or machinery to be operated, waste products, external effects or other conditions which are regulated herein; provided, however, that the applicant shall not be required to reveal any trade secrets or sufficient detail with regard to a process which would cause any secret process or manufacturing procedure for a closely guarded proprietary compound or product to become public knowledge and be available to competitors.
  - (3) The type and location of abatement devices to control, or recording instruments to measure conformance with required standards, not including devices and instruments which are inherent in the manufacturing process. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute a certification and agreement on the part of the applicant that the proposed use can and will conform to such standards at all times.
- (D) *Radiation Hazards*
- (1) The handling of radioactive materials, the discharge of such materials into the air and the water and the disposal of radioactive wastes shall be in conformance with the following:
    - (a) The applicable regulations of the Atomic Energy Commission; and,
    - (b) The applicable regulations of any instrumentality of the state.
  - (2) Further, any radioactive material moved into or through the village shall be prohibited unless a village license is granted.
- (E) *Fire and Explosive Hazards*
- (1) The provisions of ILCS Ch. 225, Act 210, §§ 1001 et seq. shall be complied with, and no explosives shall be stored or used without first submitting to the Zoning Administrator a certificate of compliance from the Illinois Department of Mines and Minerals.

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- (2) No gasoline or other flammables or explosives shall be stored unless the locations, plans and construction conform to the laws and regulations of the State of Illinois and have the approval of the State Fire Marshall and the village.
  - (3) No manufacturing or processing of explosive substances shall be permitted within the village limits.
- (F) *Glare and Heat*
- (1) Every use and activity shall be so operated that it does not emit heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot on which such use or activity is located. This restriction shall not apply to signs otherwise permitted by the provisions of this and other applicable ordinances, nor to activities of a temporary or emergency nature.
  - (2) Night lighting necessary for safety and the protection of property shall not illuminate or otherwise shine directly upon any neighboring residential property. Any source of light which is injurious to humans, animals or plants is prohibited.
- (G) *Electromagnetic Interference.* There shall be no electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform to the regulations of the Federal Communications Commission.
- (H) *Standards.* Acceptable levels for noise vibration, smoke and particulate matter, odors and similar nuisances are found in the State of Illinois Pollution Control Act, as amended.
- (I) *Enforcement.* The Village Manager shall enforce the provisions of this section. Upon confirmation of a violation, enforcement and penalty provision §156.999 shall prevail. In addition, the village may require the installation, maintenance and operation by the offending industry of continuous measuring or recording instruments to demonstrate the operation and to ensure continuous compliance with the prescribed standards.

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**ARTICLE XI  
GENERAL REGULATIONS**

**§ 156.077 GENERAL REGULATIONS**

- (A) **LOCATION OF BUILDINGS.** Except as otherwise provided for in this chapter and in planned developments, every building shall be constructed or erected upon a lot or parcel of land which abuts a public street.
- (B) **YARDS**
- (1) *Yards Used For Only One Structure.* The minimum yard space required for one building or structure shall not be used as the required yard space for another adjoining building or structure.
  - (2) *Reduction in Lot Area.* No lot shall be reduced in area so that the yards or other open spaces shall be less than required by this Ordinance.
  - (3) *Through Lots.* On a through lot, a front yard shall be provided along any lot line abutting a street.
- (C) **SUBSTANDARD RESIDENTIAL LOTS OF RECORD**
- See Article XV (Nonconformities)
- (D) **DIVISION OF LOT.** No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots each of which conforms to all of the applicable regulations of the zone in which the property is located. No further reduction in the size of a recorded lot, which would render the lot unable to meet the requirements of this Zoning Code, shall be permitted.
- (E) **PRINCIPAL USES WITHOUT BUILDINGS.** Where a permitted use of land involves no structures, the use shall comply with all yard and minimum lot area requirements applicable to the zone in which located.
- (F) **REGULATION OF FLOODPLAIN LANDS.** The use of land located within flood plains is regulated by the Subdivision Ordinance of the Village Code and Kane County Stormwater Ordinance.
- (G) **ONE PRINCIPAL BUILDING PER LOT.** Except within planned unit developments or integrated shopping centers subject to special use procedures no more than one principal building or use shall be permitted on any lot in any zoning district.
- (H) **ARTERIAL STREET REGULATIONS.** In subdivisions created after the date of effect of this Ordinance in Residence Districts, lots abutting a regional arterial street shall not have direct access to the arterial. Lots shall front upon and have access only to existing or new collector or local streets, and not to an arterial, except in limited circumstances where the Village Manager determines this to be impractical. Regional arterial streets shall be as designated in the Village Official Comprehensive Land Use Plan.
- (I) **EXCEPTIONS TO DISTRICT REGULATIONS.** The following exceptions are established to provide relief from the zone regulations where applicable.
- (J) **HEIGHT EXCEPTIONS.** The following structures or parts thereof are exempt from the height limitations set forth in several zoning districts; except as limited by any height restriction imposed by any airport authority or other municipal corporation operating an airport, or as herein stated:
- (1) Agricultural buildings not specified elsewhere in this article.
  - (2) Bulk Storage silos or towers not specified elsewhere in this article.

- (3) Detached garages are permitted as an accessory structure up to a maximum of 15 feet.(Ord., passed 7-17-89; Am. Ord. 2002-04.23, passed 5-25-02)
- (4) Gravity feed apparatus.
- (5) Parapet walls, chimneys, cooling towers, elevator or mechanical equipment rooms, fire towers and stacks, and necessary mechanical appurtenances shall be permitted to exceed maximum height provisions when erected in accordance with all other ordinances of the village.
- (6) Radio and television antennae and towers, provided that a special use permit shall be obtained for any public utility transmitting tower subject to the standards and procedures of this Code. Provided further that for any residential use, a television, citizen's band or short-wave radio antennae not exceeding ten feet in height and attached to the roof shall be exempted from consideration when determining the maximum height for that building. For a separate television, citizen's band or short-wave radio tower/antennae not attached to the roof of the residential building, the maximum height requirement of that zoning district plus ten feet. Receive-only satellite dish antennas shall be regulated by Paragraph 156.078 (D)(5).
- (7) Solar energy panels and mechanical appurtenances
- (8) Towers: including chimneys, steeples, cooling or elevator towers, mechanical equipment rooms, fire towers and stacks, and necessary mechanical appurtenances shall be permitted to exceed maximum height provisions provided the total area covered by such structures does not exceed twenty percent (20%) of the total roof area. when erected in accordance with all other ordinances of the village.
- (9) Utility Exemption. In accordance with the statutes of the State of Illinois, nothing in this article shall impose restrictions on the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility not otherwise regulated through village franchise agreement or the Village Subdivision Ordinance.
- (10) Water tanks and standpipes.

**§ 156.078 ACCESSORY USES, STRUCTURES, AND OBSTRUCTIONS**

- (A) *Construction of Accessory Buildings.* An accessory building shall not be erected prior to the establishment or construction of the main building to which it is accessory.
- (B) *Compatibility.* Accessory uses and structures shall be compatible with the principal use of the lot on which they are located.
- (C) *Location of Accessory Buildings, Structures and Obstructions*
  - (1) *Accessory Buildings*
    - (a) No accessory structure may be located in a required front yard in any zone.
    - (b) No accessory structure may be located in a side yard in any zone, except as listed in Table XI-1 and that in business or industrial zones, an accessory building may be located adjacent to a railroad right-of-way for the purpose of providing a rail loading dock.
    - (c) No accessory structure may be located in a rear yard in any zone except:
      - i. That in a residential zone an accessory structure may be located in a rear yard to within five feet of the rear lot line and to within five feet of a side lot line provided that the wall of the accessory building adjacent to the

rear and side lot lines shall contain no openings; and that on *reverse* corner side yards an accessory structure may be located to within five feet of a rear lot line and to within the applicable front-yard setback distance from the side lot line.

- ii. Accessory buildings on standard (i.e. *non-reverse*) corner lots in single family residential districts are permitted within 10 feet of the corner side lot line.
  - iii. No accessory structure shall be located within six feet of a principal building. An attached accessory building shall be considered as a part of the principal building as defined in §156.011.
  - iv. That in a business or industrial zone, an accessory building may be located adjacent to a railroad right-of-way but only for the purpose of providing a rail loading dock.
- (d) No lot in a Residence District shall have more than one (1) accessory storage structure other than detached garage.
- (2) *Structures and Obstructions.* Structures and obstructions may be located within required yards only as provided in Table XI-1.

**Table XI - 1  
Permitted Structures and Obstructions in Yards**

PROJECTION OR ACCESSORY USE	FRONT	CORNER SIDE	SIDE	REAR
Air conditioner (window), provided that a hot air baffle, directed upward be installed			P	P
Air conditioner (central unit), provided it is not closer than 6 feet to a lot line and that the hot air is baffled in an upward projection		P	P	P
Arbors & trellises	P	P	P	P
Awnings & canopies, not to exceed 3 feet from structure nor extend beyond the lot line without Village Board Approval	P	P	P	P
Balconies, open, not to exceed 6 feet from structure	P	P		P
Bay windows not to exceed 1.5 feet, except in PDD, 2 feet is permissible.	P	P	P	P
Chimneys not to exceed 1.5 feet, except in PDD, 2 feet is permissible.	P	P	P	P
Clothesline posts			P	P
Decks and terraces, open			P	P
Dog runs, enclosed - See Section 156.078 (D)(1)			P	P
Driveways	P	P	P	P
Fences, walls and hedges *	P	P	P	P
Flagpoles	P	P	P	P
Landscape features	P	P	P	P
Light standards, ornamental	P	P	P	P
Loading, off-street Section 156.107			P	P
Parking spaces as regulated in Section 156.106	P	P	P	P
Pergolas and Trellises				P
Planting boxes, not to exceed 1.5 ft. (2' - PDD)	P	P	P	P
Radio towers or antennas*			P	P
Rooftop (personal) wind energy systems*			P	P
Roof projections, maximum of two feet (PDD)			P	
Roof projections, maximum of four feet (PDD)	P	P		P
Playground equipment (recreation courts are allowed in Rear Yards only)		P <sup>(1)</sup>		P
Signs*	P		P	P
Sidewalks and steps	P	P	P	P
Swimming pools, private*		P <sup>(1)</sup>		P
Satellite dish (rec. - only) - see Sec. 156.078 (D)(3)			P	P
Steps or stairs to dwelling, non-enclosed, not to exceed four feet	P	P	P	P
Porches, non-enclosed, not to exceed four feet	P	P		P
Yard and service lighting fixtures, poles	P	P	P	P

P = PERMITTED (1) IF SCREENED

\* SEE ALSO SEPARATE REGULATIONS HEREIN FOR THIS USE.

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- (1) *Dog runs.* Confinement of domestic animals only allowed in the rear yard and shall meet the following requirements: (See PLATE 6)
    - (a) Installed only in rear yards
    - (b) Maximum of 240 square feet in area and six (6) feet in height.
    - (c) Fencing shall consist of woven wire, chain-link or other generally accepted fence materials.
    - (d) Water drainage specifications must be met for sanitary purposes if the base is of concrete or other impervious surface.
    - (e) One dog run per zoning lot is permitted in the single-family residential zoning districts; none are permitted in other zoning districts.
    - (f) Splitting of a dog run into multiple units is not permitted.
    - (g) The structure must be attached to the principal structure and extend no closer to the side lot line than the principal structure.
    - (h) The structure must be kept clean at all times.
  - (2) *Fallout Shelters.* Fallout shelters are permitted as accessory uses and structures in any zone, subject to the yard and lot coverage regulations of the zone. These shelters may contain or be contained in other structures or may be constructed separately. In addition to shelter use, they may be used for any principal or accessory use permitted in the zone, subject to the applicable village ordinances, but shall not be used for principal or accessory uses prohibited expressly or by implication in the zone.
  - (3) *Rooftop (personal) wind energy systems*
    - (a) Shall be allowable accessory structures in all zoning districts.
    - (b) Only one rooftop (personal) wind energy system is allowed per building or lot.
    - (c) The maximum height of a rooftop wind energy system is fifteen (15') feet above the zoning district's building height maximum. For ground-mounted systems: The minimum distance between a wind energy system and any lot line or public utility pole shall be a distance equivalent to 1.1 times the total height.
    - (d) In all zoning districts, a rooftop wind energy system may be mounted to the side of a structure. Ground mounted wind energy systems shall be permitted only within rear and side yards provided maximum height restrictions are met.
  - (4) *Satellite Dish Antennas*
    - (a) Any receive-only satellite dish antenna shall be treated as a permitted use in any residential zoning district, subject to the following requirements:
      - i. The satellite dish is installed on the roof or wall of a building, is not larger than forty (40) inches in diameter or is on a mast that does not project more than twelve (12) feet above the highest point of the roof line.
      - ii. The satellite dish is installed on the ground, on a pad, or any other structure besides a building and is not larger than forty (40) inches in diameter.

- (b) Any receive-only satellite dish antenna less than eighty (80) inches in diameter shall be treated as a permitted use in any non-residential zoning district.
- (c) Any satellite dish which fails to meet the above requirements shall be deemed to be a special use, subject to the requirements of Article VII.
- (5) *Tents.* No tent shall be used, erected or maintained as living quarters. Tents used in commercial or industrial zones or tents used for camping purposes, wherever permitted, shall be of a temporary nature.

**§ 156.079 FENCES.** The following general provisions shall apply to all fences erected, constructed, or installed after the effective date of this Ordinance.

- (A) *Application.* Except as otherwise provided herein, all provisions in this section governing fences shall also apply to walls where they extend above ground level.
- (B) *Permit.* No permanent or temporary fence shall be erected, constructed, or installed without first having been issued a fence permit by the Village Manager.
- (C) *Nonconforming Fences.* All fences legally existing on the effective date of this Ordinance that do not conform to the regulations of this Section may remain and be repaired as a permitted legal nonconforming use pursuant to the provisions of Article XV, "Nonconformities."
- (D) *Orientation.* All fences and screens, required or otherwise, shall have their finished face directed toward the public view and away from the principal structure.
- (E) *Maintenance.* All fences, walls, and other barriers shall be maintained in good, structurally sound repair.
- (F) *Permitted Material for all districts other than the M District.* The following types of material, and similar materials, as may be specifically allowed by the Village Manager, shall be permitted for fences located in all but the M district:
  - (1) Vinyl coated Chain link, no slats
  - (2) Masonry
  - (3) Wood products, but not plywood
  - (4) Wrought iron, Ornamental Steel or Aluminum
  - (5) Decorative Vinyl
- (G) *Permitted Material for the M Manufacturing District.* The following types of fence materials, and similar materials as may be allowed by the Village Manager, shall be permitted in the M Manufacturing district:
  - (1) Chain link
  - (2) Masonry or stucco wall
  - (3) Decorative Vinyl
  - (4) Unfinished concrete or cinder block walls
  - (5) Wood products, but not plywood
  - (6) Wrought iron, Ornamental Steel or Aluminum

(H) *Prohibited Materials* include the use of broken glass, sharpened objects and barbed wire in the construction of any and all fences in all zoning districts.

(I) *Maximum Fence Height*

(1) Within vision clearance triangle: 2.5'

(2) *Outside vision clearance triangle:*

*In Residential districts:*

- (a) Front or Corner Side Yard: NA
- (b) Side Yard: 6'
- (c) Rear Yard: 6'

*In other districts, except the (M) Manufacturing District:*

- (a) Front or Corner Side Yard: NA
- (b) Side Yard: 6'
- (c) Rear Yard: 6'

*In the (M) Manufacturing District:*

- (a) Front or Corner Side Yard: NA
- (b) Side Yard: 8'
- (c) Rear Yard: 8'

(J) *Location.* The location of fences shall be as follows:

(1) Except as provided herein all fences must be constructed on property lines.

(2) No fence shall be constructed or installed so as to constitute a traffic or safety hazard. Additionally, fences shall be constructed in manner to not obstruct design drainage and with a two (2") inch clearance at the bottom to allow water flow during significant storm events.

(3) All Zoning Districts other than the M District. Fences shall be permitted as follows:

(a) *Front yards.* Front yards consisting of the open yard area in front of the principal structure shall not be fenced or enclosed; provided, however, front fences do not exceed three feet in height and have uniformly throughout fence openings in the material representing more than 70% of the area of the fence and which does not interfere with visibility or the free passage of air through the fence shall be permitted.

- i. Along and within one foot of the side lot line except side lot lines adjacent to and generally parallel with a street frontage.
- ii. Within five feet of the front of a house but not extended beyond the side lines (extended) of a house.
- iii. Located at the lot corners a minimum of two feet from the front lot line or side lot line, and not exceeding ten feet in either direction.

(b) *Corner side yards*

- i. Standard lots: 10' setback from property line
- ii. Reversed corner lots: Designated front setback as indicated in the relevant district
- iii. Corner side fences cannot encroach past the rear corner of the principle structure/dwelling unit (*per Ord. 2002-04.23*)

- (c) *Side yards* 0'
- (d) *Rear yards* 0'

- (4) *M District.* Fences in the M District shall be permitted in any yard.
- (5) *Vision Clearance Triangle.* Within this triangle as defined herein, no fence, or any other solid obstruction, having a fence height of over two and one-half (2.5) feet shall be permitted. Overhanging objects shall be permitted within this triangle only if all parts thereof are higher than nine (9) feet above the level of the railroad or the pavement of the street where the center lines intersect. Signs shall be permitted only if the sign clearance is nine (9) feet or greater above grade.

- (K) *Fence Posts.* All fence posts shall be installed a minimum of 42" deep.
- (L) *Privacy Screens.* Allowed in rear yard only. May enclose a maximum of two (2) sides of a deck or patio area, with a maximum of six (6') feet in height and ninety (90) degree corners.
- (M) *Invisible Fences.* Any form or method of confining or restraining a dog by means of a buried wire, cable, or other such material used to transmit an electronic, radio, or other signal to a receiving mechanism or device, such as, but not limited to, a dog's collar, which prevents, discourages, or otherwise keeps, or is intended to prevent, discourage, or otherwise keep, a dog from crossing beyond or exiting from the area or boundaries delineated by the wire, cable, or other device.

If located in the front yard shall be placed, maintained or installed in an area setback a minimum of ten (10') feet from the applicable lot lines fronting on and/or abutting upon a street and clearly identified with a sign no larger than one square foot.

**§ 156.080 HOME-BASED BUSINESS**

- (A) *Authorization.* Subject to the limitations of this Section, any home-based business that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.
- (B) *Definition.* A home-based business is a business, profession, occupation, or trade that:
  - (1) Is conducted for gain or support by a full-time occupant of a dwelling unit; and
  - (2) Is incidental to the use of such dwelling unit for residential purposes; and
  - (3) Does not change the residential character of such dwelling unit.
- (C) *Use Limitations*
  - (1) The use for the home-based business must be clearly incidental to the use of the dwelling as a residence;
  - (2) No stock-in-trade shall be displayed or sold upon the premises;
  - (3) No activity, structure or anything exterior to any structure shall indicate that it is being used for any non-residential purpose, except a sign as may be permitted by the village.
  - (4) No mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to a home. No mechanical or electrical equipment shall be operated in such a way as to interfere with the use and enjoyment of neighboring properties or indicate that the structure is being used for a non-residential purpose, or to place demands on public infrastructure that are excessive when compared to a typical single family home.

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- (5) All activity associated with the home-based business must be conducted within a closed structure;
  - (6) No home-based business shall be operated in such a manner as to cause a nuisance, some of which are listed herein:
    - (a) Will not require more vehicle parking space than exists on the residential drive or assigned parking spaces servicing the dwelling unit.
    - (b) The activity shall create no noise in excess of that of normal daily activity for a residential area.
    - (c) The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines, or exterior to party walls in multiple family areas, is prohibited.
    - (d) Will not create aesthetic problems in the storing or disposing of trash or materials emanating from the activity.
  - (7) No hazard shall be created that would or could endanger the dwelling unit or its occupants or other structures or their occupants by reason of additional fire, health, safety or environmental hazards.
  - (8) No home-based business shall involve the keeping or care of animals, birds or reptiles.
  - (9) Parking of trucks associated with a home-based business shall conform to regulations concerning parking of commercial vehicles in residential areas as delineated in this chapter and in accordance with any ordinance of the village, establishing load limits upon the streets of the village.
- (D) *Employee Limitations*
- (1) The operator of every home-based business shall be domiciled in the dwelling unit where such business is conducted.
  - (2) No employee who is not domiciled in the dwelling unit where a home-based business is conducted shall be present in connection with, or otherwise participate in the operation of, a home-based business at any one time. For the purposes of this Subparagraph, the term employee shall not include persons domiciled in the dwelling unit where such home-based business is conducted. This limitation on the number of employees shall not apply to employees who do not work at the dwelling unit devoted to such home-based business.
- (E) *Structural Limitations*
- (1) No alteration of any kind shall be made to the dwelling unit where a home-based business is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.
  - (2) No separate entrance shall be provided in connection with the conduct of any home-based business.
- (F) *Operational Limitations*
- (1) Every home-based business shall be conducted wholly within a principal dwelling unit, provided however, that this Subparagraph shall not apply to a day care home operated as a home-based business.

- (2) No routine attendance of patients, clients, subcontractors, or employees associated with any home-based business shall be allowed at the premises of the home-based business, except that attendance of up to twelve children at any one time may be allowed at a day care home operated as a home-based business, the attendance of up to four persons at any one time may be allowed for the purpose of receiving private instruction in any subject or skill and personal service for up to (2) clients at any one time.

"Routine attendance" means that the conduct of the home-based business requires non-domiciled persons to visit the premises of the home-based business as part of the regular conduct of the occupation, without regard to the number, frequency, or duration of such visits.

- (3) No outdoor storage shall be allowed in connection with any home-based business.
- (4) No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home-based business.
- (5) Commercial vehicles used in connection with any home-based business shall be subject to the requirements of Section 156.106 (D).
- (6) *Signage and Visibility.* There shall be no visible evidence of the conduct of such home-based business other than one (1) non-illuminated sign one square foot in area or less mounted flat against the wall of the principal building, and no change in the outside appearance of the premises.
- (7) *Traffic limitations.* No home-based business shall generate more vehicular or pedestrian traffic than is typical of residences in the area.
- (8) *Nuisance Causing Activities.* In addition to the foregoing specific limitations, no home-based business shall cause or create any nuisance, or cause or create any substantial or undue adverse impact on any adjacent property or the character of the area, or threaten the public health, safety or general welfare, or be noxious, offensive, or hazardous.
- (9) *Licensing Requirements.* Every home-based business shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable federal, State, and local laws, and regulations, including, without limitation, obtaining, maintaining, and complying with regulations applicable to any required Federal, State, or local license or permit.

#### **§ 156.081 BED AND BREAKFAST ESTABLISHMENTS**

- (A) *Definition.* A bed and breakfast establishment is an owner-occupied single-family or two-family dwelling where short-term lodging and morning meals are provided for compensation. The following general requirements shall apply to bed and breakfast establishments:
- (B) *Location.* The bed and breakfast establishments shall be located within and accessory to an owner occupied single-family (RE-1, RE-2, R-1, R-2), two-family (R-3) residential structure and the adaptive re-use district (B-4).
- (C) *Maximum Bedrooms Allowed.* Subject to the special use provisions in each zoning district, up to a maximum of five (5) bedrooms may be provided for registered guests. No additional bedrooms as living quarters for roomers, permanent guests, or other boarders shall be permitted in conjunction with the operation of a bed and breakfast establishment.

- (D) *Maximum Stay.* The maximum stay by any one guest shall be four (4) consecutive weeks.
- (E) *Cooking Limitations.* Morning meals shall be the only meals provided for registered guests only. No cooking facilities shall be permitted in guest rooms.
- (F) *Room Locations.* Rooms used for guests shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.
- (G) *Guest Parking.* Guest parking may be provided on a hard surface on-site and at no time shall guest parking be permitted in any front or side yard.
- (H) *Licensing.* The resident owner shall obtain a license for the operation of a bed and breakfast from the Village. The license shall be granted for a period of one year commencing on the date of issuance. Thereafter, the license may be renewed for one year periods, subject to a review by the Village.
- (I) *Revenue Collection.* The resident owner shall comply with all the revenue collection ordinances of the Village.
- (J) *Signage.* All signage shall comply with the Sign Ordinance of the Village.

#### **§ 156.082 SPECIAL CONDITIONS FOR RESIDENCES, GROUP AND RETIREMENT**

- (A) The sponsoring agency must obtain an administrative occupancy permit prior to establishing a community residence. No dwelling unit shall be occupied as a community residence until a certificate of occupancy has been issued by the Village Manager. No certificate of occupancy shall be issued for a community residence unless:
  - (1) the community residence is located at least one thousand (1,000) feet from any existing community residence, as measured from lot line to lot line;
  - (2) the applicant demonstrates that it has either obtained or is eligible for state or local licensing or certification to operate the proposed community residence, or that the proposed community residence is licensed or certified or eligible for licensing or certification; and
  - (3) the proposed community residence must comply with all other applicable municipal codes including code requirements for minimum bedroom space or living space per occupant.
- (B) The Village Manager may revoke a Certificate of Occupancy for a community residence if its license or certification, or the operator's license or certification to operate community residence, is revoked. No Certificate of Occupancy shall be issued pursuant to this section until the applicant has obtained that state or local license or certification to operate the proposed community residence for which it is eligible. A Certificate of Occupancy is not transferable to another operator or to another location.

#### **§ 156.083 SUPPLEMENTARY USE REGULATIONS**

- (A) *Uses in Residential Districts*
  - (1) *Repair of Vehicles.* - The repair or servicing of automobiles, trucks, or other motorized vehicles shall be prohibited in any residential zoning district, unless as herein provided:
    - (a) The vehicles are owned by a resident or residents of the property.
    - (b) The repair or servicing is conducted by a resident or residents of the property, and provided that all major vehicle repair or servicing shall be conducted entirely within an enclosed building or structure upon the property.

- (c) The repair or servicing shall not create a fire, health or explosion hazard, emit noxious fumes, offensive odors, excessive noise, smoke, vibrations, dust, glare, visual nuisances or other objectionable pollution factors.
- (2) *Emergency Repair of Vehicles.* Nothing contained in this section shall prohibit authorized emergency vehicles from performing emergency road service including, but not limited to, the starting of vehicles, the charging or changing of batteries of vehicles, the changing of tires, fan belt replacement, and the installation of new windows.
- (3) *Storage and Placement of Garbage Collection Containers.* All rubbish, garbage and yard waste including any and all garbage, recycling and yard waste containers shall be kept out of sight in the interior of the garage or behind a fence or landscape screen so as to be obscured from the front of the residence until permitted time to place it at the curb for pick-up.
  - (a) No garbage collection containers shall be placed curbside, adjacent street or sidewalk area of any residence sooner than 6:00 p.m. of the day preceding the regularly scheduled garbage pick-up collection day and any such containers shall be removed from the curbside, adjacent street or sidewalk area of the residence no later than 9:00 p.m. the day of the regularly scheduled garbage pick-up collection day.
  - (b) At no time shall any garbage, recycling or yard waste collection container be placed upon any street or sidewalk so as to obstruct vehicular or pedestrian traffic.

#### § 156.084 TEMPORARY USES, STRUCTURES, AND OBSTRUCTIONS

- (A) Temporary uses of land may be permitted in any zoning district by the issuance by the Village Manager of a Temporary Use Permit, subject to the provisions of this section.
- (B) An Application for a Temporary Use Permit shall be filed with the Village Manager. The Application shall include:
  - (1) The name, address, and telephone number of the applicant.
  - (2) The location and purpose of the Temporary Use requested and the requested starting and ending dates.
  - (3) The written approval of the ownership or management of the shopping center, if such Use is to be conducted within a shopping center.
  - (4) Evidence or assurances that the conditions and requirements of this Ordinance have been or will be complied with.
- (C) Upon receipt of a complete and accurate Application and upon determining that there is evidence of compliance with the conditions and requirements set forth in this Ordinance, the Village Manager shall issue a Temporary Use Permit. Such Permit shall be limited to the uses and time periods provided below and shall set forth any applicable conditions provided in this Ordinance. The permittee shall display the Permit within plain view on the premises of the Temporary Use for the duration of the Use.
- (D) *Standards for Issuance of a Permit*
  - (1) *Permit Required.* No temporary use shall be established or maintained unless a permit evidencing the compliance of such use with the provisions of this Ordinance shall have first been issued; provided, however, that permitted temporary uses of public owned or leased buildings and property shall be exempt from this requirement.

- (2) *Bases for Permit Denial.* Such a permit may be denied if the Village Manager determines that the applicant has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the subject property fails to comply in all respects with the provisions of all Village ordinances regulating the development, use, and maintenance of the property. Such a certificate shall be denied if the Village Manager determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.
- (3) *Conditions on Permit.* Such a permit may be conditioned upon such special requirements as the Village Manager may determine are necessary to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.
- (4) *Revocation of Permit.* Such a permit shall be revoked if any of the standards and conditions imposed pursuant to this Section is violated.
- (E) *Permitted Temporary Uses, Structures and Obstructions.* Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and others that are clearly similar as determined by the Village Manager are permitted in the zoning districts herein specified:
- (1) *Carnivals and Circuses*
- (a) In any non-Residence or Residence District on school, church or park property, but only when sponsored by a not-for-profit religious, philanthropic, or civic group or organization; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed five (5) days. Such use need not comply with the yard requirements of this Ordinance except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the sight triangle defined in the Village Code. Such use need not comply with the maximum height requirements of this Ordinance.
- (b) The concessionaire responsible for the operation of any such carnival or circus shall:
- i. Submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles; and
  - ii. Provide fire extinguishers of a type and at site locations approved by the Village Manager; and
  - iii. Provide and service refuse containers in the number and locations required by the Village Manager; and
  - iv. Provide for a thorough clean-up of the site upon termination of the event; and
  - v. Upon written notice from the Village Manager, terminate the use of any amusement device or structure found by the Village Manager to pose a threat to the public safety.
- (2) *Christmas Tree Sales.* In any Commercial District when conducted by a not-for-profit religious, philanthropic, or civic group or organization on property owned or leased by such group or organization, or in a Residence; provided, however, any such use in a Residence shall not exceed 45 days and shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Display of Christmas trees need not

comply with the yard requirements of this Ordinance, except that no tree shall be displayed within the sight triangle defined in the Village Code.

