Villa Park
Zoning Ordinance

Villa Park has just launched a project to update and modernize the village's 45-year old zoning ordinance. The project will result in creation of a new, user friendly zoning ordinance that reflects modern-day Villa Park. As the project proceeds, there will be several opportunities for citizens to stay up-to-date and involved.

To learn about future meetings and draft work products or to submit comments, please visit: www.villaparkzoning.com

Effective July 1, 2018
VILLA PARK ZONING
# Contents

Article 1.  Introductory Provisions .................................. 1-1  
  Sec. 1.1.  Official Name (Title) .................................. 1-2  
  Sec. 1.2.  Authority ............................................. 1-2  
  Sec. 1.3.  Effective Date ....................................... 1-2  
  Sec. 1.4.  Applicability and Jurisdiction ....................... 1-2  
  Sec. 1.5.  Exempt Utilities ..................................... 1-2  
  Sec. 1.6.  Purposes ............................................. 1-2  
  Sec. 1.7.  Minimum Requirements ............................... 1-2  
  Sec. 1.8.  Compliance Required ................................. 1-2  
  Sec. 1.9.  One Building Per Lot ................................ 1-3  
  Sec. 1.10.  Conflicting Provisions .............................. 1-3  
  Sec. 1.11.  Rules of Language and Construction ............... 1-3  
  Sec. 1.12.  Zoning Map ........................................ 1-4  
  Sec. 1.13.  Transitional Provisions ............................. 1-6  
  Sec. 1.14.  Severability ....................................... 1-7  

Article 2.  Residential Districts ................................. 2-1  
  Sec. 2.1.  General ............................................. 2-2  
  Sec. 2.2.  Allowed Building Types ............................. 2-2  
  Sec. 2.3.  Lot and Building Regulations ....................... 2-3  
  Sec. 2.4.  Allowed Uses ...................................... 2-3  
  Sec. 2.5.  Residential Building Design ......................... 2-4  
  Sec. 2.6.  Other Regulations .................................. 2-5  

Article 3.  Office, Commercial & Industrial Districts ......... 3-1  
  Sec. 3.1.  General ............................................. 3-2  
  Sec. 3.2.  Lot and Building Regulations ....................... 3-3  
  Sec. 3.3.  Other Regulations .................................. 3-3  

Article 4.  MX Districts ......................................... 4-1  
  Sec. 4.1.  General ............................................. 4-2  
  Sec. 4.2.  Streets and Blocks .................................. 4-3  
  Sec. 4.3.  Building Types Generally ........................... 4-5  
  Sec. 4.4.  Building Type Regulations ........................... 4-6  
  Sec. 4.5.  Building Types - Measurements ..................... 4-16  
  Sec. 4.6.  Roof Types ........................................ 4-20  
  Sec. 4.7.  General Design Requirements ....................... 4-23  
  Sec. 4.8.  Streetscape Guidelines ................................ 4-30  

Article 5.  Overlay and Special Districts ...................... 5-1  
  Sec. 5.1.  PUD District ....................................... 5-2  
  Sec. 5.2.  PI, Public and Institutional Districts ............. 5-3  

Article 6.  Uses ................................................. 6-1  
  Sec. 6.1.  Table of Allowed Uses .............................. 6-3  
  Sec. 6.2.  Residential Use Category ............................ 6-6  
  Sec. 6.3.  Public, Civic and Institutional Use Category .... 6-7  
  Sec. 6.4.  Commercial Use Category ........................... 6-9  
  Sec. 6.5.  Wholesale, Distribution & Storage Uses .......... 6-15  
  Sec. 6.6.  Industrial Use Category .............................. 6-15  
  Sec. 6.7.  Agricultural Use Category ........................... 6-17  
  Sec. 6.8.  Other Use Category .................................. 6-17  
  Sec. 6.9.  Residential Building Types .......................... 6-18  
  Sec. 6.10.  Accessory Uses and Structures .................... 6-18  
  Sec. 6.11.  Temporary Uses .................................... 6-24  

Article 7.  Parking .............................................. 7-1  
  Sec. 7.1.  General ............................................. 7-3  
  Sec. 7.2.  Minimum Parking Ratios ............................. 7-3  
  Sec. 7.3.  Calculation of Required Parking .................... 7-5  
  Sec. 7.4.  Parking Exemptions and Credits .................... 7-6  
  Sec. 7.5.  Bicycle Parking ..................................... 7-8  
  Sec. 7.6.  Location and Use of Parking Areas .................. 7-9  
  Sec. 7.7.  Parking in R Districts ............................... 7-10  
  Sec. 7.8.  Driveways in RS and RD Districts ................ 7-11  
  Sec. 7.9.  Parking Area Design .................................. 7-13  
  Sec. 7.10.  Accessible Parking .................................. 7-15  
  Sec. 7.11.  Drive-through Facilities ........................... 7-16  
  Sec. 7.12.  Loading ........................................... 7-17  

Article 8.  Signs ................................................. 8-1  
  Sec. 8.1.  General ............................................. 8-2  
  Sec. 8.2.  Prohibited Signs and Sign Characteristics ........ 8-2  
  Sec. 8.3.  Sign Exceptions ..................................... 8-3  
  Sec. 8.4.  Sign Regulations of General Applicability ....... 8-7  
  Sec. 8.5.  Signs in R Zoning Districts ......................... 8-7  
  Sec. 8.6.  Signs in Nonresidential Zoning Districts ........ 8-7  
  Sec. 8.7.  Electronic Message Display Panels ................. 8-10  
  Sec. 8.8.  Administration ...................................... 8-11  
  Sec. 8.9.  Master Sign Plans ................................... 8-11  
  Sec. 8.10.  Nonconforming Signs ................................ 8-11  
  Sec. 8.11.  Abandoned Signs ................................... 8-12  
  Sec. 8.12.  Sign-Related Definitions and Rules of Measure-  
  ment ................................................................. 8-12  

Article 9.  Site Design and Performance Standards .......... 9-1  
  Sec. 9.1.  Landscaping and Screening .......................... 9-2  
  Sec. 9.2.  Fences .............................................. 9-9  
  Sec. 9.3.  Visibility Triangles ................................. 9-12  
  Sec. 9.4.  Outdoor Lighting ...................................... 9-12  
  Sec. 9.5.  Performance Standards ............................... 9-15  

Article 10.  Wireless Telecommunications Facilities ......... 10-1  
  Sec. 10.1.  Applicability ....................................... 10-2  
  Sec. 10.2.  Where Allowed ...................................... 10-2  
  Sec. 10.3.  Applications Generally ............................. 10-2  
  Sec. 10.4.  Applications for New Towers ...................... 10-3  
  Sec. 10.5.  Review and Approval Procedures ................... 10-3  
  Sec. 10.6.  Design Requirements ............................... 10-5  
  Sec. 10.7.  Variations, Appeals and Regulatory Relief ....... 10-6  
  Sec. 10.8.  Definitions ....................................... 10-6  

Article 11.  Review and Approval Procedures ................. 11-1  
  Sec. 11.1.  Common Provisions ................................. 11-3  
  Sec. 11.2.  Ordinance Text & Map Amendments ............... 11-6  
  Sec. 11.3.  Planned Unit Developments ......................... 11-8  
  Sec. 11.4.  Special Uses ....................................... 11-13  
  Sec. 11.5.  Variations .......................................... 11-16  
  Sec. 11.6.  Administrative Adjustments ......................... 11-18  
  Sec. 11.7.  Appeals of Administrative Decisions .......... 11-20  

Article 12.  Administration and Enforcement ................. 12-1  
  Sec. 12.1.  Review and Decision-making Bodies .............. 12-2  
  Sec. 12.2.  Violations, Penalties and Enforcement .......... 12-2  

Article 13.  Nonconformities ................................... 13-1  
  Sec. 13.1.  General ............................................. 13-2  
  Sec. 13.2.  Lots ................................................ 13-3  
  Sec. 13.3.  Uses ............................................... 13-3  
  Sec. 13.4.  Structures ......................................... 13-5  
  Sec. 13.5.  Development Features .............................. 13-6  
  Sec. 13.6.  Signs .............................................. 13-6  

Article 14.  Measurements and Definitions .................... 14-1  
  Sec. 14.1.  Measurements ....................................... 14-2  
  Sec. 14.2.  Definitions ........................................ 14-7
ARTICLE 1. Introductory Provisions

Sec. 1.1. Official Name (Title) ................................................................. 1-2
Sec. 1.2. Authority ......................................................................................... 1-2
Sec. 1.3. Effective Date ...................................................................................... 1-2
Sec. 1.4. Applicability and Jurisdiction ............................................................. 1-2
Sec. 1.5. Purposes ............................................................................................. 1-2
Sec. 1.6. Minimum Requirements ..................................................................... 1-2
Sec. 1.7. Compliance Required ......................................................................... 1-2
Sec. 1.8. One Building Per Lot .......................................................................... 1-3
Sec. 1.9. Conflicting Provisions ......................................................................... 1-3
  1.9.1. Conflict with State or Federal Regulations ............................................. 1-3
  1.9.2. Conflict with Other Village Regulations ............................................... 1-3
  1.9.3. Conflict with Private Agreements ........................................................... 1-3
Sec. 1.10. Rules of Language and Construction ................................................ 1-3
  1.10.1. Meanings and Intent .............................................................................. 1-3
  1.10.2. Public Officials and Agencies ................................................................. 1-3
  1.10.3. Computation of Time ............................................................................. 1-3
  1.10.4. Tenses and Usage .................................................................................. 1-3
  1.10.5. Conjunctions ........................................................................................ 1-4
  1.10.6. Headings and Illustrations .................................................................... 1-4
  1.10.7. Current Versions ................................................................................... 1-4
  1.10.8. Lists and Examples ............................................................................... 1-4
  1.10.9. Delegation of Authority ....................................................................... 1-4
Sec. 1.11. Zoning Map ...................................................................................... 1-4
  1.11.1. Establishment ........................................................................................ 1-4
  1.11.2. Maintenance, Updates and Publishing .................................................. 1-4
  1.11.3. Zoning District Boundaries ................................................................. 1-4
  1.11.4. Zoning Map Interpretations ................................................................. 1-5
  1.11.5. Zoning of Public Ways and Rights-of-way .......................................... 1-5
  1.11.6. Zoning of Annexed Land ..................................................................... 1-5
Sec. 1.12. Transitional Provisions ...................................................................... 1-5
  1.12.1. Applications, Permits and Approvals .................................................... 1-6
  1.12.2. Violations Continue .............................................................................. 1-6
Sec. 1.13. Severability ....................................................................................... 1-6
ARTICLE 1 INTRODUCTORY PROVISIONS | Sec. 1.1 Official Name (Title)

SEC. 1.1. OFFICIAL NAME (TITLE)
The official name of this document (Appendix A) is the “Zoning Ordinance of the Village of Villa Park, Illinois.” For convenience, it is referred to throughout this chapter as the “zoning ordinance.”

SEC. 1.2. AUTHORITY
This zoning ordinance is adopted pursuant to the powers granted and limitations imposed by Illinois law.

SEC. 1.3. EFFECTIVE DATE
The provisions of this zoning ordinance become effective on July 1, 2018, except as otherwise expressly stated.

SEC. 1.4. APPLICABILITY AND JURISDICTION
The provisions of this zoning ordinance apply to all public and private development within the village, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance.

SEC. 1.5. PURPOSES
This zoning ordinance is adopted for the purposes of:

1.5.1. Protecting and promoting the public health, safety and general welfare; and
1.5.2. Implementing the policies and goals contained in the comprehensive plan and other officially adopted plans of the village.

SEC. 1.6. MINIMUM REQUIREMENTS

1.6.1. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance’s stated purpose and intent.

1.6.2. In addition to the requirements of this zoning ordinance, all uses and development and construction activities must comply with all other applicable ordinances, laws and regulations.

1.6.3. All references in the zoning ordinance to other governmental regulations are for informational purposes only and do not necessarily constitute a complete list of other applicable regulations. These references do not imply responsibility for the village to enforce regulations imposed by other government authorities.

SEC. 1.7. COMPLIANCE REQUIRED

1.7.1. Structures may not be occupied, used, erected, reconstructed, structurally altered, or enlarged, and uses may not be located, commenced or continued, unless such structure or use complies with all applicable zoning ordinance provisions.

1.7.2. Building permits, certificates of occupancy, or other required permits or licenses, may not be approved, and permits or licenses may not be issued by any other village department that would authorize the use or change in use of any land or structure contrary to the provisions of this zoning ordinance, or for the erection, moving, alteration, enlargement or occupancy of any structure designed or intended to be used for a purpose or in a manner contrary to the provisions of this zoning ordinance.

1.7.3. Lots improved with a structure may not be divided into 2 or more lots, and portions of any lot that is improved with a structure may not be sold, unless all lots resulting from the division or sale and all improvements on such lots comply with the lot and building regulations of the subject zoning district.
SEC. 1.8. ONE BUILDING PER LOT
No more than one principal building may be located on a single lot nor may a principal residential dwelling be located on the same lot with any other principal building (except as may be expressly permitted by this ordinance).

SEC. 1.9. CONFLICTING PROVISIONS

1.9.1. Conflict with State or Federal Regulations
If the provisions of this zoning ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

1.9.2. Conflict with Other Village Regulations
If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the village, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

1.9.3. Conflict with Private Agreements
This zoning ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern.

SEC. 1.10. RULES OF LANGUAGE AND CONSTRUCTION

1.10.1. Meanings and Intent
The language of the zoning ordinance must be read literally. Regulations are no more or less strict than stated. Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context indicates another meaning. General usage terms that are not expressly defined in this zoning ordinance have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary. Specialized zoning and development-related terms have the meaning given in the latest edition of the The Complete Illustrated Book of Development Definitions.

1.10.2. Public Officials and Agencies
All employees, public officials, bodies and agencies to which references are made are those of the Village of Villa Park unless otherwise expressly stated.

1.10.3. Computation of Time
A. References to “days” are to calendar days unless otherwise expressly stated. References to “business days” are references to regular village government working days, excluding Saturdays, Sundays and holidays observed by village government.
B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by village government, that day is excluded.
C. A day concludes at the close of business of village hall and any materials received after that time will be considered to have been received the following day.

1.10.4. Tenses and Usage
A. Words used in the singular include the plural. The reverse is also true.
B. Words used in the present tense include the future tense. The reverse is also true.
C. The words “must,” “will,” “shall” and “may not” are mandatory.
D. The word “should” is advisory, not mandatory or required.
E. When used with numbers, “up to x,” “not more than x” and “a maximum of x” all include “x.”
F. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as an individual.
G. The words “used” and “occupied” include “intended, designed or arranged to be used or occupied.”

1.10.5. Conjunctions
Unless the context otherwise expressly indicates, conjunctions have the following meanings:
A. “and” indicates that all connected items or provisions apply; and
B. “or” indicates that the connected items or provisions may apply singularly or in combination.

1.10.6. Headings and Illustrations
Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

1.10.7. Current Versions
All references in this zoning ordinance to other village, state or federal regulations refer to the most current version, as adopted, unless otherwise expressly indicated.

1.10.8. Lists and Examples
Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

1.10.9. Delegation of Authority
Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such a delegation.

SEC. 1.11. ZONING MAP

1.11.1. Establishment
The location and boundaries of the zoning districts established by this zoning ordinance are shown on a geographic coverage layer entitled “Zoning” that is maintained as part of a geographic information system (GIS) maintained by the village. This “Zoning” geographic coverage layer constitutes the village's official zoning map. The official zoning map—together with all notations, references, data and other information shown on the map—is adopted and incorporated into this zoning ordinance. It is as much a part of this zoning ordinance as it would be if it were actually depicted within its pages.

1.11.2. Maintenance, Updates and Publishing
The community development director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). Unauthorized persons may not alter or modify the official zoning map. The zoning map must be published annually as required by law.

1.11.3. Zoning District Boundaries
Zoning district boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the zoning district boundary is deemed to extend to the centerline of abutting streets. When
a map is used, district boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

1.11.4. Zoning Map Interpretations
Where any uncertainty exists about a zoning boundary, the legal description governs. When there is no legal description of the zoning district boundary, the community development director is authorized to make an interpretation of the zoning map using the following rules of interpretation. The community development director is also authorized to refer the matter to the planning and zoning commission, in which case they must also use the following rules of interpretation:

A. A boundary shown on the zoning map as approximately following lot lines or section lines will be construed as following those lot lines or section lines.

B. A boundary shown on the zoning map as approximately following a street, alley or railroad line will be construed as following the centerline of the street, alley or railroad right-of-way.

C. A boundary shown on the zoning map as approximately following the boundary of an adjacent municipality will be construed as following that boundary.

D. A boundary shown on the zoning map as approximately following the shoreline or centerline of a river, stream, lake or other water body will be construed as following the actual shoreline or centerline of that water body. If, subsequent to the establishment of the boundary, the shoreline or centerline of the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary will be construed as moving with the shoreline or centerline of the water body.

E. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above will be construed as being actually parallel to, or an extension of, the feature.

1.11.5. Zoning of Public Ways and Rights-of-way

A. All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, will be deemed to be in the same zoning district as the property in the most restrictive classification immediately abutting the street, alley, public way or railroad rights-of-way. If the centerline of a street, alley, public way or railroad right-of-way serves as a zoning district boundary, the zoning of such areas, unless otherwise specifically designated, will be deemed to be the same as that of the abutting property up to the centerline.

B. Whenever any street, alley or other public way is vacated by official action of the village board, the zoning district adjoining each side of such street, alley or public way is automatically extended to the centerline of such a vacation (or to the reversionary owner should such reversionary rights be different than the centerline of the right-of-way).

1.11.6. Zoning of Annexed Land
When land is annexed or otherwise brought into the zoning jurisdiction of the village, it may be automatically classified in the RS-10 district or, simultaneously with the petition for annexation, be assigned a zoning classification based on the comprehensive plan, existing land uses, approved development agreements or other relevant land use planning and zoning criteria.

SEC. 1.12. TRANSITIONAL PROVISIONS
The provisions of this section address the transition from the previous zoning ordinance (the one in effect before the effective date specified in Sec. 1.3) to this zoning ordinance.
1.12.1. Applications, Permits and Approvals

A. Any building, development or structure for which a building permit was issued or a complete permit application had been accepted for processing before the effective date specified in Sec. 1.3, may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building is not commenced and completed within the time allowed under the original building permit, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

B. Applications for special uses, temporary uses, variations or other zoning approvals that were submitted in complete form and are pending approval on the effective date specified in Sec. 1.3 must be reviewed wholly under the terms of the zoning ordinance in effect immediately before the effective date specified in Sec. 1.3. Building permits for construction and development approved under such zoning approvals may be issued even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the building permit, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

C. When a use classified as a special use under this zoning ordinance exists as an approved special use or permitted use on the effective date specified in Sec. 1.3, that use will be considered a lawfully established special use under this zoning ordinance. When any amendment to this zoning ordinance changes the classification of a permitted use to a special use, any use lawfully established before such amendment will be considered a lawfully established special use after the effective date of the amendment. A lawfully established existing use that is not allowed as a special use or permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of Article 13.

1.12.2. Violations Continue

A. Any violation of the previous zoning ordinance will continue to be a violation under this zoning ordinance and be subject to penalties and enforcement under Sec. 12.2.

B. If the use, development, construction or other activity that was a violation under the previous zoning ordinance complies with the express terms of this zoning ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Sec. 1.3.

C. The adoption of this zoning ordinance does not affect any pending or future prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in Sec. 1.3.

SEC. 1.13. SEVERABILITY

If any portion of this zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning ordinance and in no way affects or diminishes the validity of the remainder of the zoning ordinance.
ARTICLE 2. Residential Districts

Sec. 2.1. General

2.1.1. The Districts

2.1.2. Purposes

Sec. 2.2. Allowed Building Types

Sec. 2.3. Lot and Building Regulations

Sec. 2.4. Allowed Uses

Sec. 2.5. Residential Building Design

2.5.1. Anti-Monotony Regulations

2.5.2. Attached Garage Design

Sec. 2.6. Other Regulations

2.6.1. Parking

2.6.2. Accessory Uses and Structures

2.6.3. Fences and Walls

2.6.4. Home Occupations
ARTICLE 2 RESIDENTIAL DISTRICTS

SEC. 2.1. GENERAL

2.1.1. The Districts

The residential zoning districts are listed in Table 2-1. Whenever this zoning ordinance refers to “residential” zoning districts or “R” districts, it is referring to these districts.

Table 2-1: Residential Zoning Districts

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-10</td>
<td>Residential Single-Dwelling District – 10,000 sq. ft.</td>
</tr>
<tr>
<td>RS-7.5</td>
<td>Residential Single-Dwelling District – 7,500 sq. ft.</td>
</tr>
<tr>
<td>RD-7.5</td>
<td>Residential Duplex District – 7,500 sq. ft.</td>
</tr>
<tr>
<td>RM-9</td>
<td>Residential Multi-Unit District – 9,000 sq. ft.</td>
</tr>
</tbody>
</table>

2.1.2. Purposes

A. General

Residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential uses are also allowed. The various R district are primarily differentiated on the basis of allowed building types and lot and building regulations.

B. RS-10

The RS-10 district is primarily intended to accommodate detached houses on lots with an area of at least 10,000 square feet.

C. RS-7.5

The RS-7.5 district is primarily intended to accommodate detached houses on lots with an area of at least 7,500 square feet.

D. RD-7.5

The RD-7.5 district is primarily intended to accommodate duplexes and detached houses on lots with an area of at least 7,500 square feet.

E. RM-9

The RM-9 district is primarily intended to accommodate multi-unit buildings on lots at least 9,000 square feet in area.

SEC. 2.2. ALLOWED BUILDING TYPES

Building types are permitted in R districts in accordance with Table 2-2.

Table 2-2: Allowed Building Types (R districts)

<table>
<thead>
<tr>
<th>Lot Regulation</th>
<th>RS-10</th>
<th>RS-7.5</th>
<th>RD-7.5</th>
<th>RM-9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached house</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Duplex</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-unit building</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
</tr>
<tr>
<td>Public and civic buildings</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

P = permitted | - = not permitted
SEC. 2.3. LOT AND BUILDING REGULATIONS
Lots and buildings in R districts are subject to the regulations of Table 2-3.