- (3) *Civic Uses of Public Property.* Any civic use of any public building or property when authorized by the governmental agency owning or controlling such property; provided, however, that no such use shall impose an undue adverse effect on neighboring streets or property.
- (4) *Contractors' Offices and Equipment Sheds.* In any district when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.
- (5) *Display and Sale of Farm, Garden, or Floral Commodities.* In any Commercial District; provided however, that such temporary uses is limited to 90 days duration, provides adequate ingress and egress from adjoining roadways.
- (6) *Indoor and Outdoor Sidewalk, Art, Craft, Rummage, and Plant Shows, Car Shows, Exhibits, Sales and Special Promotions.* In any Commercial or Business Park District; provided, however, that any such use shall require the specific prior approval of the Village Manager on the basis of the adequacy of the parcel size, parking provisions, and traffic access and the absence of undue adverse impact on other properties. Every such show, exhibit or sale shall be limited to four (4) such sales in a 12 month period and no such sale shall be permitted for a period of more than five (5) successive days.
- (10) *Membrane storage structure* – A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages but shall not apply to boat lifts and canopies that are placed in public waters, seasonal canopies, gazebos and similar structures, or temporary tents or canopies used for special events such as weddings or graduations.

A temporary membrane storage structure is defined as any such structure erected on a lot for 6 months or less per year

Membrane storage structures as defined in this ordinance may be permitted on any lot in the RE-1, R-1, R-2, B-1, B-2, B-3, C-1, C-2, BP, and M zoning districts as an accessory structure provided:

- (a) One temporary membrane storage structure per zoning lot is permitted.
- (b) The maximum size of a temporary membrane storage structure is four hundred (400) square feet.
- (c) A building permit is required to allow the erection of a temporary membrane storage structure. A structure that is removed and erected again at a later date requires a building permit each time the structure is erected.
- (d) A temporary membrane storage structure shall not be allowed within the actual front yard of a parcel and shall comply with the sight-line requirements of Section 156.154 of this ordinance.
- (e) A membrane storage structure shall not be permitted for a period of longer than six (6) months. A membrane storage structure is considered “erected” if the frame remains up, even if the covering material has been removed.

- (11) *Outdoor Display of Seasonal Merchandise.* In any Business or Commercial District, provided however, that the sale of such merchandise is accessory to the principal use and the following conditions are met:
- (a) The plants and related materials are to be located on an all-weather surface
  - (b) All plants and related material shall be located behind the building setback line.
  - (c) The storage area for display of plants and related materials shall not occupy required parking as outlined in Article XII - Parking and Loading. Excess parking may be utilized if all other requirements of this Section are met.
- (12) *Outdoor Restaurants.* In any Commercial or Business District as an accessory use to a restaurant as a principal use, provided however, that any such restaurant serving alcoholic beverages must adhere to Village of Huntley Code of Ordinances Chapter 110: Alcoholic Beverages.
- (13) *Portable on-demand storage structure* – Any container, storage unit or other portable structure that is used for the storage of personal property, which is located outside an enclosed building. The term does not include normal sheds or membrane storage structures.

Portable on-demand storage structures may be permitted on any lot provided:

- (a) A property owner is allowed one (1) 8 x 8 x 16 structure.
  - (b) A portable on-demand structure is limited to not more than 15 days, although the time period may be extended for instances involving an active building permit.
  - (c) The structure must be at least 5' from the side or rear lot line and 10' from the front lot line.
- (14) *Real Estate Offices, Including Model Units.* In any district when accessory to a new development. No such use shall contain any sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.
- (15) *Sales of Overstock, Seconds and Similar Goods in Districts Where Not a Permitted Use*

In the M and BP Districts when accessory to any use permitted or specially permitted in such district; but only in compliance with the following conditions:

- (a) *Existing Inventory Only.* No products shall be sold except such products as are manufactured, warehoused or distributed in the normal course of business of the principal use operated on the zoning lot in question. No products shall be brought in from other sources for purposes of the temporary sale.
- (b) *No Outdoor Sales.* Any area in which such a temporary retail use takes place, including the sale and display of products, shall be fully enclosed.
- (c) *Number and Duration of Sales Limited.* Not more than three (3) such temporary uses shall be conducted on the same premises in any calendar year, or more than one (1) such sale in any calendar quarter. In each calendar quarter, one (1) such sale may be for a period of not more than three (3) successive days, including Saturday and Sunday; e.g. Friday, Saturday, and Sunday or Saturday, Sunday and Monday.

- (16) *Shopping Center Sidewalk Sales.* In any Business or Commercial District provided however, that such sales do not exceed a cumulative total of ten (10) days per calendar year, are not held more than twice a year.
- (F) *Bulk, Space, and Yard Regulations.* Except as expressly provided otherwise, every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.
- (G) *Use Limitations*
- (1) *General Limitations.* No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property or on the area, as a whole, in which it is located.
  - (2) *Hours and Days of Operation.* No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Village Manager in the permit required by Subsection C of this Section, on the basis of the nature of the temporary use and the character of the surrounding area.
  - (3) *Public Safety.* No temporary use shall be permitted unless the Village Fire and Police Departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said departments may require in connection with such certification. If required by the Village Manager, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.
  - (4) *Traffic.* No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.
  - (5) *Conflicts with Other Temporary Uses.* No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
  - (6) *Sign Standards for Temporary Signs shall comply with Article XIII.*
  - (7) *Parking.* Before approving any temporary use, the Village Manager shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village Manager, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.
  - (8) *Additional Conditions.* Every temporary use shall, in addition, comply with, and the Village Manager may impose, such other conditions as may reasonably be necessary to achieve the purposes of this Ordinance or to protect the public health, safety, and welfare.

#### § 156.085 GENERAL BUSINESS REGULATIONS

The following provisions apply in all Business, Office, Commercial, Corporate Office, Business Park and Manufacturing Districts except where this Ordinance provides otherwise:

- (A) *Within Enclosed Buildings.* All business, service storage, merchandise, display, and, where permitted, repair and processing shall be conducted wholly within enclosed buildings except for off-

street parking, off-street loading, and for open sales lots or outside storage in districts where these uses are permitted.

- (B) *Retail Sales of New Merchandise.* Goods sold at retail shall consist primarily of new merchandise, and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein.
- (C) *Performance Standards.* All uses in Business, Office, Commercial, Corporate Office, Business Park and Manufacturing Districts shall comply with *Article X - Performance Standards.*
- (D) *Outdoor Sales, Storage and Display of General Rental Equipment*
- (1) Where open sales lots are permitted, they shall be provided with a permanent, durable, and dustless surface and shall be drained to dispose of all surface water.
  - (2) Outdoor storage, where permitted, shall be screened from adjacent properties and adjacent thoroughfares.
  - (3) The area used for Outdoor Sales and Display (Incidental Display) shall adhere to the following requirements:
    - (a) When possible, proposed locations of Outdoor Sales and Display shall be included on initial development application plans for review and consideration.
    - (b) The Outdoor Sales and Display of products shall be consistent with those products sold within the associated business.
    - (c) The area devoted to outside display shall not exceed five (5) percent of the total floor area of the building occupied by the use to which such outside display is accessory and shall not exceed six feet in height nor extend further than six feet from the business exterior.
    - (d) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, parking space necessary to meet the minimum parking requirements of the other use(s) of the lot or parcel or decrease passable sidewalk width to less than five (5) feet.
  - (4) The area used for display of General Rental Equipment shall not exceed 50% of the total lot area within 100 feet of any adjacent street, shall be screened from adjacent street by a three-foot tall evergreen screen and shall not occupy required parking as outlined in Article XII - Parking and Loading.
- (E) *Dumpster Enclosures.* The structures required as per the development of the respective tract must be utilized in manner where all dumpster containers are placed within the enclosure with the gates closed except during service.

#### **§ 156.086 STORAGE AREAS**

- (A) Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:
- (1) No materials, supplies, or equipment shall be stored upon a site, except inside a closed building, or otherwise specifically allowed pursuant to this Chapter.
  - (2) All public utility and similar equipment shall be screened from view from access streets and adjacent properties by means of a fence, berm, wall or dense opaque landscaping materials.

- (3) Storage of hazardous materials should require secondary containment, monitoring, development of an emergency response plan and participation in Illinois' Pollution Prevention (P2) Program.

**§ 156.087 MAINTENANCE OF UNIMPROVED SITES AND CONDITION OF UNIMPROVED LOTS**

Sites that are not improved or built upon shall be maintained in a clean and neat appearance by the property owner. Grass shall be cut whenever it exceeds a height of eight inches with weeds and brush removed periodically not less than twice per year. No standing water shall be allowed on unimproved/un-built sites. The owner or occupant of any lot shall at all times keep it and the buildings, improvements, and appurtenances thereon in a safe and clean condition and comply with all applicable governmental, health, fire and safety ordinances and regulations. Trash shall be removed expeditiously.

**§ 156.088 LIGHTING ON ANY SITE ADJACENT TO A RESIDENCE DISTRICT**

- (A) *Lighting Guidelines.* Objectives of Properly Designed Lighting:

- (1) To contribute to the safe and efficient use of a development site;
- (2) To contribute to the site security;
- (3) To complement and reinforce the architecture and site design character;
- (4) To keep on-site parking lot lighting fixtures and illumination levels consistent throughout the park;
- (5) To prevent casting glare onto adjacent lots and streets;
- (6) To encourage conformity with energy-saving guidelines, and
- (7) Architecturally, to articulate and animate the particular building design, as well as provide the required functional lighting for safety and clarity of pedestrian movement.

- (B) *Lighting Standards.* The following standards are required of all exterior lighting installed on sites immediately adjacent to any Residence District provided, however, that such standards are not intended to apply to public street lighting:

- (1) An average minimum illumination of two (2.0) foot-candles shall be required for all off-street parking areas, other than parking for single-family and two-family dwellings.
- (2) The maximum height light post permitted is dependent on the amount of cutoff provided in order to protect against excessive glare and light intruding onto adjacent Residence properties.
- (3) When light source has no cutoff:
  - (a) Maximum permitted illumination at the property line is one quarter (0.25) foot-candles.
  - (b) Maximum permitted height of post equals ten (10) feet.
- (4) When a light source has total cutoff of an angle greater than or equal to ninety (90) degrees:
  - (a) Maximum permitted illumination at the property line is one half (0.50) foot-candles.
  - (b) Maximum permitted height of post equals fifteen (15) feet.

- (5) When a light source has a total cutoff of light at an angle less than ninety (90) degrees and is located so that the light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cutoff angle intersects the ground:
    - (a) Maximum permitted illumination at the property line is one (1.0) foot-candle.
    - (b) Maximum permitted height of post equals twenty (20) feet or less.
  - (6) Notwithstanding any other provision of this Section to the contrary:
    - (a) No flickering or flashing lights shall be permitted.
    - (b) Light sources shall not be located within the required side or rear yard or in a portion of front yard which includes part of the side yard as extended adjacent to any Residence District.
    - (c) The fixture illuminant (bulb) shall not be visible from the property line adjacent to any Residence District.
  - (7) Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. The meter sensor shall be mounted not more than six (6) inches above the ground line in a horizontal position. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.
  - (8) At the time any exterior lighting is installed or substantially modified, an exterior lighting plan shall be submitted to the Village Manager in order to determine whether the requirements of this Section have been met.
- (C) *Exceptions to Landscaping and Lighting Requirements.* Where side or rear yard setbacks adjacent to a Residence District are required and the landscaping and lighting standards are required, but not existing, the property shall not be subject to such regulations and standards until such time as a Building Permit is required.

## § 156.089 ARCHITECTURE

- (A) *Non-Residential Districts*
- (1) *Building exterior wall materials.* The front exterior walls facing a street, streets the property adjoins, dedicated parks/open space and residentially-zoned property shall be of masonry, manufactured stone, transparent glass or architectural pre-cast concrete panels. The side exterior walls may be of architectural metal except that the lower third or lower seven (7) feet, whichever is less, of the wall shall be masonry, manufactured stone, transparent glass or architectural pre-cast concrete panels. In no event shall concrete masonry units (CMUs) be allowed on any exterior surface of a building, except architectural concrete masonry units (CMUs) shall be allowed upon approval of the Village Manager.
  - (2) *Roof Top and Ground Mounted Mechanical Equipment.* Except for antennae mounted on roofs pursuant to the provisions of this Ordinance, all mechanical equipment located on the ground adjacent to, or mounted on the roof of, any building constructed after the effective date of this Ordinance shall be fully screened by landscaping or parapet wall/screening structure constructed of materials compatible with the principal building facade to the height six (6) inches above such equipment

- (3) *Parking Garage Design.* Every parking garage, other than garages accessory to single family dwellings, constructed after the effective date of this Ordinance shall be constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building to which it is accessory.

#### § 156.090 DEVELOPMENT AGREEMENTS

- (a) *Purpose.* A Development Agreement may be required in connection with all land zoned in a planned development district or developed as a planned unit development district or as a special use. A Development Agreement, if required, shall govern such land development matters *inter alia* as: Architecture; Landscaping; Lighting; Parking including land banking of required parking; covenants governing the dedication and long term maintenance of open space; Timing and Sequence on the Installation of Public Improvements and Infrastructure; Permitted Uses; Accessory Uses, Structures and Obstructions; Bulk Requirements; Impact Fees, Dedications and Contributions; Fences; Regulations over certain Business; Storage Areas; Maintenance of Unimproved Sites and Condition of Unimproved Lots; and other matters pertaining to the use and development of the land including all conditions approved by the Corporate Authorities.

- (b) *Approval By The Corporate Authorities; Notice.*  
The Development Agreement shall be approved by the Corporate Authorities at a public meeting. Notice of the public meeting on the agenda of the Village Board shall satisfy the notice and public hearing requirements.

A majority vote of the Corporate Authorities shall be required in order to approve of the Development Agreement.

- (c) *Legal Owner And Any Mortgage Holders Shall Execute.*  
The petitioner for the zoning request shall produce evidence in the form of a current title policy prepared not more than six (6) months before the Development Agreement is approved by the Corporate Authorities covering all of the land subject to the petition.

In addition any mortgage holder(s) on the land shall execute the Development Agreement indicating its consent to the terms of the Development Agreement.

- (d) *Term*  
The Development Agreement shall be for a term of 20 years and may be extended by mutual agreement of the Corporate Authorities and the then owner and mortgage holder.

- (e) *Amendment*  
A Development Agreement may be amended by the Corporate Authorities in the same manner pertaining to the approval of a Development Agreement and such amendment shall be effective if approved by a majority vote of the Corporate Authorities.

- (f) *Recordation*  
The Development Agreement shall be recorded with the Recorder of Deeds of Kane or McHenry County, as applicable at the petitioner's expense.

#### § 156.091 TOBACCO AND VAPE SHOPS

- (a) *Location.* Tobacco and vape shops may be established as a principal use only in the zoning districts specified by this Chapter. Tobacco and vape shops also may be

established as an accessory use in other zoning districts, but only if: (i) they are subordinate in purpose to the principal use served, such that display and storage of tobacco products and/or tobacco paraphernalia utilizes less than 2 percent of the gross floor area of the principal structure or 200 square feet, whichever is less; (ii) they are customarily and traditionally incidental to the principal use, such as in the case of a grocery store, convenience store, or similar retail use; and (iii) the principal use is an authorized permitted or special use in the zoning district where it is located.

(b) *Spacing.* The minimum distance between any two tobacco and vape shops shall be one thousand (1,000) feet, as measured from front door to front door. This spacing requirement shall not apply to any tobacco and vape shop that is established as an accessory use in compliance with paragraph (a) above.

(c) *Separation.* The minimum distance between any tobacco and vape shop and any lot, premises, or building used primarily as a school, child care facility, or for the education or recreation of children under 18 years of age shall be one thousand (1,000 feet), as measured from the front door of the shop to the nearest property line of the facility. This separation requirement shall not apply to any tobacco and vape shop that is established as an accessory use in compliance with paragraph (a) above.

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**ARTICLE XII**  
**PARKING AND LOADING REQUIREMENTS**

**§ 156.106      PARKING**

- (A) *Purpose.* The purpose of this section is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles, in accordance with the use to which property is put and the district in which it is located.
- (B) *General Requirements.* Subject to the limitations of this Article, required off-street parking is permitted as an accessory use in all districts. Off-street parking as a principal use is permitted only when expressly authorized by the regulations applicable to the district in question.
- (1) *Applicability to Existing, New and Expanded Uses*
- (a) *General Applicability.* Except as provided otherwise in this Paragraph, the provisions of this Section shall apply to, and off-street parking spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of this Code.
- (b) *Change in Existing Use.* Whenever a use existing on the effective date of this Code is changed to a new use, parking facilities shall be provided as required herein for such new use; provided, however, that when any such new use is required to be provided with more than the number of parking spaces required of such existing use, such new use need not provide more than the existing number of spaces, subject to any existing landbanking requirements.
- (c) *Increase in Use Intensity.* Whenever the intensity in use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other appropriate units of measurement specified herein, parking spaces as required herein shall be provided for such increase in intensity of use.
- (d) *Exception for Nonconforming Locations and Design.* Nothing in this Paragraph B1 shall be construed to prohibit the continued utilization of any parking space as an accessory use for parking solely because such space does not satisfy the location or design requirements of this Code, provided such space was legally in use as an accessory use to such structure or use on the effective date of this Code or amendment thereto.
- (2) *Extent of Control.* All buildings, structures and land uses and all modifications of existing buildings and uses, initiated after the effective date of this chapter, shall be provided with accessory off-street parking facilities as required herein. A building or structure for which a building permit has been issued prior to the effective date of this chapter shall comply with the requirements in effect at the time of issuance of the permit.
- (3) *Existing Parking Spaces.* Accessory off-street parking spaces in existence on the effective date of this chapter may not be reduced in number, except in compliance with the requirements of this section.
- (4) *Permissive Parking Spaces.* Nothing in this section shall prevent the establishment of off-street automobile parking facilities to serve any existing use of land or buildings, subject to the provisions of this section, except that off-street parking areas accessory to existing multiple family structures cannot be located off the premises containing the main use, unless on a lot adjacent thereto.

(5) *Location of Required Parking Spaces*

Parking spaces required by this Section shall be located on the same zoning lot as the principal use to which they are accessory, except that when required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession either by deed or long term lease, as the property occupied by such principal use and shall be within the same zoning district as the principal use. If in another zoning district, a Special Use Permit shall be requested. Such off-site parking facilities must be within 600 feet of the main entrance of the principal use being served, and must be in the same block so that no public street lies between the off-site parking spaces and the principal use being served. The owner shall be bound by covenants filed of record in the office of the Recorder of Deeds or the Registrar of Titles of McHenry County, Illinois, or Kane County, Illinois where applicable, requiring the owner and his or her said heirs and assigns to maintain the required number of parking spaces during the existence of such principal use.

(C) *Design and Maintenance.* Every parking lot and garage shall be designed, constructed and maintained in accordance with the standards and requirements herein set forth:

- (1) *Location on Lot.* Off-street parking spaces may be provided on surface lots, underground, under a building or in parking structures. Parking garages shall comply with the yard requirements applicable to other buildings or structures in the district in which they are located. Parking lots and areas shall comply with the yard requirements applicable in the district in which they are located except that parking areas in Single Family Residential Districts may be located in any required yard. See also Section 156.170 (D) for additional regulations concerning the storage of vehicles in residential districts.
- (2) *Required Setbacks.* No parking space, nor portion thereof, established on the same zoning lot with a building or authorized on another lot under the terms of this chapter, shall be located within the first ten (10') feet of the landscaped setback as measured from the street right-of-way, except for single family dwellings. Open parking areas are permitted in required side and rear yards provided that commercial and industrial parking areas shall be screened from all adjacent residential districts and institutional uses. Enclosed parking shall conform to the regulations established for accessory building.
- (3) *Parking lots are permitted in required front, side and rear yards provided* that the parking areas are screened from all adjacent residential developments, institutional uses and public roadways. Any and all applicable landscape zone requirements must be met.
- (4) *Screening and Landscaping.* All parking lots designed for 20 or more parking spaces shall comply with the screening and landscaping requirements set forth in the Tree Preservation and Landscaping Ordinances. Parking lots designed for 6 to 19 parking spaces shall be effectively screened by a wall, berm or evergreen hedge, at least six feet in height, along any side that adjoins, or is directly across a street or alley from a property in a residential district.
- (5) *Design.* Specifically defined within VOH Subdivision Regulations, Figure 1: Minimum Pavement Requirements
  - (a) *Surfacing.* All open off-street parking areas shall be improved with a compacted gravel base and an impervious all weather, durable and dustless surface which meets applicable village ordinances.
  - (b) *Access to Street.* All parking lots, areas and garages shall be located and designed to provide access to adjacent streets with the least interference with through traffic movements. No such access shall be:

- i. Provided through a zoning district other than the district in which the parking is located.
  - ii. Provided through a zoning lot other than the zoning lot on which the parking is located except across a permanent, recorded access easement in form and substance satisfactory to the Village Attorney.
- (c) *Access.* Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic. No driveway or curb cut in any district shall exceed 25 feet in width, except that turning radii, divided entrances/exits with island dividers and joint driveway/curb cuts serving more than one lot or parcel may be permitted to exceed this distance, upon approval, in writing, of the Village Engineer.
- (d) *Turnaround Area.* Every parking lot or garage, other than a parking lot or garage accessory to a single family dwelling, shall be provided with a turnaround area or other means to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- (e) *Slope.* No area of any parking lot or garage excluding access ramps, shall have a slope in excess of five percent (5%). No ramp shall have a slope in excess of eight percent (8%).
- (6) *Lighting.* All required open off-street parking areas, other than parking for single family and two family dwellings, shall be lighted as follows:
  - (a) An average minimum illumination of two (2.0) foot candles and maximum foot candles at property perimeter per Section 156.088 (B) 3 through 5.
  - (b) Lighting fixtures shall be so arranged as to reflect the light downward and away from residential properties with the source not visible.
  - (c) All lighting cable shall be placed underground and shall be installed in steel conduit (when under pavement) and buried at a depth of two feet.
  - (d) All lighting system designs shall be reviewed for approval by the Village Manager.
- (7) *Car Stops.* Every parking lot and garage, except parking lots and garages accessory to a single family dwelling, shall be bordered by a six (6) inch high concrete curb and shall be provided with curbs, car wheel stops, guard rails, barrier fences or other suitable devices designed and located to protect required screening, landscaping, structures and other vehicles from damage by vehicles utilizing the lot or garage. This provision shall not be construed to require car wheel stops for every parking space. Such stops shall be provided at the direction of the Village Engineer when deemed necessary to achieve the purposes of this Subparagraph.
- (8) *Circulation Aisles.* Each parking space shall be accessed by a circulation aisle of a minimum width, as specified herein.
- (9) *Drainage.* All off-street parking facilities shall meet all applicable village ordinances and proper engineering standards.
- (10) *Striping.* Striping of all off-street parking facilities shall conform to dimensions required by the ordinance that regulates size of space, aisles, and the like. Handicapped parking dimensions shall be striped per State requirements at the time of striping.

- (11) *Maintenance.* All tree planting areas, landscaped islands, parking lots, garages and areas shall be properly maintained so as to be free of weeds, pot holes, broken curbs and other damaged or neglected features.
- (12) *Open and Enclosed Spaces.* Parking areas may be open or enclosed unless otherwise specified.
- (13) *Size of Parking Spaces and Aisle widths.* Each parking space and aisle width shall conform to the minimum dimensions contained in the following chart:

**TABLE XII-1  
PARKING STALL DIMENSIONS**

PARKING ANGLE*	STALL WIDTH**	STALL LENGTH**	STALL HEIGHT	ONE-WAY AISLE WIDTH	TWO-WAY AISLE WIDTH
90°	10'	19.0'	8'-2"	25'	25'
60°	10'	19.0'	8'-2"	16'	25'
45°	10'	19.0'	8'-2"	14'	25'
PARALLEL (0°)	10'	23.0'	8'-2"	20'	25'

\* DIMENSIONS FOR PARKING PROVIDED AT PARKING ANGLES OTHER THAN THOSE PROVIDED ABOVE MAY BE INTERPOLATED BUT REQUIRE APPROVAL BY THE VILLAGE MANAGER.

\*\* PARKING LOTS APPROVED PRIOR TO JUNE 27, 2019 MAY MAINTAIN THEIR EXISTING PARKING STALL AND DRIVE AISLE DIMENSIONS PROVIDED THAT ANY EXPANSION OF A PARKING LOT OR RECONFIGURATION OF PARKING STALLS AND/OR DRIVE AISLES SHALL REQUIRE CONFORMANCE TO THE ABOVE DIMENSIONS. STALL LENGTH DIMENSIONS FOR NON-PARALLEL STALLS ON THE PERIMETER OF A PARKING LOT MAY BE REDUCED TO 17.5' TO ALLOW 1.5' OF OVERHANG INTO ADJUTING LANDSCAPED AREAS; PROVIDED THAT SUCH REDUCTION DOES RESULT IN THE OBSTRUCTION OF A MINIMUM SIX (6') FOOT WIDE SIDEWALK AND/OR YARD REQUIRED IN THE APPLICABLE DISTRICT.

- (1) *For any use which provides 20 or more parking spaces,* sufficient space and facilities shall be provided for the parking of bicycles. Such space and facilities shall be located so as to minimize the conflict of bicycle circulation with that of both pedestrians and motor vehicles.
  - (2) *Handicapped Requirements:* Total number of parking spaces for disabled drivers shall conform to the design standards of standard parking spaces and to the statutes of the State of Illinois, as found in the Illinois Accessibility Code.
  - (14) *For any use which provides 20 or more parking spaces,* sufficient space and facilities shall be provided for the parking of bicycles. Such space and facilities shall be located so as to minimize the conflict of bicycle circulation with that of both pedestrians and motor vehicles.
  - (15) *Handicapped Requirements:* Total number of parking spaces for disabled drivers shall conform to the design standards of standard parking spaces and to the statutes of the State of Illinois, as found in the Illinois Accessibility Code.
- (D) *Use of Residential Parking Areas*
- (1) *Outside storage or parking of any vehicle.* The outside storage or parking of any vehicle in any residential area at any time shall meet the following criteria:
    - (a) Curb cuts shall be limited to one per property, unless otherwise approved by the Village Engineer and adequate sight lines shall be demonstrated.

- (b) Vehicles shall be parked or stored completely on an impervious surface (concrete, black top, brick pavers, etc.) to be approved by the village authority having jurisdiction over these regulations. Gravel, wood chips, grass, etc. are not approved surfaces.
  - (c) The vehicle shall not be parked in the parkway (that area located between the back of curb or pavement edge and the right-of-way line intended for use primarily by pedestrian traffic) or across sidewalks.
- (2) *Outside storage or parking of in-operable vehicles.* The outside storage or parking of in-operable vehicles as defined under Chapter 93 of the Village of Huntley Code of Ordinances shall be prohibited in any residential area unless the in-operable vehicle is parked or stored completely within a fully enclosed garage.
- (3) *Outside storage or parking of second division vehicles.* The outside storage or parking of second division vehicles with a gross vehicle weight of more than 12,000 pounds including vehicle and maximum load, and/or greater than a class "D" plate, and/or an overall height of greater than 96 inches (measured from ground to highest point) shall be prohibited in any residential area unless the second division vehicle is parked or stored completely within a fully enclosed garage. Those vehicles of the second division that contain either a "B" or a "D" plate, have a gross vehicle weight of 12,000 pounds or less, and do not exceed the height restrictions detailed above shall be permitted, provided the following criteria are met:
- (a) The second division vehicle shall be parked or stored completely on an impervious surface (concrete, black top, brick pavers, etc.) to be approved by the village authority having jurisdiction. Gravel, wood chips, grass, pavers under only the tires, etc. are not approved surfaces.
  - (b) Any objects stored in or on the second division vehicle such as ladders or tools shall be stored in a safe, well-kept manner, completely on private property as determined by the village authority having jurisdiction.
  - (c) The second division vehicle shall not be parked or stored in such a way as to jeopardize the health or safety of pedestrians or motorists using any adjacent public or private rights-of-way by obstructing sight lines, causing excessive noise, or otherwise causing an unsafe condition as determined by the village authority having jurisdiction.
- (4) *Temporary storage of commercial vehicles*
- (a) Any commercial vehicle parked in a residential area in order to perform a service (home maintenance, repair, moving, etc.) for a resident shall be temporarily permitted to park on a residential driveway or right-of-way only during the time said service is being conducted as determined by the village authority having jurisdiction over these regulations.
  - (b) Any property owner residing in the village, at the same address, prior to December 31, 1979, who cannot reasonably meet the requirements of this chapter with regard to the parking or storage of second division vehicles (as determined by the village authority having jurisdiction over these regulations) may request an exemption from the requirements of this section. Property owners must submit proof of ownership (i.e. deed, property tax bill, etc.) to be considered eligible for the exemption, and a vehicle must be being stored on the property prior to the adoption date of this section.

- (c) Exemptions granted from the requirements of this section shall be considered a legal non-conformance and shall be subject to the provisions of the Non-Conforming Use Regulations of the Village Zoning Ordinance.
- (5) *Outside storage or overnight parking of recreational vehicles.* A recreational vehicle is defined as: A vehicular unit designation which applies to every vehicle or boat designed for temporary living quarters, or recreation, including, but not limited to the following types (further defined in ARTICLE II – DEFINITIONS section):
- Camper Trailer, Motor Home, Off-Road Vehicle, Other Recreational Vehicle, Racing Car or Cycle, Recreational Watercraft, Snowmobile, Travel Trailer, Truck Camper (Slide-in Camper), and Utility Vehicle
- (6) *Permanent storage of recreational vehicles.* The outside storage or parking of no more than one recreational vehicle per property, as defined above, shall be permitted, provided the following criteria are met: (See PLATE 6)
- (a) The recreational vehicle shall be parked or stored completely on an impervious surface (concrete, black top, brick pavers, etc.) to be approved by the village authority having jurisdiction. Gravel, wood chips, grass, pavers under only the tires, etc. are not approved surfaces.
- (b) The recreational vehicle shall be stored completely behind any required front building or yard abutting-a-street building setbacks.
- (c) The recreational vehicle shall be stored completely behind the front of the primary structure and shall not be stored between the primary structure and the street.
- (d) The recreational vehicle shall be setback at least five feet from any side and five feet from any rear property lines.
- (e) The recreational vehicle storage area and the actual recreational vehicle in question shall be maintained in a clean, well kept condition so as not to detract from the appearance of the surrounding area as determined by the village authority having jurisdiction.
- (7) *Exemption.* Any property owner residing in the village, at the same address, prior to December 31, 1979, who cannot reasonably meet the requirements of this section with regard to the parking or storage of recreational vehicles (as determined by the village authority having jurisdiction over those regulations) may request an exemption from the requirements of this section. Property owners must submit proof of ownership (i.e. deed, property tax bills, etc.) to be considered eligible for the exemption and a vehicle must be being stored on the property prior to the adoption date of this section. Exemptions granted from the requirements of this section shall be considered a legal non-conformance and shall be subject to the provisions of the non-conforming use regulations of the Village Zoning Ordinance.
- (8) *Temporary storage of recreational vehicles.* Temporary storage only of not more than one recreational vehicle on a property, shall be permitted subject to the provisions found below.
- (a) The resident shall notify the Huntley Police Department within at least 24 hours of arrival on the premises on which the recreational vehicle is to be parked.
- (b) Temporary parking or storage shall be permitted for a maximum of seven consecutive days, not to exceed more than 28 days in any calendar year.