Table 2-3: Lot and Building Regulations (R districts)

<table>
<thead>
<tr>
<th></th>
<th>RS-10</th>
<th>RS-7.5</th>
<th>RD-7.5</th>
<th>RM-9</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Minimum Lot Area</td>
<td>10,000</td>
<td>7,500</td>
<td>7,500</td>
<td>9,000</td>
</tr>
<tr>
<td>(square feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Area</td>
<td>10,000</td>
<td>7,500</td>
<td>3,750</td>
<td>1,800</td>
</tr>
<tr>
<td>per Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Minimum Lot Width</td>
<td>65</td>
<td>50</td>
<td>60</td>
<td>50</td>
</tr>
<tr>
<td>(feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Maximum Lot Coverage (%)</td>
<td>30</td>
<td>30</td>
<td>35</td>
<td>40</td>
</tr>
<tr>
<td>Building Regulations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Building Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Side Street</td>
<td>20</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>(feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Interior Side</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>(feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G Rear (feet/% of</td>
<td>40/20</td>
<td>40/20[2]</td>
<td>40/20</td>
<td>40/20</td>
</tr>
<tr>
<td>lot depth, whichever</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>is greater)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H Maximum Building Height (feet)</td>
<td>28</td>
<td>28</td>
<td>28</td>
<td>35</td>
</tr>
</tbody>
</table>

[2] On lots more 160 feet deep, the sum of front and rear setbacks need not exceed 50% of lot depth.

Figure 2-1. R District Lot and Building Regulations

SEC. 2.4. ALLOWED USES
Principal uses are allowed in the R districts in accordance with the use regulations of Sec. 6.1.
SEC. 2.5. RESIDENTIAL BUILDING DESIGN

2.5.1. Anti-Monotony Regulations

A. Purpose
The anti-monotony regulations of this section are intended to promote architectural and visual diversity and to ensure that new detached houses with similar front elevations are not constructed on abutting lots.

B. Applicability
The anti-monotony regulations of this section apply to all new detached houses in RS-10 and RS-7.5 districts.

C. Evaluation Criteria
At least 3 of the following features on proposed new detached houses must be different than those present on detached houses on abutting lots that front on the same street:

1. Roof type (hip, gable, mansard, etc.);
2. Plan orientation (right-hand model vs. left-hand model, etc.);
3. Site orientation (different elevation facing the street);
4. Front porch (actual porch vs. stoop or steps with landing);
5. Architectural style (e.g., contemporary, colonial, prairie, neo-colonial, neo-deco, neo-federalist); or
6. Garage layout (attached vs. detached or front loading vs. side loading)

2.5.2. Attached Garage Design

A. Purpose
These attached garage design regulations are intended to ensure that the main entrance for pedestrians is the prominent entrance. And to provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk and to enhance public safety by preventing garages from blocking views of the street from inside the residence.

B. Applicability
The attached garage regulations of this section apply to all new detached houses in RS-10, RS-7.5 and RD-7.5 districts and to all new duplexes in the RD-7.5 district. The regulations also apply to the addition of new garages or expansions of existing garages.

C. Length of Street-Facing Garage Wall

1. General
The length of the garage wall facing the street may not exceed 50% of the length of the street-facing building facade containing the primary pedestrian building entrance. See Figure 2-2.

2. Exception
For lots that are less than 60 feet in width, the garage wall facing the street may not exceed 21 feet in length. See Figure 2-3.

D. Street Setback

1. General
A garage wall that faces a street must be set back from the street lot line in accordance with the minimum building setbacks of Sec. 2.3 and may be
no closer to the street lot line than the longest exterior wall of the house facing the same street. See Figure 2-4. On lots with more than one street lot line, this regulation applies only to the street-facing facade on which the main pedestrian entrance is located.

2. Exceptions

a. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the house if: (1) there is a porch at the main entrance with a minimum depth of 5 feet and a minimum width of 10 feet and (2) the street-facing garage wall complies with the minimum building setbacks of Sec. 2.3.

b. For a side-loaded garage, the street-facing garage wall may extend more than 6 feet in front of the longest street-facing wall of the house if (1) the street-facing garage wall and the garage wall opposite the garage entrance contain window and door openings on at least 15% of the subject walls.

SEC. 2.6. OTHER REGULATIONS

2.6.1. Parking
See Article 7.

2.6.2. Accessory Uses and Structures
See Sec. 6.10.

2.6.3. Fences and Walls
See Sec. 6.10.

2.6.4. Home Occupations
See 6.10.6.
# ARTICLE 3. Office, Commercial & Industrial Districts

## Sec. 3.1. General
- 3.1.1. The Districts
- 3.1.2. Purposes

## Sec. 3.2. Lot and Building Regulations

## Sec. 3.3. Other Regulations
- 3.3.1. Maximum Floor Area Limits
- 3.3.2. Outdoor Storage and Display
- 3.3.3. Accessory Uses and Structures
- 3.3.4. Fences and Walls
- 3.3.5. Parking
- 3.3.6. Landscaping
SEC. 3.1. GENERAL

3.1.1. The Districts
The office (O), commercial (C) and industrial (M) zoning districts are listed in Table 3-1. Whenever this zoning ordinance refers to “office,” “commercial” or “industrial” zoning districts or “O,” “C” or “M” districts, it is referring to these districts.

Table 3-1: Office, Commercial and Industrial Zoning Districts

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-R</td>
<td>Office-Research</td>
</tr>
<tr>
<td>C-1</td>
<td>Convenience Business</td>
</tr>
<tr>
<td>C-2</td>
<td>Neighborhood Business</td>
</tr>
<tr>
<td>C-3</td>
<td>Service Business</td>
</tr>
<tr>
<td>M-1</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>M-2</td>
<td>General Industrial</td>
</tr>
</tbody>
</table>

3.1.2. Purposes
A. General
Office, commercial and industrial zoning districts are intended to accommodate and promote neighborhood, community- and region-serving commercial uses, as well as industrial and employment uses.

B. O-R
The O-R district is primarily intended to accommodate office, service and other types of low-impact, non-retail commercial uses.

C. C-1
The C-1 district is primarily intended to accommodate daily convenience retail and service uses in small-scale buildings.

D. C-2
The C-2 district is primarily intended to accommodate neighborhood-serving retail and service uses.

E. C-3
The C-3 district is primarily intended to accommodate automobile-oriented retail and service uses.

F. M-1
The M-1 district is primarily intended to accommodate small-scale, low-impact industrial and service commercial uses.

G. M-2
The M-2 district is primarily intended to accommodate industrial and high-impact commercial uses, generally on larger sites and in locations that will not cause adverse impacts on residential uses.
**SEC. 3.2. LOT AND BUILDING REGULATIONS**

Lots and buildings in the O, C and M districts are subject to the regulations of Table 3-2.

### Table 3-2: Lot and Building Regulations (R districts)

<table>
<thead>
<tr>
<th>Lot Regulation</th>
<th>O-R</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>M-1</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (square feet)</td>
<td>5,000</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>15,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Minimum Lot Width (feet)</td>
<td>50</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Maximum Lot Coverage (%)</td>
<td>60</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

**Building Regulations**

<table>
<thead>
<tr>
<th>Minimum Building Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Side (feet)</td>
</tr>
<tr>
<td>Abutting Other District</td>
</tr>
<tr>
<td>Rear (feet)</td>
</tr>
<tr>
<td>Maximum Building Height (feet)</td>
</tr>
</tbody>
</table>


[3] Maximum setback of 20 feet, provided that minimum and maximum setbacks for infill development are established by the contextual setback regulations of 14.1.9.

[4] Or 12 feet from centerline of abutting alley, whichever results in greater setback.

[5] Setback must include perimeter landscape buffer with minimum width of 10 feet (see Sec. 9.1 for landscaping requirements)

### SEC. 3.3. OTHER REGULATIONS

3.3.1. **Maximum Floor Area Limits**

Commercial uses allowed in the C-1 district are subject to a maximum gross floor area limit of 6,000 square feet.

3.3.2. **Outdoor Storage and Display**

A. No outdoor storage or display is allowed in the O-R district.

B. All business, service, research, merchandise display, and manufacturing activities and operations in M districts must be conducted wholly within completely enclosed buildings except off-street parking, off-street loading, outside storage as an accessory use and/or conditional use in districts where they are permitted. Outdoor storage areas in M districts:
   1. May not be located in street yards;
   2. Must be set back at least 30 feet from any R-zoned lot and at least 10 feet from all other non-M-zoned lots; and
   3. Must be screened from view of non-M-zoned lots and street rights-of-way.

3.3.3. **Accessory Uses and Structures**

See Sec. 6.10.

3.3.4. **Fences and Walls**

See Sec. 9.2.
3.3.5. Parking
See Article 7.

3.3.6. Landscaping
See Article 9.
ARTICLE 4. MX Districts

Sec. 4.1. General ........................................................................................................... 4-2
  4.1.1. The Districts ......................................................................................................... 4-2
  4.1.2. Purposes ............................................................................................................... 4-2
  4.1.3. Uses ..................................................................................................................... 4-3

Sec. 4.2. Streets and Blocks ............................................................................................ 4-3
  4.2.1. Primary Streets ..................................................................................................... 4-3
  4.2.2. Street Extensions ................................................................................................. 4-3

Sec. 4.3. Building Types Generally ............................................................................... 4-5
  4.3.1. General ............................................................................................................... 4-5
  4.3.2. Descriptions ........................................................................................................ 4-5
  4.3.3. Where Allowed .................................................................................................. 4-5
  4.3.4. General Regulations ......................................................................................... 4-6

Sec. 4.4. Building Type Regulations ............................................................................ 4-6
  4.4.2. Storefront Building ............................................................................................ 4-8
  4.4.3. General Building ............................................................................................... 4-10
  4.4.4. Row Building ..................................................................................................... 4-12
  4.4.5. Civic Building ................................................................................................... 4-14

Sec. 4.5. Building Types - Measurements ................................................................... 4-16
  4.5.1. Minimum Primary Frontage Lot Line Coverage .............................................. 4-16
  4.5.2. Build-to Zone ..................................................................................................... 4-16
  4.5.3. Heights in Stories .............................................................................................. 4-17
  4.5.4. Minimum and Maximum Height per Story ...................................................... 4-18
  4.5.5. Minimum Required Transparency .................................................................. 4-19

Sec. 4.6. Roof Types ..................................................................................................... 4-20
  4.6.1. General ............................................................................................................... 4-20
  4.6.2. Parapet Roof ...................................................................................................... 4-20
  4.6.3. Pitched Roof ...................................................................................................... 4-20
  4.6.4. Flat Roof ............................................................................................................ 4-21
  4.6.5. Towers ............................................................................................................... 4-22

Sec. 4.7. General Design Requirements ....................................................................... 4-23
  4.7.1. Materials and Color ......................................................................................... 4-23
  4.7.2. Windows, Awnings, and Shutters ...................................................................... 4-24
  4.7.3. Balconies ........................................................................................................... 4-26
  4.7.4. Treatments at Terminal Vistas .......................................................................... 4-26
  4.7.5. Building Variety ............................................................................................... 4-26
  4.7.6. Building Lighting .............................................................................................. 4-27
  4.7.7. Principal Entryway ......................................................................................... 4-27
  4.7.8. Storefront Design ............................................................................................. 4-27
  4.7.9. Arcade Design .................................................................................................. 4-28
  4.7.10. Fuel Stations and Car Washes ......................................................................... 4-29
  4.7.11. Drive-through Structures ............................................................................. 4-29

Sec. 4.8. Streetscape Guidelines ................................................................................. 4-30
  4.8.1. Typical Street Elements .................................................................................... 4-30
  4.8.2. Street Configurations ....................................................................................... 4-32
ARTICLE 4 MX DISTRICTS | Sec. 4.1 General

SEC. 4.1. GENERAL

4.1.1. The Districts
The mixed-use zoning districts are listed in Table 4-1. Whenever this zoning ordinance refers to “mixed-use” zoning districts or “MX” districts, it is referring to these districts.

Table 4-1: Mixed-Use Zoning Districts

<table>
<thead>
<tr>
<th>Map Symbol</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX-1</td>
<td>Mixed-Use TOD District</td>
</tr>
<tr>
<td>MX-2a</td>
<td>Mixed-Use Main Street District (a)</td>
</tr>
<tr>
<td>MX-2b</td>
<td>Mixed-Use Main Street District (b)</td>
</tr>
<tr>
<td>MX-3</td>
<td>Mixed-Use Corridor District</td>
</tr>
<tr>
<td>MX-T</td>
<td>Mixed Transitional (Office-Residential) District</td>
</tr>
<tr>
<td>MX-R1</td>
<td>Mixed Residential District 1</td>
</tr>
<tr>
<td>MX-R2</td>
<td>Mixed Residential District 2</td>
</tr>
</tbody>
</table>

4.1.2. Purposes
A. General
Mixed-use zoning districts are primarily intended to create, maintain and promote a variety of vertically and horizontally mixed-use places, and to maintain and promote the desired physical character of existing and developing mixed-use places. The various MX districts are differentiated on the basis of allowed building types and a mix of allowable uses in each building.

1. To guide the development of a mix of uses to further the future of the train station area, commercial corridors, and main street nodes in the village.
2. To support the desired character of the village, as expressed in adopted plans, policies and regulations.
3. To promote multiple modes of transportation, including biking, walking, and transit use, with compact development of an appropriate scale.
4. To provide a mix of housing types within and within walking distance of mixed-use nodes and corridors.
5. To achieve development that is appropriate in scale and intensity for the neighborhoods and sites proximate to the train station area, commercial corridors, and main street nodes in the village.

B. MX-1
The MX-1 district is intended to accommodate low-scale mixed-use buildings in the train station area. The building form establishes an essentially continuous street wall of storefront facades along the sidewalk of primary streets, and focuses pedestrian-friendly retail and service uses on the ground story along primary streets with residential and/or office uses elsewhere. Parking is intended to be internal to the building or located in the rear of the lot, screened from the primary street with the building.

C. MX-2a and MX-2b
The MX-2 districts are intended to accommodate lower-scaled mixed-use buildings in the neighborhood mixed-use nodes. The building form establishes an essentially continuous street wall of storefront facades along the sidewalk of primary streets, and focuses pedestrian-friendly retail, office and service uses on the ground story along primary streets with residential and/or office uses elsewhere. Parking is intended to be internal to the building or located in the rear of the lot, screened from the primary street with the building.
D. **MX-3**
The MX-3 district is intended to accommodate low- to mid-scaled mixed-use buildings along commercial corridors. The building form defines a street wall of storefront facades along the sidewalk of the primary corridor, while allowing for limited interior side yard parking between the buildings to account for no on-street parking along the corridor. Uses focus a wider variety of commercial uses on the ground story along primary streets with residential and/or office uses elsewhere. Parking may also be internal to the building or located in the rear of the lot.

E. **MX-T**
The MX-T district is intended to accommodate low- to mid-scaled office and/or residential buildings transitioning between mixed-use shopping nodes and residential uses. The building form defines compact buildings with entrances, windows, and interior uses facing the primary corridor. Parking is intended to be internal to the building; located in the rear of the lot, screened from the primary street with the building; or located in the side yard, limited in width and orientation.

F. **MX-R1 and MX-R2**
The MX-R districts are primarily residential within a mix of building types. MX-R1 is mid-scale and intended for use in the station areas. MX-R2 is lower in scale and intended as a transition to existing single-family neighborhoods. The allowable building types, including apartment buildings and townhouses, define compact buildings with entrances, windows, and interior uses facing the primary corridor and small landscape yards in front. Parking is intended to be internal to the building or located in the rear of the lot, screened from the primary street with the building.

### 4.1.3. Uses
Principal uses are allowed in the MX districts in accordance with the use regulations of Sec. 6.1 Individual building types may be subject to additional use regulations.

## SEC. 4.2. STREETS AND BLOCKS

### 4.2.1. Primary Streets

A. The designation of primary streets determines the front lot line and prioritizes those street frontages for the location of building streetwalls and storefronts. Parking and driveway locations are also limited along primary street frontages.

B. For the purposes of the MX districts, Villa Avenue, St Charles Avenue, and Ardmore Avenue, are considered primary streets, unless otherwise designated on the maps in Figure 4-2 and Figure 4-3.

C. When two primary streets abut a parcel, the community development director is authorized to determine which street will be the primary street.

D. Lot frontages that abut civic spaces or public open spaces must be treated as primary frontages.

E. At all intersections of primary and non-primary streets, primary frontage facade treatments must extend along the non-primary street for a distance of at least 30 feet.

### 4.2.2. Street Extensions

The parcels located at the northern ends of North Harvard Avenue and North Yale Avenue, south of the tracks and north of West Division Street, will require street extensions for maximum applicability of the requirements of these regulations. Refer to Figure 4-1 for these locations.

A. Street frontages are required for all building types. To maximize street frontage in these locations, extension of the existing streets is required per Figure 4-1.
B. Hammerhead turnarounds can be accommodated at the ends of each street by utilizing parking lot entrances.

C. On-street parking can be accommodated along the street, in either a parallel or head-in configuration.

D. Streets must match the existing configurations, including curb, sidewalk, and parkway locations.

Figure 4-2. Primary Streets: Ardmore Ave at Central Blvd

Figure 4-3. Primary Streets: Villa Ave

LEGEND

New Primary Street or Primary Frontage Treatment

Existing Street Designated Primary

New Alley or Street
SEC. 4.3. BUILDING TYPES GENERALLY

4.3.1. General
Many of the MX district regulations are based on building types. All principal buildings must comply with one of the building types allowed in the subject zoning district.

4.3.2. Descriptions

1. Storefront Building
   a. A Storefront building is a mixed-use building located at the front and corner property lines allowing easy access to passing pedestrians. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double-loaded aisle of parking is permitted in the interior side yard at the front property line.
   b. Ground floor uses are limited to those with some level of pedestrian activity, such as retail, service, and office uses, with additional commercial, office, and/or residential uses in the upper stories. Storefronts with large amounts of transparency and regularly spaced entrances off the street are utilized on the ground floor front facade.

2. General Building
   A General building is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to Storefront buildings, General buildings are intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double-loaded aisle of parking is permitted in the interior or the side yard at the front property line.

3. Row Building
   a. A Row building is a building comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or rowhouses, and may also be live-work units with a publicly accessed ground story.
   b. Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

4. Civic Building
   A Civic building is a more flexible building type intended only for civic and institutional types of uses. These buildings are distinctive within the community fabric created by the other building types. In contrast to most of the other building types, a minimum setback line is required instead of a build to zone. Parking is limited to the rear in most cases.

4.3.3. Where Allowed
Building types are permitted in the MX districts in accordance with Table 4-2.

Table 4-2: Allowed Building Types (MX districts)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
<th>MX-T</th>
<th>MX-R1</th>
<th>MX-R2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storefront Building</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>General Building</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Row Building</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Civic Building</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>–</td>
</tr>
</tbody>
</table>

P = permitted | – = not permitted
4.3.4. General Regulations

All building types must comply with general regulations of this section.

A. Multiple Principal Buildings on One Lot

Multiple principal buildings are permitted on all lots in MX districts; however, each building must comply with the applicable building type regulations.

B. Corner Lots

The intersections of two build-to zones at a street corner must be occupied by building.

C. Refuse, Recycling, Utility, and Loading Location

Refuse, recycling, and loading areas are allowed only in rear yards. Utility appurtenances (such as transformers and air conditioner units) may be located only in rear yards or (interior) side yards, and must be completely screened from view from the street.

D. Open Areas on Lot

1. All front yards, build-to zones, side yards, corner side yards, and rear yards not covered by buildings, parking, or driveway shall contain either landscape, patio space, or sidewalk space.

2. Parking areas and driveway locations are permitted in specific locations by building type. Parking is prohibited in street yards, unless otherwise expressly stated.

3. Parking and driveways are prohibited in build-to zones and setbacks except that when driveway access is permitted from streets, driveways may cross perpendicularly through the build-to zone or setback. Two-way driveways may not exceed 22 feet in width. One-way driveways and residential driveways serving 8 or fewer units may not exceed 12 feet in width.

SEC. 4.4. BUILDING TYPE REGULATIONS

Regulations applicable to each building type allowed in MX districts are presented on the following pages.
### 4.4.2. Storefront Building

#### A. Building Siting (Refer to Figure 4-4)

<table>
<thead>
<tr>
<th>1</th>
<th>Minimum Primary Frontage Build-to Zone Coverage</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Primary Frontage Build-to Zone Coverage</td>
<td>95%</td>
<td>95%</td>
<td>50%</td>
<td>refer to 4.5.1</td>
</tr>
<tr>
<td>2</td>
<td>Front Build-to Zone</td>
<td>0' to 5'</td>
<td>0' to 5'</td>
<td>6' to 10'</td>
<td>minimum 13 ft. streetscape area is required along street frontages; refer to 4.5.2</td>
</tr>
<tr>
<td>3</td>
<td>Corner Build-to Zone</td>
<td>0' to 5'</td>
<td>0' to 10'</td>
<td>0' to 10'</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Minimum Side Yard Setback</td>
<td>0'; 5' if adjacent to other building type</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Minimum Rear Yard Setback</td>
<td>5'; 40' if abutting RS or RD district</td>
<td>5'; 15' if abutting RS or RD district</td>
<td>5'; 40' if abutting RS or RD district</td>
<td>see 9.1.5 for required landscape screening</td>
</tr>
<tr>
<td>6</td>
<td>Maximum Impervious Cover Additional Semi-Pervious Cover</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Surface Parking or Accessory Parking Structure</td>
<td>rear yard only</td>
<td>rear yard only</td>
<td>rear and limited side yard only</td>
<td>limited side yard means one double-loaded aisle of parking perpendicular to the street</td>
</tr>
<tr>
<td>8</td>
<td>Permitted Driveway Access Locations</td>
<td>alley; if no alley exists, 1 driveway permitted off each non-primary streets; if no alley and non-primary street abut the parcel, 1 driveway permitted off a primary street with an administrative adjustment (see Sec. 11.6)</td>
<td></td>
<td></td>
<td>shared driveways and parking is encouraged</td>
</tr>
<tr>
<td>9</td>
<td>Permitted Garage Entrance Location</td>
<td>rear facade; side facade garage access requires an administrative adjustment</td>
<td>rear, side, or corner side facade</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### B. Height (Refer to Figure 4-5)

<table>
<thead>
<tr>
<th>10</th>
<th>Overall: Minimum Height Maximum Height</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum Height Maximum Height</td>
<td>2 stories</td>
<td>1 stories</td>
<td>1 stories</td>
<td>up to 2 additional stories permitted with special use approval (see Sec. 11.4); see 4.5.3 for measuring</td>
</tr>
<tr>
<td></td>
<td>8 stories</td>
<td>4 stories</td>
<td>4 stories</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

![Figure 4-4. Storefront Building: Siting](image-url)
### Ground Story: Minimum Height

<table>
<thead>
<tr>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>14'</td>
</tr>
<tr>
<td>24'</td>
</tr>
</tbody>
</table>

### Upper Stories: Minimum Height

<table>
<thead>
<tr>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>9'</td>
</tr>
<tr>
<td>14'</td>
</tr>
</tbody>
</table>

### References and Additional Requirements

- Measured floor to floor; more than 18' in height counts as 2 stories; see 4.5.4 for measuring.