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- (c) The recreational vehicle shall be parked or stored completely on an impervious surface (concrete, black top, brick pavers, etc.) to be approved by the village authority having jurisdiction. Gravel, wood chips, grass, pavers under only the tires, etc. are not approved surfaces.
  - (d) The recreational vehicle shall be stored in a safe, well kept manner, completely on private property as determined by the village authority having jurisdiction.
  - (e) The recreational vehicle shall not be parked or stored in such a way as to jeopardize the health or safety of pedestrians or motorists using any adjacent public or private rights-of-way by obstructing sight lines, causing excessive noise, or otherwise causing an unsafe condition as determined by the village authority having jurisdiction.
- (9) Residents not currently meeting the requirements of this section shall have 90 days from the date of this section in which to notify the Building Department of noncompliance. Further, residents that notify the Building Department within the allowed time shall be granted a one year exemption from the date of this section in order to conform to the requirements of this section. Residents that do not notify the Building Department within the allowed time or residents that do not comply with this requirement once the exemption period is over, will not be in compliance with this section and may be subject to a ticket and/or a fine of not less than \$50 or more than \$500 per violation and each day constitutes a separate violation.
  - (10) Residents that do not comply with any/all portions of this section will not be in compliance with this section and may be subject to a ticket and/or a fine of not less than \$50 or more than \$500 per violation and each day constitutes a separate violation.
  - (11) Any surfaces or structures built in order to conform to this section shall conform to all village building, zoning, and subdivision codes. All appropriate building permits shall be obtained from the Building Department prior to construction.
  - (12) No parking or storage of a vehicle subject to the provisions of this section shall create a dangerous or unsafe condition or threaten the health, safety, or welfare of any person as determined by the village authority having jurisdiction.
- (E) *Use: Other Temporary Storage.* No off-street parking lot or area shall be used for any purpose other than the temporary storage of motor vehicles related to the premises, except that merchandise, equipment, or materials related to the principal use may be stored for a period of time not exceeding three (3) days in any seven (7) day period.
  - (F) *Submission of Site Plan*  

A fully-dimensioned site plan showing off-street parking and associated landscaping shall accompany an application for any of the following for any building or use required to provide more than four (4) off-street parking spaces:

    - (1) Building Permit
    - (2) Certificate of Occupancy
    - (3) Special Use Permit
    - (4) Rezoning
    - (5) Approval of Preliminary or Final Plat
    - (6) Variance from off-street parking requirements

The Village Manager may waive this requirement in any instance in which the nature of the ultimate tenant or user, and therefore the specific parking and loading requirements applicable, are not yet determined, such as in the case of a rezoning for an industrial subdivision in which development plans for individual lots are not yet developed.

- (G) *Procedure.* An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan in duplicate, drawn to scale, and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of this chapter.
- (H) *Required Number of Parking Spaces.* Table XII-2 shows the number of spaces required for various types of uses in the districts established by this chapter. In calculating the total number of spaces, all fractions shall be increased to the next highest number.

**TABLE XII-2  
PARKING FOR SPECIFIC LAND USES**

LAND USE	MINIMUM PARKING REQUIRED
<b>FARMING</b>	
Farming (cultivation of field and garden crops), including farm residents	No Requirement apart from two (2) parking spaces for each dwelling unit
<b>AGRIBUSINESS</b>	
Forest Preserve, Park	3.0 spaces per acre; provided for parks containing baseball fields and other similar facilities where spectators are in attendance, parking spaces shall be provided at a ratio of 1.0 space for every six (6) seats of maximum capacity.
Kennel/Boarding	3.0 spaces per 1,000 gross square feet
Nursery, including retail sales	1.0 space per 1,000 gross square feet, 5 spaces minimum
Stable, Private	1.0 space for each two (2) stalls
Veterinary Hospital	5.0 spaces per 1,000 gross square feet
<b>AUTOMOTIVE</b>	
Automobile and Truck Rental	5.0 spaces per 1,000 gross square feet, 5 spaces minimum
Automobile Repair, Major	2 spaces for each service bay (Service bay is not a parking spot)
Automobile Repair, Minor	2 spaces for each service bay (Service bay is not a parking spot)
Automotive, Truck and Boat Sales, New (showroom) or Used	4.0 spaces per 1,000 gross square feet
Car Wash	Stacking area five (5) times the capacity of the car wash plus 1.0 space per employee
Gasoline Service Station	3.0 spaces for each repair bay and one space per employee
Gasoline Station (retail non-bulk sales)	4.0 spaces per 1,000 gross square feet
Mobile Home Sales	3.0 spaces per 1,000 gross square feet
Motorecycle showroom and service	3.0 spaces per 1,000 gross square feet
<b>COMMERCIAL RECREATION</b>	
All COMMERCIAL RECREATION uses with the Exception of the parking requirements for those uses as follows:	0.3 spaces per person of design capacity
Amusement Park	1.0 space per 200 square feet of activity area
Golf Course	5.0 spaces per each golf green
Golf Driving Range	1.0 space per driving range bay
Sports Arena	1.0 space per each seat
<b>COMMERCIAL SERVICES</b>	
All COMMERCIAL SERVICES with the exception of Real Estate Office	3.0 spaces per 1,000 gross square feet
Real Estate Office	5.0 spaces per 1,000 gross square feet
<b>CONSTRUCTION</b>	

LAND USE	MINIMUM PARKING REQUIRED
All CONSTRUCTION uses	2.0 spaces per 1,000 gross square feet, or 1 space per 2 employees, whichever is greater
<b>EDUCATION</b>	
College, University or Junior College & High School	1 space per every five (5) students
Commercial or Trade School, or other school offer training	3 spaces per 1,000 gross square feet
Elementary or Junior High School	1 space per every 22 students
Nursery School	3 spaces per 1,000 gross square feet
School for mentally or physically handicapped	3 spaces per 1,000 gross square feet
<b>FINANCIAL</b>	
Bank, Credit Union, Currency Exchange, Personal Loan Agency, Savings and Loan Association	3.5 spaces per 1,000 gross square feet
<b>FOOD SERVICE</b>	
Cafeteria	0.3 spaces per person of design capacity
Carry-out food service	1.0 space per 15 square feet of customer service area
Catering Service	3.0 spaces per 1,000 gross square feet
Frozen Food Locker	3.0 spaces per 1,000 gross square feet
Ice Cream Shop	1.0 space per 15 square feet of customer service area
Nightclub/Discotheque	0.3 spaces per person of design capacity
Restaurant	1.0 space per 3 seats
Soft Drink Stand	1.0 space per 15 square feet of customer service area
Tavern	0.3 spaces per person of design capacity
<b>HEALTH CARE</b>	
Assisted Living Facility	1.0 space per bed and 1.0 space per employee on the largest shift
Cancer Diagnostic / Treatment Facility	4.0 spaces per 1,000 gross square feet
Child Care, Center	4.0 spaces per 1,000 gross square feet
Community or Recreation Center	4.0 spaces per 1,000 gross square feet
Conference Center	4.0 spaces per 1,000 gross square feet
Corporate Healthcare Offices	4.0 spaces per 1,000 gross square feet
Day Care Center, Adult	4.0 spaces per 1,000 gross square feet
Education Facilities	4.0 spaces per 1,000 gross square feet
Healthcare Museum	4.0 spaces per 1,000 gross square feet
Hospice	1.0 space per bed and 1.0 space per employee largest shift
Hospital, communicable disease	1.0 space per bed and 1.0 space per employee largest shift
Hospital, general or specialized	1.0 space per bed and 1.0 space per employee largest shift
Intermediate/Long-term Care Facility	1.0 space per bed and 1.0 space per employee largest shift
Learning Institute / Education Center	4.0 spaces per 1,000 gross square feet
Medical Imaging Facility	4.0 spaces per 1,000 gross square feet
Medical Laboratory	3.0 spaces per 1,000 gross square feet
Mental Health Clinic or Center	4.0 spaces per 1,000 gross square feet
Mental Hospital	1.0 space per bed and 1.0 space per employee largest shift
Nursing / Sheltered Care Home	1.0 space per bed and 1.0 space per employee largest shift
Medical, Dental, and Optometry Offices / Clinics	4.0 spaces per 1,000 gross square feet
Non-profit Foundations Offices	4.0 spaces per 1,000 gross square feet
Overnight Facility	4.0 spaces per 1,000 gross square feet
Philanthropic and Charitable Institution	4.0 spaces per 1,000 gross square feet
Psychiatric, Alcohol and Narcotic Treatment Center	4.0 spaces per 1,000 gross square feet
Skilled Care Facility	4.0 spaces per 1,000 gross square feet
Sports Medicine Facility	4.0 spaces per 1,000 gross square feet
Urgent Care Facility	4.0 spaces per 1,000 gross square feet
<b>INDUSTRIAL SERVICE</b>	
All INDUSTRIAL SERVICE uses including Manufacturing	2.0 spaces per 1,000 gross square feet, or 1 space per 2 employees, whichever is greater
<b>OFFICE</b>	
All OFFICE uses with the Exception of HEALTH CARE	4.0 space per 1,000 gross square feet

LAND USE	MINIMUM PARKING REQUIRED
<b>PERSONAL SERVICES</b>	
All PERSONAL SERVICES uses with the Exception of the parking requirements for those uses as follows:	4.0 space per 1,000 gross square feet
Barber Shop	8.0 spaces per 1,000 gross square feet
Beauty Shop	8.0 spaces per 1,000 gross square feet
Funeral home, mortuary	4.0 space per 1,000 gross square feet plus 1.0 space per each 100 square feet in Chapel
Hotel	1.0 space per guest room plus 50% of the spaces required for accessory restaurant and meeting rooms
Motel	1.0 space per guest room plus 50% of the spaces required for accessory restaurant and meeting rooms
Pawn Shop	5.0 spaces per 1,000 gross square feet
Tanning Salons	0.75 spaces per tanning bed
<b>RETAIL SALES</b>	
All RETAIL SALES uses	4.0 spaces per 1,000 gross square feet
<b>PUBLIC FACILITIES</b>	
All PUBLIC FACILITIES uses with the Exception of the parking requirements for the use as follows:	3.0 spaces per 1,000 gross square feet
Cemetery or Mausoleum	2.0 spaces per three (3) employees on the maximum shift, plus 1.0 space for every vehicle customarily used in the operation of the use, or stored on the premises, plus 1.0 space for every four (4) seats in the auditorium or chapel
<b>PUBLIC RECREATION</b>	
All PUBLIC RECREATION uses with the Exception of the parking requirements for those uses as follows:	0.3 spaces per person of design capacity
Arboretum	1.0 space per 10,000 square feet of outdoor activity area, plus 10.0 space per 1,000 gross square feet of indoor area
Playground	1.0 space per 1,000 gross square feet of site area
Tot Lot	1.0 space per 1,000 gross square feet of site area
<b>PUBLIC UTILITIES</b>	
All PUBLIC UTILITIES uses	3.0 spaces per 1,000 gross square feet
<b>RELIGIOUS</b>	
Church or other place of worship	0.3 spaces per person of design capacity
Convent or Monastery	3.0 spaces per 1,000 gross square feet
Rectory	3.0 spaces per 1,000 gross square feet
Religious Retreat	1.0 space per bed or 1,000 gross square feet of site area, whichever is greater
Sunday School	3.0 spaces per 1,000 gross square feet
Theological Seminary	3.0 spaces per 1,000 gross square feet
<b>RESIDENTIAL</b>	
Multiple family (one bedroom) in PDD areas	1.5 spaces per dwelling unit
Single family dwelling, Two family residential, townhouse, triplex and quads, Multiple family (2 bedrooms) in PDD areas	2 spaces per dwelling unit
Multiple family (3 or more bedrooms) in PDD areas	2.25 spaces per dwelling unit
Multiple family (5 or more units per building)	2.5 spaces per dwelling unit
Multiple family (3 or 4 dwelling units per building)	2.75 spaces per dwelling unit
Boarding House	1.0 spaces for each 75 square feet of sleeping area
<b>TRANSPORTATION</b>	
Airport	1.0 space / 500 square feet of enclosed terminal area
Heliport	5.0 spaces for commercial facility / 3.0 spaces for non-commercial
Motor/Rail Freight Terminal	1.0 spaces / 1,000 gross square feet
Train Station	1.0 space / 500 square feet of enclosed terminal area
Truck Terminal	1.0 spaces / 1,000 gross square feet

LAND USE	MINIMUM PARKING REQUIRED
Warehouse, storage	0.5 spaces / 1,000 gross square feet - Warehouses <i>over</i> 100,000 square feet 1.0 spaces / 1,000 gross square feet - Warehouse <i>less than</i> 100,000 square feet
Warehouse, self-storage facility	3.0 spaces / 1,000 gross square feet

- (1) *Joint parking facilities.* Dissimilar uses which require parking at different times during the day may be reduced by not more than 25%, if approved as a special use pursuant to the requirements of Article VII, provided that the applicant can demonstrate that the different uses will not substantially overlap in hours of operation or hours of demand for the shared spaces.
- (2) *Control of Drive-in Stacking Lanes.* Where drive-in facilities require that customers wait to be served, a minimum of five aisle spaces are required per service window. Where peak hour demands may place an extraordinary burden upon the establishment, additional spaces may be required through review of the special use permit.
- (3) *Landbanking of Required Parking*
  - (a) *Landbanking Authorized.* Notwithstanding any other provision of this Section, a reduction in the stall width or length dimensions required pursuant to Table XII-1 in Section 156.106 (C) (13) or in the total number of off-street parking spaces required to be paved pursuant to Table XII-2 in Section 156.106 (H) may be authorized in the non-residential districts by a special use permit issued pursuant to Section 156.068, subject to the conditions set forth in Section 156.068 (F) and such other conditions deemed necessary to protect the public health, safety and welfare and ensure compliance with the purposes and intent of this Ordinance.
  - (b) *Termination of Landbanking.* The Board of Trustees shall have the right, in its sole discretion, to require the property owner or his or her successor at any time to increase the stall width or length to the dimensions required by Table XII-1 in Section 156.106 (C) (13) or to increase the number of parking spaces provided to serve said development up to the maximum required by Table XII-2 in Section 156.106 (H) for the property in question as if no authorization for landbanking had been granted. No special use permit authorizing landbanking of required parking shall be effective unless and until the applicant and property owner shall file with the Village a written acceptance of this condition.
  - (c) *Alternate Plans Required.* Every request to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full stall width and depth required by Section 156.106 (C) (13) of this Article and the full number of parking spaces required pursuant to Table XII-2 in Section 156.106 (H). The other plan shall show the reduced stall width and/or length or the reduced number of parking spaces, or both, as the case may be, proposed to be provided pursuant to the authorization being sought and also shall show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking spaces, the exact number of parking spaces to be provided, and complete details for 1) wheel stops, 2) markings, 3) curbing, 4) surfacing, 5) screening and landscaping, 6) lighting, 7) signing, and 8) access. Such plans shall be subject to the approval of the Board of Trustees.
  - (d) *Open Space Covenant.* No special use permit authorizing landbanking of required parking shall be effective unless and until the applicant and property

owner shall file his or her unconditional agreement and covenant in form and substance satisfactory to the Village Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking pursuant to Paragraph (3) (b) of this Section. Such agreement and covenant shall be recorded with the Recorder of Deeds of Kane or McHenry County, where applicable.

## § 156.107      **LOADING**

- (A) *Purpose.* The purpose of this section is to alleviate or prevent congestion of the public streets and so promote the safety and welfare of the public, by establishing minimum requirements for the off-street loading and unloading of motor vehicles, in accordance with the use to which property is put and the district in which it is located.
- (B) *General Requirements.* Subject to the limitations of this Article, required off-street loading is permitted as an accessory use in all districts, other than single family residence districts.
- (1) *Applicability to Existing, New and Expanded Uses*
- (a) *General Applicability.* Except as provided otherwise in this Paragraph, the provisions of this Section shall apply to, and off-street loading spaces sufficient to satisfy the requirements of this Section shall be provided for, all existing and new uses, in accordance with the provisions of this Code.
- (b) *Change in Existing Use.* Whenever a use existing on the effective date of this Code is changed to a new use, loading spaces shall be provided as required herein for such new use; provided, however, that when any such new use is required to be provided with more than the number of loading spaces required of such existing use, such new use may be established with a deficiency in required loading spaces that does not exceed the number of loading spaces such existing use was deficient on the effective date of this Code.
- (c) *Increase in Use Intensity.* Whenever the intensity of use of any structure or use is increased through the addition of dwelling units, floor area, seating capacity or other units of measurement specified herein for required loading spaces, loading spaces as required herein shall be provided for such increase in intensity of use.
- (d) *Exception.* Notwithstanding the foregoing provisions of this Paragraph, no building or use lawfully existing on the effective date of this Code (and any amendments thereto), shall be required to provide any additional loading spaces pursuant to this Paragraph unless and until the aggregate increase in units of measurement requiring such loading shall equal the full number of units for which one additional loading space would be required, in which event loading spaces as required herein shall be provided for the total aggregate increase.
- (2) *Extent of Control.* All buildings, structures and land uses and all modifications of existing buildings and uses, initiated after the effective date of this chapter, shall be provided with accessory off-street loading facilities as required herein. A building or structure for which a building permit has been issued prior to the effective date of this chapter shall comply with the requirements in effect at the time of issuance of the permit.
- (3) *Existing Loading Spaces.* Accessory off-street loading spaces in existence on the effective date of this chapter may not be reduced in number, except in compliance with the requirements of this section.

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- (4) *Permissive Loading Spaces.* Nothing in this section shall prevent the establishment of off-street loading facilities to serve any existing use of land or buildings, subject to the provisions of this section.
- (5) *Location of Required Loading Spaces*
- (a) Loading spaces required by this Section shall be located on the same zoning lot as the use to which they are accessory; except that no permitted or required loading berth shall be closer than 50 feet to any property in a residential district unless completely enclosed by solid building walls or fences or any combination thereof not less than six feet in height, and maintained in good condition. No permitted or required loading berth shall be located within 50 feet of the nearest point of street right-of-way or the intersection of any two street right-of-ways. Loading berths open to the sky may be located in any required side or rear yards. Where unusual circumstances exist, the village may permit loading spaces to be closer to the right of ways or may require additional height of fence or screening.
- (b) *Location on Lot.* Off-street loading spaces shall comply with the yard requirements applicable to principal uses in the district in which they are located, except that open loading spaces may be located in a required rear yard. Loading spaces and access ways shall be configured in a manner where no truck or service vehicle using such area shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle, or pedestrian area used for general circulation.
- (c) No loading space shall open onto any building façade facing a public right-of-way. All loading spaces shall be located and arranged to provide logical and convenient access to the use they serve.
- (d) *Screening and Landscaping.* All loading spaces shall comply with the screening and landscaping requirements set forth in § 156.151 Landscape Ordinance; (G) (2).
- (C) *Design.* Every loading space shall be designed and constructed as defined within VOH Subdivision Regulations, Figure 1: Minimum Pavement Requirements and in accordance with the standards and requirements herein set forth:
- (1) *Surface.* Every loading space shall be improved and maintained with a compacted gravel base and an impervious all weather, durable and dustless surface and all such construction shall meet any minimum standards for structural materials established by the Village.
- (2) *Access to Street.* All loading spaces shall be so located and designed as to provide access to adjacent streets or alleys with the least interference with through traffic movements. No such access shall be provided through a zoning district other than the district in which the parking lot is located. No such access shall be provided through a zoning lot other than the zoning lot on which the loading is located except across a permanent, recorded access easement in form and substance satisfactory to the Village Attorney.
- (3) *Maneuvering Space.* Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make any backing movement on or into any public or private street.
- (4) *Lighting.* As per Section 156.088. Fixed lighting serving the loading space shall be arranged as to prevent direct glare of beams onto any public or private property or streets. All lighting shall be reduced to security levels at all times of non-use.

- (5) *Dimensions.* Each loading space exclusive of maneuvering areas, shall have the following minimum dimensions:

Standard	10' W x 25' L x 14' H
Tractor-trailer	12' W x 50' L x 15' H

- (6) The first space required for any building in excess of 10,000 square feet shall be sized to accommodate a tractor-trailer, unless a standard loading space is authorized by the Village Manager based on the nature and daily operations of the use proposed. All other spaces may be standard size.
- (D) *Submission of Site Plan.* A fully-dimensioned site plan showing loading facilities and associated landscaping shall accompany an application for any of the following for any use required to provide any loading berths:
- The Village Manager may waive this requirement in any instance in which the nature of the ultimate tenant or user, and therefore the specific parking and loading requirements applicable, are not yet determined, such as in the case of a rezoning for an industrial subdivision, such as in the case of a rezoning for an industrial subdivision in which development plans for individual lots are not yet developed.
- (E) *Procedure.* An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan in duplicate, drawn to scale, and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of this chapter.
- (F) *Fractions.* When determination of the number of required off-street loading berths results in a requirement of a fractional berth, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be interpreted as one loading berth.
- (G) *Required Number of Loading Spaces.* Table XII-3 shows the number of loading spaces required for the various uses in the districts established by this chapter.

**TABLE XII-3  
LOADING**

USE	Building Area (Square Feet)				
	0 < 20K	20 < 50K	50 < 100K	100 < 200K	Per Add'l 100K
Automotive	0.0	1.0	2.0	3.0	1.0
Business Park	1.0	1.0	2.0	3.0	1.0
Commercial Recreation	0.0	1.0	2.0	3.0	1.0
Commercial Service	0.0	1.0	1.0	2.0	1.0
Financial	0.0	0.0	1.0	2.0	1.0
Food Service	0.0	1.0	1.0	1.0	1.0
Health Care, Including Assisted Living/Long Term Care Centers	0.0	1.0	2.0	3.0	1.0
Industrial Service	0.0	1.0	2.0	3.0	1.0
Office	0.0	1.0	2.0	3.0	1.0
Personal Services	1.0	2.0	3.0	4.0	1.0
Public Facilities	1.0	2.0	3.0	3.0	1.0
Residential	NA	NA	NA	NA	NA
Retail	0.0	0.0	1.0	2.0	1.0
Transportation	0.0	1.0	1.0	2.0	1.0
All Others	0.0	1.0	1.0	2.0	1.0



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**ARTICLE XIII  
SIGN REGULATIONS**

Provisions of this chapter regulating the location, placement, gross surface area, projection, and height limitations, and number of signs and other advertising structure, shall be subject to a further restriction by any applicable zoning provision of this Village where this chapter differs in any manner from the provisions of the Building Code, any other ordinance, planned unit development, development agreement, or annexation agreement approved by the Village or Corporate Authorities. When conflicts exist, the specific shall govern over the general.

**§ 156.108 PURPOSE**

The purpose of this article is to comprehensively regulate signs of all types. The regulations included in this article are intended to protect and promote economic vitality, and public health, safety and welfare by:

- (A) Regulating signs and sign lighting in such a way as to support objectives of both the Zoning Ordinance and/or the Comprehensive Plan, to preserve and enhance the appearance of the Village, and to protect the property values within.
- (B) Insuring that all signs within the Village are compatible with the existing land uses and/or buildings with regard to size, location, color, message, construction, materials, and manner of display, and to discourage unsightly, dissimilar, inappropriate, and excessive amount or numbers of signs.
- (C) Insuring that signs do not confuse, mislead, or otherwise endanger the public health, safety, morals, or general well being.
- (D) Restricting signs and sign lighting which increases the probability of accidents by distracting attention or obstructing vision necessary for traffic safety.
- (E) Insuring that signs enable the public to locate goods and services and facilities in the Village without difficulty and confusion.

**§ 156.109 SCOPE**

The provisions of this article of the Code shall govern the construction, alteration, repair, and maintenance of exterior signs, together with the associated appurtenant and auxiliary devices, within the Village and those interior signs placed within twelve (12) inches of any window or doorway visible from any street sidewalk or public or private open space. Any sign not expressly permitted by this Article XIII is prohibited.

**§ 156.110 COMPLY WITH ALL CODE PROVISIONS**

Provisions of this article regulating the location, placement, gross surface area, projection height limitations, number of signs and other advertising structure, shall be subject to a further restriction by any applicable zoning provision of this Village where this article differs in any manner from the provisions of the Building Code, any other ordinance, planned unit development or annexation agreement approved by the Village. When conflicts exist, the specific shall govern over the general.

**§ 156.111 DEFINITIONS**

Unless otherwise stated, the following words or terms shall, for the purpose of this article, have their meanings indicated as follows:

**AREA, SIGN.** The area of a sign shall be measured in square feet, as follows:

- (A) The area of a sign shall be measured from the outside of the sign structure, on only one (1) face of the sign, and shall include the sign message and all of the elements of the matter displayed. Sign supports that do not form an integral part of the sign message or display shall be excluded from the sign area calculation.
- (B) For wall or window signs comprised of individual letters, figures, symbols or logos attached to or painted on a building or window, the sign area shall be measured as the smallest common geometric form that can be drawn around the periphery of the letter, figures, symbols or logos in the sign message.
- (C) When the sign background for the individual letters is made of a color different from the color of the building, the entire area of contrasting color shall be measured and shall constitute the sign area if such area is larger than the geometric forms encompassing the sign message.

**ALTER.** The changing of any sign size, location, or structural design of any sign. The changing of movable parts of an approved sign that is designed for such changes or the repainting or repositioning of original display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of this article are not violated.

**APPROVED COMBUSTIBLE MATERIALS.** Any material that has a flame spread rating of not more than an amount as determined by the adopted model codes.

**BANNER.** A sign or advertisement device consisting of lightweight fabric or non-rigid materials, with or without enclosing framework, that is mounted to a pole or building at one or more of its edges.

**BOX SIGN.** An internally illuminated sign having a square, rectangular, or similar frame to which one or more translucent sign face panels is attached. A box sign does not include a sign with an opaque sign face background, such that light is not transmissible through any portion of the sign other than the sign message.

**BUILDING CODE OFFICIAL.** An official of the Village that enforces codes, regulations, and standards for the design, construction or alteration of structures.

**CHANGEABLE COPY SIGN.** A sign whereupon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

**ENTRY MONUMENT.** A sign at a project entry which has an architectural form such as a wall, pier, or arch.

**FESTOON LIGHTING.** A group of two or more incandescent light bulbs hung or strung overhead, not on a building or structure, which are exposed to persons on a public right-of-way, or which are not shaded or hooded to prevent the direct rays of light from being visible from the property line.

**FLASHING SIGN.** A sign, other than a time and temperature display, that uses any type of flashing light, running light or other light creating the illusion of movement.

**FRONTAGE, BUILDING.** The exposed face of the building which faces the right-of-way(s), that incorporates the business, establishment, or occupancy exposed within that face of the building.

**FRONTAGE, LOT.** The front of the lot shall be that boundary of a lot along a public or private street. In the case of a corner lot, the narrowest street frontage shall be considered the front lot line, except when abutting Route 47, the lot line abutting Route 47 shall be considered the front lot line.

**FRONTAGE, LINEAL FEET.** The actual measurement of frontage as defined above.

**GLARE.** The effect of site lighting or individual lighting fixtures producing brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GROUND ILLUMINATION.** Spotlight type lighting of a sign from a ground mounted light fixture which is concealed by planting or by direct burial.

**GROUND SIGN.** Ground signs shall include any sign or other advertising structure, supported by uprights or braces placed into or upon the ground, and not attached to any building.

**HEIGHT.** The measurement from existing grade in the immediate location of the placement of the sign to the extreme part of the structure at its highest vertical point or from the highest vertical point of the sign to the level of the street upon which the sign faces, if such ground level is above the street level.

**ILLUMINATED SIGN.** Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, luminous tubes, or any other means of illumination. All illumination components and their operating methods and circuits shall meet the minimum standards of the adopted and/or amended codes and ordinances.

**IMMEDIATE AREA.** The area within an equal diameter of a circle which envelops the object of concern.

**INCOMBUSTIBLE MATERIAL.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

**INSTALLATION.** To build, construct, attach, hang, place, suspend, or affix.

**INTERNAL ILLUMINATION.** Back lighting of translucent typography on a sign by a light source concealed inside the sign.

**LEGAL, NON-CONFORMING.** The term used to classify any sign or advertising device which does not comply with this article and was in place prior to the adoption of this article or any other ordinance.

**MAINTAIN or REPAIR.** The replacement of existing work with equivalent materials for the purpose of its maintenance but not including any addition, change, or modification in construction from the original permit approval. (Note: Replacement or repair of any structural portion or face of a sign, damaged by nature, accident, or lack of maintenance, that takes place on any legal/non-conforming sign shall require a permit for such repair and for the sign itself. Compliance with current requirements is mandatory).

**MARQUEE SIGN.** A sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

**MONUMENT SIGN.** A type of sign or advertising structure, which by nature of its construction has its sides and bottom portions constructed uniformly to the ground around it.

**MOVING or ROTATING.** Any sign or other advertising structure which physically moves or rotates in any manner whatsoever.

**NON-CONFORMING.** Something or someone who does not comply with this article or its intent at the time of adoption.

**OFF-PREMISE SIGN.** Any general structure, device, or sign which is designed to advertise or direct attention to a business, activity or event conducted, or a product, commodity, service, real estate, real property, entertainment, or facilities offered for sale, lease, or rent elsewhere or other than upon the same lot or within the same building upon which the object of advertisement or sign is located or to which it is affixed, or which directs persons to a location different from where the object of advertisement or sign is located.

**OFFSET.** That portion of a building which by design changes direction and can be conceived to be a continuation of the exposed frontage of the building, as determined by the Village Manager.

**OPAQUE.** Not transparent or translucent; impenetrable to light.

**OTHER ADVERTISING STRUCTURE.** Any device, object, fixed retractable or removable canopy, awning, or street clock, projecting over, suspended above, or erected upon any property, and which may include text or art that portrays or advertises a business or activity as a part thereof. (The term, "other structure" does not apply to the supporting elements of any post, ground, or monument type sign.)

**OVERALL HEIGHT.** The overall dimension from the base of the sign to the highest point of the sign structure or ornamentation.

**OVERHANGING OR PROJECTING SIGN.** Any sign which is attached to a building or other structure and extends beyond the vertical or horizontal line of the building or other structure to which it is attached by more than 12 inches.

**OVERHEAD ILLUMINATION.** Spotlight type lighting of a sign from light fixtures mounted on projecting arms above the sign.

**PALETTE.** A range, quality, or use of approved available elements, defined as color, material, and texture.

**PARCEL.** A piece of property assigned to a single owner or building.

**PERSON.** Any natural person, partnership, trust, corporation, or association. Whenever used with respect to any penalty, the term "person," as applied to partnership or associations, shall mean the partners or members thereof, and, as applied to trusts or corporations, shall mean the trustees or officers thereof.

**POLITICAL SIGN.** Political signs shall include all signs in support of or opposition to any candidate for elected public office and all signs in support of or opposition to all questions of public policy.

**PORTABLE SIGN.** A sign which can easily or with any modification be moved from one location to another. Usually of a temporary nature, not securely or permanently anchored to the ground or to a building or structure.

**POST SIGN.** Post signs shall include any sign or other advertising structure supported by a single stationary pole placed in the ground and not attached to any building.

**REPAIR or MAINTAIN.** Refer to definition for **MAINTAIN**.

**REAL ESTATE SIGNS.** Signs that advertise or announce the sale, lease, or renting capability of any portion of a building, property, or business, that takes place upon the lot, parcel, or plat of land to which the sign is placed.

**RIGHT-OF-WAY.** Any land or space that is not privately owned by someone other than a taxing body, government, or utility.

**ROOF SIGN.** A sign which is erected, constructed, and maintained above or upon the roof of a building with the principal support on the roof and/or structure.

**SIGN.** Every name, identification, description, announcement, declaration demonstration, display, flag, illustration or insignia, attention getting device, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall also include any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, posted, pictorial, picture, stroke, stripe, line, trademark, reading matter illuminating device, which is constructed, attached, erected, fastened, or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors for recognized advertising purposes.

**SIGN COPY AREA.** The total area of typography on one face of a sign enclosed within a rectangle, circle, or triangle.

**STRUCTURAL TRIM.** Any molding battens, capping, nailing strips, lattice, and platforms which are attached to the sign structure.

**SURFACE.** The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

**TEMPORARY SIGN.** Temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board, or other materials, with or without frames, intended to be displayed for a short period of time.

**TIME AND/OR TEMPERATURE SIGNS.** Any device that indicates the time or temperature that has the capability of being visual from the public way or right-of-way.

**TYPOGRAPHY.** All graphic elements on a sign, including project or tenant identity, marketing information, street address, and directional views.

**QUESTION OF PUBLIC POLICY** A question, proposal, or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates and shall include, but is not limited to, and bond or tax referendum or fund raising event.

**VEHICLE SIGN.** Any advertising or business sign attached to a motor vehicle which is parked or placed in a position for the purpose of displaying the same to the public.

**VILLAGE MANAGER.** The chief administrative official of the Village, subject to the superior right and power of the Board of Trustees to supervise and administer the government and affairs of the Village. When used in this Ordinance, the term Village Manager shall refer either to such official or to his or her duly authorized designee.

**VISION CLEARANCE TRIANGLE.** A triangular area located at the at-grade intersection of streets, railroad, or both, formed by right-of-way lines between their intersection and points fifty (50) feet (twenty-five (25) feet for alleys and private driveways) from their intersection along each line, and by a straight line connecting these two points. Overhanging objects shall be permitted within this triangle only if all parts are higher than nine (9) feet above the level of the pavement of the street where the center lines intersect.

**WALL SIGN.** A sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame, or other approved building walls, and which extends not more than twelve (12) inches from the face of the fence or wall. Wall signs include all flat signs which are placed flat against a building or other structure and attached to any wall of any building or other structure.

**WINDOW SIGN.** A sign that is applied or attached to the exterior or interior of a window or that is located within the interior of a structure so that its message is intended to be read from the exterior of a structure.

**ZONING LAW.** Laws that are legally adopted by the municipality in which this article has been adopted that shall take precedence where they become more restrictive in respect to location, purpose, size, or height of signs. The limitations of zoning laws that effect light and ventilation requirements and occupancy of land shall take precedence over the regulations of this article.

*Other definitions that are not found in the text of this article can be located in other adopted ordinances, codes, or as a last resort, in the latest edition of the Webster's Collegiate Dictionary as published. Any term, condition, or item not specifically addressed in this article may be referenced or located in other adopted ordinances or model codes.*

## § 156.112 PERMITS REQUIRED

It shall be unlawful for any person to install, erect, alter, or relocate within the Village any sign or other advertising structure, as defined in this article, without first obtaining a permit from the Development Services Department of the Village and making payment of the appropriate fee(s) as hereinafter required.

All illuminated signs shall, in addition, be subject to all applicable electrical provisions of this article or any other ordinance of the Village and the various permit fees required thereunder. (Note: Under certain annexation agreements, such as the Prime Group Inc., an Architectural Review Board has to approve the signs installed within their development, in conjunction with the review for permit by the Village).

- (A) *New signs.* A new sign shall not hereafter be erected, constructed, altered, or maintained except as provided for herein and a permit has been issued by the Development Services Department.
- (B) *Alterations.* A sign shall not be enlarged or relocated unless such sign conforms to the provisions of this section for new signs and until a proper permit has been secured. The changing of movable parts of an approved sign that is designated for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration, provided that the conditions of the original approval and the requirements of this section are not violated.
  - (1) Maintaining a sign by refurbishing the painted surface or repainting the surface with the same text and advertisement intention, for the same business or individual, is not to be considered an alteration.
  - (2) Any reconstruction, alteration, or repair that includes any physical element or component of a legal/non-conforming sign shall require a permit to be issued for the entire sign and said sign shall comply with the current language of all adopted ordinances in existence at the time of permit request. If such sign can not become in full compliance with those requirements at time of permit, then said sign shall be removed from its location and disposed of properly in an approved manner.

#### **§ 156.113 APPLICATION FOR INSTALLATION PERMIT**

Application for an installation permit shall be made upon the official permit application provided by the Development Services Department and shall contain or have attached thereto the following information:

- (A) Name, address, and telephone number and fax number of the applicant.
- (B) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected. A current copy of a plat of survey is required, which indicates the proposed location of the new sign.
- (C) Position of the sign or advertising structure in relation to nearby buildings, structures, or other signs. A current copy of a plat of survey, which indicates the location of the proposed sign and any other signs that already exist on the plot of land.
- (D) Two blueprints or ink drawings of the plans or specifications, methods or construction and attachment to the building, other structure or in the ground, the color of signs, symbols, letters, characters, and all other necessary information to evaluate compliance of the proposed sign.
- (E) If required by the Building Code Official, a copy of structural design and calculations showing that the structure is capable of withstanding dead load and wind pressure in any direction in the amount required by this and all other applicable, adopted codes and ordinances.
- (F) Name of person, firm, or corporation installing the sign or other advertising structure, and their current contractor registration number, issued by the Village.
- (G) Written consent of the owner of the building, structure, or land to which or upon which the sign or other advertising structure is to be installed.

The Village also requires written authorization from the governing authorities that regulate any covenants, conditions, and restrictions imposed upon the property relative to the location of the sign placement. The Village shall not be responsible for compliance with any such regulations and when the Village issues any permit for the installation, placement, or alteration to any sign or signs, such action does not relieve the applicant or recipient from the responsibility of compliance with any regulations other than those of the Village.

- (H) Any electrical permit required and issued for said sign or other advertising structure which is required by the electrical provisions of ordinances and codes as adopted by the Village.
- (I) Sizes of other signs located on the buildings and/or the property.
- (J) Permit numbers of those other signs located on said property.
- (K) Such other provisions as the Building Code Official shall require showing all compliance with this article and any other ordinances of this Village.

#### **§ 156.114 PERMIT DURATION**

All sign permits issued shall be valid for construction purposes for a period of six months after date of issuance. The Village Manager, at his discretion, may grant extensions of validity for up to 12 months after the expiration date of the original permit issuance, after which a new permit shall be applied for and new/current fees shall be paid and current compliance shall be met. All previously paid fees shall be forfeited and not refunded or credited to the permittee.

#### **§ 156.115 PERMIT FEES**

- (A) Fees for the construction, installation, placement, erection, alteration, or relocation of signs in compliance with the adopted ordinances of the Village are according to the following schedule:
  - (1) Ground signs; Wall signs; Awning signs; Any sign not specifically described.
    - (a) Basic fee: \$75 +
    - (b) Per square foot of gross surface area of sign: \$.50 each.
    - (c) Electrical Permit (when applicable): \$60 minimum
  - (2) Special exemption signs; Temporary signs (see § 156.120).
    - (a) Basic Fee: \$50
    - (b) Temporary Sign Permit fees for non-profit organizations (e.g. civic groups, religious institutions or charitable organizations) shall be waived, provided that evidence of formal incorporation or tax exempt status is shown at the time a permit application is submitted.
    - (c) Temporary sign permit bond: \$100 (This bond is to be forfeited to the Village when permittee does not remove the sign as specified or maintain sign in an

approved manner. The Building Code Official shall remove and dispose of the sign as deemed necessary and any costs incurred in the removal of said sign shall also be billed to permittee.)

- (3) Alterations to existing signs:
  - (1) Per sign face: \$15 +
  - (2) Any additional square foot of area (as allowable): \$.50 each.
- (4) Appeal filing fee: \$100 (regularly scheduled meeting); \$600 (special scheduled meeting).

#### **§ 156.116 ANNUAL INSPECTION**

The owner shall inspect annually, and at such other times as he deems necessary, each sign or other advertising structure for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal or repair.

- (A) *Removal.* The Building Code Official may order the removal of any sign that is not maintained in accordance with the provisions of this article.
- (B) *Maintenance.* All signs for which a permit is required, together with all their supports, braces, guys, and anchors, shall be kept in repair in accordance with the provisions of this article and, when not galvanized or constructed of approved corrosion-resistant non-combustible materials, shall be painted when necessary to prevent corrosion. Defective, damaged, or deteriorated signs or parts thereof shall be repaired or removed within fifteen (15) days of receipt of written notice.
- (C) *Housekeeping.* It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition. This includes the maintenance of the grounds as it pertains to growth of grasses and weeds to be kept in compliance with the adopted property maintenance codes of the Village.
- (D) *Inspection.* Every sign shall be subject to the inspection and approval of the Building Code Official.

#### **§ 156.117 PERMIT REVOCABLE AT ANY TIME**

All permits acquired under the provisions of this article or any amendment thereto are revocable at any time by the Building Code Official upon failure of the permittee to comply with any provision of this article. Upon termination or revocation of the permit, the permittee shall remove the sign or other advertising structure without cost or expense of any kind to the Village, provided that in the event of the failure, neglect, or refusal on the part of the permittee to do so, the Village may proceed to remove the same and charge the expenses to the permittee.

#### **§ 156.118 GENERAL REGULATIONS**

The following general standards shall apply to all signs.

- (A) *Compliance with Applicable Codes.* No sign shall be designed, constructed, altered or maintained except in accordance with all applicable code, ordinances, and regulations of the Village.
- (B) *Location.* No sign shall be located except in compliance with the following standards:
- (1) *Wall Signs.* No wall sign shall cover wholly or partially any opening or project beyond the ends or top of the wall to which it is attached. No wall sign shall be permitted to extend more than 12 inches beyond the face of any structure to which it is attached. If attached to a wall or other structure, so as to be suspended above or facing a sidewalk/other public thoroughfare, such sign shall be subject to the requirements of § 156.118(H).
  - (2) *Ground Signs.* No ground sign shall be placed within five feet of any lot line, and when any sign is placed within ten feet of any lot line, it shall not exceed three and a half feet in height. No ground signs shall be placed within the Vision Clearance Triangle as defined in § 156.111.
- (C) *Illuminated Signs.* No sign shall be illuminated except in compliance with all applicable Village codes, ordinances, and regulations and with the following standards:
- (1) Except as otherwise specified in this article, a sign may be illuminated with internal or external lighting sources as follows:
    - (a) *Internal illumination.* Signs may be internally illuminated, but only through a translucent surface from a light source from within the sign.
    - (b) *External illumination.* Whenever an external artificial light source is used for a sign, such source shall be located, shielded, and directed so as not to be directly visible from any public street or any adjacent property. Every external artificial light source shall be directed solely to, and concentrated sharply on, the sign.
  - (2) Except for permitted time and temperature display, the illumination shall be constant in intensity and color and shall not consist of blinking, flashing, fluttering, or other illumination conveying a sense of movement.
- (D) *Time and Temperature Displays.* Time and temperature displays shall be permitted on wall and ground signs provided that the area devoted to such display shall not exceed twenty-five percent (25%) of the total sign area and not more than one (1) time and temperature display shall be permitted per lot. The displayed message may be changed by intermittent lighting changes, but such changes shall not exceed twelve (12) per minute. An automatic dimming system shall control overall illumination intensity. See Illustration 4.
- (E) *Planned Unit Development Signage.* The Village may permit additional or different signage, or require different standards for signage as part of a final approval of a Planned Unit Development.
- (F) *Uniform Sign Criteria.* When more than one wall sign is proposed on a building with multiple tenants, all signs shall have a uniform style. This shall include, at a minimum, similar format of messages, lighting, location, and construction materials.
- (G) *Required Landscaping.* All ground signs for which a sign permit is required shall have landscaped area in accordance with the following provisions, except as otherwise noted:

- (1) For every one (1) square foot of sign area there shall be provided two (2) square feet of landscaped area immediately adjacent to the sign base.
  - (2) The required landscaped area shall consist of plantings such as, but not limited to, hedges, conifers, flowering plants, evergreens, and ground cover plants. Sodded or seeded areas without such plantings shall not be considered in calculating the required square footage of landscaped area.
  - (3) The landscaped area shall contain ground protection such as, but not limited to, cover plants, landscaping mulch or decorative stones.
  - (4) The landscaped area shall be maintained in a healthy, neat and proper condition at all times.
  - (5) If the area around the base of the sign is insufficient in area for all of the required landscaping, then all such landscaping as may be properly be installed shall be placed around the base of the sign and the remainder of the required landscaping shall be provided in the same zoning lot as the subject sign at a location reviewed and approved by the Village Manager.
- (H) *Obstruction to Doors, Windows, or Fire Escapes.* No sign or other advertising structure shall be installed, relocated, or maintained so as to prevent free ingress to, or egress from, any door, window, or fire escape. No sign or other advertising structure of any kind shall be attached to a stand pipe or fire escape.
- (I) *Signs Not to Constitute Traffic Hazard*
- (1) No sign or other advertising structure shall be installed or maintained in such manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of the position, shape, or color thereof.
  - (2) No sign or advertising structure shall be installed or maintained in such a manner as to likely interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
  - (3) No sign or advertising structure shall make use of the words “stop,” “go,” “look,” “slow,” “danger,” or any other similar word, phrase, symbol, or character, or employ any red, yellow, orange, green, or other colored lamp or light, in such a manner as to interfere with, mislead, or confuse traffic or imitate or resemble official traffic or governmental symbols.
- (J) *Face of Sign Shall be Smooth.* All signs or advertising structures which are allowed to be constructed within ten feet of public thoroughfares shall have no nails, tacks, or wires or other hazardous projections protruding therefrom.
- (K) *Glass Limitations.* Any glass forming any part of any sign shall be glazed so as to comply with the human impact loads as described in the adopted model codes and ordinances.

- (L) *Miscellaneous Advertising Objects Prohibited.* No person shall place on or suspend from any building or structure any goods, wares, merchandise, or other advertising object or structure, other than a sign as defined, regulated, and prescribed by this article.
- (M) *Obscene Matter Prohibited.* It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent, or immoral matter. This shall include any advertising device that is exempt or legal non-conforming.
- (N) *Unsafe and Unlawful Signs.* If the Building Code Official shall find that, in his opinion, any sign or other advertising structure is unsafe or insecure or is a nuisance to the public, or has been constructed or installed, or is being maintained in violation of the provisions of this article, he shall give notice to the permittee, representative, or owner thereof. If said individual fails to remove or alter the structure so as to comply with the standards as set forth within the time allowed by the Code Official, which shall not exceed more than 30 days after such notice, such sign or other advertising structure which is an immediate peril to persons or property, to be removed immediately and without notice. All such signs and any that are placed in the right-of-way without documented permission of the Village Board or other responsible public entity shall be considered a safety hazard and immediate peril to person or property and removed and disposed of by any Village representative. Disposal method would be at the discretion of said individual authorized to remove said signs or objects placed in a location that does not comply with this article.
- (O) *Wind Pressure and Load Requirements.* Construction of all signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the adopted publication of the B.O.C.A. Basic Building Code and/or the requirements of this article, whichever is the more stringent. Under this article, all signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum win loads as follows:
- (1) Solid signs and their components – 35 pounds per square foot of the total exposed area of the sign structure.
  - (2) Open signs and their components – 35 pounds per square foot of the total exposed area of the sign face and/or 20 pounds per square foot of the gross surface area of the entire sign, whichever is greater.
- (P) *Removal of Certain Signs.* Any sign or other advertising structure, now or hereafter existing, which advertises a business no longer being conducted or a product no longer being sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which such sign may be found within 15 days after notification from the Building Code Official. Upon failure to comply with such notice within the time specified in such order, the Building Code Official is hereby authorized to cause removal of such sign or other advertising device or structure, and any expense incident thereto shall be paid by the owner, agent, or person having the beneficial use of the building, structure, or premises which sign is attached to or placed upon.

#### **§ 156.119 SIGNS PERMITTED WITHOUT A SIGN PERMIT**

The provisions of this article shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of § 156.118 and § 156.121, and no sign or advertising device can be placed off-site or in any right-of-way without documented permission from the Village Board.

- (A) *Residential Real Estate Signs.* One (1) sign shall be permitted per street frontage, not exceeding six (6) square feet per sign face and six feet in height. Every such sign shall be removed within seven (7) days after a sale has closed or a lease is sign on the last vacancy. No open house sign shall be exceed four (4) square feet per sign face, and every such open house sign shall be post no earlier than twenty-four (24) hours before the open house, and shall be removed within twenty-four (24) hours after the open house.
- (B) *Flags.* A flag shall be attached by one of its edges to a flagpole that is securely mounted on a building or permanently affixed to the ground, subject to the following provisions:
- (1) On non-residential property:
    - (a) A ground-mounted flagpole may not exceed 45 feet in height, and a building mounted flagpole shall not project above the wall to which it is attached. Not more than three (3) ground-mounted flagpoles shall be permitted on a non-residential lot.
  - (2) On residential property:
    - (a) A ground-mounted flagpole may not exceed 30 feet in height, and a building mounted flagpole may not be greater than 8 feet in length or project above the wall to which it is attached. Not more than one (1) ground-mounted flagpole shall be permitted on a residential lot.
- (C) *Occupational Signs.* Denoting only the name and profession of an occupant in a commercial building or public institutional building and not exceeding one square foot in area, which is attached to said building or structure.
- (D) *Tablets in Building Walls.* Signs or tablets, names of building and date or installation when cut into any masonry surface or when constructed of bronze or other non-combustible materials and attached to the building. These signs shall not exceed ten square feet in total area.
- (E) *Traffic-Municipal Signs and Emergency Signs.* Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs as may be approved by the Village.
- (F) *Political Signs.* Political signs shall include all signs in support of or opposition to any candidate for elected public office and all signs in support of or opposition to all questions of public policy. Question of public policy shall mean any question, proposal, or measure submitted to the voters at an election dealing with subject matter other than the nomination or election of candidates and shall include, but not be limited to, any bond or tax referendum or fund raising event. No political sign shall exceed sixteen (16) square feet in area and the total area of all political signs displayed on a non-residential zoned property shall not exceed fifty (50) square feet in area. Political signs displayed on non-residential zoned property may be installed not more than thirty (30) days prior to any national, state, or local election and shall be removed from the premises within four (4) days following the date of the election. There shall be no time limit for the display of political signs on residential zoned property.
- (G) *Mall Signs.* Interior signs, within an enclosed mall or other retail space, or within any building, shall not require a sign permit.
- (H) *Garage/Estate Sale Signs.* Displayed only upon any private property, zoned residential as per the current adopted zoning ordinance of the Village. One (1) sign shall be permitted per lot and such

sign shall not exceed eight (8) square feet per side of any back to back sign. Such signs shall only be displayed on Thursday, Friday, Saturday, or Sunday of any given week, or on holidays.

- (I) *Village Event Banners.* Village related event signs or banners shall be allowed to be displayed across the public way or right-of-way to promote Village sponsored events. Such signs shall require the approval of the Village Manager.
- (J) *Window Signs.* The total area of all window signs affixed to a window shall not exceed fifty percent (50%) of the total window area on any street frontage. Window signs covering in excess of fifty percent (50%) shall be considered wall signs and shall be subject to all requirements applicable to wall signs.

### § 156.120 SPECIAL EXCEPTION SIGNS

The following signs shall be allowed, but only after issuance of a sign permit. All such signs shall be constructed and maintained in accordance with the provisions set forth below and with all other applicable provisions of this Article.

- (A) *Construction signs.* A construction sign shall be permitted, but only when such sign relates to an approved development on the lot for which a building permit has been issued and in accordance to the following provisions:
  - (1) *Size.* No construction sign shall exceed thirty-two (32) square feet in area.
  - (2) *Height.* No construction sign may exceed eight (8) feet in height when ground mounted. No wall mounted construction sign shall project above the wall to which it is attached.
  - (3) *Location.* No construction sign shall be located within ten (10) feet of any lot line or within 50 feet of the intersection of streets.
  - (4) *Number.* Not more than one (1) construction sign shall be permitted per lot.
  - (5) *Installation.* Every construction sign when attached to the wall or placed in the ground shall be secured in an approved manner as determined by the Building Code Official.
- (B) *Non-Residential Real Estate Signs.* Real estate signs for non-residential zoned land shall be permitted, subject to the following provisions:
  - (1) *Size.* Sign area shall not exceed 32 square feet; 96 square feet when marketed site exceeds 50 acres in size.
  - (2) *Height.* Sign height shall not exceed 8 feet; 15 feet when marketed site exceeds 50 acres in size.
  - (3) *Location.* All non-residential real estate signs shall comply with the requirements § 156.118(B).
  - (4) *Number.* One (1) sign shall be permitted per street frontage.

- (5) *Installation.* Signs shall be removed within two (2) years of issuance of a sign permit or within seven (7) days after a sale has closed or a lease is signed on the last vacancy, whichever occurs first. A new permit shall be required to allow the sign to remain for an additional two (2) years.
- (C) *Private Regulatory Parking Signs.* Specifically “Unauthorized Vehicles Will Be Towed.” These signs are not allowed in single-family residential districts. Within all other districts such signs shall not exceed four square feet in surface area if the sign is single face or eight square feet in surface area if the sign is multi-face and shall not exceed four in number per lot. Such signs shall contain no advertising, logos, or other promotional information. Placement of said signage shall be a minimum of ten feet inside the property line. All such signs are subject to approval and permit issuance by the Village Manager.
- (D) *Residential Subdivision and Recreational Identification Signs.* The purpose of such signs is to identify entrances into the residential Villages and recreational centers within the Huntley community; display residential neighborhood name and logo.
- (1) *Size.* Copy area shall not exceed twenty-four (24) square feet.
- (2) *Height.* Overall height of a sign background shall not exceed six (6) feet.
- (3) *Location.* Perpendicular, parallel, or flanking entrances at internal road system.
- (4) *Number per lot.* One such sign shall be permitted per entry; however two (2) signs shall be permitted per entry provided the signs are located on opposite sides of the entry or street.
- (5) *Materials.* Material palette must be compatible with, reflect, and unify Huntley’s area and the residential Village.
- (6) *Illustration.* See Illustration 10.
- (E) *Temporary Signs.* The display of temporary signs, including banners, shall be permitted only under the following conditions and subject to the following limitations:
- (1) *Replacement Signage.* Temporary signage shall be permitted when construction activities or exterior façade renovations to an existing building require the temporary removal of existing permanent signage. Any replacement signage shall be removed immediately after the restoration of the permanent signage or within five (5) days after the completion of such construction activities or façade renovations, whichever is less. The area of such signs shall not exceed the maximum square footage allowed for the permanent sign for a business.
- (2) *New Businesses.* Temporary signage shall be permitted when a business registration has been issued for a new business and all application required for the installation of permanent signage have been filed with the Village but have not been acted upon by the Village. Such signs shall be removed immediately after the installation of the Village approved permanent signage or within thirty (30) days after approval of the sign permit application required for the installation of the permanent signage, whichever is less. The area of such signs shall not exceed the maximum square footage allowed for the permanent sign for a business.

- (3) *Employment Signs.* Temporary signage shall be permitted for any new business to advertise for employment opportunities thirty (30) days prior to opening and up to fifteen (15) days after opening. Up to four (4) temporary signs shall be permitted provided that the total area all such signs does not exceed fifty (50) square feet.
- (4) *Special Events and Promotions.* Temporary signage shall be permitted for special events, sales, promotions, civic and community events. Such signs shall be subject to the following limitations; provided, however, that the Village Board may grant variations from such limitations without public hearing or notice (other than publication of the meeting agenda in accordance with applicable law) upon request and good cause shown by the permit applicant:
- (a) *Size.* No temporary sign shall exceed fifty (50) square feet in area.
  - (b) *Height.* A ground mounted temporary sign shall not exceed a maximum of eight (8) feet above existing grade within immediate area of sign placement. A wall mounted temporary sign shall not project above the roof line of the building.
  - (c) *Location.* All temporary signs shall conform to the requirements of §156.118(B)
  - (d) *Number per lot.* Not more than one temporary sign shall be permitted at any given time for a business provided that not more than one (1) temporary sign is displayed at any given time on a lot containing a multi-tenant building(s).
  - (e) *Installation.* Every temporary sign when attached to the wall or placed in the ground shall be secured in an approved manner as determined by the Village Manager.
  - (f) *Duration and interval of permits.* Permits for temporary signs shall be granted for not more than thirty (30) days. Three (3) temporary signs permits shall be allowed for a business or organization in any calendar year, and a fifteen (15) day interval shall be required between temporary signs for a business or organization. The time period for any one permit shall be of a consecutive nature. Each temporary sign request requires a separate permit and fee.
  - (g) *Advertising permitted.* The advertisement contained on any temporary sign shall pertain only to the business, industry, or pursuit conducted on or within the premises on which such sign is installed or maintained.
  - (i) *Illustration.* See Illustration 3.

### § 156.121 PROHIBITED SIGNS

It shall be unlawful for any person to install or maintain any signs, poster, advertisement, or notice when it is:

- (A) Fluttering, undulating, swinging, rotating, moving and/or flashing sign, except time and temperature signs, festoon lighting, and flags or banners that comply with all applicable requirements of this chapter. This prohibition includes spot lights and other light producing devices used to attract attention.

- (B) Hung, placed, or painted on any fence, or tree.
- (C) On or across a public right-of-way, street, sidewalk, alley, tree bank, utility pole or post located on any public right-of-way, tree bank, street, or alley; or any public space or building without having first obtained a permit thereof. Application for such permit shall be made to the Village Manager, who shall present the application to the President and Village Board of the Village for their review. The President and Village Board shall grant or deny such permit or shall impose such restrictions as to size, location, and character as they deem necessary in granting such permit. Said application shall contain all information as required by § 156.113. An original certificate of insurance shall be on file with the Village Clerk prior to erection of said sign. Such certificate shall meet or exceed the requirements as set in § 156.126(C).
- (D) Portable signs of any type including, but not limited to, signs on vehicles or trailers located for the primary purpose of displaying said signs provided that this section shall not apply to political signs.
- (E) Signs painted directly on the surface of any building or structure.
- (F) Signs or lighting which flash or revolve in a building and are visible from any street, alley, or public right-of-way.
- (G) Signs which advertise a business not conducted on the premises or a product no longer sold on the premises, with the following exception:
  - (1) Off-premise signs shall require an appeal to be approved by the Village Board in accordance with the requirements of § 156.128. An appeal shall only be approved by the Village Board provided the following standards and criteria are adhered to:
    - (a) The sign is adjacent to, and the sign is intended to be viewed from, Route 47 only.
    - (b) Off-premise signs prohibited within a residentially-zoned property.
    - (c) The maximum area of a sign face, whether a single sign face or two back-to-back signs or a V-shaped type sign is 100 square feet.
    - (d) The maximum height of the sign shall not exceed fifteen (15) feet above grade.
    - (e) Off-premise signs shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with a driver's view or approaching merging or intersecting traffic for a distance of 500 feet.
    - (f) The Off-premise sign permit shall be valid for one year with an automatic renewal at the discretion of the Village Board. The off-premise sign permit may be rescinded by the Village Board on a case-by-case basis.
- (H) Vehicle signs, except signs on vehicles used exclusively for public transportation.

- (I) Signs consisting of a string of hanging lights, or a cluster or series of lights, except on such time and temperature signs.
- (J) Changeable copy signs, with the following exceptions:
  - (1) Movie marquees.
  - (2) Gas stations shall be permitted to use a maximum size of two feet by three (3) feet of changeable copy area to advertise fuel prices only and shall be allowed only one sign per product per street frontage of more than fifty (50) feet.
  - (3) Any other sign which complies with other parts of this article and has a changeable copy area of fifty-percent (50%) of the entire allowable area or less of the sign and has a secure permanent lockable shield over the text area to prevent unauthorized alteration of the text. All changeable copy text shall be a maximum of eight (8) inches in height per letter and four (4) lines per sign face. Exception to this height and line limitation would be allowable signs for fuel dispensing retail operations. (For the purpose of intent to comply, if the text area is not readily accessible without the use of any device to elevate anyone for the purpose of unauthorized altering of the text, such shield may be omitted.)
- (K) Flags except as allowed by § 156.119.
- (L) No roof sign shall be permitted.
- (M) All projecting signs as defined are hereby prohibited. (Exception: awnings/canopies as allowed in § 156.124(A))
- (N) Inflatable balloons and all tethered airborne advertising devices are prohibited.
- (O) Spot lights, promotional, or temporary or of portable capacity are strictly prohibited. (Refer to § 156.118(C))
- (P) No sign shall be allowed on any residential property except as permitted under § 156.119 or § 156.120 and site specific signs for residential subdivisions as approved through Village Board actions.
- (Q) Neon tube lighting, string of lights, or light emitting diode (LED) lighting outlining or illuminating the features of a building or a structure including, but not limited to windows.
- (R) Wall-mounted box signs are prohibited.

**§ 156.122 GROUND SIGNS**

- (A) *Size.* The surface area shall not exceed one-half (1/2) square foot per linear feet of street frontage, maximum of eighty (80) square feet.
- (B) *Height.* It shall be unlawful to install any ground sign whose total height is greater than fifteen (15) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
- (C) *Location.* All ground signs shall conform to the requirements of § 156.118(B).
- (D) *Number of per lot.* One (1) ground sign per lot.