## Additional Requirements

### Uses

- **Primary Frontage Ground Story**: All permitted non-residential uses. Refer to Article 6.
- **Non-Primary Frontage, Upper Stories, Basement**: Any permitted use. Refer to Article 6.
- **Parking within Building**: Permitted fully in any basement and in rear of upper floors.
- **Required Occupied Building Space**: Minimum 20' deep on all full height floors from any primary street facade; not required in basement. Refer to Sec. 14.2 for definition of occupied building space.

### Facade and Roof Requirements

- **Primary Frontage Minimum Ground Story Transparency**
  - MX-1: 75%
  - MX-2: 70%
  - MX-3: 65%

- **Minimum Transparency Street, Courtyard, Open Space Facade**
  - MX-1: 20%
  - MX-2: 15%
  - MX-3: 15%

- **Blank Wall Limitations**: Required per floor on all street facades. Refer to 4.5.5.
- **Entrance Location and Number**: Principal entrance required on primary frontage facade; entrances required a minimum of one per every 60' of building facade. Refer to 4.7.7 for principal entryway.
- **Entryway Configuration and Elevation**: Recessed between 3' and 8', maximum 8' wide; entrances shall be within 1.5' vertically of adjacent walk elevation. Refer to 4.7.8 for storefront design.
- **Ground Story Vertical Facade Divisions**: One 2" deep expression line per every 30' of facade width.
- **Horizontal Facade Divisions**: Within 3' of the top of the ground story and the bottom of the any 5th floor.
- **Permitted Roof Types**: Parapet, pitched, flat; tower permitted. Refer to Sec. 4.6 for roof types.

---

**Figure 4-5. Storefront Building: Height and Use Requirements**

**Figure 4-6. Storefront Building: Facade Design Requirements**
### 4.4.3. General Building

<table>
<thead>
<tr>
<th>Permitted Districts</th>
<th>MX-T</th>
<th>MX-R1</th>
<th>MX-R2</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Building Siting (Refer to Figure 4-7)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Minimum Primary Frontage Build-to Zone Coverage</td>
<td>75%</td>
<td>75%</td>
<td>60%</td>
<td>refer to 4.5.1</td>
</tr>
<tr>
<td>2. Front Build-to Zone</td>
<td>5' to 10'</td>
<td>5' to 10'</td>
<td>10' to 20'</td>
<td>minimum 13 ft. streetscape area is required along street frontages; refer to 4.5.2</td>
</tr>
<tr>
<td>3. Corner Build-to Zone</td>
<td>0' to 10'</td>
<td>0' to 10'</td>
<td>5' to 15'</td>
<td></td>
</tr>
<tr>
<td>4. Minimum Side Yard Setback</td>
<td>5'</td>
<td>10'</td>
<td>15'</td>
<td></td>
</tr>
<tr>
<td>5. Minimum Rear Yard Setback</td>
<td>5'; 40' if abutting RS or RD district</td>
<td>see 9.1.5 for required landscape screening</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Maximum Building Width</td>
<td>none</td>
<td>none</td>
<td>120'</td>
<td></td>
</tr>
<tr>
<td>7. Maximum Impervious Cover</td>
<td>70%</td>
<td>70%</td>
<td>65%</td>
<td></td>
</tr>
<tr>
<td>Additional Semi-Pervious Cover</td>
<td>25%</td>
<td>20%</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>8. Surface Parking or Accessory Parking Structure</td>
<td>rear and limited side yard only</td>
<td>rear yard only</td>
<td>rear yard only</td>
<td></td>
</tr>
<tr>
<td>9. Permitted Driveway Access Locations</td>
<td>alley; if no alley exists, 1 driveway permitted off each non-primary streets; if no alley and non-primary street abut the parcel, 1 driveway permitted off a primary street with an administrative adjustment (see Sec. 11.6)</td>
<td>shared driveways and parking is encouraged</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Permitted Garage Entrance Location</td>
<td>rear facade; side facade garage access requires an administrative adjustment</td>
<td>rear, side, or corner side facade</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B. Height (Refer to Figure 4-8)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Overall: Minimum Height Maximum Height</td>
<td>2 stories 5 stories</td>
<td>2 stories 6 stories</td>
<td>2 stories 4 stories</td>
<td>up to 2 additional stories permitted with special use approval (see Sec. 11.4); see 4.5.3 for measuring</td>
</tr>
<tr>
<td>12. Stepped Back Upper Stories</td>
<td>Stories above the third shall be stepped back a minimum of 12 feet from the front facade</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. All Stories: Minimum Height Maximum Height</td>
<td>9' 14'</td>
<td>8.5' 12'</td>
<td>9' 14'</td>
<td>measured floor to floor; see 4.5.4 for measuring</td>
</tr>
</tbody>
</table>

**Figure 4-7. General Building: Siting**

- 1. Primary Frontage
- 2. Non-primary Frontage
- 3. Alley
- 4. Courtyard
- 5. Principal Building
- 6. Alcove
- 7. Rear Yard
- 8. Side Yard
- 9. Minimum Rear Yard Setback
- 10. Permitted Garage Entrance Location

---

**ARTICLE 4 MX DISTRICTS | Sec. 4.4 Building Type Regulations**
C. Uses (Refer to Figure 4-8)

<table>
<thead>
<tr>
<th>Ground Story &amp; Basement</th>
<th>all permitted uses except commercial service, eating and drinking establishments, and retail sales are limited to no more than 50% of gross floor area of the story</th>
<th>refer to Article 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Stories</td>
<td>any permitted use except commercial service, eating and drinking establishments, and retail sales</td>
<td>refer to Article 6</td>
</tr>
<tr>
<td>Parking within Building</td>
<td>permitted fully in any basement and in rear of upper floors</td>
<td></td>
</tr>
<tr>
<td>Required Occupied Building Space</td>
<td>minimum 20’ deep on all full height floors from any primary street facade; not required in basement</td>
<td>refer to Sec. 14.2 for definition of occupied building space</td>
</tr>
</tbody>
</table>

D. Facade and Roof Requirements (Refer to Figure 4-9)

<table>
<thead>
<tr>
<th>Minimum Transparency Street, Courtyard, Open Space Facade</th>
<th>15%</th>
<th>15%</th>
<th>15%</th>
<th>measured per story of all stories; see 4.5.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blank Wall Limitations</td>
<td>required per floor on all street facades</td>
<td>refer to 4.5.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entrance Location and Number</td>
<td>principal entrance required on primary frontage facade; entrances required a minimum of one per every 90’ of building facade</td>
<td>refer to 4.7.7 for principal entryway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entryway Configuration and Elevation</td>
<td>entry doors shall be off a stoop, minimum 6’ wide and 3’ deep; entrances shall be within 30” of adjacent street sidewalk average elevation OR between 30” and 5’ with visible basement (transparency required)</td>
<td>refer to 4.7.8 for storefront design</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground Story Vertical Facade Divisions</td>
<td>One 2” deep expression line per every 60’ of facade width</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal Facade Divisions</td>
<td>within 3’ of the top of the ground story, any visible basement, and the bottom of the any 5th floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted Roof Types</td>
<td>parapet, pitched, flat; tower permitted</td>
<td>parapet, pitched, flat; tower permitted</td>
<td>parapet, pitched; tower permitted</td>
<td>refer to Sec. 4.6 for roof types</td>
</tr>
</tbody>
</table>
### 4.4.4. Row Building

<table>
<thead>
<tr>
<th>A. Building Siting (Refer to Figure 4-10)</th>
<th>Permitted Districts</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Minimum Primary Frontage Build-to Zone Coverage</td>
<td>MX-T 75%</td>
<td>MX-R1 65%</td>
</tr>
<tr>
<td><strong>2</strong> Front Build-to Zone</td>
<td>5’ to 10’</td>
<td>5’ to 15’</td>
</tr>
<tr>
<td><strong>3</strong> Corner Build-to Zone</td>
<td>0’ to 10’</td>
<td>5’ to 10’</td>
</tr>
<tr>
<td><strong>4</strong> Units outside Build-to Zone</td>
<td>Each unit shall have a facade located within the primary build-to zone, except 1 of every 3 units may front a courtyard, existing open space/park, or non-primary street with its principal entrance.</td>
<td></td>
</tr>
<tr>
<td><strong>5</strong> Minimum Side Yard Setback</td>
<td>0’ per unit; 10’ between buildings</td>
<td>0’ per unit; 15’ between buildings</td>
</tr>
<tr>
<td><strong>6</strong> Minimum Rear Yard Setback</td>
<td>5’; 25’ if no alley exists</td>
<td>5’; 20’ if no alley exists</td>
</tr>
<tr>
<td><strong>7</strong> Maximum Building Width</td>
<td>none</td>
<td>8 units per building and 180’</td>
</tr>
<tr>
<td><strong>8</strong> Maximum Impervious Cover Additional Semi-Pervious Cover</td>
<td>65% 25%</td>
<td>65% 20%</td>
</tr>
<tr>
<td><strong>9</strong> Surface Parking or Accessory Garage</td>
<td>rear yard only</td>
<td>rear yard only</td>
</tr>
<tr>
<td><strong>10</strong> Permitted Driveway Access Locations</td>
<td>alley; if no alley exists, 1 driveway permitted per building off each non-primary street; if no alley and non-primary street abut the parcel, 1 driveway permitted off a primary street with an administrative adjustment (see Sec. 11.6)</td>
<td>shared driveways and parking is encouraged</td>
</tr>
<tr>
<td><strong>11</strong> Permitted Attached Garage Entrance Location</td>
<td>rear facade only; side facade garage access requires an administrative adjustment</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 4-10. Row Building: Siting**

![Diagram of Row Building Siting](image-url)
<table>
<thead>
<tr>
<th>Permitted Districts</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX-T</td>
<td>MX-R1</td>
</tr>
<tr>
<td><strong>B. Height</strong> (Refer to Figure 4-11)</td>
<td></td>
</tr>
<tr>
<td><strong>Overall:</strong></td>
<td>Minimum Height</td>
</tr>
<tr>
<td>12</td>
<td>2 stories</td>
</tr>
<tr>
<td><strong>All Stories:</strong></td>
<td>Minimum Height</td>
</tr>
<tr>
<td>13</td>
<td>8.5'</td>
</tr>
<tr>
<td><strong>C. Uses</strong> (Refer to Figure 4-11)</td>
<td></td>
</tr>
<tr>
<td><strong>Primary Frontage Ground Story</strong></td>
<td>all permitted uses except eating and drinking establishments</td>
</tr>
<tr>
<td><strong>Non-Primary Frontage, Upper Stories, Basement</strong></td>
<td>any permitted use except commercial service, eating and drinking establishments, and retail sales</td>
</tr>
<tr>
<td><strong>Parking within Building</strong></td>
<td>permitted fully in any basement and in rear of upper floors</td>
</tr>
<tr>
<td><strong>Required Occupied Building Space</strong></td>
<td>minimum 20' deep on all full height floors from any primary street facade; not required in basement</td>
</tr>
<tr>
<td><strong>D. Facade and Roof Requirements</strong> (Refer to Figure 4-12)</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Transparency Street, Courtyard, Open Space Facade</strong></td>
<td>15%</td>
</tr>
<tr>
<td><strong>Blank Wall Limitations</strong></td>
<td>required per floor on all street facades</td>
</tr>
<tr>
<td><strong>Entrance Location and Number</strong></td>
<td>One entrance required per unit on the primary frontage facade, courtyard, or open space per above; minimum of one principal entrance required per 30' of primary street facade</td>
</tr>
<tr>
<td><strong>Entryway Configuration</strong></td>
<td>Entry doors shall be off a stoop, minimum 4' wide and 3' deep, OR a porch, minimum 8' wide and 5' deep. No more than 2 entry doors may be located off each stoop or porch</td>
</tr>
<tr>
<td><strong>Entryway Elevation</strong></td>
<td>80% of entrances and the ground story shall be within 30' of adjacent street sidewalk average elevation OR between 30' and 5' with a visible basement (transparency required)</td>
</tr>
<tr>
<td><strong>Permitted Roof Types</strong></td>
<td>parapet, pitched, flat, tower permitted</td>
</tr>
</tbody>
</table>
### 4.4.5. Civic Building

<table>
<thead>
<tr>
<th>Permitted Districts</th>
<th>References and Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>MX-1</td>
<td>MX-2</td>
</tr>
</tbody>
</table>

#### A. Building Siting (Refer to Figure 4-13)

1. **Minimum Primary Frontage**
   - Build-to Zone Coverage
   - **Permitted Districts**: MX-1, MX-2, MX-3, MX-T, MX-R1

2. **Front SETBACK**
   - 5'

3. **Corner SETBACK**
   - 5'

4. **Minimum Side Yard SETBACK**
   - 5'

5. **Minimum Rear Yard SETBACK**
   - 5'; 30' if abutting RS or RD district

6. **Minimum Lot Width**
   - 50'

7. **Maximum Impervious Cover**
   - **Additional Semi-Pervious Cover**
   - 70%; 20%

8. **Surface Parking or Accessory Parking Structure**
   - Rear yard and limited side yard only

9. **Permitted Driveway Access Locations**
   - Alley; if no alley exists, 1 driveway permitted off each non-primary street; if no alley and non-primary street abut the parcel, 1 driveway permitted off a primary street with an administrative adjustment (see Sec. 11.6)

10. **Permitted Garage Entrance Location**
    - Rear facade; side facade garage access requires an administrative adjustment

#### Figure 4-13. Civic Building: Siting

![Civic Building Siting Diagram](image-url)
Permitted Districts

<table>
<thead>
<tr>
<th>District</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
<th>MX-T</th>
<th>MX-R1</th>
</tr>
</thead>
</table>

B. Height (Refer to Figure 4-14)

11. Overall: Minimum Height
   Maximum Height
   - 2 story
   - 8 stories in MX-1;
   - 4 stories in MX-2 and MX-3
   - 1 story
   - 6 stories
   - up to 2 additional stories permitted with special use approval (see Sec. 11.4).

12. Ground Story: Minimum Height
   Maximum Height
   - 9’
   - 20’
   - 9’
   - 16’
   - measured floor to floor; more than 18’ in height counts as 2 stories; see Sec. 4.5.4 for measuring.

13. All Stories: Minimum Height
   Maximum Height
   - 9’
   - 14’
   - 9’
   - 14’

C. Uses (Refer to Figure 4-14)

14. All Frontages and Stories
   only public, civic and institutional uses permitted in district

15. Parking within Building
   permitted fully in any basement and in rear of upper floors

16. Required Occupied Building Space
   minimum 20’ deep on all full height floors from any primary street facade; not required in basement

D. Facade and Roof Requirements (Refer to Figure 4-15)

17. Minimum Transparency Street, Courtyard, Open Space Facade
   12% measured per story of all stories; see 4.5.5

18. Blank Wall Limitations
   none refer to 4.5.5

19. Entrance Location and Number
   principal entrance required on primary facade; entrances required a minimum of one per every 150’ of building facade
   refer to 4.7.7 for principal entryway

20. Entryway Configuration and Elevation
   entry doors shall be off a stoop, minimum 6’ wide and 3’ deep; entries shall be within 30’ of adjacent street sidewalk average elevation OR between 30’ and 5’ with visible basement (transparency required)
   refer to 4.7.8 for storefront design

21. Permitted Roof Types
   parapet, pitched, flat; tower permitted
   parapet, pitched, flat; tower permitted
   other roof types permitted by administrative adjustment; refer to Sec. 4.6 for roof types

---

**Figure 4-14. Civic Building: Height and Use Requirements**

**Figure 4-15. Civic Building: Facade Design Requirements**
SEC. 4.5. BUILDING TYPES - MEASUREMENTS
The following explains and further defines the standards outlined on the tables on the previous pages.

4.5.1. Minimum Primary Frontage Lot Line Coverage.
The minimum percentage of building facade along the primary frontage of a lot is designated on each building type table.

A. Measurement
The width of the principal structures (as measured within the build-to zone along the frontage edge) is divided by the length of the frontage parallel to the property line following the street. Refer to Figure 4-16.

B. Courtyards
Where noted by building type, courtyards, located along the facade in the build-to zone count towards the minimum coverage.

C. Civic Space Type
Open spaces per civic space type requirements are exempt from minimum primary frontage lot line coverage.

4.5.2. Build-to Zone
The build-to zone is designated separately for each frontage on each building type table. Refer to Figure 4-17.

A. Measurement
The build-to zone for all frontages is measured from the property line parallel to the frontage, unless otherwise noted.

---

Figure 4-16. Minimum Primary Frontage Lot Line Coverage

\[
\frac{\text{Width of Building within Build-to Zone}}{\text{Lot Line parallel to the Frontage}} = \text{Building Coverage}
\]
B. Minimum Streetscape Area
When a minimum streetscape area is required, the build-to zone is measured from the edge of the required streetscape onto the site. Minimum streetscape area is measured from back of curb to property line and is intended to accommodate clear sidewalk area and either a landscape/street tree area (parkway) or a furnishings zone at storefront locations. Furnishings zone includes the sidewalk extended to the curb with tree wells or planters for street trees.

C. Encroachments
Awnings, balconies, and building mounted signage may extend up to 3 foot beyond the build-to zone into any yard area, but may not extend into the street right-of-way.

4.5.3. Heights in Stories
Refer to Figure 4-18.

A. Minimum Overall Height
Minimum heights require a minimum number of stories on the primary frontage facades of the building. The building must meet the minimum required height for the first 30 feet of occupied building space measured from the primary frontage facade into the building.

B. Maximum Overall Height
Maximum heights are specified both in number of stories and overall dimension. This requirement applies to the entire building.
1. Towers. Where noted, towers may exceed the overall maximum height per Subsection 4.6.5.
2. Cap Type. Where noted, certain cap types may allow additional height.

C. Two Half Stories
A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.

---

Figure 4-17. Build-to Zones
4.5.4. Minimum and Maximum Height per Story
Each story is measured with a range of permitted floor-to-floor heights. Refer to Figure 4-18.

A. Measurement
Floor height is measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met on floors along facades, a minimum of 80 percent of each story.

B. Single Story Buildings and Top Floor Measurement
For single story buildings and the uppermost story of a multiple story building, floor-to-floor height shall be one foot less than noted per building type and measured from the floor of the story to the ceiling.

C. Mezzanines
Mezzanines may be included within the floor-to-floor height of any story, included in the calculation of stories. Mezzanines occupying more than 30 percent of the floor area below and extending above the story’s allowable floor-to-floor height shall count as an additional story, including articulation of the story.

D. Taller Spaces
Spaces exceeding the allowable floor-to-floor heights of the building are not permitted on primary frontage facades. These spaces are unlimited on interior lots and non-primary frontage facades, but shall be counted as the number of stories that would fit within their height.

Figure 4-18. Measuring Stories with Floor-to-Floor Height
4.5.5. **Minimum Required Transparency**
Per the requirements of each building type, a minimum amount of transparency is required on all stories of all facades.

A. **Measurement**
Minimum facade transparency is measured from floor-to-floor of each story separately. Refer to Figure 4-19. Transparency includes windows and any glass in doors that is highly transparent with low reflectance. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.

B. **Blank Wall Segments**
No more than a 15-foot wide section, measured horizontally, and no more than 30 percent of any story shall be without transparency.

1. Exception. When a facade of any story is located within 3 feet of a parallel building facade, no minimum transparency is required for that story.

C. **Minimum Ground Story Transparency**
When required by the building type, ground story transparency shall be measured between 2 feet and either 8 or 10 feet, as noted, from the average grade at the base of the facade. Minimum ground story transparency supersedes the overall minimum transparency required for the building type.

D. **Tall Stories**
Stories that are 18 feet or taller in height shall be counted as 2 stories for the purpose of calculating minimum facade transparency, with each horizontal half of the story calculated separately.

E. **Half Stories**
All half stories located within roof structure and visible basements are required to meet the minimum transparency.

---

**Figure 4-19. Measuring Minimum Facade Transparency**

- Transparency Included in Calculation (Numerator)
- Area of Overall Measurement (Denominator)
- Percent Transparency

---

**Legend:**
- = Transparency Included in Calculation (Numerator)
- = Area of Overall Measurement (Denominator)
- = Percent Transparency
SEC. 4.6. ROOF TYPES

Roof type standards apply to all building types. Refer to each building type table for permitted roof types.

4.6.1. General

The following provisions apply to all roof types.

A. One Type Required. All buildings shall meet the requirements of at least one of the roof types permitted for the building type.

B. Measuring Height. Refer to 4.5.4 for information on measuring building height.

C. Other roof types. Other building caps not listed as a specific type may be requested with the following requirements:
   1. The roof type shall not create additional occupiable space beyond that permitted by the building type.
   2. The shape of the Roof Type shall be significantly different from those defined in this section 25.2H Roof Types, i.e. a dome, spire, vault.
   3. The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the roof type and the meaning of the building use.

4.6.2. Parapet Roof

A parapet is a low wall projecting above a building’s roof along the perimeter of the building. It can be utilized with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street (refer to Figure 4-10).

A. Height is measured from the top of the upper story to the top of the parapet.

B. Minimum height is two feet with a maximum height of six feet.

C. The parapet shall be high enough to screen the roof and any roof appurtenances from view of the street(s).
   a. Horizontal Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
   b. (Occupied Space. Occupied space shall not be incorporated behind this roof type.