- (1) Ground signs related to a use with a drive-in and/or drive through shall be reviewed as a sign package to be submitted as part of the Special Use Permit application for the drive-in/drive through.
- (E) *Installation.* All ground signs shall be mounted on a decorative masonry or natural stone base or between decorative masonry or natural stone columns. Alternative materials may be approved where they correspond with the appearance of one or more materials used on the exterior of the corresponding building. The width of the base or total width of the columns of any ground sign, as measured parallel to the sign face, shall be a minimum of fifty percent (50%) of the width of the sign face.
- (F) *Illustration.* See Illustration 1.

### § 156.123 WALL SIGNS

- (A) *Size.* Total surface area of all wall signs on a building shall not exceed one (1) square foot for each lineal foot of the building's frontage. For a building containing two (2) or more individual business occupancies, each of which is under separate ownership and control, the total surface area of wall signs for each occupancy shall be one (1) square foot for each lineal foot of frontage for said tenant space.
- (B) *Height.* No wall signs shall project above the wall to which it is attached.
- (C) *Location.* Limited to the street frontage face of a building. For a building containing two (2) or more individual business occupancies, each of which is under separate ownership and control, permitted wall signs shall be located on the portion of the building frontage occupied by the business. All wall signs shall conform to the requirements of § 156.118(B).
- (D) *Number per lot.* One per tenant or one per street frontage on corner lots.
- (E) *Installation.* All wall signs of solid face construction shall be safely and securely attached to the building wall by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured by wire, strips of wood, or nails. All wall signs shall conform to the requirements of § 156.118.
- (F) *Illustration.* See Illustration 2.

### § 156.124 OTHER ADVERTISING STRUCTURES

- (A) *Awnings.* Awnings that have any form of art work, logo, or script shall be considered a sign and subject to the following provisions.
- (1) *Size.* Allowable surface area of an awning sign area shall not exceed twenty-five percent (25%) of the exterior surface area of the awning. Only the actual text or graphics area shall be considered when measuring the face of the sign.
- (2) *Height.* Awning signs shall not exceed the height of the first floor of the building to which they are affixed.
- (3) *Location.* Awnings shall project not more than four (4) feet from the wall to which they are affixed and shall provide a clearance of no less than eight (8) feet from the lowest part

of the awning to the grade or walkway under such awning. No awning shall extend over any public property or beyond any lot lines.

- (2) *Number per lot.* One awning sign shall be permitted per tenant or occupant. This restriction is not intended to limit the number of awnings on a building; it shall only limit the number of signs to be displayed on awnings.
  - (3) *Illustration.* See Illustration 7.
- (B) *Parking Lot Entrance/Exit and Instructional Signs.* Signs related to the use of parking facilities shall be permitted, provided such signs shall be limited in content to directional arrows, a single logo or business name and the words “entrance, “enter” or “exit”. Such signs shall be subject to the following provisions.
- (1) *Size.* The surface area shall not exceed six (6) square feet.
  - (2) *Height.* No parking lot entrance/exit or instructional sign shall exceed three (3) feet in height.
  - (3) *Location.* No parking lot entrance/exit or instructional sign shall be located within five (5) feet of any lot line.
  - (4) *Number per lot.* One (1) parking lot entrance/exit and instructional sign shall be allowed per entrance/exit.

#### **§ 156.125 PLANNED DEVELOPMENT DISTRICT**

In accordance with the Prime Group Annexation Agreement, approved by Ordinance No. 92-07-11 on July 29, 1992, property located in the Planned Development District and subject to the Annexation Agreement shall comply with the signage requirements found in Exhibit K of said Annexation Agreement.

#### **§ 156.126 NON-CONFORMING SIGNS**

Existing signs made non-conforming by the provisions of this article may continue until terminated either by voluntary act or catastrophic event which required structural alteration or repair, or complete replacement, of the sign, provided that the following conditions are complied with:

- (A) The sign, and portions thereof, shall be maintained in a safe condition and inspected on an annual basis.
- (B) Ordinary repair and maintenance may be performed on a non-conforming sign; provided that any repair shall, whenever possible, eliminate or reduce any non-conformity in the element being repaired.
- (C) For overhanging or projecting signs, or signs that exist in or over the public right-of-way, the owner shall file with the Village a liability insurance policy issued by an insurance company

authorized to do business in the State of Illinois, providing the limits of liability shall not be less than \$20,000 for property damage and \$100,000 for public liability. A certificate of insurance under an existing liability policy which shows on its face that it meets the requirements of this section will be sufficient, and said insurance shall not be canceled by the principal or surety until after ten days written notice to the Village Manager. Once this insurance is to be canceled or let expire, said sign or advertising device shall be removed prior to such expiration or cancellation.

**§ 156.127      TERMINATION OF NON-CONFORMING SIGNS**

- (A) *By Abandonment/Change of Use.* Abandonment or cessation for a period of ninety (90) days or the change of the principal use to which the non-conforming sign is accessory shall terminate immediately the right to maintain such sign.
- (B) *By Violation of the Article.* Any violation of the provisions of this article shall terminate immediately the right to maintain a non-conforming sign.
- (C) *By Destruction, Damage, or Obsolescence.* The right to maintain or continue any use of any non-conforming sign shall terminate and cease to exist whenever the sign:
  - (1) Becomes damaged or destroyed by voluntary act or catastrophic or accidental event or act of nature, which requires structural alteration or repair or complete replacement of the sign, as determined by the Village Manager; or
  - (2) Becomes obsolete or substandard under any provisions of any applicable ordinance of the Village; or
  - (3) Becomes a hazard or danger or public nuisance as determined by the Village Manager.
- (D) *By Amortization.*
  - (1) The right to maintain a non-conforming sign shall terminate in any event in accordance with the following schedule:

<i>Cost of sign</i>	<i>Time allowed to conform</i>
\$0 to \$3,000	2 Years
\$3,001 to \$6,000	3 Years
\$6,001 to \$15,000	4 Years
\$15,001 to \$25,000	5 Years
\$25,001 or more	15 Years

- (2) Any sign that became non-conforming upon the adoption of this article shall be terminated or made to conform within the following period of time after adoption of this article is effective, based upon the documented proof of the cost of such sign, at time of original installation or replacement cost based upon three verifiable written estimates as submitted to and approved by the Building Code Official.
- (3) A non-conforming sign in an area annexed to the Village after the effective date of this section shall be removed in accordance with the time periods established herein.

- (4) Any non-conforming sign that is voluntarily made to conform to this article prior to the lapse of the above time period schedule shall require a permit and inspections but shall not be charged any permit fees as long as the advertisement remains the same with no additions or deletions of text or graphics.

#### **§ 156.128 APPEAL**

Any person, firm, or corporation affected by any notice which has been issued by enforcement of any provision of this article or of any rule or regulation adapted pursuant thereto shall be granted a hearing on the matter before the Village Board, provided that such person shall file a written petition requesting such hearing with the Village Manager, which sets forth a brief statement of the grounds for appeal, and the appropriate filing fees. Upon receipt of such petition and fees, the Village Manager shall seek a time and place for such hearing and give the petitioner notification thereof. At such hearing the petitioner shall be given an opportunity to be heard and show why such notice or requirements should be modified or withdrawn. The hearing shall be held not more than thirty (30) days and not less than five (5) days from the day on which the petition was filed.

#### **§ 156.129 SEVERABILITY CLAUSE**

This article and its parts are declared to be severable. If any section, subsection, clause, sentence, word, provision, or portion of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of the ordinance as a whole. All parts of the article not declared invalid or unconstitutional shall remain in full force and effect as if such portion so declared or adjudged unconstitutional or invalid were not originally part of this article, even if the surviving parts of the article result in greater restrictions after any unconstitutional or invalid provisions are stricken.

#### **§ 156.130 SUBSTITUTION CLAUSE**

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.



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**ARTICLE XIV  
TREE PRESERVATION AND LANDSCAPE ORDINANCES**

**§ 156.150 TREE PRESERVATION ORDINANCE**

- (A) *Purpose.* The Tree Preservation Ordinance is focused upon the management and preservation of mature, healthy trees and natural areas and the consideration of protected trees in the design of streets, alleys, utilities, drainage and proposed structures part of any development plan and to require suitable replacement of trees when removal is necessary. Trees are to be protected during construction, development and redevelopment and controls followed for the replacement of protected trees when removal is necessary. This ordinance shall protect any property from indiscriminate clearing and maintain and enhance a positive image as well as attract new businesses to the Village.

The terms and provisions contained within this ordinance apply to all real property with the Village's corporate limits as follows:

- (1) All new subdivisions of land at the time of preliminary an/or final platting;
  - (2) All resubdivisions of undeveloped land;
  - (3) All unplatted and undeveloped residential tracts of land greater than three (3) acres;
  - (4) All unplatted and undeveloped non-residential tracts of land greater than one (1) acre;
  - (5) All non-residential parcels of land at the time of site plan approval.
- (B) *Plans required.* No person, directly or indirectly, shall cut down, destroy, remove or move or effectively destroy through damaging, any protected or feature tree situated on a property regulated by this ordinance without first submitting and receiving approval of a treescape plan unless otherwise specified by this ordinance.
- (C) *Builders/Contractors.* All builders/contractors should verify if there is a treescape plan approved on a subject parcel of land prior to work beginning on said parcel. All builders/contactors who have not submitted a request for a building permit as of the effective date of this ordinance are subject to the requirements herein.
- (D) *Exemptions.* Tree protection and replacement requirements shall not be required if the following conditions exist:
- (1) Tracts of land having an area one acre or less of land under a single ownership on which an existing single family house is located.
  - (2) Commercial nurseries or orchards, where the business of selling trees, landscaping, etc. is fully operational and functional.
  - (3) Properties for which a landscaping or tree preservation plan was approved, pursuant to the terms of an annexation agreement, special use permit or other agreement of ordinance prior to the existence of this chapter.
  - (4) Property owned by the Village, Huntley Park District and School District # 158 or the McHenry County Conservation District.
  - (5) Emergencies involving, but not limited to: tornadoes, windstorms, flood freezes, or other natural disasters. The requirements of this chapter may be waived by the Village Manager or his/her designee.

(E) *Definitions*

*Buildable Area.* That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure, driveway, parking lot, pool and other construction as shown on a site plan.

*Building Pad.* The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

*Construction drawings.* Engineering or architectural drawings which have been prepared by an authorized individual and approved by the authorized authority, that describe in detail by measurements and specifications the method and manner in which a building, structure, utility, street or physical alteration to land or structure is to be accomplished.

*Critical Root Zone (CRZ).* The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one foot radius for each one inch DBH.

*Clear cutting.* The removal of all trees or a significant majority of the trees within an area.

*Diameter Breast Height (DBH).* The diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural ground level.

*Drip line.* A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

*Limits of construction.* A delineation on the treescape plan which shows the boundary of the area within which all construction activity will occur.

*Protective/temporary fencing.* Snow fencing, chain link fencing, orange vinyl construction fencing or similar fencing with a four (4') foot approximate height. The Village Manager, or his/her designee, shall determine the appropriate type of fencing for any particular property or portion thereof.

*Replacement tree.* A tree from the replacement tree list with a minimum caliper size of three inches (3") and height of seven feet (7'). For the purpose of determining size, Replacement Trees should be measured at a point six (6") above the ground and top 2/3rds of any wire baskets removed prior to installation.

*Tree.* Any self-supporting woody perennial plant which will attain a trunk diameter of three inches (3") DBH and normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have stems or trunks as in several varieties of oaks.

*Tree, Featured.* Any tree identified by a qualified arborist as an exceptionally good example of the species, in good to excellent condition, that has a diameter breast height of 24 inches or larger, and that is a variety of the following species: Oak, Hickory, Walnut, or Sugar Maple or other species as determined by the Village Manager or his/her designee.

*Tree, Protected.* A tree which has a diameter of six inches (6") DBH or larger. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk at DBH to one-half the diameter of each additional trunk. *Protected* or *featured* trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.

*Treescape Plan.* A graphic representation drawn to the largest scale practical showing the exact location, size (trunk diameter and height) and common name of all protected and feature trees and indication of which trees are to be removed and or replaced. The treescape plan should include the following:

- (1) Location of all existing or proposed structures, or building pads as shown on the grading plan and all improvements properly dimensioned and referenced to property lines.
- (2) Setback and yard requirements.
- (3) Existing and proposed site elevations, grades, major contour and limits of construction.
- (4) Location of existing or proposed utilities and easements.
- (5) Location of all protected trees and trees to be removed from the site and the location of all replacement trees.
- (6) Columnar listing of all protected trees by species, location key shown on the plat, diameter breast height (DBH), physical condition of tree, and an indication of whether or not the applicant is proposing to remove that tree. Each column with numeric values shall be totaled.
- (7) Title block stating street address, lot and block, subdivision name, and date.
- (8) Name, address, and phone number of person preparing the plan.

(F) *Plan Review and Approval*

- (1) *Authority of Review and Approval.* The Village Manager or his/her designee will review the treescape plan, report and make recommendations to the Plan Commission. As part of the treescape plan review, the Village has the right to request changes or adjustments in the layout and design of the development to save protected and feature trees. The Plan Commission will review and approve or disapprove the treescape plan. The decision of the Plan Commission may be appealed to the Village Board of Trustees.
- (2) *Treescape Plan Application Required/Application Process.* Consideration of a treescape plan shall be obtained by making application to the Village Manager or his/her designee. The application and treescape plan shall be accompanied by a written document indicating the reasons for removal of any protected trees. The required treescape plan will accompany all preliminary plats, final plats, site plans and landscape plans. In those instances where very few protected trees exists on a property, the treescape plan can be incorporated and shown on the preliminary plat, site plan or landscape plan and the fee can be waived at the discretion of the staff.
- (3) *No Protected Trees.* For property being platted or site planned, the property owner may submit a letter certifying that there are no protected trees on the property. This letter will be submitted with the understanding that if it is determined that there are protected trees on the property, the violation provisions and fines adopted as part of this ordinance will be in full force and effect.
- (4) *Appeals.* Decisions of the Plan Commission may be appealed to the Village Board of Trustees.
- (5) *Treescape Plan Expiration.* Plans shall be valid for two (2) years after the approval date. Treescape plans which are approved in conjunction with preliminary plats, final plats, site

plans, or building permits shall be valid for the same amount of time as those corresponding plans and permits.

- (6) *Building Permit.* All builders/contractors should determine if there is an approved treescape plan before work begins on a parcel. The Village will verify this statement. No building permit shall be issued unless the applicant signs an application for permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance. Before issuing the building permit, the Village shall obtain a signature from applicant acknowledging receipt of the Tree Preservation Ordinance.
- (G) *Tree Removal Permit.* Once a treescape plan is approved, a tree removal permit will be required under the following conditions:
- (1) If it is determined by the property owner that a protected tree needs to be removed; except as covered in Section (D) *Exemptions*.
  - (2) An addition to an existing non-residential structure requires that a protected tree be removed.
- Tree removal permits will be approved administratively by the Director of Plan and Zoning or his/her designee. Feature trees may not be removed without approval of the Plan Commission. All trees removed through this process will require replacement as described in Section 6 below.
- (H) *Tree Replacement and Planting Requirements.* If it is necessary to remove protected or feature tree(s), the applicant as condition of approval will be required to replace the tree(s) being removed with trees selected from the list of approved trees on the replacement tree list. Replacement trees must be a minimum of 3 caliper inches measured 6" above the root ball when planted. The following replacement rules apply:
- (1) Protected tree(s) measuring 6" through 23" DBH shall be replaced with caliper inches equal to the total diameters of the tree(s) removed, except as shown in *Item 6* below.
  - (2) Protected feature tree(s) (24" DBH and larger) if approved for removal will be replaced with twice the number of inches as the tree(s) removed.
  - (3) The replacement tree must be maintained in a healthy growing condition for a minimum of three (3) years after planting.
  - (4) A replacement tree, with top 2/3<sup>rd</sup>s of any wire baskets removed prior to installation, shall not be planted within an area such that the mature root zone will interfere with underground public utility lines, and/or where the mature canopy of the tree will interfere with overhead utility lines.
  - (5) No tree shall be planted within 5' of a fire hydrant, water/sewer lines or Municipal Utility Easements.
  - (6) Hackberry and Cedar trees that are 11" DBH or larger, shall be replaced at 50% of the total caliper inches being removed. Protected or feature trees shall not include the following species: Bois d'Arc, Willow, Cottonwood, Locust and Chinaberry. In addition, Hackberry and Cedar trees that are less than 11" DBH shall not be considered a protected tree.
- (I) *Tree Replacement Credits.* Tree replacement credits may be granted to reduce the number of replacement inches required. The following guidelines apply:

- (1) *Preservation Credits.* Each tree(s) 24" DBH or greater will earn a credit. The maximum credit under this provision is 20% of the total replacement inches in the development.
- (2) *Locations for Planting Replacement Trees.* The preferred location for the planting of replacement trees is the development from which trees were removed. However, if the site is too small to accommodate the number of replacement trees required, credits can be earned for trees planted elsewhere within the corporate Village limits. Credit on an inch-per-inch basis will be granted for trees planted in parks, medians, street rights-of-way, or other areas as negotiated through the Huntley Parks District. The location shall be within one mile of the area where the trees are being removed.
- (3) *Purchase of Credits.* Tree replacement credits not exceeding 20% of the total replacement inches can also be purchased. Payments of \$125 per caliper inch may be paid to the *Village of Huntley Tree Fund*. Funds will be used for planting of trees, but not limited to Village parks, medians, and along street rights-of-way more than one mile from the area where the trees are being removed. Replacement credits purchased in a private community development with no public streets or parks can be used for the planting of trees elsewhere in that development.
- (4) *Types of Trees.* Replacement trees shall be selected from the following list and shall be a minimum of three (3) caliper inches as measured 6" above the root ball.

**Evergreen:**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Picea abies</i>	Norway Spruce
<i>Picea glauca</i>	White Spruce
<i>Picea pungens</i>	Colorado Blue Spruce
<i>Pinus strobes</i>	Eastern White Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir

**Deciduous:**

<b>Scientific Name</b>	<b>Common Name</b>
<i>Acer campestre</i>	Hedge Maple
<i>Acer ginnala</i>	Amur Maple
<i>Acer nigrum</i>	Black Maple
<i>Acer platanoides</i>	Norway Maple (improved cultivars)*
<i>Acer rubrum</i>	Red Maple (improved cultivars)*
<i>Acer saccharum</i>	Sugar Maple (species) (improved cultivars)*
<i>Aesculus Glabra</i>	Ohio Buckeye*
<i>Amelanchier</i>	Serviceberry
<i>Betula nigra</i>	River Birch
<i>Cara ovata</i>	Shagbark Hickory*
<i>Carpinus caroliniana</i>	American Hornbeam (blue beech)
<i>Celtis occidentalis</i>	Common Hackberry*
<i>Cercis canadensis</i>	Redbud
<i>Cornus alternifolia</i>	Pagoda Dogwood
<i>Corylus colurna</i>	Turkish Filbert*
<i>Crataegus crus-galli</i>	Cockspur Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Fagus sylvatica</i>	European Beech
<i>Ginkgo biloba</i>	Ginkgo (improved cultivars)*

<i>Gleditsia triacanthos</i>	Thornless Honeylocust *
<i>f. inermis</i>	
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree (male)*
<i>Malus spp.</i>	Crabapple (superior cultivators)*
<i>Pyrus calleryana</i>	Callery Pear (superior cultivars)*
<i>Quercus alba</i>	White Oak*
<i>Quercus bicolor</i>	Swamp White Oak*
<i>Quercus ellipsoidalis</i>	Hill's Oak*
<i>Quercus macrocarpa</i>	Bur Oak*
<i>Quercus muehlenbergii</i>	Chinquapin Oak*
<i>Quercus palustris</i>	Pin Oak
<i>Quercus prinus</i>	Chestnut Oak*
<i>Quercus rubra</i>	Red Oak*
<i>Syringa pekinensis</i>	Peking Lilac
<i>Syringa reticulate</i>	Japanese Tree Lilac
<i>Taxodium distichum</i>	Bald Cypress
<i>Thuja occidentalis</i>	White Cedar Arborvitae
<i>Tilia americana</i>	American (basswood) Linden *
<i>Tilia cordata</i>	Littleleaf Linden*
<i>Tilia x euchlora 'Redmond'</i>	Redmond Linden*

\*Suitable for street tree planting.

(J) *Tree Transplanting.* Existing trees of the variety listed in Section (I) (4) above can be transplanted to meet the replacement requirements under the following conditions:

- (1) Trees of at least three caliper inches (3") but not exceeding six inches (6") DBH are eligible for transplanting
- (2) Transplanted trees must survive and be in a healthy condition for a period of three years. The developer who received the transplanting credit must replace trees that do not meet these criteria.
- (3) Transplanted protected trees will be listed in the tree survey with the notation that they are being transplanted.

(K) *Tree Protection Prior to and During Construction*

- (1) *Tree Protection.* Prior to any construction or land development, the developer shall mark with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flag with bright fluorescent red vinyl tape all protected trees. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 5 feet so that the tape is clearly visible during construction. In those instances where a protected tree is so close to the construction area that construction equipment could possibly damage the tree, a protective fence shall be required installed at the drip line. The protective fence must be maintained during all construction phases until project is finished.

Please Note: Property owner shall be responsible for protecting feature trees including the use of an arborist, as necessary.

- (2) *Material and Equipment Storage.* The developer or contractor shall not store any material or equipment under the canopy of any protected tree. During the construction stage of the development no cleaning or storage of equipment or material shall be allowed within the

drip line of a protected tree. Those materials include but are not limited to oils, solvents, mortar, asphalt and concrete.

- (3) *Signs.* No signs, wire or other attachments shall be attached to the protected trees.
  - (4) *Traffic.* No vehicular traffic, construction equipment traffic or parking shall take place within the drip line of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.
  - (5) *Grade.* No grade change in excess of two inches (2") shall be allowed within the drip line of any protected tree unless adequate construction methods are approved beforehand. If approved, major grade changes (i.e. two inches (2") or greater) within the critical root zone of a protected tree will require additional measures to maintain proper oxygen and water exchange with the roots. Root pruning will be required when disturbance will result in root exposure.
  - (6) *Tree Flagging.* At the time of submittal of the treescape plan all protected trees should be marked with an aluminum tag which indicates its relationship to the Treescape Plan and clearly flagged with bright fluorescent red vinyl tape. The red tape should be wrapped around the main trunk of the protected tree at a height of approximately 4 feet so that the tape is clearly visible.
  - (7) *Boring.* Boring of utilities under protected trees shall be required in those circumstances where it is not possible to trench around the critical root zone of a protected tree. When required, the length of the bore shall be the width of the critical root zone plus two feet (2') on either side of the critical root zone and shall be at a minimum depth of 48 inches.
  - (8) *Damage.* Any physical damage to a tree preserved for credit that is considered to place the survival of the tree in doubt shall be eliminated as a credited tree and will require additional trees to be planted in its place at the required ratio. A certified arborist shall be consulted to determine whether physical damage to a tree places the survival of the tree in doubt.
- (L) *Tree Pruning*
- (1) *General.* No protected tree shall be pruned in a manner, which significantly disfigures the tree, or in any manner which would reasonably lead to the death of the tree.
  - (2) *Permit Requirement.* Utility companies may prune trees as necessary to reestablish disrupted service or maintain existing service without obtaining a permit. Utility companies shall inform the Village of their routine pruning schedules and are encouraged to prune trees in accordance with the National Arborist Association standards for pruning shade trees.
  - (3) *Allowed Pruning.* A protected tree may be pruned in cases where it is necessary to remove branches broken during the course of construction, or where protected trees must be pruned to allow construction of a structure. Pruning should be done in manner that does not significantly disfigure the tree.
  - (4) *Required Pruning.* The owner of all trees adjacent to public R.O.W. shall be required to maintain a minimum clearance of twelve feet (12') above traveled pavement or curb of a

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public street. The Village shall also have the right to prune trees overhanging the public R.O.W. as necessary to preserve public safety. Trees shall be pruned to allow signs to be seen.

(M) *Tree Fund*

- (1) *Tree Fund Administration.* The Village shall administer the tree fund. The funds shall be used to purchase, plant and maintain trees on public property utilizing either Village staff or contract labor, to acquire wooded property that remains in a naturalistic state in perpetuity, to perform and maintain a Village wide tree inventory and to educate citizens and developers on the benefits and value of trees. The Village Board of Trustees shall, by policy, have the ability to adopt alternative methods of creating tree credits and methods of distribution of trees and/ or funds for purchasing trees.
- (2) *Collection of Money.* Money contributed to the Tree Fund shall be paid prior to the issuance of any construction or building permit and prior to filing of a Final Plat.

(N) *Violations*

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction hereof shall be fined \$500.00 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs. The unlawful damage, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty of \$500 for the first tree with each subsequent tree increasing by \$500 increments. No acceptance of public improvements shall be authorized and no Certificates of Occupancy (CO) shall be issued until all fines for violations of this ordinance have been paid to the Village.

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**§ 156.151 LANDSCAPE ORDINANCE**

- (A) *Purpose.* The process of development with its alteration of the natural topography, vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and sedimentation. The economic base of the Village can and should be protected through the preservation and enhancement of the unique natural beauty, environment, and vegetative space in this area. Recognizing that the general objectives of this article are to promote and protect the health, safety and welfare of the public, the Board of Trustees further declares that this article is adopted for the following specific purposes:
- (1) To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground-water recharge, and storm water runoff retardation, while at the same time aiding in noise, glare, and heat abatement.
  - (2) To provide visual buffering between land uses of differing character.
  - (3) To enhance the beautification of the Village.
  - (4) To safeguard and enhance property values and to protect public and private investment.
  - (5) To conserve energy.
- (B) *Applicability*
- (1) This Section *does not* apply to:
    - (a) Any property with a previously approved landscape and/or site plan prior to adoption of this ordinance, unless such plan is required to be resubmitted for consideration;
    - (b) Lots containing only single-family and/or duplex uses, and
  - (2) This Section *does* apply to:

Except as otherwise provided in *Subsection (B)(1)*, this article applies to all uses on a lot when an application for a building permit for work on the lot is made, unless the application is for:

    - (a) Restoration of a building that has been damaged by fire, flood, explosion, riot, act of the public enemy, other natural disaster, or accident of any kind, if said structure may be restored under the nonconforming use provisions of the Comprehensive Zoning Ordinance. For purposes of this Subsection, restoration means the act of putting back into a former or original state; or
    - (b) Construction work on an existing structure that does not increase:
      - i. the number of stories in a building on the lot;
      - ii. the total floor area of all buildings on the lot by more than 10 percent or 10,000 square feet, whichever is less; or
      - iii. the non-permeable coverage of the lot by more than 2,000 square feet.

- (3) *Planned Unit Developments.* Landscaping requirements consistent with the standards and purposes of this article shall be a part of all ordinances establishing or amending planned development districts, unless otherwise approved by the Board of Trustees.
- (4) *Special Exceptions.* The Plan Commission and Board of Trustees may grant a special exception to the landscaping requirements of this article upon making a special finding that the resulting landscape will provide an improved amenity for both the general public and users of the facility being landscaped.

(C) *Definitions*

*Caliper.* means the diameter of the trunk measured six inches above ground level up to and including four inch caliper size, and measured 12 inches aboveground level if the measurement taken at six inches above ground level exceeds four inches. If a tree is of a multi-trunk variety, the caliper of the tree is the total caliper of all of its trunks at the elevation being measured.

*Canopy or Shade Tree.* means a species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

*Enhanced Pavement.* means any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick or stone pavers, grass paver, exposed aggregate concrete, and stamped and stained concrete.

*Evergreen Tree or Shrub.* means a tree or shrub of a species which normally retains its leaves throughout the year.

*Ground Cover.* means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

*Landscape Architect.* means a person licensed to practice or teach landscape architecture in the State of Illinois pursuant to State law.

*Landscape Buffer Strip.* means a strip of land:

- Which serves a buffer function on the perimeter of a building site adjacent to another building site or to a public or private street or alley; and
- At least 80 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

*Non-permeable Coverage.* means coverage with non-permeable pavement.

*Screening.* means screening that complies with the construction and maintenance regulations in Section 5. Mandatory Provisions, except as those regulations may be expressly modified in this article.

*Shrub, Large.* means a shrub which normally reaches a height of six feet or more upon maturity.

*Soil.* means a medium that plants will grow in.

*Tree, Large.* means a tree of a species which normally reaches a height of 30 feet or more upon maturity.

*Tree, Small.* means a tree of a species which normally reaches a height of less than 30 feet.

*Visibility Triangle.* means the term “visibility triangle” as defined in §156.011 of this Code.

- (D) *Landscape Plan Submittal.* Landscape plans shall be submitted for all sites required to submit a site plan for approval by the Plan Commission and Village Board of Trustees.
- (E) *Approval of Landscape Plan.* Landscape plans shall be referred to the Plan Commission for approval or denial.
- (F) *Plan Content.* The landscape plan shall be submitted in the form and number as prescribed by the Village and must contain the following information:
- (1) Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan.
  - (2) Project name, street address, and lot and block description.
  - (3) Location of existing boundary lines and dimensions of the lot, street address, approximate centerline of existing water courses and the location of the 100-year flood plain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, driveways and sidewalks on or adjacent to the lot.
  - (4) Location, height, and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
  - (5) Locations and dimensions of proposed landscape buffer strips.
  - (6) Complete description of plant materials shown on the plan, including names, locations, quantities, container or caliper sizes at installation, heights, spread, and spacing. The location and type of all existing trees on the lot over six inches in caliper must be specifically indicated.
  - (7) Complete description of landscaping and screening to be provided in or near off-street parking and loading areas, including information as to the amount (in square feet) of landscape area to be provided internal to parking areas, the total square footage included in the parking area, and the number and location of required off-street parking and loading spaces.
  - (8) Location and description, by type and size, of existing trees proposed to be retained. Such trees shall be marked and drip-line of said trees shall be protected prior to and during all construction, including all dirt work.
  - (9) Size, height, location and material of proposed seating, lighting, planters, sculptures, water features and landscape paving and other site amenities.
  - (10) Identification of visibility triangles on the lot for all driveway intersections with public streets and evidence proposed landscaping will not interfere with site utilities and easements.
- (G) *Mandatory Provisions*
- (1) *Landscape Buffer Strip.* A minimum 10 foot wide landscape buffer strip must be provided along the entire length of the portion of the perimeter of any commercial or industrial lot that abuts, without an alley or drive separation, or is directly across a public street from a residential zoning district, exclusive of driveways and access-ways. If the proposed commercial structures exceed twenty-four (24) feet in height adjacent to an alley, a 10 foot buffer shall also be required along the length of the alley.