4.6.3. Pitched Roof

Pitched roofs are sloped. Slope is measured as the vertical rise divided by the horizontal run (refer to Figure 4-21).

A. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12, except that slopes of less than 4:12 are permitted on second story or higher roofs. Refer to Figure 4-21.

B. Configurations.
   1. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
   2. Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight feet, inclusive of overhang.
   3. Gambrel and mansard roofs are not permitted.
C. Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (Refer to Figure 4-22).

D. Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the building type.

E. Occupied Space. Occupied space may be incorporated behind this roof type.

Figure 4-21. Pitched Roof

- Pitched Roof Type (Gable Roof)
- Pitched Roof Type (Butterfly Roof)
- Low Pitched Roof Type (Hip Roof)

Figure 4-22. Parallel Ridge Line

4.6.4. Flat Roof
This flat roof is flat with overhanging eaves (refer to Figure 4-24).

A. Configuration. Roofs with no visible slope are acceptable. Eaves are recommended on all street facing facades.

B. Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least 14 inches.

C. Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight inches thick.

D. Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
   1. No more than one-half of the front facade can consist of an interrupting vertical wall.
   2. Vertical walls shall extend no more than four feet above the top of the eave.

E. Occupied Space. Occupied space shall not be incorporated behind this roof type.
4.6.5. Towers
A tower is a rectilinear or cylindrical, vertical element, that shall be used with other roof types (refer to Figure 4-23)

A. Quantity. All building types, with the exception of the Civic Building, are limited to one tower per building.

B. Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.

C. Tower Width. Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

D. Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential building types.

E. Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied.

F. Application. May be combined with all other roof types.

G. Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof roof types, or the spire may cap the tower.
SEC. 4.7. GENERAL DESIGN REQUIREMENTS

The following outlines the district design requirements that affect a building's appearance and district cohesiveness. They improve the physical quality of buildings, enhance the pedestrian experience, and protect the character of the neighborhood.

4.7.1. Materials and Color

A. Primary Facade Materials. 80% of each facade shall be constructed of primary materials. For facades over 100 square feet, more than one material shall be used to meet the 80 percent requirement.

Permitted primary building materials include high quality, durable, natural materials, such as stone, brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 4-25).

B. Secondary Facade Materials. Secondary materials are limited to details and accents and include gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim, and ornamentation, and exterior architectural metal panels and cladding. Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.

C. Roof Materials. Acceptable roof materials include 300 pound or better, dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. "Engineered" wood or slate may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Figure 4-26).

Figure 4-25. Primary Materials

- Primary Materials: Brick
- Primary Materials: Stone
- Primary Materials: Painted Wood

Figure 4-26. Roof Materials

- Roof Materials: Asphalt Composite Shingles
- Roof Materials: Metal
- Roof Materials: Ceramic Tile
D. Color. Main building colors shall utilize any historic palettes from any major paint manufacturer. Other colors may be utilized for details and accents, not to exceed a total area larger than 10% of the facade surface area.

E. Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all building types with the exception of the Row Building and the Yard Building. Refer to Figure 4-27.

4.7.2. Windows, Awnings, and Shutters

A. Windows. All upper story windows on all historic, residential, and mixed use buildings shall be recessed, double hung. Percent of transparency is required per building type. Horizontal or vertical strip windows, tinted or reflective glass, and glass block (refer to Figure 4-28) are prohibited within MX districts.

B. Security Grills. Grills shall be fully retractable and completely within the interior of the building and inconspicuous to the extent possible. Exterior bars are prohibited on any window. Refer to Figure 4-29.

C. Awnings. All awnings shall be canvas or metal. Plastic awnings and canopy awnings that extend from the front facade into the right-of-way are prohibited. Awning types and colors for each building face shall be coordinated. Refer to Figure 4-31.

D. Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood. “Engineered” wood may be approved during the site plan process with an approved sample and examples of successful, high quality local installations.
Sec. 4.7 General Design Requirements | ARTICLE 4 MX DISTRICTS

Permitted Awnings: Metal

Permitted Awnings: Canvas

Prohibited Awnings: Canopy awnings that extend from the front facade into the right-of-way
4.7.3. Balconies
The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 4-30.

A. Size. Balconies shall be a minimum of six feet deep and five feet wide.
B. Connection to Building. Balconies shall be integral to the facade at the street line. Balconies on stepped back stories shall be independently secured and unconnected to other balconies.
C. Facade Coverage. A maximum of 40% of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

4.7.4. Treatments at Terminal Vistas
Refer to Figure 4-33. When a street terminates at a parcel, the parcel shall be occupied by one of the following:

A. If the parcel is open space, any Civic Space Type with the exception of the Pocket Park shall be utilized and a vertical element shall terminate the view. Acceptable vertical elements include a stand or grid of trees, a sculpture, or a fountain.
B. If the parcel is not utilized as a Civic Space Type, the front or corner side of a building, whether fronting a Primary Street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard. Refer to Figure 4-33 for one illustration of this requirement.

4.7.5. Building Variety
Building design shall vary between vertical facade divisions, where required per the building types, and from adjacent buildings by the type of dominant material or color, scale, or orientation of that material and at least two of the following. Refer to Figure 4-32 for one illustration of this requirement.

A. The proportion of recesses and projections.
B. The location of the entrance and window placement, unless storefronts are utilized.
C. Roof type, plane, or material, unless otherwise stated in the building type requirements.
4.7.6. **Building Lighting**

A. Exterior lighting should serve only to illuminate entries, signage, adjacent pedestrian areas and displays, or to highlight significant architectural features above the first floor.

B. Traditional light fixtures and/or appropriately scaled contemporary light fixtures should be used. Fixture color should be muted, and should coordinate with the overall facade and signage color scheme.

C. Security lighting should be concealed to the extent practical.

4.7.7. **Principal Entryway**

Principal entrances to buildings or units shall be clearly delineated through one or more of the following (refer to Figure 4-34):

A. Cap or Canopy. The entryway shall be covered by a cap or canopy differentiating it from the overall building cap.

B. Sidelights and Transom. Sidelights and/or transom windows shall be included around the entryway.

C. Extended Articulation. The entryway shall be included in a separate bay of the building extended up at least two stories.

D. Other Design Options. The Village Manager may approve different design options that add emphasis and draw attention to the entryway through a minor exception during design review.

4.7.8. **Storefront Design**

Refer to Figure 4-35. A storefront is the ground story facade of a building that includes a large window area for display and entranceway into the building, usually associated with retail sales, eating and drinking establishments, and commercial service uses.

A. Amount of Glass. Storefront glass quantity is required by building type.

![Figure 4-34. Examples of Defined Principal Entryway](image-url)
B. Clear Windows. Windows shall be unobstructed during the daytime and evening hours. Either displays or occupied space shall be located inside the building, viewable from outside the window.

C. Transom Windows. Transom windows above doors and above storefront windows are encouraged.

D. Bulkhead. A bulkhead, minimum height of 12 inches and maximum height of 30 inches is required. The bulkhead may be constructed of wood, metal, concrete, or masonry. Concrete masonry units may not be exposed.

E. Sign Band. A wall sign band or location, minimum 18” in height, is required to be designed into the facade.

4.7.9. Arcade Design

Refer to Figure 4-36. An arcade is a covered pedestrian walkway within the recess of a ground story.

A. An open-air public walkway is permitted from the face of the building recessed into the building a minimum of 8 and a maximum of 15 feet.

B. Build-to Zone. When the arcade is utilized, the outside face of the arcade shall be considered the front facade, located within the required build-to zone.

C. Column Spacing. Columns shall be spaced between 10 feet and 12 feet on center.

D. Column Width. Columns shall be a minimum of 1'-8” and a maximum 2'-4” in width.
E. Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.

F. Horizontal Facade Division. Horizontally define the ground story facade from the upper stories.

G. Visible Basement. A visible basement is not permitted.

4.7.10. Fuel Stations and Car Washes
Fueling stations and car washes require a special use permit (refer to Article IX) and shall meet the following. Refer to Figure 4-37 for one illustration of a compliant Fuel Station.

A. Location of Pumps. Any fueling pumps shall be located in the rear or interior side yard.

B. Convenience Store/Building. A building on the premises of a fueling station shall be located in the build-to zone and shall occupy any corner. The building shall fulfill all requirements of the building type with the exception of the Minimum Primary Build-to Zone Coverage and the Minimum Height Requirement.

C. Car Wash Facility. Any car wash facility shall be located in the rear of the lot. Vehicle entrance doors may be located on the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through a minor design exception.

D. Additional Drive Entrance. One driveway entrance, in addition to the driveways permitted by building type, is permitted on the lot, maximum width 22 feet. With a minor design exception, the driveway may be located on the primary street.

4.7.11. Drive-through Structures
Refer to Figure 4-38 for one illustration of the following requirements.

A. Structure/Canopy. Drive-through structures or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The structure shall not be visible from any Primary Street.

B. Stacking Lanes. Stacking lanes shall be located perpendicular to the Primary Street or behind the building.

C. The canopy and structure shall be constructed of the same materials utilized on the building.
SEC. 4.8. STREETSCAPE GUIDELINES

The following guidelines apply to all streets adjacent to MX districts with the intent of creating pedestrian oriented, multimodal streets.

4.8.1. Typical Street Elements

All street rights-of-way should include the following vehicular and pedestrian realm considerations. Each street type detailed in this article outlines which facilities are applicable. Refer to Figure 4-39.

A. Vehicular Realm. The vehicular realm is comprised of the travel lanes, bicycle lanes, and parking lanes.
   1. Refer to Public Works requirements for all lane widths.
   2. Refer to this section for additional information on on-street parking and bicycle facilities.

B. Pedestrian Realm. The pedestrian realm is comprised of pedestrian facilities, such as sidewalk. A buffer area that serves to buffer pedestrians or bicyclists from the movements of higher speed vehicles in the vehicular realm shall consist of one of the following:
   1. Landscape Zone. A landscape area between the back of curb to the sidewalk in which street trees, stormwater swales, lighting, and signage may be located. Typically used adjacent to residential ground floor uses.
   2. Furnishings Zone. A hardscape area that extends from the sidewalk to the back of curb, in which street trees, street furniture, lighting, and signage may be located. Typically used adjacent to commercial or office ground floor uses.

C. Bicycle Facilities. Bicycle facilities should be included on any streets based on the Village’s bicycle plan. The following types of bicycle accommodations are appropriate in the vehicular realm. Refer to Figure 4-40.
   1. Dedicated Bicycle Lane. Dedicated bicycle lanes are striped lanes on the outside of the outermost travel lanes that are designated for only bicycle use. This lane occurs on both sides of the street and shall be four to five feet wide.
   2. Designated Shared Lane. A designated shared lane is a lane that is shared between vehicles and bicycles. This lane is typically wider than a standard vehicular lane, minimum 13 feet, in order to accommodate both types of users, and includes a painted bicycle marker combined with a double arrow (known as a “sharrow”). This improvement occurs in both directions.
   3. Shared Lane. A shared lane refers to a street that does not have bicycle lanes or a designated shared lane, but the speed and configuration of the street is such that bicycles could comfortably share lanes with traffic.

Figure 4-39. Typical Right-of-Way Elements
D. On-Street Parking. On-street parking should be included on both sides of all streets. Parallel, back-in diagonal, or head-in diagonal are the most appropriate types.

E. Parkway Trees. Street trees are required along all street frontages. Street trees shall be located in either a Landscape Zone (within a planting bed or lawn) or a Furnishings Zone (in trees wells with grate as required).
   1. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this article.
   2. Preserved trees should have a permeable surface area equal to the critical root zone. The critical root zone is equal to half of the radius of the tree’s mature canopy, measured from the trunk out to the dripline.
   3. Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 4-3 for details.
   4. Permeable area for one tree cannot count toward that of another tree.
   5. When the critical root zone of an existing tree or the suggested permeable surface area requirement of a newly planted tree extends below any pavement, structural soil is required underneath the pavement.

![Figure 4-40. On-Street Bicycle Facilities](image)

### Table 4-3: Minimum Recommended Soil Volumes and Permeable Area per Planted Tree

<table>
<thead>
<tr>
<th>Tree Size Type</th>
<th>Soil Volume (cubic ft)</th>
<th>Soil Surface Area (sq ft) with 2.5’ Soil Depth</th>
<th>Permeable Surface Area Requirement (sq ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium</td>
<td>2,852</td>
<td>1141 (approx. 34’ x 34’))</td>
<td>225 (15’ x 15’)</td>
</tr>
<tr>
<td>Large</td>
<td>6,532</td>
<td>2681 (approx. 50’ x 50’))</td>
<td>400 (20’ x 20’)</td>
</tr>
</tbody>
</table>
4.8.2. Street Configurations

The following street configurations are provided to assist in the redesign or repaving of Ardmore Avenue to better serve the MX-1 district.

A. Ardmore Avenue, 97’ Right-of-Way. The following alternatives are suggested for Ardmore Avenue north of the Metra Tracks with a 97 feet wide right-of-way.

1. Alternative 1. (Refer to Figure 4-41). This alternative provides new on-street parking with 60° angled parking on the east side and parallel parking on the west side. Two travel lanes are provided and a left turn lane is permitted at intersections. Parkways with trees buffer pedestrians on the sidewalks.

2. Alternative 2. (Refer to Figure 4-42). This alternative provides new on-street parallel parking on both sides of the street with two travel lanes. Parkways with trees buffer pedestrians on sidewalks.

3. Alternative 3. (Refer to Figure 4-43). This alternative provides new on-street parallel parking on both sides of the street with two travel lanes. Parkway with a furnishings zone buffers pedestrians on the west side of the street. On the east side, a large parkway of permeable pavers over a parkway tree structural soil system improves stormwater infiltration and tree health.

B. Ardmore Avenue, 62’ Right-of-Way. The following alternatives are suggested for Ardmore Avenue south of the Metra Tracks with a 62 feet wide right-of-way.

1. Alternative 1. (Refer to Figure 4-44). This alternative provides new on-street parallel parking on both sides of the street with two travel lanes for traffic. Parkways with parkway trees buffer pedestrians on sidewalks.

2. Alternative 2. (Refer to Figure 4-45). This alternative provides one side of new on-street parallel parking. Two shared travel lanes are wide enough for cars and bicycles.
**Ardmore Avenue 97’ ROW- Alternative 2**

**Location**  
North of Metra Tracks

**Typical ROW Width**  
97’

**Vehicular Realm**

<table>
<thead>
<tr>
<th>Travel Lanes</th>
<th>2 travel lanes</th>
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<tr>
<td>Lane Width</td>
<td>12 feet</td>
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<tr>
<td>Allowable Turn Lanes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Parking Lanes</td>
<td>Parallel required on both sides of street.</td>
</tr>
<tr>
<td>Pavement Width</td>
<td>40 feet</td>
</tr>
<tr>
<td>Bicycle Facilities</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

**Pedestrian Realm**

- **Pedestrian Facilities**  
  Minimum 8-foot sidewalk both sides
- **Street Buffer**  
  Minimum 10 feet wide Parkway

---

**Figure 4-42. Ardmore Avenue 97’ ROW- Alternative 2**

---

**Ardmore Avenue 97’ ROW- Alternative 3**

**Location**  
North of Metra Tracks

**Typical ROW Width**  
97’

**Vehicular Realm**

<table>
<thead>
<tr>
<th>Travel Lanes</th>
<th>2 travel lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lane Width</td>
<td>12 feet</td>
</tr>
<tr>
<td>Allowable Turn Lanes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Parking Lanes</td>
<td>Parallel required on both sides of street.</td>
</tr>
<tr>
<td>Pavement Width</td>
<td>40 feet</td>
</tr>
<tr>
<td>Bicycle Facilities</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

**Pedestrian Realm**

- **Pedestrian Facilities**  
  Minimum 5-foot sidewalk both sides
- **Street Buffer**  
  Minimum 10 feet parkway or furnishings zone on west side of street  
  Minimum 16’ permeable pavers on parkway tree structural soil system.

---

**Figure 4-43. Ardmore Avenue 97’ ROW- Alternative 3**
**Ardmore Avenue 62’ ROW- Alternative 1**

<table>
<thead>
<tr>
<th>Location</th>
<th>South of Metra Tracks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Typical ROW Width</td>
<td>62’</td>
</tr>
<tr>
<td><strong>Vehicular Realm</strong></td>
<td></td>
</tr>
<tr>
<td>Travel Lanes</td>
<td>2 travel lanes</td>
</tr>
<tr>
<td>Lane Width</td>
<td>11 feet</td>
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<tr>
<td>Allowable Turn Lanes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Parking Lanes</td>
<td>Parallel required both sides of street.</td>
</tr>
<tr>
<td>Pavement Width</td>
<td>38 feet</td>
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<tr>
<td>Bicycle Facilities</td>
<td>Not applicable</td>
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<tr>
<td><strong>Pedestrian Realm</strong></td>
<td></td>
</tr>
<tr>
<td>Pedestrian Facilities</td>
<td>Minimum 5-foot sidewalk both sides</td>
</tr>
<tr>
<td>Street Buffer</td>
<td>Minimum 7-foot parkway both sides</td>
</tr>
</tbody>
</table>

**Ardmore Avenue 62’ ROW- Alternative 2**

<table>
<thead>
<tr>
<th>Location</th>
<th>South of Metra Tracks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Typical ROW Width</td>
<td>62’</td>
</tr>
<tr>
<td><strong>Vehicular Realm</strong></td>
<td></td>
</tr>
<tr>
<td>Travel Lanes</td>
<td>2 shared travel lanes</td>
</tr>
<tr>
<td>Lane Width</td>
<td>14 feet</td>
</tr>
<tr>
<td>Allowable Turn Lanes</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Parking Lanes</td>
<td>Parallel required on one side of street</td>
</tr>
<tr>
<td>Pavement Width</td>
<td>36 feet</td>
</tr>
<tr>
<td>Bicycle Facilities</td>
<td>1 shared lane in each direction</td>
</tr>
<tr>
<td><strong>Pedestrian Realm</strong></td>
<td></td>
</tr>
<tr>
<td>Pedestrian Facilities</td>
<td>Minimum 5-foot sidewalk both sides</td>
</tr>
<tr>
<td>Street Buffer</td>
<td>Minimum 9-foot parkway both sides</td>
</tr>
</tbody>
</table>

*Figure 4-44. Ardmore Avenue 62’ ROW- Alternative 1*

*Figure 4-45. Ardmore Avenue 62’ ROW- Alternative 2*
ARTICLE 5. Overlay and Special Districts

Sec. 5.1. PUD District

5.1.1. Purpose and Intent
5.1.2. Procedure
5.1.3. Zoning Map
5.1.4. Developer's Statement of Intent
5.1.5. Regulations and Standards Eligible for Modification
5.1.6. Lot and Building Regulations
5.1.7. Allowed Uses
5.1.8. Parking and Loading
5.1.9. Infrastructure and Public Improvement Standards

Sec. 5.2. PI, Public and Institutional Districts

5.2.1. Mapping
5.2.2. PI-1, Neighborhood-scale Institutional and Public District
5.2.3. PI-2, Campus-scale Institutional and Public District
SEC. 5.1. PUD DISTRICT

5.1.1. Purpose and Intent

A. General Purpose

The PUD, Planned Unit Development Overlay district is intended to accommodate development that:

1. Is consistent with the village comprehensive plan;
2. May be difficult if not impossible to carry out under otherwise applicable zoning district standards; and
3. Result in public benefits that are at least commensurate with the degree of development flexibility provided.

B. Objectives

Different types of PUDs will promote different planning goals. In general, however, PUDs are intended to promote one or more of the following objectives:

1. Implementation of and consistency with the comprehensive plan and other relevant plans and policies;
2. Flexibility and creativity in responding to changing social, economic and market conditions allowing greater public benefits than could be achieved using conventional zoning and development regulations;
3. Efficient and economical provision of public facilities and services;
4. Variety in housing types and sizes to accommodate households of differing ages, sizes, incomes and lifestyle choices;
5. Compact, mixed-use development patterns where residential, commercial, civic and open spaces are located in close proximity to one another;
6. A coordinated transportation system that includes an inter-connected hierarchy of facilities for motorized and non-motorized travel;
7. High-quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangement, massing, form, character and landscaping;
8. The protection and enhancement of open space amenities and natural resource features;
9. The incorporation of sustainable development features including green infrastructure practices in landscapes and parking areas, to maximize the aesthetic and flood protection and water quality benefits of best practices in stormwater management; and
10. Attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping that reflects the unique character of the village.

5.1.2. Procedure

PUDs must be reviewed and approved in accordance with the procedures of Sec. 11.3.

5.1.3. Zoning Map

Approved PUD overlays must be identified on the zoning map by appending the map symbol “PUD” as a suffix to the base zoning district map symbol, as in “RM-9/PUD.”

5.1.4. Developer’s Statement of Intent

Each PUD application must include a written explanation from the applicant describing how the proposed development provides greater benefits to the village than would a development carried out in accordance with otherwise applicable zoning ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district and the comprehensive plan.
5.1.5. Regulations Eligible for Modification
Unless otherwise expressly approved by the village board as part of the PUD approval process, PUDs are subject to all applicable regulations of this zoning ordinance. The planning and zoning commission is authorized to recommend and the village board is authorized to approve PUDs that deviate from strict compliance with specified zoning regulations and development standards if they determine that the resulting project satisfies the PUD approval criteria of Sec. 11.4.8.

5.1.6. Lot and Building Regulations
The lot and building regulations of the base zoning district may be modified as part of the PUD approval.

5.1.7. Allowed Uses
Unless otherwise expressly stated, the village board may, through the PUD approval process, approve use types that are not allowed in the underlying zoning district as a means of accommodating mixed-use developments, housing diversity, economic development opportunities and promoting other village policies.

5.1.8. Parking and Loading
Off-street parking and loading requirements may be modified when the village board determines that modified requirements are in keeping with projected parking and loading demand of the proposed development, that other means of meeting access demand will be provided or that the requested modifications will better meet the purpose of the PUD overlay.

5.1.9. Infrastructure and Public Improvement Standards
Alternatives to otherwise “standard” infrastructure and public improvement standards (e.g., streets, sidewalks, stormwater management) may be approved when the village board determines that such alternative designs would better meet the purpose of the PUD overlay.

SEC. 5.2. PI, PUBLIC AND INSTITUTIONAL DISTRICTS

5.2.1. Mapping
The PI, Public and Institutional zoning district designations may be applied regardless of ownership of the land on which the use is located. PI zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.