- (2) *Screening of Off-Street Loading Docks*
- (a) Off-street loading docks in non-residential zoning classifications must be screened from:
    - i. All public streets; and
    - ii. Any residential district that abuts or is directly across a public street or alley from the lot.
  - (b) Off-street loading docks in industrial zoning classifications must be screened from:
    - i. Arterial streets, as indicated on the Village's *Thoroughfare Plan*, and
    - ii. Any residential district that abuts or is directly across a public street or alley from the lot.
  - (c) The screening required under *Subsections (2)(a) and (2)(b)* must be at least six feet in height and may be provided by using any of the methods for providing screening described in this section.

(3) *Acceptable Landscape Materials*

- (a) No artificial plant materials may be used to satisfy the requirements of this article.
- (b) Plant materials used to satisfy the requirements of this article must comply with the following minimum size requirements at the time of installation:
 

Large trees must have a minimum caliper of three inches, or a minimum height of six feet, depending on the standard measuring technique for the species.
- (c) For purposes of this section, "height" is measured from the root crown or, if the plant is in a container, from the soil level in the container.
- (d) In satisfying the landscaping requirements of this article, the use of high quality, hardy plant materials on the approved plant list below is recommended and encouraged. Plants found on the disapproved plant list below shall not be placed within the ROW or within the required building setback along a street.
- (e) *Trees Allowed in Street Landscape Buffer Areas.* Please refer to Section 156.150 (I) (4) for the list of suitable for Street Trees.
- (f) *Trees Not Allowed in Street Landscape Buffer Areas.* The following plants shall not be placed in public ROW or within the required Street Landscape Buffers along public streets:

Ash tree (Fraxinus sp.)  
 Silver Maple (Acer Saccharinum)  
 Box Elder (Acer Negundo)  
 Mimosa (Albizia Julibrissin)  
 Catalpa (Catalpa sp.)  
 Hackberry, Sugarberry (Celtis sp.)  
 Honeylocust (Gleditsia Triacanthos)

Tulip tree (*Liriodendron Tulipifera*)  
 Chinaberry (*Melia Azedarach*)  
 Sycamore (*Platanus Occidentalis*)  
 Cottonwood, Poplar (*Populus sp.*)  
 Willows (*Salix sp.*)  
 American Elm (*Ulmus Americana*)  
 Siberian Elm (*Ulmus Pumilia*)  
 Jerusalem Thorn/Petuma (*Parkinsonia Aculeata*)  
 Bois D'Arc (*Maclura Pomifera*)  
 Flowering Crabapple varieties (*Malus sp.*)  
 Ginkgo Tree (*Ginkgo Biloba*)  
 Peach/Plum varieties  
 Mulberry varieties (*Morus sp.*)  
 Texas Mountain Laurel (*Sophora Secundiflora*)  
 Lilac Chaste Tree (*Vitex Agnuscastus*)  
 Pine Tree Varieties (*Pinus sp.*)

- (4) *Protection of Landscape Areas.* Required landscape areas must be protected from vehicular traffic through the use of concrete curbs, or other permanent barriers. Vehicular wheels shall be prevented from extending into landscaped areas.
- (5) *Irrigation and Watering Requirements*
- (a) *General.* The owner shall be responsible for the health and vitality of plant material through irrigation of all landscaped areas and plant materials, and shall:
- i. Provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis.
  - ii. Be in place and operational at the time of the landscape inspection for Certificate of Occupancy.
  - iii. Be maintained and kept operational at all times to provide for efficient water distribution.
- (b) *Irrigation and Watering Methods*
- i. *Landscaped Areas.* One of the following irrigation methods shall be used to ensure adequate watering of plant material in landscaped areas:
    1. *Conventional System.* An automatic or manual underground irrigation system which may be a conventional spray or bubbler type heads.
    2. *Drip or Leaky-Pipe System.* An automatic or manual underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
    3. *Temporary and Above Ground Watering.* Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use a temporary and above ground system, and shall be required to provide irrigation for the first three growing seasons only.

- ii. *Natural and Undisturbed Areas.* No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
- (6) *Screening From Residential Uses*
- (a) Any commercial or industrial use or parking lot with a side or rear contiguous to a residentially-zoned district, a multi-family use with more than 5 dwelling units or a parking lot with a side or rear contiguous to any single family, townhouse, or duplex district, shall be screened with an eight-foot (8') wide buffer area including a masonry fence (excluding tilt wall or concrete block unless approved by the Board of Trustees), six feet (6') in height, unless otherwise approved by the Board of Trustees. Berms in conjunction with a fence can be utilized to meet this requirement. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
  - (b) Prior to construction of any required screens, complete plans showing type of material, depth of beam, and structural support shall be analyzed by the Village Building Department to determine whether or not:
    - i. The screen will withstand the pressures of time and nature;
    - ii. The screen adequately accomplishes the purpose for which it was intended;
    - iii. Plans shall be sealed by a Registered Engineer or they shall conform to the Village's standard design for screening walls.
  - (c) Such screen shall be constructed prior to the issuance of a Certificate of Occupancy for any building or portion thereof.
  - (d) The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the Village.
  - (e) Plans shall be sealed by a Registered Engineer or they shall conform to the Village's standard design for screening walls.
- (7) *Non-Residential Property Abutting Non-Residential Property*
- (a) Shade Trees – provided at the equivalent of seventy-five (75') apart along the abutting property line. Such trees shall be clustered or spaced evenly as deemed appropriate by the Plan Commission.
  - (b) Other Planting Materials - Other landscape elements including berms, ornamental trees, shrubbery and/or hedges are encouraged to be provided at appropriate locations along the property line.
  - (c) Ground Cover - Except where occupied by planting beds, all perimeter landscaping areas shall be sodded or seeded.
- (8) *Street Landscaping.* A Street Landscape Buffer strip with a minimum width of ten (10) feet, must be provided along the entire length of the property to be developed that is

adjacent to a major arterial or collector street, as defined in the Village's Thoroughfare Plan, exclusive of driveways and access-ways. Large trees, as herein defined, shall be provided in the required buffer in numbers equal to one tree for each forty (40') feet of street frontage.

*They shall be no closer than:*

- (a) Five feet (5') back from the curb or, in the case of streets without curbs, five feet (5') back from the pavement edge or from the edge of any swale or ditch.
  - (b) Forty feet (40') from the nearest corner of the pavement of intersecting streets, said distance to be measured away from the corner along both of the streets.
  - (c) Ten feet (10') from driveways.
  - (d) Fifteen feet (15') from street lights.
  - (e) Five feet (5') from fire hydrants, buffalo boxes, vaults, and the like.
  - (f) Five feet (5') from sidewalks, unless otherwise required or approved.
- (9) *Right-of-Way Landscaping Requirements.* All street rights-of-way located adjacent to the proposed development shall be improved with grass or ground cover material and shall be maintained. It shall be the responsibility of the developer to design the irrigation system within the lot to ensure that the grass placed in the right-of-way is watered and maintained and to ensure that minimal water will enter the street itself. The designer of the irrigation system shall base the design on the ultimate proposed width of the street when designing the system. The plans for design of the irrigation system shall be approved by the Village prior to installation.
- (10) *Parking Lot Landscaping*
- (a) Any parking lot with more than two (2) rows of spaces shall have a minimum of 5% or 200 sq. ft., whichever is greater, in the interior of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping.
  - (b) If the parking and maneuvering space exceeds 20,000 square feet one large canopy tree for every ten required parking spaces shall be required internal to the parking lot. No tree shall be planted closer than 2 ½ feet to the pavement.
    - i. No required parking space may be located more than 80 feet from the trunk of a large canopy tree.
    - ii. No tree may be planted closer than 2 ½ feet to the pavement.
    - iii. All trees must be internal to the parking lot.
- (11) *Dimensions of Landscaping.* All required landscaping shall be no less than 5 feet wide and a minimum of 25 square feet in area unless it is within 10 feet of the building.
- (12) *Required Landscaping*
- (a) *Amount of Landscaping.* Minimum square footage requirements for landscaping shall be provided and maintained in the zoning districts set forth as follows. The requirements shall be applied to the total site area to be developed:

DISTRICT	% REQUIREMENT	NET % REQUIREMENTS W/ MAXIMUM CREDITS
Multi-Family	25%	20%
Office (O-1)	20%	15%
Business (B-4)	20%	15%
Business (B-1)	20%	15%
Business (B-2 and B-3)	15%	10%
Health Care	15%	10%
Manufacturing	10%	5%

The total site area required for landscaping may be reduced by no more than 5% in accordance with the provisions of Section 156.152. For example, the required percentage of 15% for *Business (B-2 and B-3) zoning* could be reduced to a total of 10% under the terms of §156.152.

- (b) *Location of Landscaping.* No less than 50% of the total requirement shall be located in front of and along side buildings with street frontage in the following zoning districts: “R-5”, “O-1”, “B-1”, “B-2”, “B-3”, “B-4” and “HC.” 100% of the total requirement shall be located in front of and along side buildings with street frontage in the “M” zoning district.
- (c) *Detention Basins.* Detention basins shall be landscaped in a natural manner using ground cover, grasses, shrubs and trees in all dry land areas. There shall be a minimum of one (1) tree for each 750 square feet of dry land area.

**§ 156.152 LANDSCAPE CREDITS**

- (A) *Credit for Required Landscape Buffer Strips between Residential and Non-Residential Zoning.* The overall landscaping requirement may be reduced by 2.5% when the buffer strip, whether required or not, has a minimum average width of 15 feet or greater and contains at least one large tree every 40 feet, or large shrubs at least every 10 feet the entire length of the perimeter adjacent to property with residential zoning. This perimeter must equal at least 25% of the total perimeter of all adjacent private property.
- (B) *Credit for Surface Parking Screening.* The overall landscaping requirement may be reduced by 2.5% when a surface parking lot located adjacent to a public street is screened as follows:
  - (1) The screen must be voluntary, not required by this ordinance.
  - (2) The screening must be located along the entire length of street frontage of the parking lot, exclusive of driveways, access-ways, and visibility triangles. Visibility triangles will be maintained at all driveway intersections.
  - (3) The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and/or masonry walls.
  - (4) The adjacent street must be generally at the same grade level of the parking lot or below for such credit to qualify.
- (C) *Credit for Right-of-Way Landscaping.* The overall landscaping requirement may be reduced by 2.5% when the public right-of-way adjacent to a proposed development is landscaped meeting the following requirements:

- (1) All landscaping in the right-of-way shall be provided sufficient irrigation for maintenance.
- (2) Plants used in landscaping in the right-of-way shall only be varieties included on the approved plant list.
- (3) The plan for landscaping in right-of-way shall be submitted and approved by the Village prior to any work being done in the right-of-way.
- (4) In certain cases, the Village may determine that landscaping in the right-of-way may be infeasible and in such cases this credit shall not apply.
- (5) Landscaping shall include ground cover, shrubs, trees and/or other plant materials and must cover at least 50% of the adjacent ROW, exclusive of driveways, to qualify for this credit. Grass alone shall not qualify for this credit.
- (6) If the Village has an adopted landscape plan for the street adjacent to the proposed project, any proposed improvements must be in compliance with said plan.

### § 156.153 COMPLETION OF LANDSCAPING

- (A) *In Accordance with Approved Plans.* Except as otherwise provided in *Section 156.207 Certificates of Occupancy*, all landscaping must be completed in accordance with the approved landscape plan before a Certificate of Occupancy may be issued for any building on the lot.
- (B) *Escrow and Assurance.* If, due to circumstances beyond the property owner's control, the required landscaping cannot be installed prior to completion of the building and if the property owner provides the building official with documented assurance that the landscaping will be completed within six months and the funds required to complete the project are placed in escrow with the Village, the building official may issue one six-month temporary Certificate of Occupancy and permit the property owner to complete his landscaping during the six month period. For purposes of this Subsection, "documented assurance" means a copy of a valid contract to install the landscaping in accordance with the landscape plan within the six month period. The Village shall hold the funds in escrow until such time as the landscaping is completed in accordance with the approved plan.
- (C) *Forfeiture of Escrow.* If a temporary Certificate of Occupancy is issued under *Subsection 7.2.* and, at the end of the six month period, no permanent Certificate of Occupancy has been issued because the landscaping has not been installed in accordance with the landscape plan, the property owner shall be deemed in violation of this ordinance, the funds placed in escrow shall be forfeited, and the Village shall issue a citation for said violation, unless an extension is granted by the Village Manager.

### § 156.154 PUBLIC RIGHT-OF-WAY VISIBILITY

- (A) *Street/Drive Intersection Visibility Obstruction Triangles.* A landscape plan showing the plan of the street on both sides of each proposed drive/street to the proposed development with the grades, curb elevations, proposed street/drive locations, and all items (both natural and man-made) within the visibility triangles as prescribed below shall be provided with all site plans, if they are not on engineering plans that are submitted at the same time. This plan shall show no horizontal or vertical restrictions (either existing or future) within the areas defined below.
- (B) *Obstruction/Interference Triangles – Defined.* No fence, wall screen, billboard, sign face, tree or shrub foliage, berm, or any other item, either man-made or natural shall be erected, planted, or maintained in such a position or place so as to obstruct or interfere within the following minimum

standards; however, on non-residentially zoned lots, a single pole for mounting a sign may be placed within this area provided the pole does not exceed 12-inches in diameter, and provided every portion of the sign has a minimum height clearance of nine (9') feet:

- (1) Vision at all intersections which intersect at or near right angles shall be clear at elevations between thirty (30") inches and ten (10') feet above the top of the curb elevation, within a triangular area formed by extending the three curb lines from their point of intersection, for the following minimum distances for the applicable intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection for a distance as prescribed below, and connecting these points with an imaginary line, thereby making a triangle as shown below.
  - (2) Intersection of **Two Public Streets** – the minimum required distance from the curb shall be 50 feet and the minimum distance from the property line on streets without a curb shall be 20 feet.
  - (3) Intersection of a **Public Street and an Alley** – the minimum required distance measured from the property line shall be 15 feet, or 25 feet from street curb.
  - (4) Intersection of **Private Drive and Public Street** – the minimum required distance from the curb shall be 25 feet and the minimum distance from the property line on streets without a curb shall be 10 feet.
- (C) *Sight-Distance Requirements.* The Village hereby adopts the standards for both vertical and horizontal sight distance requirements set forth in the *most Current* Edition of AASHTO Green Book, "A Policy on Geometric Design of Highways and Streets" for the construction of both public street intersections and private drive intersections, unless otherwise approved by the Village Engineer. If, in the opinion of the Village Engineer, a proposed street or drive intersection may not meet these standards, additional engineering information exhibiting how the standards have been addressed may be required for submission and approval by the Village's Engineer.

#### § 156.155 GENERAL MAINTENANCE

- (A) Throughout the installation of the required improvements, the Developer shall be fully responsible for the preservation and protection of those existing trees identified on the approved plans and specifications. In addition, the Developer shall be fully responsible for the maintenance in a healthy, flourishing condition of all trees required to be planted until the end of the three-year maintenance period following acceptance of the improvements by the Village. In the case of those trees which are replaced during the three-year maintenance period and which will not have been in the ground for three years at the expiration of the three-year maintenance period (the time required to ensure the Village that they will continue to flourish once they are being maintained by the Village), the Developer shall be required to post cash with the Village as a guarantee, as set forth under Item (E) below.

At a minimum, the following schedule of specific maintenance activities shall be observed:

- (1) *April* – All tree wrap shall be removed and trees shall be fertilized and mulched and checked for settling, straightness, and soil moisture.
- (2) *April thru August* – Trees shall be inspected and treated as needed to ensure that they remain free of disease and/or insect infestation.

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- (3) *June thru August* – Trees shall be watered on a regular schedule to prevent drought stress and to ensure healthy growth. Care should be taken not to over-water.
  - (4) *Before November 1* – The trunks of all trees shall be wrapped to prevent winter bark damage by the elements and/or animals. Trees shall be pruned (as needed), fertilized, and mulched.
- (B) In order to endure that trees are maintained in the manner required, the Village shall cause all new development trees, including the existing trees to be preserved and protected, to be inspected by the Village Forester on a periodic basis. The findings of the Village Forester shall be reported to the Developer with specific requirements for corrective action, which shall be immediately implemented by the Developer. The Village Forester shall also maintain a record of those trees replaced and the date of their replacement.
  - (C) Since the building construction activities associated with the new development can endanger the well-being of those trees planted by the Developer, as well as those trees which are to be preserved and protected, developers are encouraged to require individual builders or contractors to post bonds with them which can be used to pay for tree replacement, if necessary. In no event, shall the Village assume the role of arbitrator in determining the party responsible for tree damage. Notwithstanding the above, the Developer shall remain responsible for the health and vitality of all trees required to be planted or preserved and protected until the end of the required maintenance period set forth in this Ordinance and the Village of Huntley Municipal Code.
  - (D) The Developer shall be required to replace those trees which have become so damaged, deformed, diseased, or otherwise unhealthy that they do not meet industry standard or that the Village has good reason to believe they cannot survive in good condition. The determination of the Village shall be based on the recommendation of the Village Forester and shall be final.
    - (1) Where tree replacement is required by the Village, planting shall occur during the current planting season, if possible, and, if not, then in the next planting season following notification by the Village.
    - (2) The size and quality of replacement trees shall be equal to or better than the size and quality of the trees to be replaced, as approve by the Village Forester.
  - (E) As set forth above, there will be instances when the Developer is required to replace trees during the three-year maintenance period and, as a result, the Village will be afforded less than three years to monitor the health and vigor of these trees in order to ensure that it will be assuming responsibility for trees which will continue to flourish. Therefore, prior to the expiration of the three-year maintenance period and prior to the release of the letter of credit or other security required by this Ordinance, for each tree which has been in the ground less than three years at the expiration of the three-year maintenance period the Developer shall be held for a period of three years following the expiration of said three-year maintenance period.
    - (1) The purpose of the required cash bond shall be to ensure against loss due to improper planting techniques, disease, or lack of proper maintenance by the Developer.
    - (2) The amount of the required cash bond shall be equal to 125% of the then current replacement cost of each tree to be guaranteed.
    - (3) At least four (4) months prior to the expiration of the required maintenance period, the Village Forester, using the record of tree replacement dates, shall prepare a report to the Village Engineer listing those trees for which a cash bond is required. This report shall

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include the date the tree was planted, the current replacement cost of the tree, and the current condition of the tree.

- (4) The Developer shall be notified in writing by the Village Engineer of the required amount of the cash bond. Said notice shall include a copy of the Village Forester's detailed report. Any disagreement between the Developer and the Village Forester regarding the number of trees to be guaranteed of the required amount shall be resolved by the Village Engineer not less than three (2) months prior to the expiration of the required maintenance period and the expiration of the required letter of credit of other security.
- (5) Not less than one (1) month prior to the expiration of the required maintenance period and the expiration of the required letter of credit of other security, if the Developer has not deposited the required cash bond with the Village, the amount of said cash bond shall be drawn from the Developer's security to be held by the Village for the purposes herein set forth.
- (6) For all such trees for which a cash bond has been deposited with the Village, the Village Forester shall continue to conduct inspections on a period basis. The findings of the Village Forester shall be reported to the Village (with a copy to the Developer) with specified requirements for corrective action. Corrective action of a maintenance nature shall be immediately implemented by the Village at its own expense. If, however, the only proper corrective action, in the opinion of the Village Forester, is replacement, the cost for such replacement shall be drawn from the cash bond following written notice to the Developer and, after replacement, any funds remaining for that tree shall be released to the Developer. Notice shall be given by depositing the same in U.S. mail, postage prepaid, addressed to the Developer or his authorized agent at such address as is shown on the then most current records of the Village. Receipt of such notice shall be conclusively presumed form proof of mailing.
- (7) At the end of the three-year period following the expiration of the three-year maintenance period, any cash bond funds remaining on deposit with the Village as a tree guarantee shall be released to the Developer.

**ARTICLE XV  
NONCONFORMITIES**

**§ 156.180 NONCONFORMITIES**

- (A) *Purpose.* It is the intent of this chapter to permit these non-conformances to continue until terminated either by voluntary act or by catastrophic event; or as otherwise provided herein, and to encourage their conversion to conformance where possible.

The purpose of this Article is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Chapter. Many nonconformities may continue, but the provisions of this Article are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Chapter and the character of the Village. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Chapter and which remains nonconforming and any use, structure, or lot which has become nonconforming as a result of the adoption of this Chapter or any subsequent reclassification of zoning districts or other amendment to this Chapter, may be continued or maintained only in accordance with the terms of this Article. The limitations of this Article shall not apply to structures or lots whose nonconforming features are the subject of a variation that has been granted by the Board of Trustees. It is the intent of this chapter to permit these non-conformances to continue until terminated either by voluntary act or by catastrophic event; or as otherwise provided herein, and to encourage their conversion to conformance where possible.

- (B) *The provisions herein are designed to accomplish this purpose in a way that:*

- (1) Minimizes the nuisance, reduction in neighboring property values, and other adverse effects of properties that do not conform to their environs, and
- (2) Allows the property owner or lessee to recover all or a substantial part of his investment in the nonconformity.

**§ 156.181 NON-CONFORMING RECORDED LOT**

- (A) *Regulation of Non-conforming Recorded Lot.* A non-conforming recorded lot shall be subject to the following provisions:

- (1) *In Residential Zones.*
  - (a) *Bulk Requirements.* The bulk requirements of each residential district (coverage, floor area ratio, height) shall be met for all non-conforming recorded lots.
  - (b) *Front Yard.* The front yard shall not be less than:
    - i. 70% of the required front yard as listed in each district; or
    - ii. The average existing setback of all other primary structures on the block, whichever is greater.
  - (c) *Yard Abutting Street.* The yard abutting street shall not be less than:
    - i. 70% of the required yard abutting street as listed in each district; or
    - ii. The average existing setback of all other primary structures on the block of the abutting street, whichever is greater.
  - (d) *Side Yards.* The side yards shall not be less than 70% of the required minimum and total side yards as listed in each district

- (e) *Rear Yard.* The rear yard shall not be less than required in the zoning district in which the lot is located.
  - (f) *Lot Width.* The lot width shall not be less than 70% of the required yard as listed in each district.
  - (g) *Lot Area.* The lot area shall not be less than 70% of the required yard as listed in each district.
- (2) *In Any Other Zoning District*
- (a) *Bulk Requirements.* The bulk requirements of each non-residential district (coverage, floor area ratio, height) shall be met for all non-conforming recorded lots.
  - (b) *Front Yard/Corner Side Yard.* The front or corner side yard shall not be less than required in the zoning district in which the lot is located.
  - (c) *Side Yard.* Each side yard required for a non-conforming recorded lot shall be determined by multiplying the actual width of the lot by the yard required in the zoning district in which it is located, divided by the minimum lot width required in the zoning district in which the lot is located. However, no side yard need be greater than the requirement in the zoning district in which it is located.
  - (d) *Rear Yard.* A non-conforming recorded lot shall comply with the same rear yard as specified for the zoning district in which it is located.
  - (e) *Buildable Width on Corner Lots.* On a non-conforming recorded corner lot, the buildable width shall be at least equal to 22 feet plus one foot for each two feet that the width of the lot exceeds 24 feet less the area required for the interior minimum yard.
- (3) *Construction Repair and Alteration.* Construction of new buildings or repair of existing buildings that are being used for permitted uses but are located on non-conforming recorded lots shall be permitted. If any building is damaged or destroyed it can be rebuilt for its original development, or a new building can be constructed for any permitted use to the extent permitted in §§ 156.182 through 156.183. (Ord., passed 7-17-89)

## § 156.182 NON-CONFORMING STRUCTURE AND USE REGULATIONS

Any building or structure containing a non-conforming use, or any non-conforming structure, shall be subject to the following regulations:

- (A) If any building or structure is destroyed by any means to an extent of more than 50% of the replacement cost of that portion of the building or structure which is above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the regulations of the zoning district in which it is located.
- (B) In the event the damage or destruction is less than 50% of its replacement value based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued as it existed at the time of said partial destruction. Burden of proof of costs shall be upon the owner.
- (C) Normal maintenance and repairs shall be permitted.

- (D) Enlargement or structural alterations of an existing non-conforming structure shall be permitted, provided that the enlargement or alteration does not increase the non-conformity. An increase in non conformity includes any situation where a proposed addition violates existing regulations. For example, an increase in non-conformity exists where a portion of a building violates the relevant setback line, causing a non-conformity, and a proposed building addition violates the same setback line, but to no greater extent than the existing building.
- (E) Non-conforming uses shall not be changed to any more intensive use than one permitted in the zoning district in which it is located. However, nothing herein shall be construed as prohibiting the construction of a private garage, accessory buildings and structures, as an accessory use to any dwelling unit regardless of the zoning district in which the dwelling is located.
- (F) Discontinuation of a non-conforming use of land or of a structure for any reason for a period of more than three months shall be considered abandonment of that use. Such use shall not be re-established, and any subsequent use of the land or structure shall conform to the regulations of the zoning district in which it is located.
- (G) Industrial uses which are non-conforming by virtue of being located in a non-industrial zoning district shall be subject to the performance standards applicable in the M zoning district. Alterations and repairs as provided in division (B) of this section shall be done in a manner conforming to the M zoning district performance standards. For industries which are not located in an industrial zoning district and which fail to comply with the performance standards of the zoning district in which they are located, enlargements, repairs, or alterations shall be made in such a manner as conforming as possible to the industrial district performance standards of the zoning district in which the industry is located.

#### **§ 156.183      TERMINATION AND REMOVAL OF SELECTED NON-CONFORMING USES**

- (A) The period of time during which the following non-conforming uses of buildings, structures or land may continue or remain shall be limited to one year from the effective date of this chapter, or of any amendment thereto, which causes the use to be non-conforming.
- (1) Any non-conforming use of land where no enclosed building is involved or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming use.
  - (2) Every such non-conforming use shall be completely removed from the premises at the expiration of the one year period.
- (B) Non-conforming signs and billboards shall be removed as provide for in Article XIII – Sign Regulations.

#### **§ 156.184      MOVING OF STRUCTURES**

No structure with any nonconformity shall be moved in whole or in part to any other location on the same or any other lot unless in the new location it will conform to all regulations of the applicable zoning district.

#### **§ 156.185      SPECIAL USES NOT CONFORMING**

Special Uses approved by the Village shall not be considered to have use nonconformities but shall require an additional special use permit for any alteration, enlargement, or extension.

#### **§ 156.186      INTERMITTENT USES NONCONFORMING**

The casual, intermittent, or temporary use of land or structures shall not be sufficient to establish the existence of a use which is nonconforming.

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**ARTICLE XVI**  
**ZONING ADMINISTRATION AND ENFORCEMENT**

**§ 156.200 VILLAGE MANAGER**

- (A) *General Powers.* The Village Manager shall be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority and duties conferred on the Village Manager by other provisions of State statutes and Village codes and ordinances, the Village Manager shall have all powers necessary to such administration and enforcement, and shall, in particular, have the jurisdiction, authority and duties hereinafter set forth.
- (B) *Rules; Regulations; Application Forms.* The Village Manager shall, consistent with the express standards, purposes and intent of this Code, promulgate, adopt and issue such procedural rules, regulations and forms as are in the Manager's opinion necessary to the effective administration and enforcement of the provisions of this Code.
- (C) *Staff Assistance to the Plan Commission and Zoning Board of Appeals.* The Village shall make staff and consulting assistance available to the Plan Commission, Zoning Board of Appeals, and the Manager, or his delegate, shall in that capacity:
- (1) Attend the meetings of each such body;
  - (2) Inform each such body of all facts and information at the Manager's disposal with respect to any matter brought before such body;
  - (3) Assist each such body by performing research and making recommendations on matters brought before each such body; and
  - (4) Perform such other duties as may be assigned to the Manager by this Code and by the direction of the Village Board.
- (D) *Records.* The Village Manager shall, subject to Village record retention policies, maintain:
- (1) Permanent and current records of this Code, including all maps; amendments; variations; special use permits; and planned development approvals and denials; interpretations; and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Village Attorney and the Village Manager, together with relevant background files and materials together with the final disposition of the Village Board;
  - (2) A current file of all Certificates of Occupancy and notices of violations, terminations, discontinuance or removal, issued by or entrusted to the Manager's office, for such times necessary to ensure continuous compliance with the provisions of this Code, and
  - (3) A current file of all non-conforming signs in the Village, by location and type of use.
- (E) *Zoning Text; Zoning Map.* The Village Manager shall prepare and have available for public sale on or before March 31 of each year;
- (1) The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and
  - (2) The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31. The Village Manager shall, at all other times, maintain, and have available for reproduction, at least one up-to-date copy of both the Zoning Code text and the Zoning Map, showing all amendments through the most recent

meeting of the Board of Trustees for which official minutes have been approved.

- (F) *Applications; Receipt; Processing, Referral to Interested Parties and Agencies.* The Village Manager, or his delegate, shall receive all applications required to be filed pursuant to the Code. Upon receipt of any such application, the Manager shall see to its expeditious processing, including its prompt referral to and retrieval from each official department, board or commission of the Village or other government, with any interest or duty with respect to such application. Unless otherwise provided, the Village Manager may waive any application requirements that require the submission of supporting information where the applicant demonstrates to the Village Manager that the information required is not relevant to the application submitted.
- (G) *Investigation of Applications.* Whenever the Plan Commission, the Zoning Board of Appeals or the Board of Trustees shall, by general rule or specific direction, so request, the Village Manager shall conduct or cause to be conducted such surveys, investigations and field studies, and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits, as shall be necessary and appropriate to the processing of any application filed pursuant to this Code.
- (H) *Certificates of Occupancy.* Pursuant to Section 156.207 of this Article, the Village Manager, or his delegate shall review all applications for Certificates of Occupancy and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this Code.
- (I) *Interpretations.* Pursuant to the provisions of Section 156.208 of this Article, the Village Manager, or his delegate shall issue his written interpretation of the meaning and applicability of specific provisions of this Code. Any interpretation of this Code that may be rendered by the Zoning Board of Appeals or the Village Manager shall be kept on file with the Village Manager and shall be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.
- (J) *Planned Unit Development Modifications.* Pursuant to the provisions of Article VIII - Section 156.070 (G), the Village Manager or his delegate shall have authority to permit adjustments to final planned unit developments.
- (K) *Extensions of Time.*
- (1) The Village Manager may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code unless an ordinance or resolution shall expressly provide otherwise. The total period of time granted by such extension or extensions shall not exceed the length of the original period or 90 days, whichever is less. The Village Manager shall inform the Village Board of all extensions granted pursuant to this Subsection.
  - (2) The Village Board may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code provided an ordinance or resolution, as appropriate, is duly adopted by a two-thirds vote of the Board of Trustees. The total period of time granted by such extension or extensions shall be specifically stated in the ordinance or resolution.
- (L) *Inspection and Enforcement.* In furtherance of the enforcement of this Code, the Village Manager shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper; shall undertake such additional inspections as may be necessary to the performance of his duties hereunder; shall receive from any person complaints alleging, with particularity, a violation of this Code; and when appropriate shall cause such investigations and inspections as may be warranted by such complaints

to be made.