5.2.2. PI-1, Neighborhood-scale Institutional and Public District
A. Purpose
The PI-1, Neighborhood-scale Institutional and Public district is intended to accommodate small-scale, low-intensity public, civic, and institutional uses that are commonly found in or near residential neighborhoods.

B. Permitted Uses
The following uses are permitted as of right in the PI-1 district:
1. Natural Resources Preservation
2. Parks and Recreation
3. Religious Assembly
4. Safety Service
5. Utilities and Public Service Facility, Minor

C. Special Uses
The following uses are allowed in the PI-1 district if reviewed and approved in accordance with the special use procedures of Sec. 11.4:
1. Cemetery
2. Community Center
3. Library
4. Fraternal Organization
5. Governmental Facility
6. Museum or Cultural Facility
7. School
8. Utilities and Public Service Facility, Major

D. Lot and Building Regulations
   1. Maximum District Area
      In order to maintain the intended neighborhood-scale character of the PI-1 district, the maximum contiguous PI-1 zoned area may not exceed 3 acres.
   2. Lot and Building Regulations
      a. For uses permitted as of right, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, except that no minimum lot area, minimum lot width or street frontage requirements apply in an PI-1 district.
      b. For uses requiring special use approval, the size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive abutting zoning district, provided that no minimum lot area, minimum lot width or street frontage requirements apply in an PI-1 district and provided further that the decision-making body may establish more restrictive or less restrictive lot and building regulations at the time of special use approval.
   3. Other Regulations
      Development in an PI-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping, sign and other regulations of general applicability.

5.2.3. PI-2, Campus-scale Institutional and Public District
The PI-2, Campus-scale Institutional and Public district is intended to accommodate development and expansion of large public, civic and institutional uses, while minimizing the potential for adverse impacts on surrounding areas.

A. Allowed Uses
   All of the public, civic and institutional use types described in Sec. 6.3 are permitted as of right in PI-2 districts. Additional uses may be approved in the PI-2 district only if expressly approved as part of an institutional master plan. Multiple principal uses and buildings are allowed on a single lot in the PI-2 district.

B. Development Review
   1. Applicability
      Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the PI-2 district. To comply with the development review requirements of this section, applicants have the option of:
a. Securing special use approval for all proposed buildings development activities in the PI-2 district; or

b. Submitting and securing approval of an overall institutional master plan in accordance with the requirements of this section.

2. Exemptions
The following are exempt from the development review requirements of this section:

a. Development that complies with a valid, approved institutional master plan;

b. Interior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces; and

c. Exterior building modifications that will not result in an increase in the number of employees or the creation of or need for additional parking spaces

C. Lot and Building Regulations

1. Transitional Areas
The size, location, and design of all buildings, structures, activity areas and other site improvements located within 150 feet of the boundary of any abutting R zoning district, are subject to the abutting R district’s lot and building regulations, except that no minimum lot area, minimum lot width or street frontage requirements apply in the PI-2 district.

2. Interior Site Areas
Areas of an PI-2-zoned site located more than 150 feet from the boundary of an abutting R zoning district are governed by the regulations approved at the time of special use or institutional master plan approval, whichever is applicable. Institutional master plans and special use applications must include the applicant’s detailed description of the regulations proposed to be used.

D. Institutional Master Plans

1. Purpose
Institutional master plan requirements provide a framework for development of large public, civic and institutional uses in campus-like settings. Approval of an institutional master plan is intended to protect the character and integrity of adjacent areas while allowing flexibility in site development and design that is not possible when development occurs on a lot-by-lot or building-by-building basis.

2. Planning Area
An institutional master plan must include all land located within the proposed PI-2 district and depict all land uses within the area extending out at least 300 feet from the PI-2 district boundary.

3. Existing Property and Uses
The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At a minimum, the following information shall be required:
a. Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;

b. Land and building uses;

c. Gross floor area;

d. Building height;

e. Landscaping and lighting; and

f. Off-street parking and loading facilities.

4. Uses and Development Envelope

The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope shall be described in narrative and through the use of drawings or models. The plan must include the following in describing the development envelope:

a. Floor area ratio (FAR);

b. Average daily and peak-hour traffic;

c. Height;

d. Setbacks;

e. Total site area of open space; and

f. Total number of motor vehicle and bicycle parking spaces to be provided.

5. Transportation Plan

The institutional master plan must include a study that identifies traffic and parking impacts associated with the proposed use and a plan for mitigation of transportation-related impacts, including consideration of motorized and nonmotorized travel

E. Approval Procedures

Institutional master plans require review and approval in accordance with the PUD procedures of Sec. Sec. 11.3.

ARTICLE 6. Uses

Sec. 6.1. Table of Allowed Uses .................................................................6-3
  6.1.1. Use Table .........................................................................................6-3
  6.1.2. Use Categories ...............................................................................6-3
  6.1.3. Use Subcategories ..........................................................................6-3

Sec. 6.2. Residential Use Category ..........................................................6-6
  6.2.1. Household Living ............................................................................6-6
  6.2.2. Group Living ....................................................................................6-6

Sec. 6.3. Public, Civic and Institutional Use Category .................................6-7
  6.3.1. Cemetery .........................................................................................6-7
  6.3.2. College or University ....................................................................6-8
  6.3.3. Community Center .........................................................................6-8
  6.3.4. Fraternal Organization ...................................................................6-8
  6.3.5. Governmental Facility .....................................................................6-8
  6.3.6. Hospital ...........................................................................................6-8
  6.3.7. Library .............................................................................................6-8
  6.3.8. Museum or Cultural Facility ..........................................................6-8
  6.3.9. Natural Resources Preservation ......................................................6-8
  6.3.10. Parks and Recreation ....................................................................6-8
  6.3.11. Religious Assembly ......................................................................6-8
  6.3.12. Safety Service ...............................................................................6-8
  6.3.13. School ............................................................................................6-8
  6.3.14. Utilities and Public Service Facility ..............................................6-9

Sec. 6.4. Commercial Use Category ..........................................................6-9
  6.4.1. Animal Service ...............................................................................6-9
  6.4.2. Assembly and Entertainment ..........................................................6-10
  6.4.3. Broadcast or Recording Studio ......................................................6-10
  6.4.4. Commercial Service ......................................................................6-10
  6.4.5. Day Care ........................................................................................6-11
  6.4.6. Eating and Drinking Establishments ..............................................6-11
  6.4.7. Financial Service ...........................................................................6-11
  6.4.8. Funeral and Mortuary Service .......................................................6-12
  6.4.9. Lodging ...........................................................................................6-12
  6.4.10. Medical Services ..........................................................................6-12
  6.4.11. Office ............................................................................................6-12
  6.4.12. Parking, Non-Accessory .................................................................6-12
  6.4.13. Retail Sales ....................................................................................6-12
  6.4.15. Sexually Oriented Business ..........................................................6-14
  6.4.16. Trade School ..................................................................................6-14
  6.4.17. Vehicle Sales and Service .............................................................6-14

Sec. 6.5. Wholesale, Distribution & Storage Uses ......................................6-15
  6.5.1. Equipment and Materials Storage, Outdoor ..................................6-15
  6.5.2. Trucking and Transportation Terminals ........................................6-15
  6.5.3. Warehouse .....................................................................................6-15
  6.5.4. Wholesale Sales and Distribution ..................................................6-15

Sec. 6.6. Industrial Use Category ..............................................................6-15
  6.6.1. Artisan Industrial ............................................................................6-16
  6.6.2. Limited Industrial ...........................................................................6-16
  6.6.3. General Industrial ..........................................................................6-16
  6.6.4. Intensive Industrial .........................................................................6-16
  6.6.5. Junk or Salvage Yard ......................................................................6-16
  6.6.6. Prohibited Industrial Uses .............................................................6-16
  6.6.7. Recycling Uses ...............................................................................6-17
  6.6.8. Recyclable Material Drop-off Facility ..........................................6-17
  6.6.9. Recyclable Material Processing ......................................................6-17
Sec. 6.7. Agricultural Use Category
6.7.1. Agriculture, Animal
6.7.2. Agriculture, Crop
6.7.3. Community Garden

Sec. 6.8. Other Use Category
6.8.1. Drive-in or Drive-through Facility
6.8.2. Medical Cannabis Cultivation Center
6.8.3. Medical Cannabis Dispensing Organization
6.8.4. Wireless Telecommunications Facilities

Sec. 6.9. Residential Building Types
6.9.1. Detached House
6.9.2. Attached House
6.9.3. Duplex
6.9.4. Multi-unit Building
6.9.5. Live-above Unit

Sec. 6.10. Accessory Uses and Structures
6.10.1. Generally Applicable Regulations
6.10.2. Residential Accessory Structures
6.10.3. Nonresidential Accessory Structures
6.10.4. Residential Garages and Carports
6.10.5. Dog Runs
6.10.6. Home Occupations
6.10.7. Electric Vehicle Charging Stations
6.10.8. Satellite Dish Antennas
6.10.9. Solar Energy Systems
6.10.10. Amateur Radio Facilities
6.10.11. Apiaries

Sec. 6.11. Temporary Uses
6.11.1. General Regulations
6.11.2. Permitted Uses
SEC. 6.1. TABLE OF ALLOWED USES

6.1.1. Use Table
Principal uses are allowed in accordance with Table 6-1.

A. Uses identified with a “●” are permitted as-of-right in the subject zoning district.

B. Uses identified with a “○” are permitted as-of-right in the subject zoning district only when located above the ground floor.

C. Uses identified with an “□” may be allowed in the subject zoning district only if reviewed and approved in accordance with the special use procedures of Sec. 11.4.

D. Uses identified with an “–” are prohibited, as are uses that are not listed in the table.

E. The “supplemental regulations” column includes a cross-reference to additional regulations that apply to some uses. Compliance with supplemental regulations is required for permitted and special uses unless otherwise expressly stated.

F. Allowed accessory uses and structures, such as sheds, detached garages and home occupations, are not identified in Table 6-1. Customary accessory uses are allowed in accordance with all applicable accessory use and structure regulations of Sec. 6.10.

6.1.2. Use Categories
This zoning ordinance classifies principal land uses into 8 major groupings. These major groupings are referred to as “use categories.” The use categories are as follows:

1. Residential. See Sec. 6.2.
2. Public, Civic and Institutional. See Sec. 6.3.
3. Commercial. See Sec. 6.4.
4. Wholesale, Distribution and Storage. See Sec. 6.5.
5. Industrial. See Sec. 6.6.
7. Agricultural. See Sec. 6.7.
8. Other. See Sec. 6.8.

6.1.3. Use Subcategories
Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

A. Specific Use Types
Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

B. Determination of Use Categories and Subcategories
1. The community development director is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the community development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the community development director must consider:
a. The types of activities that will occur in conjunction with the use;
b. The types of equipment and processes to be used;
c. The existence, number and frequency of residents, customers or employees;
d. Parking demands associated with the use; and

e. Other factors deemed relevant to a use determination.

2. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

3. If the community development director is unable to determine the appropriate use category for a proposed use, the community development director is authorized to classify the use as a prohibited use and deny permits and certificates for establishment of the proposed use. This decision may be appealed in accordance with Sec. 11.7.

Table 6-1: Use Table

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>Zoning District</th>
<th>Regulations (Sec.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subcategory</td>
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<td>-</td>
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<tr>
<td></td>
<td>RS-7.5</td>
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<tr>
<td></td>
<td>RD-7.5</td>
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<tr>
<td></td>
<td>RM-9</td>
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<tr>
<td></td>
<td>O-R</td>
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<tr>
<td></td>
<td>C-1</td>
<td>-</td>
</tr>
<tr>
<td></td>
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<td>-</td>
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<td>Specific Use Type</td>
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<td>Household Living</td>
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<td>One household per lot</td>
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<td>Two households per lot</td>
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<td>Three or more households per lot</td>
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<td>Group Living</td>
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<tr>
<td>Group home, small (8-persons or less)</td>
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<td>- ● ● ● ● ● - 6.2.2.A</td>
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<tr>
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<td>- - - ● -</td>
<td>- - - ● ● -</td>
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<td>Nursing home</td>
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<td>- - - ● ● -</td>
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<tr>
<td>Sheltered Care</td>
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<td>PUBLIC, CIVIC AND INSTITUTIONAL</td>
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<td>Cemetery</td>
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<tr>
<td>College or University</td>
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<td>- - - - - - -</td>
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<tr>
<td>Community Center</td>
<td>● ● ● ● ● ● ● -</td>
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<tr>
<td>Fraternal Organization</td>
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<tr>
<td>Hospital</td>
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<td>Library</td>
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<tr>
<td>Museum or Cultural Facility</td>
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<td>Safety Service</td>
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<tr>
<td>Utilities and Public Service Facility</td>
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<td>Major</td>
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<td>COMMERCIAL</td>
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<td>Animal Service</td>
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<tr>
<td>Boarding or shelter</td>
<td>- - - - - - -</td>
<td>- ● ● ● ● ● - 6.4.1.B</td>
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<td>Grooming</td>
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<tr>
<td>Veterinary care</td>
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<td>Assembly and Entertainment (except the following)</td>
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<tr>
<td>Dance hall</td>
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<tr>
<td>Off-track betting</td>
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<tr>
<td>Paintball, billiards center, video game arcade</td>
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<td>Theater or cinema</td>
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<td>Commercial Service</td>
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<td>Body art service</td>
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<td>Building service</td>
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<td>Business support service</td>
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<td>Consumer maintenance and repair</td>
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<td>Personal improvement service</td>
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<td>Fortune telling or psychic services</td>
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<td>Research service</td>
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<td>Day Care</td>
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<td>Microbrewery</td>
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<td>Vehicle Sales and Service</td>
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<td>Commercial vehicle repair and maintenance</td>
<td>● ● ● ● ● ● ●</td>
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<td>Vehicle body and paint finishing shop</td>
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<td>WHOLESALE, DISTRIBUTION &amp; STORAGE</td>
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<td>Trucking and Transportation Terminals</td>
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### SEC. 6.2. RESIDENTIAL USE CATEGORY

The residential use category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

#### 6.2.1. Household Living

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

#### 6.2.2. Group Living

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, retirement centers, sheltered care facilities, homeless centers, shelters and halfway houses.

##### A. Group Home

A detached house shared by persons with disabilities who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling disabled residents to live as independently as possible. Group homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration. Group homes are subject to the following supplemental use regulations:

1. A group home may not be located within 1,000 feet of another group home, measured horizontally in any direction from the principal structure to be occupied as a group home to the other principal structure used as a group home.
2. No administrative permits or occupancy certificate may be issued for a group home until the operator has:
Sec. 6.3 Public, Civic and Institutional Use Category

3. Application for an administrative occupancy permit for a group home must contain a verified statement from the operator, describing:

a. The nature of the group home;

b. The qualifications of the agency that will operate the group home;

c. The number of individuals assigned to the home and their respective functions;

d. The number of residents who will reside in the group home; and

e. The general nature of the residents’ disabilities.

4. No service, including, but not limited to, counseling and other treatment, is permitted for persons other than the residents of the subject group home.

5. The group home must, to the extent possible, conform to the type and outward appearance of the residences in the area in which it is located.

6. Prior to occupancy, an administrative occupancy permit must be applied for and received.

7. The group home must comply with all applicable zoning, building, and/or housing code regulations for the structure and/or the zoning district in which the group is to be located.

8. The director of community development, with the concurrence of the village manager, may revoke an occupancy permit for a group home if:

a. The permit was obtained by fraudulent means, material misrepresentation, or by submitting false information; or

b. The sponsor is no longer licensed or authorized by an agency of the State of Illinois of competent jurisdiction to operate a group home at the location specified in the administrative occupancy permit; or

c. The sponsor has unlawfully refused to allow an inspection of the group home by an authorized official of the Village of Villa Park; or

d. The dwelling unit has been determined by an appropriate official of the Village of Villa Park to be unsafe for human habitation.

B. Nursing Home

A “long-term care facility,” as defined in 210 ILCS 45/1-113, that provides skilled nursing care.

C. Sheltered Care

A “long-term care facility,” as defined in 210 ILCS 45/1-113, that provides maintenance and personal care.

SEC. 6.3. PUBLIC, CIVIC AND INSTITUTIONAL USE CATEGORY

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

6.3.1. Cemetery

Land or structures used for burial or permanent storage of the dead or their cremated remains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
6.3.2. College or University
Institutions of higher learning that offer courses of generalized or specialized study and that are authorized to grant academic degrees.

6.3.3. Community Center
A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a municipal community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.

6.3.4. Fraternal Organization
The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

6.3.5. Governmental Facility
Uses related to the administration of local, state or federal government services or functions that are not otherwise identified by a use category or subcategory.

6.3.6. Hospital
Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

6.3.7. Library
Collections of books, manuscripts and similar materials for free public lending, study and reading.

6.3.8. Museum or Cultural Facility
Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.

6.3.9. Natural Resources Preservation
Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums and flood management projects.

6.3.10. Parks and Recreation
Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public park and open space areas. Also includes public and private golf courses and country clubs.

6.3.11. Religious Assembly
Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities where groups customarily assemble for religious worship.

6.3.12. Safety Service
Facilities provided by the village, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

6.3.13. School
Schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.
6.3.14. Utilities and Public Service Facility

A. Minor
Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include equipment and facilities used in supplying gas, sewer, water, electric, communication or governmental services of any kind. Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid. Minor utilities and public service facilities are subject to the following supplemental use regulations:

1. Site plan and architectural approval is required; and
2. All wiring (including transmission, distribution and service lines) for the supply of electric and communication services must be placed underground except for wiring that meets one or more of the following criteria:
   a. Carries more than 15,000 volts;
   b. Is for temporary service during periods of active construction;
   c. Is relocated at the request of the village;
   d. Is for the restoration or repair of existing facilities; and
   e. Is lead-in or service wiring from above-ground poles to a detached houses or duplex.

B. Major
Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include but are not limited to water and wastewater treatment facilities, high-voltage electric substations, utility-scale power generation facilities (including wind, solar and other renewable and nonrenewable energy sources), sanitary landfills and utility-scale water storage facilities, such as water towers and reservoirs.

SEC. 6.4. COMMERCIAL USE CATEGORY
The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

6.4.1. Animal Service
Uses that provide goods and services for care of companion animals.

A. Grooming
Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.

B. Boarding or Shelter
Animal shelters, care services and kennel services for dogs, cats and companion animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters. For purposes of this ordinance, the keeping of more than 4 dogs, cats or similar household companion animals over 4 months of age or the keeping of more than 2 such animals for compensation or sale is deemed a boarding or shelter-related animal service use and is allowed only in those zoning districts that allow such uses. Boarding and shelter uses are subject to the following supplemental use regulations:

1. Outdoor runs and exercise areas must be set back at least 100 feet from any R-zoned lot.
2. All animals must be kept either within completely enclosed structures or under direct control of the kennel operator or staff at all times, and must be kept within completely enclosed structures between the hours of 9:00 p.m. and 7:00 a.m.
3. Enclosures must have an area of 50 square feet for each animal based on the maximum number of animals to be in the enclosure at any given time.

C. Veterinary Care
Animal hospitals and veterinary clinics. Veterinary care uses with overnight boarding are regulated as boarding or shelter facilities.

6.4.2. Assembly and Entertainment
Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas, stadiums and theaters. Video game arcades require an electronic game room license issued pursuant to the provisions of Chapter 4, Article IV of the village code of ordinances.

6.4.3. Broadcast or Recording Studio
Uses that provide for audio or video production, recording or broadcasting.

6.4.4. Commercial Service
Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.

A. Building Service
Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.

B. Body Art Service
Tattoo and body piercing establishments (as defined in 410 ILCS 54/1). Tattoo and body piercing establishments must be licensed in accordance with Chapter 13, Article X of the village code of ordinances.

C. Business Support Service
Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.

D. Consumer Maintenance and Repair Service
Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical consumer maintenance and repair service uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers’ homes or places of business are classified as a “building service.”

E. Personal Improvement Service
Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers; hair and nail salons; day spas; health clubs; yoga and fitness studios; martial arts studios; music, dance, drama, fine arts, language and similar instruction; fortune-telling or psychic services and businesses and individuals providing massage or massage therapy services in accordance with the Massage Licensing Act, (225 ILCS 57/). Also includes artist studios and photography studios.

F. Research Service
Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass
production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

6.4.5. Day Care
Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care, as defined in the Illinois Child Care Act.

A. Day Care Home
A dwelling unit in which day care, licensed by the State of Illinois, is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit.

B. Day Care Center
A facility licensed by the State of Illinois that provides day care for more than 8 children or any number of adults.

C. Supplemental Regulations
All day care uses must provide at least 500 square feet of outdoor play area or be located within one-half mile of a public park or public open space. Outdoor play areas must be fenced and screened from view of R-zoned lots.

6.4.6. Eating and Drinking Establishments

A. Restaurant
Uses that prepare and serve food and beverages for on- or off-premise consumption as their principal business. Typical uses include cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops, juice bars and similar establishments, which may include accessory use bars that are customarily incidental and subordinate to the principal use as an eating establishment.

B. Bar
An establishment where the principal business is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Live entertainment may be provided as an ancillary use to a bar.

C. Microbrewery
A brewery that produces less than 15,000 barrels of beer or ale per calendar year from malt and hops by infusion, boiling and fermentation.

6.4.7. Financial Service
Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees are not classified as financial service uses if they meet the criteria for classification as an accessory use (see Sec. 6.10). Typical examples of financial service use types are banks, credit unions, and personal credit establishments.

A. Personal credit establishments include all of the following:
   1. Pawnshops and pawn brokers (as defined in 205 ILCS 510);
   2. Establishments that provide (vehicle) title-secured loans or payday loans (as defined in 815 ILCS 122) and similar services;
   3. Currency exchanges and check-cashing facilities that are primarily engaged in the business of cashing checks, drafts, money orders or traveler’s checks, exchanging currency, notarizing documents, selling vehicles license tags or transmitting money within the United States or overseas by any means for a fee. A business primarily engages in the business of cashing checks, drafts, money orders or traveler’s checks, exchanging currency, notarizing documents,
sells vehicles license tags or transmitting money if 50% or more of its business transactions during any month involve the aforesaid activities; and

4. Establishments primarily engaged in buying jewelry or other items made of sterling silver or gold, or silver coins, or bullion to and from the public within the village from a fixed and regular place of business. A business primarily engages in buying jewelry or other items made of sterling silver or gold, or silver coins, or bullion to and from the public if 50% or more of its business transactions during any month involve the aforesaid activities.

B. Personal credit establishments are subject to the following supplemental regulations:

1. Window and door areas must be provided on the first floor of the facility that faces a public street or sidewalk. Such windows and doors must allow views into the building at eye level and may not be blocked or otherwise reduced in area.

2. All transactions must occur entirely inside the facility at a service counter, with no transactions permitted through an exterior walk-up or drive-up window.

3. The operator of a currency exchange, payday loan, pawn shop or title loan must have a valid license issued by the State of Illinois. Pawnshops must be licensed in accordance with Chapter 13, Article VIII of the village code of ordinances.

6.4.8. Funeral and Mortuary Service
Uses that provide services related to the death of a human, including funeral homes, mortuaries, crematoriums and similar uses. Also includes crematoriums for companion animals.

6.4.9. Lodging
Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses sometimes provide food or entertainment, primarily to registered guests.

6.4.10. Medical Services
Uses providing diagnosis and treatment of human patients' illnesses, injuries and physical maladies in an office or clinic setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories. Medical services uses may offer massage therapy when provided by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed practical nurse or a registered professional nurse.

6.4.11. Office
Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, or professional services. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.

6.4.12. Parking, Non-Accessory
Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking is considered non-accessory parking if it leases 25% or more of its spaces to non-occupants of or persons other than visitors to a particular use.

6.4.13. Retail Sales
Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise expressly stated.

A. Convenience Goods
Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-prem-
ise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands, florists and tobacco stores.

B. Consumer Shopping Goods
Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops.

C. Building Supplies and Equipment
Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

D. Tobacco Products
Retail or wholesale sales uses that derives more than 50% of sales or usage fees from tobacco or tobacco-related products, including e-cigarettes, nicotine-enriched solutions and other liquids intended for use with e-cigarettes. This includes cigarettes, smokeless tobacco, cigars, tobacco and any tobacco-related products or paraphernalia such as pipes, papers, vaporizers and hookahs; and including the use of such products within such location.

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from consumer-size passenger vehicles and 2-axle non-commercial vehicles. Such uses are subject to the following supplemental use regulations:

A. Employees associated with such use shall be limited to a facility manager and/or security personnel.

B. Storage of hazardous materials is expressly prohibited, expressly including flammable liquids, highly combustible or explosive materials, and hazardous chemicals.

C. Any use other than storage is prohibited, expressly including garage sales, retail business activities, and servicing or repair of motor vehicles and equipment.

D. Outside storage is expressly prohibited, except for vehicles, boats, trailers, recreational vehicles, travel trailers, truck campers, camping trailers, motorized homes, boat rafts, and boat trailers. The above-mentioned vehicles, boats, and trailers are allowed to be stored outdoors, provided they are operative and licensed, parked on a paved surface, visually screened from R-zoned areas, and not located in street yards.

E. Loading areas and metal building materials may not face public streets.

F. Multiple buildings and a maximum of 70% lot coverage is allowed.

G. The site must be totally fenced and accessed through a locked security gate.

H. All pervious surfaces must be landscaped and continuously maintained.

I. An on-site residential unit used exclusively by a facilities manager and household is allowed if the unit is incorporated into the overall structure and design.
6.4.15. Sexually Oriented Business
The term "sexually oriented business" includes adult arcades, adult book stores, adult video stores, adult mini-motion picture theaters, adult motion picture theaters, adult entertainment establishments, massage parlors and massage schools.

A. Adult Arcade
Any retail establishment that contains 6 or more adult mini-motion picture machines.

B. Adult Book or Adult Video Store
An establishment having as a substantial or significant portion of its stock in trade, films, videos, tapes, cassettes, DVDs, books, magazines, periodicals, or other video or printed media which are:
1. Distinguished or characterized by their emphasis on sexually explicit material or
2. Matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas, including an establishment with an area or section devoted to the sale, rental, display or advertising of such material.

C. Adult Entertainment Establishment
A public or private establishment that:
1. Is defined as an “adult entertainment facility” under 65 ILCS 5/11-5-1.5 as now existing or hereafter amended, including the 1,000-foot separation from certain uses as required by statute; or
2. Features topless dancers, go-go dancers, exotic dancers, male or female strippers, male or female nude performers or dancers, and similar live entertainment, or wherein persons are permitted to perform acts of or acts which simulate one or more of the following:
   a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any acts which are prohibited by law;
   b. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or
   c. The displaying of the pubic hair, anus, vulva or genitals.

D. Adult Mini Motion Picture Theater
An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

E. Massage Parlor or Massage School
Any place or establishment where massage services or massage training is made available, other than expressly allowed by this ordinance as a medical service (see 6.4.10) or personal improvement service (see 6.4.4E).

6.4.16. Trade School
Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

6.4.17. Vehicle Sales and Service
Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

A. Commercial Vehicle Repair and Maintenance
Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft or similar large vehicles and vehicular equipment. Includes truck stops and
truck fueling facilities.

B. **Commercial Vehicle Sales and Rentals**
Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

C. **Fueling Station**
Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.

D. **Personal Vehicle Repair and Maintenance**
Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops.

E. **Personal Vehicle Sales and Rentals**
Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational watercraft. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-haul).

F. **Vehicle Body and Paint Finishing Shop**
Uses that primarily conduct vehicle body work and repairs or that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

**SEC. 6.5. WHOLESALE, DISTRIBUTION & STORAGE USES**
This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows.

6.5.1. **Equipment and Materials Storage, Outdoor**
Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

6.5.2. **Trucking and Transportation Terminals**
Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

6.5.3. **Warehouse**
Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a “self-service storage facility” or a “trucking and transportation terminal.”

6.5.4. **Wholesale Sales and Distribution**
Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. This subcategory expressly includes the following uses: bottled gas and fuel oil sales, ice distribution centers, monument sales, storage building sales, vending machine sales, auctioneers, frozen food lockers.
SEC. 6.6. INDUSTRIAL USE CATEGORY

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

6.6.1. Artisan Industrial
On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

6.6.2. Limited Industrial
Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.

6.6.3. General Industrial
Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property.

6.6.4. Intensive Industrial
Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic.

6.6.5. Junk or Salvage Yard
An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

6.6.6. Prohibited Industrial Uses
A. No lot may be used, and no structure may be erected, altered or remodeled within the Village of Villa Park for any of the following uses: abattoirs, arsenals; crematories; creosote treatment or manufacture; fat rendering; fertilizer manufacture; fireworks manufacture or storage; dumping or reduction of garbage, dead animals, offal, or refuse, ore reduction, petroleum processing or refining; pyroxylin manufacture; gutta percha manufacture or treatment; salt works; sauerkraut manufacture; smelters; stockyard or slaughter of or experimentation with animals or fowls; tallow, grease, or manufacture or treatment; tanning, curing, or storage of rawhides or skins; tar distillation or manufacture; cement, concrete, or asphaltic concrete, mortar or plaster batch mixing plants, or junk yards or other uses having operations that are deemed by the community development director to be incompatible with the intended environmental character of the industrial district.

B. All activities involving the storage, utilization, or manufacture of materials or products that decompose by detonation are expressly prohibited in the village, except for those that are expressly li-
Sec. 6.7 Agricultural Use Category | ARTICLE 6 USES

censed by the village. Examples of prohibited materials include all primary explosives such as lead azide, lead styphnate, fulminates and tetrocene; all high explosives such as TNT, RDX, HMX, PETN and picric acid, propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acid; perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials, and products and reactor elements such as uranium 235 and plutonium 239.

6.6.7. Recycling Uses
This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

6.6.8. Recyclable Material Drop-off Facility
An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Establishments that process recyclable material are classified as “recyclable material processing facilities.”

6.6.9. Recyclable Material Processing
Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

Sec. 6.7. AGRICULTURAL USE CATEGORY
This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops.

6.7.1. Agriculture, Animal
The (principal or accessory) use of land for the keeping or raising of farm animals.

6.7.2. Agriculture, Crop
The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.

6.7.3. Community Garden
An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.

Sec. 6.8. OTHER USE CATEGORY
This category includes uses that do not fit the other use categories.

6.8.1. Drive-in or Drive-through Facility
Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive-through restaurants, drive-through pharmacies and drive-in restaurants.
6.8.2. Medical Cannabis Cultivation Center
As defined in 410 ILCS 130/1 et seq.

6.8.3. Medical Cannabis Dispensing Organization
As defined in 410 ILCS 130/1 et seq.

6.8.4. Wireless Telecommunications Facilities
See Article 10.

SEC. 6.9. RESIDENTIAL BUILDING TYPES

6.9.1. Detached House
A detached house is a principal residential building occupied by one dwelling unit located on a single lot with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units. Does not include mobile homes or manufactured housing units, which are expressly prohibited in the village. Detached houses include conventional (“stick-built”) construction and construction involving modular or system-built components as long as such construction complies with village building codes.

6.9.2. Attached House
An attached house is a dwelling unit that is attached to one or more dwelling units, each of which of which is located on its own lot with a common or abutting wall along the dwelling units’ shared lot lines. Each dwelling unit has its own external entrance.

6.9.3. Duplex
A duplex is a residential building occupied by 2 dwelling units, both of which are located on the same lot. The dwelling units are attached and may be located on separate floors or side-by-side.

6.9.4. Multi-unit Building
A multi-unit building is a residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.

6.9.5. Live-above Unit
A dwelling unit located above ground-floor, above-grade commercial use or floor space (i.e., in a vertical mixed-use building).

SEC. 6.10. ACCESSORY USES AND STRUCTURES

6.10.1. Generally Applicable Regulations
A. Accessory Uses Allowed
Accessory uses and structures are allowed only in connection with lawfully established principal uses.

B. Allowed Uses and Structures
Allowed accessory uses and structures are limited to those expressly regulated in this section as well as those that, in the determination of the community development director, satisfy all of the following criteria:
1. They are customarily found in conjunction with the subject principal use or principal structure;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.
C. **Prohibited Uses**
   None of the following are allowed as an accessory use:
   1. Outdoor parking of trucks, buses, trailers or boats, except as provided in Sec. 7.7.
   2. Outdoor storage, except as specifically permitted by the district regulations.

D. **Time of Construction and Establishment**
   1. Accessory uses may be established only after the principal use of the property is in place.
   2. Accessory buildings may be established in conjunction with or after the principal building or use. They may not be established before the principal building or use is in place.

E. **Location**
   Accessory uses and structures must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

F. **Compliance with Lot and Building Regulations**
   1. Unless otherwise expressly stated, accessory uses and structures are subject to the lot and building regulations of the zoning district in which they are located.
   2. Accessory buildings must be set back at least 5 feet from rear and side lot lines and at least 20 feet from street lot lines.
   3. Accessory buildings must be set back at least 10 feet from any principal building.

G. **Human Habitation Prohibited**
   An accessory structure may not include any area to be used for human habitation (i.e., living, sleeping, eating, or cooking).

6.10.2. **Residential Accessory Structures**
The following regulations govern use and installation of accessory structures in all R districts, except as more specifically regulated in this article.

A. Only one accessory building is allowed per lot.
B. No detached accessory building may be located closer than 5 feet to any garage.
C. The area of an accessory building may not exceed 140 square feet in exterior dimension, nor may the height of an accessory building exceed 10 feet.
D. An accessory building (e.g., shed) may be attached to a detached garage if the addition does not result in the area of the garage increasing by more than 140 square feet.
E. Additions to garages for storage purposes shall be permitted provided that the addition is an integral part of the design of the garage, meets all applicable standards for the construction of a garage, and generally matches and adheres to the overall appearance of the garage.
F. The cumulative total coverage of all accessory structures, including garages, shall all be added to the building area (footprint) of the principal structure for purposes of determining the maximum lot coverage, which shall not exceed thirty (30) percent of the area of the lot.

6.10.3. **Nonresidential Accessory Structures**
The following regulations govern use and installation of accessory structures in all districts other than R districts, except as more specifically regulated in this article.

A. Only one accessory building is allowed per lot.
B. The area of the accessory building may not exceed 100 square feet or one percent of the area of the lot, whichever is greater.
6.10.4. Residential Garages and Carports

A. RS Districts
The residential garage and carport regulations of this subsection apply in RS districts. The regulations are primarily intended to address the parking and storage of vehicles owned and operated by the residents of the premises along with limited storage of garden equipment and household items incidental to the principal use.

1. Only one attached or detached garage is allowed on any RS-zoned lot.
2. The exterior dimensions of any garage in an RS district may not exceed 864 square feet in area or 75% of the foundation area of the principal building, provided that a garage area of up to 530 square feet (exterior dimension) is permitted regardless of the size of the principal structure.
3. The height of a detached garage may not exceed 21 feet or the height of the principal dwelling unit, whichever is less. For purposes of this provision, height is measured from the garage floor to the top of the highest structural member.
4. The height of garage door may not exceed 8 feet.
5. No detached garage may be located within 10 feet of any principal building.
6. Detached garages must be set back at least 10 feet from lot lines abutting a front yard of a building on an adjacent lot. Otherwise, the minimum side and rear setback for a detached garage is 5 feet. For purposes of this provision, setbacks are measured from the garage foundation.
7. Garages may not be located within any public utility easement, whether platted or implied.
8. All garages must be constructed with eaves, gutters and downspouts that are directed away from adjacent properties.
9. Carports are prohibited except in those cases where a carport is an integral part of an architectural design of an existing or proposed principal building (e.g., porte cochere).

B. Duplexes
Garages associated with duplex (2-household) dwellings in RD-7.5 and RM-9 districts may not exceed 528 square feet in area.

6.10.5. Dog Runs
A. Dog runs and other animal enclosures are allowed only in rear yards and must be set back at least 10 feet from all lot lines.
B. Fencing for dog runs and animal enclosures may not exceed 6 feet in height if solid or 8 feet in height if open. Dog runs and enclosures in R districts may not exceed 50 feet in length or 8 feet in width.
C. Only one such dog run or animal enclosure is allowed per R-zoned lot.

6.10.6. Home Occupations
A. General
1. Home occupations are allowed as an accessory use to an allowed household living use, subject to the regulations of this section.
2. Day care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care homes are allowed as indicated in Table 6-1.

B. Operator
The operator of a home occupation must be a full-time resident of the dwelling unit, and no more than one non-resident may be employed on the premises.
C. **Floor Area**

Floor area devoted to the home occupation may not exceed 25% of the floor area of the dwelling or 700 square feet, whichever is less.

D. **Location**

The home occupation must be conducted entirely within the dwelling and not from a detached or attached garage or other accessory structure. Equipment, materials, samples and vehicles incidental to the home occupation may be stored in a detached or attached garage or other accessory structure, provided that the business activity is confined to the dwelling.

E. **Sales**

The home occupation may not involve the sale of goods that are stored and delivered to the buyer on the lot, except as incidental to a permitted service. Pick-ups of previously made orders are allowed.

F. **Operation and Appearance**

1. There may be no visible evidence of the conduct of a home occupation when viewed from the street or right-of-way or from an adjacent lot.
2. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include parking lots, or adding commercial-like exterior lighting.
3. No outdoor storage of equipment or materials used in connection with the home occupation are allowed.
4. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process may be used that creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. Home occupations may not generate refuse or recyclable material in excess of the amount allowable for regular residential pickup.
6. Home occupations may not 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 welfare.

G. **Vehicle Traffic and Parking**

1. The home occupation may not involve regular receipt or delivery of merchandise, goods or equipment by any motor vehicle bearing a Division of Motor Vehicles License Class “C” or higher.
2. The home occupation may not result in the simultaneous presence on the subject lot and the adjoining street of more than 3 motor vehicles in excess of the number of vehicles attributable to the residential use of the premises.
3. Visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) are prohibited between the hours of 10:00 p.m. and 7:00 a.m.

H. **Multiple Home Occupations**

If there is more than one home occupation within the dwelling, the regulations of this section apply to the sum total of the activity related to such home occupations.

I. **Expressly Prohibited Activities**

All of the following uses are expressly prohibited as home occupations:

1. Animal service uses;
2. Eating and drinking establishments;
3. Religious assembly;
4. Retail sales uses;
5. Lodging;
6. Business or commercial storage of recreational vehicles, mobile homes, vehicles or mechanical equipment;
7. Funeral and mortuary services;
8. All industrial, manufacturing and recycling uses;
9. Medical services;
10. Vehicle sales and service;
11. Consumer repair services and appliance repair services; and
12. Any use or activity that does not comply with all applicable regulations of this ordinance.

6.10.7. **Electric Vehicle Charging Stations**

A. **General**
1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses to lawfully established principal uses in all zoning districts.
2. Public EV charging stations are permitted as accessory uses to lawfully established principal nonresidential uses in all zoning districts.

B. **Parking**
1. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
2. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

C. **Equipment**
Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

D. **Signage**
Public electric vehicle charging stations must be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

6.10.8. **Satellite Dish Antennas**

A. **Where Allowed**
1. Satellite dish antennas up to 40 inches in diameter are permitted as of right as an accessory use to all lawfully established principal uses in all zoning districts. They are subject to all applicable accessory structure setback regulations.
2. Satellite dish antennas over 40 inches in diameter, up to 120 inches in diameter, are permitted as of right as an accessory use to all lawfully established principal uses in mixed-use and nonresidential zoning districts. They are subject to all applicable accessory structure setback regulations.

B. **Location**
1. In RM districts, satellite dish antennas may be located anywhere in the buildable area of the lot (outside of required building setbacks) or on an allowed principal or accessory building on the lot.
2. In RS and RD districts, satellite dish antennas may be located only to the rear of any principal structure. If usable communication signals cannot be obtained from a rear location, the satellite antenna may be located in the side yard. If usable satellite communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, the antenna may be placed in the street yard outside of the required building setback or on the roof in a location that is visible from the street, provided that the diameter of the satellite dish antenna does not exceed 18 inches.

3. Ground-mounted satellite dish antennae must be visually screened to reduce visual impact from surrounding properties at street level and from public streets.

### 6.10.9. Solar Energy Systems

**A. General**

1. Solar energy systems are permitted as of right as an accessory use to all lawfully established principal uses in all zoning districts.

2. Accessory solar energy systems must comply with all applicable building and electrical code requirements.

**B. Building-Mounted Solar Energy Systems**

1. Building-mounted solar energy systems may be mounted on principal and accessory structures.

2. Building-mounted solar energy systems may not encroach into required street setbacks or street yard areas. Systems mounted on principal structures may encroach into interior side and rear building setbacks in accordance with 14.1.9.

3. Only building-integrated or flush-mounted solar energy systems may be installed on street-facing building elevations.

4. Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit for the subject building type or more than 5 feet above the highest point of the roof line, whichever is less.

**C. Ground-Mounted Solar Energy Systems**

1. In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard area.

2. Ground-mounted solar energy systems may be located within required interior side and rear setbacks.

3. Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

### 6.10.10. Amateur Radio Facilities

**A.** Amateur radio facilities are subject to a maximum overall height limit of 65 feet. Special use approval to exceed 65 feet in height may be granted in accordance with the special use procedures of Sec. 11.4 if the village board determines, based on evidence provided by the applicant, that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the FCC.

**B.** Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely matching the color of the supporting structure, in order to make the antenna and related equipment as visually unobtrusive as possible.

### 6.10.11. Apiaries

Bees may be kept in apiaries in accordance with the regulations of this section.
A. **Permits**
Before erecting or placing an apiary, an applicant must provide written notice to all abutting property owners and obtain a permit from the community development director. Apiary permits must be renewed annually.

B. **Registration**
Apiaries must be registered with the Illinois Department of Agriculture. Proof of registration must be submitted to the community development director.

C. **Siting**
Apiaries are allowed only in the rear yard.

D. **Setbacks**
Apiaries must be set back at least 10 feet from all lot lines and at least of 10 feet from the principal structure on the lot.

E. **Number**
A maximum of 2 hives are allowed per lot in R districts. A maximum of 6 hives are allowed per lot in all other zoning districts.

F. **Safety**
Beekeepers must requeen colonies that exhibit unusually aggressive behavior, such as stinging or swarming, and ensure that an on-site water source is available within 25 feet of the apiary during the months of March through November.

G. **Maintenance**
Apiaries must be maintained so as not to become a nuisance. Colonies must be maintained in movable-frame hives with adequate spacing and management techniques to avoid overcrowding and swarming.

H. **Screening**
Apiaries must be screened to provide a flyway barrier. Such screening shall be at least 6 feet in height and consist of a solid fence, vegetative barrier, or combination of such materials. The entrance to the apiary must include a latched gate that must remain closed at all times that a beekeeper is not present.

I. **Sales**
On-site retail sales activities are prohibited unless retail sales is permitted in the subject zoning district.

**SEC. 6.11. TEMPORARY USES**

6.11.1. **General Regulations**
Unless otherwise expressly stated, temporary uses and structures are subject to the lot and building regulations of the zoning district in which they are located.

6.11.2. **Permitted Uses**
The following uses and structures are permitted, subject to the specific regulations established in this section:

A. Tents or similar temporary covering used for weather protection of goods that must be stored out-of-doors because of emergency conditions, provided that such use may continue only during the duration of the emergency.

B. Except in RS districts, Christmas tree sales for a period not to exceed 30 days. All display and storage must comply with the minimum setbacks of the subject zoning district.

C. Contractor’s office and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project.
D. Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incident to a new housing development, provided that such use must be terminated upon sale or lease of all dwelling units in the development.

E. In all C districts, the display for a period not to exceed 90 days of seasonal items such as garden and patio equipment and supplies.

F. Carnivals, circuses, fairs, festivals, parades and block parties, when operated, conducted, or sponsored by a local bona fide educational, fraternal, political, civic, religious, not-for-profit corporation, not-for-profit association, not-for-profit organization, municipality, park district, school or other unit of local government. Such uses are subject to the following supplemental regulations:
   1. Carnivals, circuses, fairs, festivals, parades and block parties are permitted for a period not to exceed one week. The lot and building regulations of the subject zoning district do not apply to such temporary uses.
   2. Carnivals, circuses, fairs, festivals, parades, and block parties may be located:
      a. In any nonresidential district; and/or
      b. In any residential district provided the temporary use takes place on property used principally for religious assembly, park property, school property, lands owned by the village, county or any unit of local government, or lands, whether public or private that are impressed with a public purpose; or street, provided that the governing jurisdiction consents to such use of the street, and then only with the express written approval of the police department and the village board.
   3. Before conduct of a carnival, circus, fair, festival, parade, or block party, all necessary permits and/or licenses and/or approvals must be secured from the applicable governmental agencies.