Upon finding the existence of any violation of this Code, the Village Manager shall take or direct all actions necessary or appropriate to punish and abate such violation.

- (M) *Reports.* The Village Manager shall, as from time to time is appropriate, prepare and submit a report to the Board of Trustees, the Zoning Board of Appeals and the Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations and setting forth the Manager's recommendations for the improvement of such regulations and their administration.

## § 156.201 PLAN COMMISSION

### (A) *Established*

- (1) *Creation; Membership.* The Plan Commission shall consist of seven members appointed by the President and the Board of Trustees, voting jointly. All commissioners shall be residents of the Village of Huntley. The members appointed by the President and Board of Trustees shall serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years and until their successors have been appointed and qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the President, with the advice and consent of the Board of Trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five years and until a successor has been appointed and has qualified for office. During their term of office, the members of the Plan Commission shall serve concurrently as members of the Zoning Board of Appeals in accordance with 156.202. The resignation or removal of any member serving concurrently on the Plan Commission and Zoning Board of Appeals shall be deemed a resignation or removal, as the case may be, from both such bodies. A member shall be eligible for reappointment.
- (2) *Chairperson and Vice Chairperson.* The President, with the advice and consent of the Board of Trustees, shall name one member of the Plan Commission as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. The Chairperson and Vice Chairperson of the Plan Commission shall serve concurrently as Chairperson and Vice Chairperson, respectively, of the Zoning Board of Appeals. The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson, or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Board of Appeals shall act as Chairperson and shall have all of the powers of the Chairperson. The Vice Chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the Plan Commission.
- (B) *Necessary Vote.* The concurring vote of at least a majority of the currently appointed Commissioners shall be necessary to adopt any motion to recommend approval of any matter or application. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision to recommend denial of such matter or application.
- (C) *Record, Recommendations and Decisions*
- (1) The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Plan Commission; and the decision and report, or reports, of the Commission shall constitute the record.

- (2) Every recommendation or decision of the Plan Commission upon an application filed pursuant to this Code shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits, plans or specifications, upon which such recommendation or decision is based; shall specify the reason or reasons for such recommendation or decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the recommendation or decision on the Commission. Every resolution shall expressly set forth any limitations or conditions recommended or imposed by the Commission.
  - (3) In reaching its recommendation or decision on any such application, the Plan Commission may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Commission shall make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
  - (4) The Plan Commission shall take no final vote on any recommendation pertaining to an application pending before it unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances warrant it, the Plan Commission may take final action on any such application prior to the preparation of such resolution but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.
  - (5) In any case where this Code provides that the failure of the Plan Commission to act within a fixed period shall be deemed at recommendation for grant or denial of an application, such failure shall, notwithstanding absence of required findings and conclusions, be considered to be a decision of the Commission rendered on the day following the expiration of such fixed period.
  - (6) As to other matters brought before the Plan Commission, the Commission shall prepare such report as it shall deem appropriate to the subject matter.
- (D) *Jurisdiction and Authority.* The Plan Commission shall have the following jurisdiction and authority:
- (1) Subject to the provisions of Section 156.203 of this Article, to prepare and recommend a Comprehensive Plan to the Board of Trustees, which, upon its adoption by the Board of Trustees, shall be known as the "Official Comprehensive Plan" of the Village of Huntley.
  - (2) Subject to the provisions of this Article, to review, prepare and recommend to the Board of Trustees changes in and amendments to the Comprehensive Plan.
  - (3) Subject to the provisions of Section 156.068 Special Use Permits, to hear, review and offer its recommendations to the Board of Trustees on applications for special use permits.
  - (4) Subject to the provisions of Section 156.070 Planned Unit Developments, to hear, review and offer its recommendations to the Board of Trustees on applications for planned unit development approval.
  - (5) Subject to the provisions of Section 156.072 Site Plan Review, to hear, review and offer its recommendations to the Board of Trustees on applications for site plan review approval.
  - (6) Subject to the provisions of Section 156.211 of this Article, to initiate, hear, review and

offer its recommendations to the Board of Trustees on applications for amendment of this Code.

- (7) To aid and assist the Board of Trustees and the departments of the Village in implementing general plans and in planning, developing and completing specific projects.
- (8) To review and report on any matters referred to it by the Board of Trustees or the Village Manager.

#### **§ 156.202 ZONING BOARD OF APPEALS**

(A) *Established*

- (1) *Creation; Membership.* The Zoning Board of Appeals shall consist of the seven members of the Plan Commission as appointed by the President and Board of Trustees pursuant to § 156.201. All members shall be residents of the Village. The members appointed by the President and Board of Trustees shall serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years and until their successors have been appointed and qualified for office. A vacancy that may occur shall be filled for the balance of the unexpired term by appointment of the President, with the advice and consent of the Board of Trustees. All appointments of successors upon the expiration of any term of any member shall be for a period of five years and until a successor has been appointed and has qualified for office. Notwithstanding the foregoing, as of September 26, 2019, the effective date of this amendatory provision, the term of each member of the Plan Commission serving jointly on the Zoning Board of Appeals shall be the term for which such member is appointed to the Plan Commission pursuant to § 156.201. The resignation or removal of any member serving concurrently on the Plan Commission and Zoning Board of Appeals shall be deemed a resignation or removal, as the case may be, from both such bodies. A member shall be eligible for reappointment.
- (2) *Chairperson and Vice Chairperson.* The President, with the advice and consent of the Board of Trustees, shall name one member of the Zoning Board of Appeals as Chairperson, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another member as Vice Chairperson. As of September 26, 2019, the effective date of this amendatory provision, the current Chairperson and Vice Chairperson of the Plan Commission shall be deemed to be appointed as Chairperson and Vice Chairperson, respectively, of the Zoning Board of Appeals. The Chairperson and Vice Chairperson may administer oaths. In the absence of the Chairperson, the Vice Chairperson, or, in the absence of the Vice Chairperson, a Temporary Chairperson elected by the Board of Appeals shall act as Chairperson and shall have all of the powers of the Chairperson. The Vice Chairperson shall have, in addition, such other powers and duties as may from time to time be provided by the rules of the Zoning Board of Appeals.

- (B) *Necessary Vote.* The concurring vote of at least four members of the Board of Appeals shall be necessary on any motion to reverse any order, requirement, decision or determination appealed to it; to decide in favor of the applicant any application made; or to effect any variation from the provisions of this Code. Any lesser vote on any such motion, even if a majority of those voting, shall be considered a final decision denying the appeal, application or variation.

(C) *Record, Recommendations and Decisions*

- (1) The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Board shall constitute the record. The Board may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Board shall make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.
  - (2) Every recommendation or decision of the Zoning Board of Appeals shall be by written resolution which shall include findings of fact; shall refer to all the evidence in the record and to the exhibits; plans or specifications upon which such decision is based; shall specify the reason or reasons for such decision; shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief; and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.
  - (3) The Zoning Board of Appeals shall take no final or binding vote on a recommendation or decision unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances warrant it, the Board may take final action prior to the preparation of such resolution but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances.
  - (4) In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period shall be deemed to be a denial of an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Board rendered on the day following the expiration of such fixed period.
- (D) *Jurisdiction and Authority.* The Zoning Board of Appeals shall have the following jurisdiction and authority:
- (1) Subject to the provisions of Section 156.209 of this Ordinance, to hear Appeals from, and to review orders, decisions or determinations made by the Village Manager.
  - (2) Subject to the provisions of Section 156.210 of this Ordinance, to recommend granting or denying Variations from the requirements of this Code.
  - (3) To aid and assist the Board of Trustees and the departments of the Village in implementing general plans and in planning, developing and completing specific projects.
  - (4) To review and report on any matters referred to it by the Board of Trustees or the Village Manager.

### § 156.203 OFFICIAL COMPREHENSIVE PLAN

- (A) *Authority.* The Plan Commission shall have authority to prepare and recommend to the Board of Trustees a Comprehensive Plan of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, any or all of which the Board of Trustees may adopt as the "Official Comprehensive Plan of the Village of Huntley," all in accordance with the procedures set out in this Section.
- (B) *Definition.* The "Official Comprehensive Plan" shall be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal and public works

programs; together with pertinent data relative to the past, present and future trends of the Village with respect to its population, housing, economic, social and environmental development patters; its land, water and natural resources and use; its transportation facilities, public facilities and utilities; and any other matter relative to the present and future patterns of life within the Village or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Village Plan Commission with the advice and assistance of the Village Manager and the Manager's staff and adopted by the Village Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.

Said term shall also refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.

As of the effective date of this Code, said term shall be understood to refer to the following documents:

- (1) Huntley Comprehensive Plan, as most recently adopted.
  - (2) Huntley Subdivision Ordinance, as amended.
  - (3) This Code.
- (C) *Purpose.* The Official Comprehensive Plan shall be considered an official statement of the policy of the Village of Huntley with respect to the existing and developing character of the various areas of the Village and its vicinity; the proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the Village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and the actions and programs to be undertaken by the Village with respect to its future maintenance and development.
- (D) *Effect.* After the adoption of the Official Comprehensive Plan, or a part thereof, no ordinance, regulation or official map relating to the physical maintenance, development, or redevelopment of the Village or any land within it shall be enacted, established, amended or varied and no right-of-way, street, utility or public structure or land shall be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of the Official Comprehensive Plan or relevant part thereof unless the Board of Trustees shall first make specific finding that the facts and circumstances affecting the particular matter justify a department from the Plan.
- (E) *Procedures*
- (1) *Plan Development.* The Plan Commission, with the assistance of the Village Manager and the Manager's staff, shall exercise the powers and duties relegated to it by Section 156.201 of this Article in the continuing development and revision of the Official Comprehensive Plan. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Plan Commission and the Village Manager, in developing a plan, shall make all reasonable efforts to obtain the views, comments and criticisms of interested persons. In addition, the Plan Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the Board of Trustees, shall set, notice and conduct a public hearing thereon in accordance with the provisions of Section 156.206 of this Article.

The Board of Trustees may, at any time, refer a plan to the Plan Commission for consideration and recommendation. In the case of such referral, the Plan Commission shall return its recommendation to the Board of Trustees not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the Board of Trustees may proceed to consider the amendment without such recommendation.

When satisfied that a plan, or a part thereof, is adequate for adoption as the Official Comprehensive Plan of the Village, or a part thereof or an amendment thereto, the Plan Commission shall transmit such plan or part thereof to the Board of Trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmittal shall be made not later than 15 days following the close of the public hearing concerning such plan.

- (2) *Plan Adoption.* Upon receiving any recommendation of the Plan Commission with respect to adoption or amendment of any plan, or a part thereof, the Board of Trustees may, by ordinance duly enacted, adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the Plan Commission for further consideration; or may reject such plan. The Board shall take such action no later than 90 days following the close of the Plan Commission Public Hearing on such plan. The failure the Board to act within such period shall be deemed to be a rejection of the plan. Upon the adoption of any such plan or part thereof, it shall be designated as the "Official Comprehensive Plan of the Village of Huntley," and if less than a total comprehensive plan, shall carry a subheading designating its specific contents.
- (3) *Plan Amendment.* The Official Comprehensive Plan, or any part thereof, may be amended at any time in accordance with the provisions of this Paragraph 3. Such an amendment may be initiated by the Board of Trustees, the Plan Commission, the Village Manager, or by any owner of property affected by the provisions of such plan sought to be amended.
  - (i) Amendments initiated by the Board of Trustees, the Plan Commission or the Village Manager shall require no formal application and shall be processed as provided in Paragraphs (E)(1) and (E)(2) above.
  - (ii) Amendments initiated by the owner of affected property shall be initiated by an application filed pursuant to Section 156.204 of this Article, except that the time limits specified in Paragraphs (E)(1) and (E)(2) above shall apply.
- (4) *Plan Filing and Notice of Adoption.* The ordinance adopting the official Comprehensive Plan, or any part thereof, shall provide that the Village Manager shall cause a certified copy thereof to be placed on file in the Office of the Village Clerk, and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Kane or McHenry County Recorder of Deeds, where applicable.

#### **§ 156.204 APPLICATIONS**

- (A) *Place of Filing.* All applications filed pursuant to this Code shall be filed with the Office of the Village Manager.
  - (1) *Applications for Certificate of Occupancy Certificates and Code Interpretations.* All applications for a Certificate of Occupancy pursuant to Section 156.207 of this Article and Code Interpretations pursuant to Section 156.208 of this Article shall be filed with the Office of the Village Manager or with such other Village official or body as the Manager

may designate.

- (2) *Applications for Appeals and Variations.* All applications for an appeal pursuant to Section 156.209 of this Article and a variation pursuant to Section 156.210 of this Article shall be filed with the office of the Village Manager for immediate processing pursuant to Paragraph 156.206 (C)(1) of this Article.
  - (3) *Applications for Amendments and Special Use Permit Approvals.* All preliminary and formal applications for an amendment pursuant to Section 156.211 of this Article and special use permits, planned unit developments and site plan review pursuant to Sections 156.068, 156.070 and 156.072, respectively, of this Code, shall be filed with the office of the Village Manager for immediate referral to the Board of Trustees and/or applicable advisory board. The Village Manager shall cause every properly filed and completed application filed pursuant to this Subparagraph to be on the agenda of the next regular Village Board meeting following the date of such filing.
- (B) *Form, Number, Scale.* All applications filed pursuant to this Code shall be on forms supplied by the Village and shall be filed in such number of duplicate copies as the Village Manager may be administrative order designate. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plan and the proposal being made and shall be folded to a convenient size for handling and filing in standard, legal size file drawers.
- (C) *Filing Deadlines*
- (1) *Applications Requiring Hearings.* Applications requiring public hearing will not be scheduled for such hearing unless and until filed in proper form and number and containing all required information.
  - (2) *Applications Not Requiring Hearing.* Applications that do not require a public hearing shall be filed, in proper form and number and containing all required information, at least 35 days prior to the time when action on the application is requested. Applications so filed will be processed on a first-filed, first-processed basis.
  - (3) *Supplemental Data.* Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the applicant, it shall be submitted at least seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Village Manager and of the body hearing the application, be cause to delay a requested or scheduled hearing date.
- (D) *Fees*
- (1) *Fee Established; Lien.* Every application filed pursuant to this Code shall be subject to a non-refundable application and filing fee in the amount established in the annual fee ordinance adopted pursuant to the Huntley Municipal Code plus the actual cost, as hereinafter defined, incurred by the Village in processing such application. The owner of the property which is the subject of the application and, if different, the applicant, shall be jointly and severally liable for the payment of said fee. By signing the application, owner shall be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien

filed pursuant to this Paragraph may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

- (2) *Recoverable Costs.* For purposes of calculating the fee due pursuant to Paragraph (D)(1) above, the actual costs incurred by the Village in processing an application shall be deemed to consist of the following items of direct and indirect expense:
- (a) Legal Publication (direct cost)
  - (b) Recording Secretarial Services (direct cost)
  - (c) Court Reporter (direct cost)
  - (d) Administrative Preparation and Review (hourly salary times a multiplier to be established from time to time by the Village Manager at a level sufficient to recover 100 percent of the direct and indirect cost of such service)
  - (e) Document Preparation and Review (hourly salary times a multiplier to be established from time to time by the Village Manager at a level sufficient to recover 100 percent of the direct and indirect cost of such service)
  - (f) Professional and Technical Consultant Services (direct cost)
  - (g) Legal Review, Consultation and Advice (direct cost)
  - (h) Copy Reproduction (direct cost)
  - (i) Document Recordation (direct cost)
- (3) *Fee Payment and Escrow. As provided in the Village of Huntley Development Guide and Application*
- (a) *Initial Application Payment and Escrow.* Every application filed pursuant to this Code shall be accompanied by the required fee plus an additional amount for recoverable costs as provided in Paragraph (D)(2) above, as fixed from time to time by administrative order of the Village Manager, to be deposited in an application fee escrow. No interest shall be payable on any such escrow.
  - (b) *Charges Against Escrow.* From the date of filing of any application pursuant to this Code, the Village shall maintain an accurate record of the actual costs, as hereinabove defined, of processing such application. The Village Manager shall, from time to time, draw funds from the escrow account established for such application to pay such costs and shall transfer such funds to the appropriate Village accounts. The Manager shall maintain an accurate record of all such drawings.
  - (c) *Additional Escrow Deposits.* Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Manager shall inform the applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.

- (d) *Final Settlement.* As soon as reasonably feasible following final action on an application, the Village Manager shall cause a final accounting to be made of the escrow deposits made in connection with such application and the actual cost of processing such application and shall make a final charge of such costs against such escrow deposits. A copy of the accounting shall be provided to the owner and the applicant.

If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it shall be returned to the applicant.

- (4) *Condition of All Applications, Approvals and Permits; Time Periods.* No application filed pursuant to this Code shall be considered complete unless and until all fees and deposits due pursuant to this Subsection have been paid. Every approval granted and every permit issued pursuant to this Code shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Subsection.

Where this Code provides that the passage of time without decision or action shall be deemed an approval or a recommendation for approval, time periods shall be tolled during any period of non-payment, but shall otherwise continue to run.

The failure to fully pay any such fee or deposit, when due, shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

- (5) *Specified Public Bodies Exempt.* The provisions of this Subsection 156.204 (D) shall not apply to, and no fee shall be required of, any public body or agency deriving the majority of its revenues from taxes levied within the Village of Huntley.

(E) *Minimum Data Requirements*

- (1) *All Applications.* Every application submitted pursuant to this Code shall contain at least the following information:
- (a) The owner's name and address and the owner's signed consent to the filing of the application.
  - (b) The applicant's name and address, if different that the owner, and his interest in the subject property.
  - (c) The names, addresses and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
  - (d) The name and address and the nature and extent of the interest of any officer or employee of the Village in the owner, the applicant or the subject property.
  - (e) The address and legal description of the subject property.
  - (f) A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use and development of the subject property. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.

- (g) In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Subsection 156.205 (B) of this Article.
  - (h) Proof of control or ownership, in the case of site-specific applications.
- (2) *Applications for Certificate of Occupancy.* Every application filed pursuant to Section 156.207 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) above, provide the following information:
- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained.
  - (b) A table showing the following, applicable:
    - i. The total lot area of the subject property, in acres and in square feet;
    - ii. The total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses, office uses, industrial uses and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
    - iii. The existing and proposed:
  - (c) Number of dwelling units, by number of bedrooms and dwelling unit gross floor area; and
  - (d) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses and recreational uses.
  - (e) A table listing all bulk, space and yard requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefore shall be stated and an explanation of the Village's authority, if any, to approve the application despite such lack of compliance shall be set forth.
  - (f) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction or development complies with all the provisions of this Code and other Village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- (3) *Applications for Code Interpretations.* Every application filed pursuant to Section 156.208 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the following information:
- (a) The specific provision or provisions of this Code for which an interpretation is sought.
  - (b) The facts of the specific situation giving rise to the request for an interpretation.
  - (c) The precise interpretation claimed by the applicant to be correct.

- (d) Where a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
  - (e) Where a use interpretation is sought, documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
- (4) *Application for Appeals.* Every application filed pursuant to Section 156.209 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the following information:
- (a) The specific order, decision or determination of failure to act from which an appeal is sought.
  - (b) The facts of the specific situation giving rise to the original order, decision, determination or failure to act and to the appeal therefrom.
  - (c) The precise relief sought.
  - (d) A statement of the applicant's position as to alleged errors in the order, decision, determination or failure to act being appealed and as to why the relief sought is justified and proper.
- (5) *Applications for Variations.* Every application filed pursuant to Section 156.210 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the following information:
- (e) The specific feature or features of the proposed use, construction or development that require a variation.
  - (f) The specific provision of this Code from which a variation is sought and the precise variation therefrom being sought.
  - (g) A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.
  - (h) A statement of the minimum variation of the provisions of this Code that would be necessary to permit the proposed use, construction or development.
  - (i) A statement of how the variation sought would satisfy the standards set forth in Subsection 156.210 (F) of this Code.
  - (j) The names and addresses of all owners of:
    - i. Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
    - ii. Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Kane or McHenry County, where applicable.
  - (k) A survey, certified by a registered land surveyor, showing existing lot lines and

dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.

- (l) A statement concerning the conformity or lack of conformity of the approval being requested to the Village Comprehensive Plan. Where the approval being requested does not conform to the official Comprehensive Plan, reasons justifying the approval despite such lack of conformity shall be stated.
- (6) *Applications for Zoning Code Text or Official Comprehensive Plan Amendments.* Every application filed pursuant to Subparagraph 156.203 (E)(3) or formal applications filed pursuant to Paragraph 156.211 (D)(2) of this Code requesting an amendment to the text of either the Official Comprehensive Plan or this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the following information:
- (a) The exact wording of the proposed text amendment.
  - (b) A statement of the need and justification for the proposed text amendment.
  - (c) The names and addresses of all owners of:
    - i. Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
    - ii. Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Kane or McHenry County, where applicable.
  - (d) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
  - (e) A statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan. Where the approval being requested does not conform to the Official Comprehensive Plan, reasons justifying the approval despite such lack of conformity shall be stated.
- (7) *Applications for Zoning or Official Comprehensive Plan Map Amendments.* Every application filed pursuant to Paragraph 156.203 (E)(3) or formal applications filed pursuant to Paragraph 156.211 (D)(2) of this Code requesting an amendment to the Official Comprehensive Plan Map or the Zoning Map shall, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide a statement of the need and justification for the proposed Plan or Zoning Map amendment. Said statement shall address at least the following factors:
- (a) The existing uses and zoning classifications of properties in the vicinity of the subject property.
  - (b) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.

- (c) The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.
  - (d) The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.
  - (e) The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
  - (f) The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
  - (g) The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
  - (h) The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
  - (i) The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediately vicinity of the subject property would be affected by the proposed amendment.
  - (j) The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
  - (k) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
  - (l) The community need for the proposed map amendment and for the uses and development it would allow.
  - (m) The names and addresses of all owners of:
    - i. Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and
    - ii. Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Kane or McHenry County, where applicable.
- (8) *Formal Applications for Special Use Permits.* Every application filed pursuant to Section 156.068 (D)(2) of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the following information:
- (a) A written statement of the need for the special use permit.
  - (b) The names and addresses of all owners of:
    - i. Property within 250 lineal feet, excluding street rights-of-way, in all directions from the subject property; and

- ii. Property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property and on a frontage directly opposite any such frontage and on a frontage immediately adjoining or across an alley from any such frontage, as shown in the records of the Office of the Assessor of Kane or McHenry County, where applicable.
- (c) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
- (d) A statement concerning the conformity or lack of conformity of the approval being requested to the Village official Comprehensive Plan, reasons justifying the approval despite such lack of conformity shall be stated.
- (9) *Formal Applications for Planned Unit Developments.* Every application filed pursuant to Section 156.070 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the required information pursuant to Section 156.070 (E). *Review Procedures.*
- (10) *Formal Applications for Site Plan Review.* Every application filed pursuant to Section 156.072 of this Code shall, in addition to the data and information required pursuant to Paragraph (1) and, where relevant, Paragraph (2) above, provide the required information pursuant to Section 156.072 (E). *Review Procedures.*
- (F) *Special Data Requests.* In addition to the data and information required pursuant to Subsection E. of this Section, every applicant shall submit such other and additional data, information or documentation as the Village Manager or any Board or Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- (G) *Concurrent Applications.* Where a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a precondition to approval of other applications. Such applications may, in the discretion of the Village Manager, body or bodies charged with review of such applications be processed together; provided, however, that no application shall be approved unless all applications that are a precondition to its approval have first been approved.
- (H) *Withdrawal of Application.* An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto; provided that the applicant shall have paid all applicable application fees pursuant to Subsection 156.204 (D)(3). Such withdrawal shall be without prejudice to the applicant's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this Code in the same manner as any other new application.

#### **§ 156.205      SUCCESSIVE APPLICATIONS**

- (A) *Second Applications Without New Grounds Barred.* Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application, seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless, in the opinion of the Officer, Board or Commission before which its is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- (B) *New Grounds to be Stated.* Any such second application shall include a detailed statement of the grounds justifying consideration of such application.

- (C) *Exception.* Whether or not new grounds are stated, any such second application filed more than one year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new factors that have developed since the denial of the first application. In the absence of such evidence it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

## § 156.206 PUBLIC HEARINGS AND MEETINGS

- (A) *Setting Hearing or Meeting; Time Limitation.* When the provisions of this Code require a public hearing or meeting in connection with any application filed pursuant to this Code, the body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting shall be commenced no later than 60 days, and shall be concluded no later than 120 days, following the receipt of the subject application unless the applicant shall agree to an extension or unless the hearing or meeting agenda of the body is completely committed during that time. In all cases where the Plan Commission is the body charged with conducting the hearing, an application shall be deemed to have been "received" on the date of the referral of such application by the Board of Trustees.
- (B) *Notice*
- (1) *Notice to be Given.* Notice of public hearings and meetings set pursuant to Subsection A of this Section shall be given by the Village Manager or the applicant, where applicable, in the form and manner and to the persons herein specified.
  - (2) *Content of Notice.* All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, and the address or particular location, as well as a legal description, of the subject property.
  - (3) *Persons Entitled to Notice*
    - (a) *All Hearings and Meetings.* Notice of every hearing or meeting set pursuant to Subsection A of this Section shall be given by the Village Manager:
      - i. By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
      - ii. By mail to any newspaper or person that shall have filed a written request, accompanied by an annual fee as established from time to time by the Village Manager to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request shall automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date.
      - iii. By mail, personal delivery or interdepartmental delivery to affected Village Boards, Commissions, Departments and Officials.

Notice by mail as herein required, shall be mailed no less than five days in advance of the hearing or meeting date by regular United States mail.
    - (b) *Hearings on Amendments, Special Use Permits and Variations.* In addition to

notice as required by Subparagraph B(3)a above, the following notice shall be given for every hearing set pursuant to Subsection A of this Section in connection with an application for an amendment to this Code or the Zoning Map, a special use permit or a variation:

- i. *Content of Notice.* The notice required pursuant to this Subparagraph shall contain, at a minimum, the following information:
    1. The street address, legal description or detailed location description of the property, if any, that is the subject of the application;
    2. A brief statement of the nature of the relief being requested;
    3. The name and address of the applicant;
    4. The name and address of the legal and beneficial owner of the property, if any, that is the subject of the application; and
    5. The public hearing date, time and location.
  - ii. *Notice by Newspaper Publication.* The Village Manager shall cause a notice to be published in a newspaper published in, or of general circulation within, the Village at least once no less than 15 days, nor more than 30 days, in advance of the hearing date.
  - iii. *Notice by Mail.* If a specific property is the subject of the application, the applicant shall deliver a notice, by certified mail, return receipt requested, or by personal delivery, to all owners of all property located, in whole or in part, within 250 feet of the subject property measured in all directions of the subject property excluding public and railroad rights-of-way. The notice shall be mailed or personally delivered, where applicable, no less than 15 days, nor more than 30 days, in advance of the hearing date. The mailing of a notice pursuant to this Subparagraph addressed to the name and address on the most recent Kane or McHenry County real estate tax records shall be deemed a satisfaction of this notice by mail requirement.
  - iv. *Notice by Sign.* If a specific property is the subject of the application, the applicant shall post the subject property with a ground sign of approximately six square feet of gross surface area containing the legibly written notice. The sign shall be located on the subject property so as to be visible from at least one right-of-way abutting the subject property. The applicant shall remove the sign within three days after the hearing is closed. Notice by sign shall be required for any application for a variation.
  - v. *Report to Hearing Body.* At the hearing, the applicant shall present to the hearing body an affidavit, certification or other evidence satisfactory to the hearing body, demonstrating, to the satisfaction of the hearing body, that the applicable notice requirements of this Subparagraph have been satisfied.
- (c) *Hearing on Renewal of Special Use Permits.* In addition to notice as required by Subparagraph B(3)(a) above, notice of a hearing for the renewal of a special use permit pursuant to Subsection 156.068 (K) of this Code shall be given in

accordance with 156.206 (B)(3)(b) i., iii., iv. and v. provided, however, that the notice by mail requirement in Subparagraph 156.206 (B)(3)(b) iii. shall be satisfied by U.S. Mail, first class prepaid, instead of certified mail.

- (d) *Hearing on Official Comprehensive Plan.* In addition to notice as required by Subparagraph B(3)(a) above, notice of every hearing set pursuant to Subsection A hereof in connection with the adoption or amendment of the Official Comprehensive Plan shall be given by publication in a newspaper of general circulation in Kane or McHenry County, where applicable, at least 15 days before such hearing.
- (e) *Hearing on Zoning Map Amendments.* In addition to notice as required by Subparagraph B(3)(a) above, notice of every hearing set pursuant to Subsection A hereof in connection with an application for an amendment to the Zoning Map shall be pursuant to Subparagraph 156.206 (B)(3)(b); provided, however, that the requirements set forth in Subparagraph 156.206 (B)(3)(b) iv. shall not apply in any of the following instances:
  - i. when the Village is the applicant and none of the property that is the subject of the application is owned by the Village; or
  - ii. the property that is the subject of the application consists of five (5) or more zoning lots.

(C) *Referral to Village Commissions and Departments*

(1) *Hearings and Meetings Regarding Appeals and Variations*

- (a) *Manager to Refer Applications.* The Village Manager shall, not later than the time set pursuant to Subsection B of this Section for giving public notice, refer every application for an appeal pursuant to Section 156.209 of this Article and for a variation pursuant to Section 156.210 of this Article, unless pursuant to Section 156.210 (D)(4) of this Article to all appropriate Village Commissions and Departments.
- (b) *Review and Comments.* Each Village Commission and Department to which an application is referred pursuant to this Subsection shall review such application and submit its comments thereon to the Staff Secretary of the Zoning Board of Appeals.

Such comments shall, whenever possible, be submitted at least two business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

(2) *Hearings and Meetings Regarding Variations, Amendments and Special Use Approvals*

- (a) *Manager to Refer Applications.* Following receipt from the Board of Trustees of an application for a special use permit pursuant to Section 156.068 of this Article, a planned unit development pursuant to Section 156.070 of this Article a variation pursuant to Paragraph 156.210 (D)(4) of this Article, an amendment pursuant to Section 156.211 of this Article, the Village Manager shall, not later than the time set pursuant to Subsection B of this Section for giving public notice, refer such application to all appropriate Village Commissions and Departments.
- (b) *Review and Comments.* Each Village Commission and Department to which an

application is referred pursuant to this Subsection shall review such application and submit its comments thereon to the Staff Secretary of the Plan Commission.