G. Outdoor seating accessory to a eating or drinking establishment subject to the following supplemental regulations:
   1. The outdoor seating area must be open to the sky with the exception that it may have a retractable awning, umbrella, or be placed under a building canopy and may contain furniture, including tables, chairs, railings, planters, and other features that are readily movable.
   2. The seating may be located on public property or a public right-of-way provided that at least 4 feet of the public sidewalk remains obstruction-free. If seating is provided on public sidewalk a certificate of insurance with the Village of Villa Park listed as an additional non-contributory insured and a certificate holder is required. The seating may be located on private sidewalks or pedestrian walkways provided that at least 4 feet of the walkway remains obstruction-free. If alcohol is to be served, a fence or similar barrier must be constructed around the outdoor seating area where liquor is served.
   3. The outdoor seating area may be located in a yard or required building setback.
   4. The seating may not occupy or interfere with the use of required parking spaces, aisles, driveways, fire lanes or fire exits.
   5. The seating may not occupy or interfere with the use of building entrances, exits and pedestrian walkways.
   6. Lighting related to the operation of the outdoor seating area must be directed away from adjacent properties to avoid creation of a public nuisance.
   7. No entertainment, whether live, recorded or otherwise, is permitted in the outdoor seating area.
   8. The outdoor seating area must be immediately adjacent to the principal building. If the outdoor seating area only includes tables and/or seating immediately adjacent to the exterior
wall of the principal building, no fencing is required. If the outdoor seating includes tables and/or seating not immediately adjacent to the exterior wall of the principal building, fencing is required.

9. The outdoor seating area must conform to the approved site plan and be landscaped and/or screened as determined necessary by the community development director.

10. All outdoor seating must be placed on an all-weather hard surface area.

11. All outdoor seating areas must comply with life safety and exit code requirements.

12. An occupancy permit is required prior to the opening of the outdoor seating area. The occupancy permit is valid from March 1 through November 30 and must be renewed annually. All outdoor furniture must be removed within 24 hours of permit expiration.

13. Picnic tables located at a park, golf course, or recreation center are not deemed to be “outdoor seating” and are exempt from the regulations of this section.

H. Temporary outdoor storage containers subject to the following supplemental regulations:

1. There may be no more than one temporary outdoor storage container per property.

2. Stacking of temporary outdoor storage containers is prohibited.

3. The subject property must be occupied by a principal building.

4. No temporary outdoor storage container may remain on the subject property for more than 60 consecutive days per year.

5. Temporary outdoor storage containers may not exceed 8 feet in height or cover an area of more than 130 square feet.

6. Temporary outdoor storage containers must be placed only on a driveway or other hard surface.

7. When placed on the driveway within a front or corner side yard, the container must be located so that pedestrian and vehicular traffic is not obstructed and so that the view of an operator of a motor vehicle entering or exiting a right-of-way is not obstructed.

8. Temporary outdoor storage containers may not be placed on public property or in a location that obstructs traffic visibility.

9. Temporary outdoor storage containers may display no signs other than the name, address and telephone number of the person or firm engaged in the business of renting or otherwise placing the temporary outdoor storage containers.

10. A permit is required for any temporary outdoor storage container.

11. Temporary outdoor storage containers must be maintained in a good state of repair, free from rust, peeling paint and other forms of visible deterioration.

12. Temporary outdoor storage containers may not be used for the storage of hazardous, flammable or toxic materials.

13. Temporary outdoor storage containers may not be used for the purpose of conducting business or selling merchandise.
Article 7. Parking

Sec. 7.1. General................................................................. 7-3
  7.1.1. Purpose ............................................................. 7-3
  7.1.2. Applicability ..................................................... 7-3

Sec. 7.2. Minimum Parking Ratios..................................... 7-3

Sec. 7.3. Calculation of Required Parking........................... 7-5
  7.3.1. Multiple Uses .................................................. 7-5
  7.3.2. Calculations .................................................... 7-5
  7.3.3. Occupancy- or Capacity-based Standards .............. 7-6
  7.3.4. Bench Seating ................................................ 7-6
  7.3.5. Outdoor Customer Seating/Dining Areas ............... 7-6
  7.3.6. Unlisted Uses .................................................. 7-6
  7.3.7. Establishment of Other Parking Ratios .................. 7-6

Sec. 7.4. Parking Exemptions and Credits......................... 7-6
  7.4.1. On-street Parking .......................................... 7-6
  7.4.2. Shared Parking .............................................. 7-6
  7.4.3. Long-term Bicycle Parking ............................... 7-7
  7.4.4. Alternative Compliance .................................... 7-8

Sec. 7.5. Bicycle Parking ................................................ 7-8
  7.5.1. Purposes .......................................................... 7-8
  7.5.2. Spaces Required .............................................. 7-8
  7.5.3. Location .......................................................... 7-9
  7.5.4. Design ............................................................ 7-9
  7.5.5. Administrative Adjustments ............................... 7-9

Sec. 7.6. Location and Use of Parking Areas...................... 7-9
  7.6.1. Location .......................................................... 7-9
  7.6.2. Off-Site Parking ............................................. 7-9
  7.6.3. Use ................................................................. 7-10

Sec. 7.7. Parking in R Districts ......................................... 7-10
  7.7.1. Applicability .................................................. 7-10
  7.7.2. Parking in Street Yards ..................................... 7-10
  7.7.3. Parking in Rear Yards ....................................... 7-10
  7.7.4. Parking in Side Yards ....................................... 7-10
  7.7.5. Recreational Vehicle (RV) Parking ....................... 7-11
  7.7.6. Inoperable Vehicles and Repairs ......................... 7-11
  7.7.7. Trucks and Large Vehicles ............................... 7-11

Sec. 7.8. Driveways in RS and RD Districts....................... 7-11
  7.8.1. Applicability .................................................. 7-11
  7.8.2. Number .......................................................... 7-11
  7.8.3. Location .......................................................... 7-12
  7.8.4. Width ............................................................... 7-12
  7.8.5. Circular Drives .............................................. 7-12
  7.8.6. Driveway Turnarounds ..................................... 7-12
  7.8.7. Driveway Design ............................................. 7-12

Sec. 7.9. Parking Area Design ......................................... 7-13
  7.9.1. General .......................................................... 7-13
  7.9.2. Parking Stall Sizes and Parking Lot Geometrics .......... 7-13
  7.9.3. Striping .......................................................... 7-13
  7.9.4. Surfacing ........................................................ 7-13
  7.9.5. Wheel Stops ................................................... 7-14
  7.9.6. Access ............................................................ 7-14
  7.9.7. Landscaping and Screening ............................... 7-15
  7.9.8. Lighting .......................................................... 7-15
7.9.9. Drainage ................................................................................................................................................. 7-15

Sec. 7.10. Accessible Parking ............................................................................................................................. 7-15

Sec. 7.11. Drive-through Facilities .................................................................................................................. 7-16
  7.11.1. Purpose ................................................................................................................................................. 7-16
  7.11.2. Applicability ......................................................................................................................................... 7-16
  7.11.3. Stacking Spaces Required .................................................................................................................. 7-16
  7.11.4. Stacking Lane Dimensions, Design and Layout ................................................................................ 7-16
  7.11.5. Setbacks ................................................................................................................................................ 7-16
  7.11.6. Noise .................................................................................................................................................... 7-16
  7.11.7. Site Plans ............................................................................................................................................. 7-17

Sec. 7.12. Loading .............................................................................................................................................. 7-17
  7.12.1. Required ............................................................................................................................................... 7-17
  7.12.2. Plans Required .................................................................................................................................... 7-17
  7.12.3. Location and Design .......................................................................................................................... 7-17
SEC. 7.1. GENERAL

7.1.1. Purpose
A. The parking regulations of this article are intended to help ensure that off-street parking facilities are provided to meet the typical day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.

B. The provisions of this article are also intended to help protect the public health, safety and general welfare by:
   1. Promoting economically viable and beneficial use of land; and
   2. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

7.1.2. Applicability
A. General
   Off-street parking must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

B. New Uses and Development
   The parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

C. Change of Use
   If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, additional off-street parking is required in an amount equal to the difference between the parking required for the new use and the parking that would have been required for the previous use if current parking requirements had been applicable, provided that the total number of required spaces for the change of use need not exceed the number that would be required for establishment of a new use.

D. Enlargements and Expansions
   1. The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used for establishing off-street parking requirements.
   2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking space deficits associated with existing, lawfully established buildings or uses.

E. Maintenance
   Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.

F. Damage or Destruction
   When a use that has been damaged or destroyed by fire, collapse, explosion, or other cause is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this zoning ordinance.

SEC. 7.2. MINIMUM PARKING RATIOS
Off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in Table 7-1. See Sec. 7.4 for an explanation of exemptions and allowed reductions of minimum
motor vehicle parking requirements. See Sec. 7.5 For additional information about bicycle parking requirements.

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>Unit of Measure (spaces per)</th>
<th>Minimum Parking Ratio</th>
<th>Add'l Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Use (See Sec. 7.5)</td>
<td>False</td>
<td>False</td>
<td>False</td>
</tr>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached house</td>
<td>dwelling unit</td>
<td>2.0</td>
<td>Required spaces must be in garage</td>
</tr>
<tr>
<td>Attached house</td>
<td>dwelling unit</td>
<td>2.0</td>
<td>Required spaces must be in garage</td>
</tr>
<tr>
<td>Duplex</td>
<td>dwelling unit</td>
<td>2.0</td>
<td>Required spaces must be in garage</td>
</tr>
<tr>
<td>Multi-unit building</td>
<td>dwelling unit</td>
<td>2.0</td>
<td>or 1.0 per bedroom whichever is greater</td>
</tr>
<tr>
<td>Live-above unit (mixed-use building)</td>
<td></td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC, CIVIC AND INSTITUTIONAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College or University</td>
<td>established per 7.3.7</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td>established per 7.3.7</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Fraternal Organization</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Governmental Facility</td>
<td>established per 7.3.7</td>
<td>2.0</td>
<td>plus spaces required for medical services</td>
</tr>
<tr>
<td>Hospital</td>
<td>bed</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Museum or Cultural Facility</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>seat</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>Safety Service</td>
<td>established per 7.3.7</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elementary or junior high</td>
<td>employee</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Senior high</td>
<td>student</td>
<td>0.15</td>
<td></td>
</tr>
<tr>
<td>Utilities and Public Service Facility</td>
<td>established per 7.3.7</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunications</td>
<td>None required</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding or shelter</td>
<td>1,000 sq. ft.</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Grooming</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Veterinary care</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Assembly and Entertainment</td>
<td>person (capacity)</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>Commercial Service</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Day Care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day care home</td>
<td>None required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Day care center</td>
<td>1,000 sq. ft.</td>
<td>2.0</td>
<td>plus stacking spaces for drive-through</td>
</tr>
<tr>
<td>Eating and Drinking Establishment</td>
<td>seat</td>
<td>0.33</td>
<td>plus stacking spaces for drive-through</td>
</tr>
<tr>
<td>Financial Service (except the following)</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Personal credit establishment</td>
<td>1,000 sq. ft.</td>
<td>5.0</td>
<td></td>
</tr>
<tr>
<td>Funeral or Mortuary Service</td>
<td>seat</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td>guest room</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Medical Service</td>
<td>1,000 sq. ft.</td>
<td>4.0</td>
<td>plus 1.0 per staff</td>
</tr>
<tr>
<td>Office</td>
<td>1,000 sq. ft.</td>
<td>3.0</td>
<td></td>
</tr>
</tbody>
</table>
### USE CATEGORY

<table>
<thead>
<tr>
<th>Subcategory</th>
<th>Unit of Measure (spaces per)</th>
<th>Minimum Parking Ratio</th>
<th>Add'l Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Use (See</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience goods</td>
<td>1,000 sq. ft.</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td>Consumer shopping goods</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture, appliances and similar large items</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>All other consumer shopping goods</td>
<td>1,000 sq. ft.</td>
<td>4.0</td>
<td></td>
</tr>
<tr>
<td>Building supplies and equipment</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Tobacco products</td>
<td>1,000 sq. ft.</td>
<td>5.0</td>
<td></td>
</tr>
<tr>
<td>Self-service Storage Facility</td>
<td>1,000 sq. ft.</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>Sexually Oriented Business</td>
<td>1,000 sq. ft.</td>
<td>5.0</td>
<td></td>
</tr>
<tr>
<td>Trade School</td>
<td>Students</td>
<td>0.25</td>
<td></td>
</tr>
<tr>
<td>Vehicle Sales and Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial vehicle repair and maintenance</td>
<td>service bay</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Commercial vehicle sales and rentals</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Fueling station</td>
<td>pump</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Personal vehicle repair and maintenance</td>
<td>service bay</td>
<td>2.0</td>
<td></td>
</tr>
<tr>
<td>Personal vehicle sales and rentals</td>
<td>1,000 sq. ft.</td>
<td>2.5</td>
<td></td>
</tr>
<tr>
<td>Vehicle body and paint finishing shop</td>
<td>service bay</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>WHOLESALE, DISTRIBUTION &amp; STORAGE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>employee</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>INDUSTRIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>employee</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>RECYCLING</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recyclable Material Drop-off Facility</td>
<td>None required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recyclable Material Processing</td>
<td>employee</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drive-in or Drive-through Facility</td>
<td>See</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Cannabis Cultivation Center</td>
<td>employee</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Medical Cannabis Dispensing Organization</td>
<td>1,000 sq. ft.</td>
<td>4.0</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 7.3. CALCULATION OF REQUIRED PARKING

In determining the number of parking spaces required, the following calculation rules apply:

#### 7.3.1. Multiple Uses

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with 7.4.2.

#### 7.3.2. Calculations

In calculating the number of parking spaces required for uses subject to a minimum parking ratio of “x” spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by “x.” If, for example, a minimum parking ratio of 3.33 spaces per 1,000 square feet is applied to a use occupying 500 square feet of floor area, the minimum parking requirement for that use would be calculated as follows: (500 sq. ft. ÷ 1,000) × 3.33 = 0.5 × 3.33 = 1.665, which is rounded up to 2 spaces (See 14.1.1).
7.3.3. **Occupancy- or Capacity-based Standards**
For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the average number of persons working on any single shift, the average enrollment or membership or the building code-rated capacity, whichever is applicable.

7.3.4. **Bench Seating**
For the purpose of calculating parking requirements based on seating, each 22 linear inches of bench or pew length is equivalent to one seat.

7.3.5. **Outdoor Customer Seating/Dining Areas**
Any outdoor customer seating/dining area exceeding 10% of a bar, restaurant or other use's indoor floor area must be counted as floor area for purposes of determining off-street parking requirements.

7.3.6. **Unlisted Uses**
Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the community development director is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with 7.3.7.

7.3.7. **Establishment of Other Parking Ratios**
The community development director is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly provided. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in 7.3.6), (2) on parking data provided by the applicant or (3) other information available to the community development director. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

**SEC. 7.4. PARKING EXEMPTIONS AND CREDITS**

7.4.1. **On-street Parking**
Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 20 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted, except that the opposite side of the street may be counted if the property on that side of the street does not have the potential for future development. In calculating credit for on-street parking, all fractional spaces are rounded down.

7.4.2. **Shared Parking**

A. **General**
Shared parking refers to the practice of 2 or more users who have need for parking at different times voluntarily agreeing to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

B. **Approval**
The community development director is authorized to approve shared parking arrangements among property owners who propose shared parking.
C. **Eligibility**

Shared parking may be approved for nonresidential uses that have different periods of parking demand. Required residential parking and accessible parking spaces (for people with disabilities) may not be shared, provided that this provision is not intended to prohibit shared driveways serving such uses.

D. **Calculation**

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

1. Multiply the minimum parking required for each individual use, as set forth in Table 7-1 by the percentage identified in Table 7-2 for each of the 6 designated time periods.
2. Add the resulting sums for each of the 6 columns in Table 7-2.
3. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Time</th>
<th>Weekday</th>
<th>Weekend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Midnight - 7:00 a.m.</td>
<td>7:00 a.m. - 6:00 p.m.</td>
<td>6 P.m. - Midnight</td>
</tr>
<tr>
<td>Office and Industrial</td>
<td>5%</td>
<td>100%</td>
<td>10%</td>
</tr>
<tr>
<td>Lodging</td>
<td>100%</td>
<td>60%</td>
<td>90%</td>
</tr>
<tr>
<td>Restaurants and Bars</td>
<td>50%</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>0%</td>
<td>10%</td>
<td>30%</td>
</tr>
<tr>
<td>Assembly &amp; Entertain. Service</td>
<td>10%</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Retail Sales &amp; Comm. Service</td>
<td>5%</td>
<td>70%</td>
<td>90%</td>
</tr>
</tbody>
</table>

E. **Other uses**

If one or more of the land uses proposing to make use of a shared parking arrangement do not conform to the land use classifications in Table 7-2, as determined by community development director, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the community development director is authorized to determine the appropriate shared parking requirement, if any, for such uses.

F. **Location**

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of 7.6.2.

G. **Agreement**

Before final approval of a shared parking arrangement, a shared parking agreement must be provided guaranteeing the long-term availability of the shared parking, commensurate with the uses served. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

### 7.4.3. Long-term Bicycle Parking

Each 4 long-term bicycle parking spaces provided in accordance with Sec. 7.5 is credited as one motor vehicle space, provided that this long-term bicycle parking space credit may not be used to reduce a use’s minimum off-street motor vehicle parking requirement by more than 1 space or 10%, whichever results in a greater reduction.
7.4.4. Alternative Compliance
The required parking ratios of this article are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special use approval procedures of Sec. 11.4 only if:

A. The applicant submits a parking study demonstrating that the motor vehicle parking ratios of Table 7-1 do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the city or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);

B. The planning and zoning commission determines that the other allowed parking reduction alternatives of Sec. 7.4 are infeasible or do not apply; and

C. The planning and zoning commission determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

SEC. 7.5. BICYCLE PARKING

7.5.1. Purposes

A. Short-term Bicycle Parking
Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.

B. Long-term Bicycle Parking
Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for long time periods, primarily employees and residents.

7.5.2. Spaces Required

A. Short-term Bicycle Parking
Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 7-3.

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>Minimum Number of Bicycle Spaces (% of Motor Vehicle Parking Spaces Provided)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Use</td>
<td></td>
</tr>
<tr>
<td>Public, Civic and Institutional</td>
<td></td>
</tr>
<tr>
<td>Community Center</td>
<td>None for first 5 vehicle spaces, then 10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Library</td>
<td></td>
</tr>
<tr>
<td>School</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>Assembly and Entertainment</td>
<td>None for first 5 vehicle spaces, then 10% or 2 spaces, whichever is greater</td>
</tr>
<tr>
<td>Commercial Service</td>
<td></td>
</tr>
<tr>
<td>Personal improvement service</td>
<td></td>
</tr>
<tr>
<td>Eating and Drinking Establishment</td>
<td>newspaper</td>
</tr>
<tr>
<td>Financial Service</td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
</tr>
</tbody>
</table>
B. Long-term Bicycle Parking
Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with Sec. 7.4.3.

7.5.3. Location
1. Short-Term Bicycle Parking
Required short-term bicycle parking must be located in highly visible areas that do not interfere with pedestrian movements. At least 50% of required short-term bicycle parking spaces must be located within 100 feet of a customer entrance, with the remainder located no more than 300 feet from any entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the village to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.

2. Long-Term Bicycle Parking
Required long-term bicycle parking provided to receive parking credit in accordance with Sec. 7.4.3 must be provided in the building or in a weather-protected area. Long-term bicycle parking spaces must be protected from access by unauthorized persons.

7.5.4. Design
All required short-term and long-term bicycle parking spaces must:
A. Consist of bike racks or lockers that are anchored so that they cannot be easily removed;
B. Be of solid construction, resistant to rust, corrosion, hammers, and saws;
C. Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
D. Be designed so as not to cause damage to the bicycle;
E. Facilitate easy locking without interference from or to adjacent bicycles; and
F. Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

7.5.5. Administrative Adjustments
The community development director is authorized to approve an administrative adjustment (see Sec. 11.6) reducing the number of bicycle spaces required under this section or modifying the bicycle parking design and location requirements of this section.

SEC. 7.6. LOCATION AND USE OF PARKING AREAS

7.6.1. Location
A. All required off-street parking spaces must be located on the same lot as the use to be served by such parking, except as otherwise expressly stated in this article.
B. Parking is prohibited in front and street side yards, except that his provision is not intended to prohibit parking on permitted residential driveways.

7.6.2. Off-Site Parking
A. When Allowed
All or a portion of required off-street parking for nonresidential uses may be provided off-site in accordance with the regulations of this section. Required accessible parking spaces and required parking for residential uses may not be located off site.
B. Location
Off-site parking areas must be located within a 650-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or in districts that allow the principal use to be served by the off-site parking spaces, unless otherwise approved as a special use.

C. Design
Off-site parking areas must comply with all applicable parking area design regulations of Sec. 7.9.

D. Control of Off-Site Parking Area
The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

7.6.3. Use
A. Required off-street parking facilities may be used only for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees, or guests of the principal use. Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.
B. Off-street parking spaces may not be leased to uses not on-site, including but not limited to schools and commuter parking, unless approved by a special use or shared parking agreement.
C. No vehicle repair or service of any kind is permitted in an off-street parking space except in a completely enclosed garage.

SEC. 7.7. PARKING IN R DISTRICTS

7.7.1. Applicability
Except as otherwise expressly stated, the regulations of this section apply to residential uses in all R districts.

7.7.2. Parking in Street Yards
Only private passenger motor vehicles may be parked in street yards in R districts, provided that parking in rear yards of corner lots is allowed in accordance with the rear yard parking provisions of this section. No more than 4 vehicles may be parked or stored in street yards, except for occasional guests.

7.7.3. Parking in Rear Yards
The following vehicles may be parked in rear yards in R districts:
A. Private passenger motor vehicles;
B. Recreational vehicles;
C. Boats, whether mounted on a boat trailer or unmounted;
D. Boat trailers; and
E. Pickup trucks and vans.