(D) *Conduct of Hearings*

- (1) *Rights of All Persons.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial or unduly repetitious evidence.
- (2) *Rights of Parties and Proximate Owners.* The applicant and, subject to restrictions imposed by the Huntley Ethics Code, any Board, Commission, Department or Official of the Village, and any property entitled to written notice pursuant to Subparagraph B(3)(b) ii. of this Section, may, subject to the discretion of the hearing body, in addition to the rights granted by Paragraph D1 above, be allowed any or all of the following rights:
  - (a) To present witnesses on their behalf;
  - (b) To cross-examine all witnesses testifying in opposition to their position;
  - (c) To examine and reproduce any documents produced at the hearing;
  - (d) To have subpoenas issued by the body in charge of the hearing for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:
    - i. The property to which the request applies or
    - ii. Facts that would support or negate the legal standards for granting the request; and
  - (e) To be granted, upon request, a continuance for the purpose of presenting evidence to rebut evidence introduced by any other person.

In granting or withholding such rights, the discretion of the hearing body shall be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights shall not, however, be granted where undue and unwarranted delay would result, or where to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.
- (3) *Adjournment of Hearing.* The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time, and to a fixed date, time and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further or for such other reason as the body finds to be sufficient. The Staff Secretary of the hearing body shall notify in writing all members of the hearing body, all parties to the hearing, and any other person designated on the vote of adjournment, of the date, time and place of the adjourned hearing.
- (4) *Testimony to be Sworn.* All testimony at any hearing held pursuant to the provisions of this Code shall be given under oath.
- (5) *Right to Submit Written Statements.* Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing or within such time as may be allowed by the hearing body following such hearing, submit written statements in

support of or in opposition to the application being heard. Such statements shall be subscribed and sworn before an officer authorized to administer oaths and shall be a part of the public record of the hearing.

- (6) *Board or Commission Rules to Govern.* All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the body conducting the hearing.
- (E) *Pre-hearing and Pre-meeting Examination and Copying of Application and Other Documents.* At any time following the giving of notice as required in Subsection B of this Section, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Office of the Village Manager, pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Village Manager to cover the cost of such copies.

### § 156.207 CERTIFICATE OF OCCUPANCY

- (A) *Authority.* The Village Manager shall have authority to issue Certificates of Occupancy; provided, however, that no such certificate shall be issued except in accordance with the provisions of this Section and the provisions of the Huntley Municipal Code governing development, building and related matters.
- (B) *Purpose.* For the purposes of this Code, the Certificate of Occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this Code and approved plans prior to commencement of the use or occupancy of such premises. The Certificate may also evidence compliance with other provisions of the Huntley Municipal Code, as set forth in those provisions.
- (C) *Certificate Required.* Unless a Certificate of Occupancy shall have first been obtained certifying compliance with the provisions of this Code:
- (1) No structure, or addition thereto, constructed, reconstructed, remodeled, altered or moved after the effective date of this Code shall be occupied or used for any purpose;
  - (2) No land vacant as of the effective date of this Code shall be used or occupied for any purpose, except the raising of crops;
  - (3) Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, remodeling, alteration or moving is involved.
- (D) *Procedure*
- (1) *Application.* Applications for Certificates of Occupancy shall be filed in accordance with the requirements of Section 156.204 of this Article.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this Code, the application shall be accompanied by "as built" plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

- (2) *Action on Application.* Within 10 days following the receipt of a completed application, the

Village Manager shall cause the subject structure or premises to be inspected and shall take on the following actions based on such inspection:

- (a) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved and any conditions attached to any approval issued pursuant to this Code, the Village Manager shall issue a Certificate of Occupancy;
  - (b) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Village Manager shall deny the application and shall inform the applicant in writing of the specific deficiencies on which such denial is based, citing the particular provisions of the codes and ordinances of the Village, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking.
- (3) *Contents of Certificates.* In addition to the matters required to be contained in a Certificate of Occupancy pursuant to other applicable provisions of the Huntley Municipal Code, each Certificate of Occupancy issued pursuant to this Section shall state the specific use of the subject property for which it is issued; shall identify the specific plans, if any, pursuant to which it is issued and shall set forth any conditions imposed in connection with any approval granted pursuant to this Code.
- (4) *Filing of Certificates.* Every Certificate issued pursuant to this Section shall be kept on file in the Office of the Village Manager and shall be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
- (E) *Temporary Certificate of Occupancy.* Notwithstanding the provisions of Paragraph D2 above, where construction, reconstruction, remodeling or alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises, a Temporary Certificate of Occupancy may be issued for a period not to exceed six months from its date, which Temporary Certificate shall bear on its face, in bold type, a statement of its temporary nature; provided, however, that no such temporary certificate shall be issued pursuant to this Code unless said structure also qualifies for a Temporary Certificate of Occupancy issued pursuant to the Huntley Building Code.
- (F) *Certificate of Occupancy for Existing Uses.* The Village Manager may issue a Certificate of Occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. Such Certificate shall be prima facie evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.
- (G) *Void Certificates.* Any Certificate of Occupancy issued in violation of the provisions of this Code, whether intentionally, negligently or innocently, shall be void *ab initio* and shall give rise to no rights whatsoever.

## § 156.208 INTERPRETATIONS

- (A) *Authority.* The Village Manager may, subject to the procedures, standards and limitations of this

Section, render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it.

- (B) *Purpose.* The interpretation authority established by this Section is intended to recognize that the provisions of this Code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but, rather, is intended only to allow authoritative application of that content to specific cases.
- (C) *Parties Entitled to Seek Interpretations.* Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- (D) *Procedure*
- (1) *Application.* Applications for interpretations of this Code shall be filed in accordance with the requirements of Section 156.204 of this Article.
- (2) *Action on Application.* Within 35 days following the receipt of a properly completed application for interpretation, the Village Manager shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons and analysis upon which the determination is based.
- The failure of the Village Manager to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 35 day period.
- (3) *Appeal.* Appeals from interpretations rendered by the Village Manager may be taken to the Zoning Board of Appeals as provided in Section 156.209 of this Article.
- (E) *Standards for Use Interpretations.* The following standards shall govern the Village Manager, and the Zoning Board of Appeals on appeals from the Village Manager, in issuing use interpretations:
- (1) No use interpretation shall be given with respect to the R-1 through R-5 Residential Districts.
- (2) Any use defined in Article II of this Code shall be interpreted as therein defined.
- (3) No use interpretation shall permit a use listed as a permitted or special use in any district to be established in any district in which such use is not so listed.
- (4) No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
- (5) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a more restrictive district.
- (6) If the proposed use is most similar to a use permitted only as a special use permit in the district in which it is proposed to be located, then any use interpretation permitting such use

shall be conditioned on the issuance of a special use permit for such use pursuant to Section 156.068 of this Code.

- (7) No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
- (8) Subject to the foregoing conditions and limitations, the Village Manager and /or Zoning Administrator may, in rendering use interpretations, refer to the North American Industrial Classification System, Published 2007, and the use classification methodology used therein as a reference.
- (F) *Effect of Favorable Use Interpretation.* No use interpretation finding a particular use to be permitted or conditionally permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of Applications for any Permits and Approvals that may be required by the codes and ordinances of the Village, including, but not limited to, a Special Use Permit, a Building Permit, a Certificate of Occupancy, and Subdivision Approval.
- (G) *Limitations on Favorable Use Interpretations.* Subject to an extension of time granted by the Village Manager pursuant to Subsection 156.200 (K) of this Article, no use interpretation finding a particular use to be permitted or conditionally permitted in a particular district shall be valid for a period longer than six months from the date of issue unless a building permit is issued, and construction is actually begun within that period and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or conditionally permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six consecutive months or more.

## § 156.209 APPEALS

- (A) *Authority.* The Zoning Board of Appeals shall hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Village Manager acting pursuant to his authority and duties under this Code and to that end the Board of Appeals shall have the same powers and be subject to the same standards and limitations as the Village Manager with respect to any order, decision or determination being appealed.
- (B) *Purpose.* The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by providing a local procedure for the review and correction of administrative errors. It is not, however, intended as a means to subvert the clear purposes, intent or meaning of this Code or the rightful authority of the Village Manager to enforce this Code. To these ends, the reviewing body should give all proper deference to the spirit and language of this Code and to the reasonable interpretations of those charged with its administration.
- (C) *Parties Entitled to Appeal.* An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the Village Manager acting pursuant to his authority and duties under this Code.
- (D) *Procedure.*

- (1) *Application.* An application for appeal to the Zoning Board of Appeals shall be filed not later than 45 days following the action being appealed and in accordance with the requirements of Section 156.205 of this Article.
- (2) *Action by Village Manager.* Upon receipt of a properly completed application for an appeal, the Village Manager shall forthwith transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.
- (3) *Public Hearing.* A public hearing shall be set, noticed and conducted by the Board of Appeals in accordance with Section 156.206 of this Article.
- (4) *Action by Board of Appeals.* Within 30 days following the close of the public hearing the Board of Appeals shall render a decision on the appeal in the manner and form specified in Subsection 156.202 (C) of this Article. Such decision may reverse, affirm or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Zoning Board of Appeals, is proper to be made in the premises.

The failure of the Board to act within such 30 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the appeal.

- (E) *Stay of Proceedings.* An application for appeal properly filed pursuant to Subsection D above shall stay all proceedings in the furtherance of the action appealed from, unless the Village Manager certifies to the Zoning Board of Appeals after the application for appeal has been filed with the Manager that, by reason of facts stated in the certificate, a stay would, in the Manager's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court on application, upon reasonable written notice to the Village Manager and on due cause shown.
- (F) *Right to Grant Variation in Deciding Appeals.* In any case where the application for appeal is accompanied by an application for variation in accordance with Section 156.210 of this Article, the Zoning Board of Appeals shall have the authority to grant, as part of the relief, a variation but only in strict compliance with each provision of said Section 156.210.
- (G) *Conditions and Limitations on Rights Granted by Appeal.* In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

#### **§ 156.210 VARIATIONS**

- (A) *Authority.* The Board of Trustees, shall have the authority to grant variations from the provisions of this Code, after recommendation from the Zoning Board of Appeals, but only in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.
- (B) *Purpose.* The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of Article VIII, the variation procedure is necessarily inappropriate.
- (C) *Parties Entitled to Seek Variations.* Applications for variations may be filed by the owner of, or any

person having a contractual interest in, the subject property.

(D) *Procedure.*

- (1) *Application.* Applications for variations shall be filed in accordance with the requirements of Section 156.204 of this Article.
- (2) *Public Hearing.* A public hearing shall be set, noticed and conducted by the Zoning Board of Appeals in accordance with Section 156.206 of this Article.
- (3) *Action by Board of Appeals.* Within 35 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision, recommending the granting or denying the variation, in the manner and form specified by Subsection 156.202 (C) of this Article.
- (4) The failure of the Board to act within 35 days, or such further time to which the applicant may agree, shall be deemed to be a decision recommending denial of the variation.
- (5) *Special Procedures in Connection With Other Applications.* Whenever any other application is filed pursuant to this Code or the Huntley Subdivision Ordinance as a companion to an application for a variation and such companion application requires final approval by the Board of Trustees, the authority to hear the application for variation otherwise delegated to the Zoning Board of Appeals pursuant to this Section may, pursuant to the request of the applicant made at time of the filing of the applicant's preliminary application, be reserved to the Board of Trustees. Whenever any application for a variation requires final approval by the Board of Trustees, the authority to hear and decide the application for variation shall be reserved to the Board of Trustees. For such purposes, the Board of Trustees shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Zoning Board of Appeals by this Section; provided, however, that the provisions governing public notice and hearing of, and action on, the companion application or the provisions of Paragraphs D2 and D3 of this Section that provide the broadest public notice shall govern.

(E) *Authorized Variations*

- (1) *Permitted Variations.* Subject to the prohibitions set forth in Paragraph E2 below, and subject to the other provisions of this Section, the Zoning Board of Appeals may vary the provisions of this Code in the following cases and in no others:
  - (a) To reduce the dimension of any required yard or setback of a lot of record existing at the time that the application for the variation is submitted;
  - (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 90 percent of the required area and width, and only on a lot of record existing at the time that the application for the variation is submitted;
  - (c) To increase the maximum allowable height of any fence;
  - (d) To reduce by not more than 25 percent, or one space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required;
  - (e) To increase by not more than one sign the maximum number of signs of any functional type otherwise allowed;

- (f) To allow the otherwise prohibited restoration of a partially damaged or destroyed pre-code structure or structure devoted to a nonconforming use; or
  - (g) To allow yard variations in excess of those permitted by Section 156.181 of this Code in connection with the development of a legal nonconforming lot of record.
  - (h) To permit the use of one or more residential lots for a use otherwise prohibited solely because of insufficient width of the lot or lots, where;
    - i. The lot or lots for which the variation is sought are the result of a proposed subdivision that includes one or more existing lots of record.
    - ii. The application for a proposed subdivision is submitted concurrently with the application variation;
    - iii. The width of the lot or lots for which the variation is sought is not less than 75 percent of the required width.
    - iv. The area of the lots for which a variation is sought is not less than 115% of the required lot area.
    - v. The creation of new lots does not increase the degree of nonconformity as to width that exists in the existing nonconforming lot or lots at the time of application; and
    - vi. The number of lots for which the variation is sought does not exceed either the number of nonconforming lots to be subdivided for the proposed subdivision or thirty percent (30%) of the total number of lots created by the proposed subdivision, whichever is less.
    - vii. Any variation granted pursuant to this Subparagraph shall run only to the applicant, as a personal privilege.
  - (i) To reduce the bulk, yard, setback and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard, setback or space requirements of the district in which said zoning lot is located.
  - (j) To permit a reduction of the required lot width for property that is annexed to the Village pursuant to an annexation agreement that is duly authorized by the Corporate authorities in the manner required by the Illinois Municipal Code.
- (2) *Prohibited Variations.* Notwithstanding any other provision of this Section, no variation shall be granted that:
- (a) Is intended as a temporary measure only;
  - (b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant; or
  - (c) Use variations.

(F) *Standards for Variations*

- (1) *General Standard.* No variation shall be granted pursuant to this Section unless the applicant shall establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing shall require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.
- (2) *Unique Physical Condition.* The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
- (3) *Non Self-Created.* The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
- (4) *Denied Substantial Rights.* The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
- (5) *Not Merely Special Privilege.* The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.
- (6) *Code and Plan Purposes.* The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.
- (7) *Essential Character of the Area.* The variation would not result in a use or development on the subject property that:
  - (a) Would be materially detrimental to the public welfare or injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
  - (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
  - (c) Would substantially increase congestion in the public streets due to traffic or parking;
  - (d) Would unduly increase the danger of flood or fire;
  - (e) Would unduly tax public utilities and facilities in the area; or

- (f) Would endanger the public health or safety.
- (8) *No Other Remedy.* There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
- (G) *Variation Less Than Requested.* A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.
- (H) *Conditions on Variations.* The Zoning Board of Appeals may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation shall be a violation of this Code and shall constitute grounds for revocation of the variation.
- (I) *Affidavit of Compliance with Conditions; Fee.* Whenever any variation authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant shall upon meeting such conditions file an affidavit with the Village Manager so stating. Such affidavit shall be accompanied by a non-refundable fee, to be fixed in each case by the Village Manager, to recover the Village's actual direct cost of an inspection to verify that such condition's and limitations have been met.
- (J) *Effect of Grant of Variation.* The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the Codes and Ordinances of the Village, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.
- (K) *Limitations on Variations*
- (1) Subject to an extension of time granted by the Village Manager or Board of Trustees pursuant to Subsection 156.200 (K) of this Article, no variation from the provisions of this Code shall be valid for a period longer than 180 days, and no variation from the provisions of this Code that is granted concurrently with a special use permit shall be valid for a period longer than one year, unless a building permit is issued and construction has actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period.
  - (2) A variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six months following such removal.

## § 156.211 AMENDMENTS

- (A) *Authority.* This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Board of Trustees in accordance with the procedures set out in this Section.
- (B) *Purpose.* The amendment process established by this Section is intended to provide a means for making changes in the text of this Code and in the Zoning Map that have more or less general

significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and Zoning Map in light of changing, newly discovered or newly important conditions, situations or knowledge.

- (C) *Parties Entitled to Seek Amendments.* An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the Zoning Board of Appeals, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Code.

(D) *Procedure*

(1) *Preliminary Consideration*

- (a) *Preliminary Application.* A preliminary application for an amendment to this Code or the Zoning Map shall be filed in accordance with the requirements of Paragraph 156.204 (E)(1) of this Article.
- (b) *Referral to Board.* Every properly filed and completed preliminary application for an amendment to this Code or the Zoning Map shall, before being processed in any other manner, be referred to the Board of Trustees pursuant to Subsection 156.204 (A)(3) of this Article.
- (c) *Action by Board.* The Board of Trustees shall, not later than the first regular Village Board meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review shall be to broadly acquaint the Village Board with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Village Board, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

- (d) *Specified Public Bodies Exempt.* Amendments proposed by the Board of Trustees, the Plan Commission or the Zoning Board of Appeals shall not be subject to the provisions of this Subsection.

(2) *Formal Consideration*

- (a) *Formal Application.* Subsequent to the Board of Trustees' review and consideration

of the preliminary application, but in no event more than six months thereafter, a formal application for an amendment to this Code or the Zoning Map shall be filed in accordance with the requirements of Paragraphs 156.204 (A)(3) and 156.204 (E)(6) of this Article for a Code amendment and 156.204 (E)(7) of this Article for a map amendment. Except as expressly provided otherwise herein, no formal application for an amendment to this Code shall be filed unless the Board of Trustees shall have first reviewed a preliminary application for such amendment in accordance with Paragraph D1 of this Section.

- (b) *Board Referral.* Every properly filed and completed formal application for an amendment to this Code or the Zoning Map shall be referred by the Board of Trustees to the Village Manager for further referral in accordance with Paragraph 156.206 (C)(2) of this Article. The failure of the Board of Trustees to act on a properly filed and completed formal application within 30 days of the Board's receipt thereof shall be deemed to be a decision to refer the application pursuant to this Subparagraph.
- (c) *Public Hearing.* In any case where a formal application for an amendment to this Code or the Zoning Map is referred by the Board of Trustees pursuant to Subparagraph D2b of this Section, a public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with Section 156.206 of this Article.
- (d) *Action by Plan Commission.* Within 21 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation in the form specified by Subsection 156.201 (C) of this Article.

The failure of the Commission to act within 21 days following the conclusion of such hearing, or such further time to which the applicant may agree, shall be deemed a recommendation for the approval of the proposed amendment as submitted.

- (e) *Action by Board of Trustees; Protest.* Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopt the proposed amendment, with or without modifications; provided, however, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village Clerk before the adoption of such amendment by the owners of 20 percent or more of the frontage to be affected by the proposed amendment, or by the owners of 20 percent or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of 20 percent or more of the frontage directly opposite the frontage to be affected, such amendment shall not be passed except by a two-thirds vote of the Board of Trustees.
- (f) The failure of the Board of Trustees to act within 60 days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application.

- (E) *Standard for Amendments.* The wisdom of amending the Zoning Code Text or the Zoning Plan Map is a matter committed to the legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an

arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the applicable factors that Paragraph 156.204 (E)(6) or (E)(7) requires the applicant to address.

#### **§ 156.212 SETTLEMENT OF LITIGATION**

- (A) *Authority.* Notwithstanding any other provisions of this Code, the Board of Trustees may grant zoning approvals in connection with the settlement of litigation or pending against the Village subject only to the provisions of this Part; provided, however, that this Part shall not apply to actions seeking administrative review of any final decision of the Zoning Board of Appeals.
- (B) *Purpose.* The authority conferred on the Board of Trustees pursuant to this Part is conferred in recognition of the fact that, when the Village is involved in litigation concerning the exercise of its powers under this Code, unique factors are sometimes brought into play. It is the ultimate responsibility of the elected governing body of the Village to assess the impact of those factors on the land use decision involved and to make a decision based upon the overall public good, other than actions seeking administrative review of any final decision of the Zoning Board of Appeals.
- (C) *Powers.* For the purpose of settling pending litigation on terms deemed by it to be most advantageous to the Village, the Board of Trustees shall have the power to grant any approval authorized by this Code or to modify or vary the provisions of this Code as they apply to the property which is the subject of such litigation.
- (D) *Procedure*
- (1) Before exercising its powers under Section 156.212 (B), the Board of Trustees shall set notice and conduct a hearing in accordance with Section 156.206 of this Article. No other procedure shall be required.
  - (2) All action taken pursuant to this Part shall be evidenced by an ordinance duly adopted. The concurrence of four members of the Board shall be sufficient to approve any ordinance adopted pursuant to the authority and power by this Part.

#### **§ 156.213 GENERAL ENFORCEMENT AUTHORITY AND DUTY**

Upon finding the existence of any violation of this Code, the Village Manager shall have the authority and duty to take or direct all actions necessary or appropriate to punish and abate such violation.

#### **§ 156.214 CIVIL AND ADMINISTRATIVE ENFORCEMENT**

- (A) *Stop and Cease-and-Desist Orders.* Upon finding the existence of any violation of this Code, the Village Manager shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Manager shall order the discontinuance of illegal work being done.
- (B) *Legal Action.* In the enforcement of this Code, the Village Manager shall exercise all the powers authorized by the statutes of the State of Illinois and the codes and ordinances of this Village to ensure compliance with, or to prevent or abate any violation of, the provisions of this Code, and in particular, shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village of Huntley any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Code.

- (C) *Abatement Liens.* Where authorized by state statute, the Village Manager may order any work necessary to abate any violation of this Code and shall assess the cost of such work to the property owner. Upon the failure of the owner to pay such cost, the Manager shall file a lien for such costs, and for all costs of collection, against the property in question.
- (D) *Revocation of Permits.* The violation of any provision of this Code, or of any permit or approval granted pursuant to it, or of any condition imposed pursuant to it shall be grounds for the revocation of any rezoning, permit, variation or approval granted pursuant to this Code and affecting the property involved in the violation. The Village Manager may recommend and the Board of Trustees may order such revocation; provided, however, where the original rezoning permit, variation or approval was granted following a public hearing required pursuant to this Code, the revocation shall be preceded by a similar hearing.
- (E) *Fines.* In the enforcement of this Code, the Village Manager shall, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this Code as authorized by state law and this Code.

**§ 156.215 PRIVATE REMEDIES PRESERVED**

Nothing in this Part shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Code from bringing an appropriate action to secure such relief.

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**ARTICLE XVII  
APPLICABILITY****§ 156.240 GENERAL SCOPE**

- (A) *Territorial Application.* This Ordinance shall apply to land, structures, and uses within the corporate limits of the Village.
- (B) *General Application.* All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements and extensions of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this Ordinance applicable to the zoning districts in which such land, structures or uses are located. Existing structures and uses that do not comply with the regulations of this Ordinance shall be subject to the provisions of Article XV of this Ordinance relating to nonconformities.
- (C) *General Prohibition.* No structure; no use of any structure or land; and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, enlarged, extended, altered, moved, divided or maintained, in any manner, except as authorized by the provisions of this Ordinance and except in compliance with the regulations of this Ordinance. Without limiting the foregoing, any such activity that would cause any existing structure not to comply with this Ordinance or that would create any parcel of land that could not be developed in compliance with this Ordinance shall be prohibited.
- (D) *Multiple Uses on Same Zoning Lot.* Except when authorized as part of a planned development approved pursuant to Article VIII of this Ordinance, no zoning lot in the Village of Huntley shall be used for more than one principal structure. No structural group containing two or more upward projections shall be considered a single structure unless all such upward projections are joined by an element that:
- (1) Is at least half as high as the tallest upward projection; and
  - (2) Is something other than a fence, canopy, freestanding wall or other non-functional connection.
- (E) *Private Agreements.* This Ordinance is not intended to abrogate, annual or otherwise interfere with any platted building line, easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such platted building line, easement, covenant regulations of this Ordinance shall govern.

**§ 156.241 APPLICATION TO VARIATIONS AND SPECIAL USES**

- (A) *Existing Variations and Special Use Permits.* Any variation or special use lawfully issued prior to the effective date of this Ordinance, or any amendment thereof, shall be deemed to be and continue to be valid after such effective date, subject to any conditions placed thereon at the time of issuance. Any structure or use lawfully authorized by any such variation or special use permit that could not be so issued after the effective date of this Ordinance shall be subject to the provisions of Article XV of this Ordinance dealing with nonconformities.
- (B) *Existing Uses and Structures Newly Requiring Special Use Permits.* Any use or structure lawfully existing on the effective date of this Ordinance or any amendment thereof that did not, prior to such effective date, require a special use permit but which, after such effective date, does require a special use permit, may secure such a permit only pursuant to the standards and procedures made applicable to special use permits by Article VII of this Ordinance. Unless and until such a permit is so secured,

such use shall be subject to the provisions of Article XV of this Ordinance dealing with nonconformities.

**§ 156.242 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

- (A) *New Ordinance Shall Apply.* Except as provided in Subsections B and C of this Section, no Certificate of Occupancy shall be issued following the effective date of this Ordinance or any amendment thereof unless the work, structure or use for which the Certificate of Occupancy is sought is made to fully comply with the applicable provisions of this Ordinance or such amendment.
- (B) *Right to Complete Construction Pursuant to Approved Plans.* Nothing in this Ordinance, or any amendment to it, shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:
- (1) A building permit for such structure was lawfully issued prior to the effective date of this Ordinance or any such amendment thereof or such a permit is issued after such effective date based upon a complete and proper application for such permit filed prior to such effective date; and
  - (2) Such permit had not by its own terms expired prior to such effective date; and
  - (3) Such permit was lawfully and properly issued in accordance with the law prior to such effective date; and
  - (4) Construction pursuant to such permit is commenced prior to the expiration of such permit and within one hundred and eighty (180) days of such effective date and is thereafter diligently pursued to completion.
- (C) *Right to Occupy as Nonconformity.* Upon completion pursuant to Subsection B hereof, such structure may be occupied by, and a Certificate of Occupancy shall be issued for, the use designated on such permit, subject thereafter, to the extent applicable, to the provisions of Article XV of this Ordinance relating to nonconformities.

**§ 156.243 PENDING APPLICATIONS**

- (A) *New Ordinance Shall Apply.* This Ordinance and any amendment thereof shall apply to any application pending on the effective date of this Ordinance or such amendment in the same manner as though such application was filed after such effective date.
- (B) *Duty of Village Officials.* Within twenty (20) days following the effective date of this Ordinance or any amendment thereof, any Village official, department, board or commission then having pending before it any application to which this Ordinance or any amendment of it applies pursuant to Subsection A of this Section shall transmit a copy of such application to the Village Manager.
- (C) *Duty of Village Manager.* Within thirty (30) days following the effective date of this Ordinance or any amendment thereof, the Village Manager shall inform each applicant named on each application referred to him pursuant to Subsection B of this Section that said application is subject to the provisions of this Ordinance, as amended, and will be processed in accordance therewith; that the applicant may within thirty (30) days following the mailing of such notice refile, without additional fee, its application on the basis of this Ordinance, as amended; and that if the applicant does not so refile, its application may be denied for noncompliance with the provisions of this Ordinance, as amended.
- (D) *Duty of Applicant.* Notwithstanding the provisions of Subsections B and C of this Section, it shall be the responsibility of each applicant having an application pending on the effective date of this

Ordinance, or any amendment thereof, to modify such application in accordance with the terms and provisions of this Ordinance, as amended, and the failure to do so may, whether or not the procedures of said Subsections have been followed, result in denial of such application for failure to comply with this Ordinance, as amended. Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this Ordinance, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

- (E) *Processing of Pending Applications.* Upon the refiling of any pending application as herein provided, or upon notification from the applicant that it will not refile or modify its application, or upon the expiration of sixty (60) days following effective date of this Ordinance or any amendment thereof, whichever occurs first, such pending application shall be processed in accordance with the terms of this Ordinance, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in this Ordinance shall not apply to any such pending application and each such application shall be processed in accordance with the application, hearing and procedural requirements that were in effect on the date such application was filed. Notwithstanding any other provisions of this Section, the Village Manager shall have the authority to request additional data, information or documentation for pending applications when, in his or her judgment, such additional data, information or documentation is necessary or appropriate to a full and proper consideration and disposition of such pending application.

#### § 156.244 REPEAL OF PRIOR PROVISIONS

The Zoning Ordinance adopted by the Village of Huntley on **June 19, 1972** and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

#### § 156.245 SEVERABILITY

- (A) *Intent as to Severability.* The several provisions of this Ordinance shall be severable in accordance with the following rules:
- (1) *Provisions Declared Invalid.* If any court of competent jurisdictions shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.
  - (2) *Applications Declared Invalid.* If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular parcel of land, a particular structure or a particular use, such judgment shall not affect the application of said provisions to any other land, structure or use.
- (B) *Applicable Regulations Following Declaration of Invalidity.* Whenever the provisions of this Ordinance are declared invalid in their application to any particular parcel of land, the Zoning Map shall continue to show such parcel in the zoning district applicable to it pursuant to this Ordinance unless and until such district is changed by an amendment adopted by the Board of Trustees; provided, however, that the parcel in question shall also be marked with a star or other distinctive marking to direct attention to the court decree affecting said parcel. The Village Manager shall maintain a file of any such decrees. The provisions of any such decree shall be deemed to modify the otherwise applicable provisions of this Ordinance as they apply to said parcel to the extent provided in said decree but said parcel shall otherwise remain subject to the provisions of this Ordinance.

#### § 156.246 EFFECTIVE DATE AND PUBLICATION

This Ordinance shall take effect immediately upon, and its Effective Date shall be the date of, its passage by a vote of two-thirds of the corporate authorities then holding office and its approval by the Village President. The Village Manager is hereby authorized and directed to publish this Ordinance in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper published in the Village.

**§ 156.247 PROVISIONS ARE MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various Sections in particular.

When the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

**§ 156.248 PROVISIONS ARE CUMULATIVE**

The provisions of this Ordinance shall be interpreted to be a cumulative of, and to impose limitations in addition to, all other codes, laws and ordinances in existence or which may be passed governing any subject matter of this Ordinance. The several provisions of this Ordinance shall also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Ordinance shall be construed to be consistent with, and not in conflict with, the provisions of such other codes, laws and ordinances, and each other, to the end that all such provisions may be given their fullest application.

**§ 156.249 PROVISIONS ARE NOT A CONSENT, LICENSE OR PERMIT**

The provisions of this Ordinance shall not be interpreted to be, or to grant, a consent, license or permit to use any property or to establish, locate, construct or maintain any structure or use, or to carry on any trade, industry, occupation or activity.

**§ 156.250 UNLAWFUL USES AND STRUCTURES NOT VALIDATED**

This Ordinance shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this Ordinance. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this Ordinance.

**§ 156.999 PENALTY**

Any person, firm or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. passed 7-17-89)