7.7.4. Parking in Side Yards
The following vehicles may be parked in side yards in R districts if they do not exceed 27 feet in length:
A. Private passenger motor vehicles
B. Recreational vehicles other than slide-in, truck-mounted campers;
C. Boats when mounted on a boat trailer and only from May 1 to October 31;
D. Boat trailers; and
E. Pickup trucks and vans.

7.7.5. **Recreational Vehicle (RV) Parking**

A. In R districts, no more than 2 recreational vehicles may be parked outside of a completely enclosed garage. When RVs are mounted on trailers, the trailer and all mounted RVs will be counted as a single recreational vehicle. Trailers that are not mounted with one or more recreational vehicles are counted as a separate RV.

B. Recreational vehicles parked or stored in R districts may not be occupied or used for living, sleeping or housekeeping purposes.

C. Notwithstanding the other parking regulations of this section, recreational vehicles may be parked anywhere on the premises for active loading or unloading purposes for up to 48 hours during any one continuous period.

7.7.6. **Inoperable Vehicles and Repairs**

A. Inoperable or unlicensed motor vehicles may not be parked or stored in an R district unless located within a completely enclosed garage.

B. All vehicle repairs must be conducted within an completely enclosed garage.

7.7.7. **Trucks and Large Vehicles**

A. Except for vehicles expressly allowed to be parked or stored in R districts pursuant to the R district parking regulations of this section, it is unlawful for any motor vehicle having a gross vehicle weight of more than 8,000 pounds to be parked or stored in any R zoning district, including on any public or private street or alley.

B. Except for vehicles expressly allowed to be parked or stored in R districts pursuant to the R district parking regulations of this section, the parking or storage of any second division motor vehicle, as defined in the Illinois Motor Vehicle Code, displaying a license plate containing other than a Class B designation constitutes prima facie evidence of a violation of truck and large vehicle parking restrictions of this section.

C. Notwithstanding the other parking regulations of this section, trucks and other service vehicles may be parked in R district temporarily while making deliveries or actively rendering service to a property owner.

**SEC. 7.8. DRIVEWAYS IN RS AND RD DISTRICTS**

7.8.1. **Applicability**

A. Except as otherwise expressly stated, the regulations of this section apply to residential uses in all RS and RD districts.

7.8.2. **Number**

A. No more than one driveway is allowed per lot, except as otherwise expressly stated for duplex dwellings and circular drives.

B. Lots occupied by duplex dwellings may have up to one driveway per dwelling unit.

C. Circular drives are subject to the regulations of 7.8.5.
7.8.3. Location
A. Required off-street parking spaces for residential dwelling units in RS and RD districts must be located in a garage that is served by a driveway that complies with the regulations of this section.
B. Driveways located in street yards may not terminate in front of any portion of the dwelling unit, except as follows:
   1. Driveways leading to an attached garage may extend into the street yard in front of the main (living) portion of the dwelling unit by a distance of up to 3 feet.
   2. A driveway extension may be located in a street yard to accommodate a maximum of 2 vehicles side-by-side in the street yard. The driveway extension is limited to a maximum area of 9 feet in width by 18 feet in length, excluding any angled or flared portions of the extension. This driveway extension is permitted only on lots that cannot accommodate side or rear yard parking under the applicable regulations of this section and of the configuration of the subject property.

7.8.4. Width
A. Driveways must be at least 8 feet in width measured at the property line and may not exceed the maximum driveway width specified in 7.9.6.
B. Except as otherwise expressly stated in this section, driveways in street yards may not exceed the width of the garage to which the driveway leads or 30 feet, whichever is less. Driveways in street yards leading to off-street parking areas in rear yards may not exceed 12 feet in width when leading to one parking space or 22 feet in width when leading to 2 or more spaces.

7.8.5. Circular Drives
A. Circular drives are permitted only on lots with at least 75 feet of street frontage.
B. Circular drives may not exceed 10 feet in width, excluding flares, except for that portion of the drive leading to a required off-street parking area.
C. The interior radius of a circular drive must be at least 30 feet.
D. Low-growing shrubs or evergreens must be installed and maintained along at least 25% of the length of the circular drive.

7.8.6. Driveway Turnarounds
Driveway turnarounds are prohibited in street yards except when the lot has frontage on a major street (as designated by the village) and the lot cannot accommodate a turnaround area outside of the street yard because of the applicable regulations of this section and the configuration of the subject property. Street yard driveway turnarounds may not exceed 14 feet in length or the width of the existing driveway, excluding flares.

7.8.7. Driveway Design
A. Adequate provisions must be made for the disposal of stormwater so that water will not flow into adjacent property. To keep water runoff on site and prevent runoff towards adjacent properties, new or replacement driveways must meet existing grades along the property line and then slope 1/8-inch to 1/4-inch per foot away from the property line and toward the center of the driveway. Any curbs along driveway must be constructed so as to not dam water on adjacent properties.
B. On lots of less than 7,500 square feet in area, the total of all impervious surfaces on the lots, including driveways, may not exceed 56% of the lot area. On all other lots, the total of all impervious surfaces, including driveways, may not exceed 50% of the lot area.
C. Residential driveways and parking areas must comply with the surfacing requirements of 7.9.4.
D. All new off-street parking facilities, including driveways, must meet the requirements of this section. Except as otherwise expressly stated in this section, all existing driveways not in conformance with this section must come into conformance at any time that 50% or more of a driveway is surfaced or resurfaced.

E. Attached garages may not be converted into a living area unless the required off-street parking spaces are being provided for elsewhere on the lot and the existing driveway in front of the converted area is removed.

F. Driveways may not be designed or constructed in any manner that will interfere with planned or existing parkway or right-of-way improvements or in a way that will create traffic hazards.

SEC. 7.9. PARKING AREA DESIGN

7.9.1. General
Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem and valet parking.

A. Tandem Parking
Tandem parking spaces may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit.

B. Valet Parking
Valet parking may be used to satisfy minimum off-street parking requirements for nonresidential uses if an attendant is present during all hours of operation. Valet parking lots may be laid out in such a way that one or more vehicles must be moved to obtain access to other parked vehicles.

7.9.2. Parking Stall Sizes and Parking Lot Geometrics
Off-street parking areas are subject to the dimensional requirements of Table 7-4 (see also Figure 7-1). The community development director is authorized to establish dimensions for parking configurations not shown.

<table>
<thead>
<tr>
<th>Table 7-4: Parking Area Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Dimension (feet)</td>
</tr>
<tr>
<td>Stall Width</td>
</tr>
<tr>
<td>Stall Length</td>
</tr>
<tr>
<td>Aisle Width</td>
</tr>
<tr>
<td>Module Width</td>
</tr>
</tbody>
</table>

Note: Dimensions are measured from the centerline of the stripe.

7.9.3. Striping
In parking lots containing 8 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking stall. Striping must be yellow or white.

7.9.4. Surfacing
All open off-street parking areas and driveways must be improved with all-weather, hard surface pavement consisting of the following minimum specifications:

A. A 2.5-inch bituminous concrete surface course on a 6-inch compacted crushed stone base. For replacement driveways, the base material must be inspected for adequate compaction and subsurface drainage.
B. A 4-inch Portland cement concrete (P.C.C.) surface on a 4-inch thick compacted crushed stone base. For replacement driveways, the base material must be inspected for adequate compaction and subsurface drainage.

C. Concrete ribbon strips are permitted only if constructed of concrete in accordance with all applicable village regulations.

D. Brick paver or block driveways and parking areas are permitted if construction is done in accordance with the manufacturer's specifications.

E. The placement of granular fill or other non all-weather parking surface is prohibited. This provision is not intended to prohibit the continued use and maintenance of any existing non all-weather surface.

### 7.9.5. Wheel Stops

In all parking lots containing 8 or more parking spaces, wheel stops or bumper guards must be installed when necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.

### 7.9.6. Access

A. Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space.

B. All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.
C. Driveways across public property and curb cuts may not exceed 24 feet in width, as measured at the lot line.

7.9.7. Landscaping and Screening
See Sec. 9.1.

7.9.8. Lighting
Parking areas must be illuminated to provide for safe vehicular and pedestrian movements. All lighting must be arranged to prevent glare on abutting properties and public rights-of-way (see also Sec. 9.4).

7.9.9. Drainage
All open off-street parking areas must be provided with adequate drainage and stormwater management improvements, in accordance with plan submitted to and approved by the community development director.

SEC. 7.10. ACCESSIBLE PARKING

7.10.1. The number, location and design of accessible parking spaces for persons with disabilities must be provided in accordance with this section and the Illinois Accessibility Code.

7.10.2. Accessible spaces must be provided in accordance with the Table 7-5.

Table 7-5: Accessible Parking Spaces

<table>
<thead>
<tr>
<th>Total Off-Street Parking Spaces Provided</th>
<th>Accessible Parking Spacess Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>over 1,000</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
<tr>
<td>Medical facilities specializing in treatment of persons with mobility impairments</td>
<td>20% of total</td>
</tr>
<tr>
<td>Outpatient medical facilities</td>
<td>10% of total</td>
</tr>
</tbody>
</table>

7.10.3. Accessible parking spaces count towards the satisfying minimum off-street parking requirements.

7.10.4. Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle.

7.10.5. Accessible parking spaces must be posted with signs in accordance with applicable state law. Signs must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by village board. Accessible parking spaces must also be painted with the standard ADA white symbol on blue background.
7.10.6. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

7.10.7. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

SEC. 7.11. DRIVE-THROUGH FACILITIES

7.11.1. Purpose
The regulations of this section are intended to help ensure that
A. There is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
B. Vehicles awaiting service do not impede traffic on abutting streets; and
C. Impacts on surrounding uses are minimized.

7.11.2. Applicability
The regulations of this section apply to new developments, the addition of drive-through facilities to existing developments and the relocation of existing drive-through facilities.

7.11.3. Stacking Spaces Required
In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 7-6, unless otherwise expressly approved through the special use permit procedures of Sec. 11.4.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Number of Stacking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automatic teller machine</td>
<td>2 (measured from ATM)</td>
</tr>
<tr>
<td>Bank/financial institution</td>
<td>3 (measured from teller or service area)</td>
</tr>
<tr>
<td>Car wash</td>
<td>3 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Vehicle repair/maintenance</td>
<td>2 (measured from vehicle entrance)</td>
</tr>
<tr>
<td>Gasoline pump</td>
<td>2 spaces per pump per side</td>
</tr>
<tr>
<td>Restaurant</td>
<td>3 (measured from order board)</td>
</tr>
<tr>
<td>Other</td>
<td>2 (measured from pick-up window)</td>
</tr>
</tbody>
</table>

7.11.4. Stacking Lane Dimensions, Design and Layout
A. Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation.
B. Each stacking space must be at least 8 feet in width and 18 feet in length.
C. All stacking lanes must be clearly identified through such means as striping, landscaping, pavement design, curbing and/or signs.

7.11.5. Setbacks
Stacking lanes must be set back at least 15 feet from the lot line of any R-zoned lot.

7.11.6. Noise
Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses.
7.11.7. Site Plans
Site plans must show the location of drive-through windows and associated facilities (for example: communications systems and access aisles), as well as adjacent residential uses.

SEC. 7.12. LOADING

7.12.1. Required
A. Off-street vehicle loading and unloading areas must be provided for any new proposed public/civic, commercial or industrial use or expansion of such a use that would result in a building with a floor area of 20,000 square feet or more.
B. Off-street vehicle loading and unloading areas must be provided for any building containing 50 or more dwelling units.

7.12.2. Plans Required
Off-street loading plans must be submitted with site plans, conditional use permits and building permits involving any use required or proposing to provide off-street loading facilities. Plans must accurately designate the proposed off-street loading spaces, dimensions and clearance and access to the loading spaces. Plans for the design of loading areas are subject to approval by the village.

7.12.3. Location and Design
The following location and design regulations apply to all off-street loading facilities regardless of whether they are required to be provided by this zoning ordinance.
A. Off-street loading facilities must be located on the same lot as the use served.
B. All loading areas adjacent to residential zoning districts must be screened from view of the residential zoning district.
C. Loading spaces may not be located in a required front or side setback.
D. Loading areas and access drives must be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
E. Each off-street loading space must be designed to provide a safe means of vehicular access to a street or alley in a manner that will least interfere with traffic movement, as approved by the community development director.
Article 8. Signs

Sec. 8.1. General.................................................................8-2
  8.1.1. Purpose..............................................................8-2
  8.1.2. Scope and Applicability.......................................8-2
  8.1.3. Content Neutrality..............................................8-2

Sec. 8.2. Prohibited Signs and Sign Characteristics ..........8-2

Sec. 8.3. Sign Exceptions ...............................................8-3
  8.3.1. Nameplates, Commemorative Wall Plaques and Inscriptions. 8-3
  8.3.2. Sandwich Board Signs........................................8-3
  8.3.3. Special Event/Recognitions Signs .......................8-4
  8.3.4. Driveway Signs .................................................8-4
  8.3.5. Drive-through Signs .........................................8-4
  8.3.6. Temporary Signs ..............................................8-4
  8.3.7. Other Sign Exceptions .......................................8-6

Sec. 8.4. Sign Regulations of General Applicability .........8-7
  8.4.1. Location ..........................................................8-7
  8.4.2. Sign Construction ............................................8-7
  8.4.3. Placement..........................................................8-7

Sec. 8.5. Signs in R Zoning Districts ...............................8-7
  8.5.1. Applicability .................................................8-7
  8.5.2. Signs Allowed ...............................................8-7

Sec. 8.6. Signs in Nonresidential Zoning Districts ...........8-7
  8.6.1. Applicability .................................................8-7
  8.6.2. Freestanding Signs .........................................8-7
  8.6.3. Wall Signs .....................................................8-8
  8.6.4. Projecting Signs .............................................8-9
  8.6.5. Roof Signs ....................................................8-9
  8.6.6. Window Signs ................................................8-9
  8.6.7. Awning and Canopy Signs ...............................8-9

Sec. 8.7. Electronic Message Display Panels .................8-9
  8.7.1. Where Allowed ...............................................8-9
  8.7.2. Maximum Number and Sign Area .......................8-10
  8.7.3. Message Hold Time ......................................8-10
  8.7.4. Graphics and Animation ................................8-10
  8.7.5. Brightness .................................................8-10
  8.7.6. Operating Hours .........................................8-10

Sec. 8.8. Administration ................................................8-10

Sec. 8.9. Master Sign Plans ...........................................8-10
  8.9.1. Applicability .................................................8-10
  8.9.2. Contents of Master Sign Plans .........................8-10
  8.9.3. Design ..........................................................8-11
  8.9.4. Sign Structure Color ....................................8-11
  8.9.5. Plan Approval and Amendments ......................8-11

Sec. 8.10. Nonconforming Signs .....................................8-11
  8.10.1. Description ................................................8-11
  8.10.2. General Regulations ....................................8-11

Sec. 8.11. Abandoned Signs ...........................................8-11

Sec. 8.12. Sign-Related Definitions and Rules of Measurement ..8-11
  8.12.1. Definitions .................................................8-11
  8.12.2. Measurements ..............................................8-13
SEC. 8.1. GENERAL

8.1.1. Purpose
The sign regulations of this article are intended to balance the following differing, and at times, competing goals:

A. To support the desired character of the village, as expressed in adopted plans, policies and regulations;
B. To promote an attractive visual environment;
C. To encourage the effective use of signs as a means of communication for businesses, organizations and individuals;
D. To provide a means of way-finding for visitors and residents;
E. To provide for reasonable business identification and communication;
F. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the village and its residents, property owners and visitors;
G. To protect the safety and welfare of the public by minimizing hazards for motorized and nonmotorized traffic;
H. To minimize the possible adverse effects of signs on nearby public and private property; and
I. To provide broadly for the expression of individual opinions through the use of signs on private property.

8.1.2. Scope and Applicability
All signs are subject to the regulations of this article and all other applicable provisions of this zoning ordinance.

8.1.3. Content Neutrality
Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful non-commercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this article.

SEC. 8.2. PROHIBITED SIGNS AND SIGN CHARACTERISTICS
The following signs and sign characteristics are prohibited except as otherwise expressly stated:

8.2.1. Signs for which a required permit has not been issued;
8.2.2. Signs located in such a manner as to constitute a nuisance as provided in the village code;
8.2.3. Search lights, strobe lights, rotating beacon lights, flashing lights that are visible from public right-of-way, except as otherwise expressly allowed by this article or required by law;
8.2.4. Permanent signs located in or obstructing a required parking or loading space, or that otherwise obstruct vehicular or pedestrian access or circulation, or that pose any other hazard to motorized or nonmotorized travel;
8.2.5. Signs located in or that project into the right-of-way of a public street unless otherwise expressly stated in this article or a right-of-way permit or license agreement has been approved by the village;
8.2.6. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;
8.2.7. Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of applicable building and fire safety codes;
8.2.8. Signs affixed directly to a tree, utility pole or traffic control device;
8.2.9. Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
8.2.10. Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;
8.2.11. Signs that violate the intersection visibility triangle regulations of Sec. 9.3;
8.2.12. Pole signs;
8.2.13. Off-premise advertising signs;
8.2.14. Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way; and
8.2.15. Signs attached to or painted on a licensed motor vehicle if the sign: (1) directs attention to a business, service, commodity, or activity offered or sold on the premises and (2) if the vehicle is parked closer to the street than the nearest building wall (does not apply to vehicles parked for the purpose of immediate loading and unloading).

Sec. 8.3. SIGN EXCEPTIONS
The following signs are not counted as signs for purposes of determining the number of signs or total area of signs on a lot and do not require a sign permit unless the sign is illuminated or the regulations of this section otherwise state that a permit is required.

8.3.1. Nameplates, Commemorative Wall Plaques and Inscriptions
Nameplates, commemorative wall plaques and commemorative wall inscriptions are allowed in all zoning districts. Nameplates may not exceed 2 square feet in area. Commemorative wall plaques and commemorative wall inscriptions may not be illuminated and may not exceed 4 square feet in area.

8.3.2. Sandwich Board Signs
A. Eligible Area
Sandwich board signs are permitted only in commercial zoning districts located in the Villa Avenue Business District, Ardmore Avenue Business District and the train station area, as shown on the maps adopted as part of Ordinance No. 3673, which are on file in the office of the community development director.

B. Number
A maximum of one sandwich board sign is allowed per business.

C. Size
Sandwich board signs may not exceed 6 square feet in area or more than 4 feet in height.

D. Removal
Sandwich board signs must be removed when:
1. The business is not open;
2. The National Weather Service issues a high-wind warning, a tornado or severe thunderstorm watch or warning; or
3. There is an accumulating snowfall event.

E. Construction
Sandwich board signs must be professionally constructed of wood, metal or durable plastic, and maintained in good condition.

F. Location
Sandwich board signs must be:
1. Located in front of the business and allow at least 4 feet of sidewalk clearance to allow safe passage.
2. Set back at least 2 feet from back of curb abutting on-street parking spaces.
3. Located on the ground and not be attached to any structure or person.

8.3.3. Special Event/Recognitions Signs
Special event/recognition signs are subject to village board approval. Village board-approved special event/recognition signs are not subject to the sign regulations of this article unless otherwise expressly stated at the time of approval.

8.3.4. Driveway Signs
A. One driveway sign may be installed at each vehicle entrance and exit to any lot occupied by an allowed nonresidential use or multi-unit (residential) building. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way. Driveway signs may be illuminated but may not exceed 4 square feet in area or 3 feet in height.
B. Off-street parking areas with a capacity of more than 4 vehicles, multi-tenant developments and uses on lots exceeding 80,000 square feet in area may display internal site driveway signs. Such signs must be located within 10 feet of an internal site driveway, drive aisle or parking space and may not exceed 8 square feet in area or 6 feet in height.

8.3.5. Drive-through Signs
Drive-through signs are permitted in conjunction with allowed drive-through uses, in accordance with the following regulations.
A. Location
Drive-through signs must be located within 10 feet of a drive-through lane.
B. Number and Dimensions
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 16 square feet in area or 6 feet in height is allowed per order station, up to a maximum of 2 secondary drive-through signs.
C. Residential Separation
Drive-through signs must be set back at least 25 feet from residential zoning districts.
D. Visibility
Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

8.3.6. Temporary Signs
A. Real Estate Signs
One real estate sign is allowed per street frontage in all zoning districts, subject to the maximum sign area regulations of Table 8-1:
Table 8-1: Maximum Area of Real Estate Signs

<table>
<thead>
<tr>
<th>Street Frontage of Lot</th>
<th>Maximum Sign Area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R Districts</td>
</tr>
<tr>
<td>50 feet or less</td>
<td>8</td>
</tr>
<tr>
<td>More than 50 feet</td>
<td>8 + 1 sq. ft. for each add’l foot of street frontage over 50; not to exceed sign area of 100 sq. ft.</td>
</tr>
</tbody>
</table>

B. **Construction Signs**

One construction sign is allowed per street frontage in all zoning districts. Construction signs are subject to the maximum sign area regulations that apply to real estate signs.

C. **Campaign Signs**

Campaign signs are allowed in all zoning districts, subject to the following regulations.

1. Campaign signs are allowed only on private property (not in the public right-of-way) and require the consent of the subject property owner.
2. There is no set limit on the number of campaign signs allowed on a lot, provided that the total allowed sign area of campaign signs may not exceed 16 square feet per lot in residential districts or 32 square feet per lot in nonresidential zoning districts.
3. Individual campaign signs may not exceed 4 square feet in area in residential districts or 9 square feet in area in nonresidential districts.
4. Campaign signs located on nonresidentially zoned properties must be removed within 7 days after the voting event. There is no limit on the duration of display of campaign signs located on R-zoned lots.
5. Campaign signs may not be illuminated in any manner.

D. **Grand Opening Signs**

Grand opening signs are allowed in any nonresidential district, subject to the following regulations.

1. Grand opening signs are allowed for no more than 30 consecutive days during the grand opening period, which is 6-month period immediately following the opening of a new business, not previously located on the premises or the reopening of an established business that has been closed for at least 60 consecutive days for renovation or change of business or ownership.
2. A grand opening permit must be obtained before the grand opening.
3. No more than 3 of the following types of grand opening signs are allowed:
a. One cold air inflatable device no more than 20 feet in height measured from grade level. The device must comply with zoning district setback requirements. Any commercial message area attached to the device may not exceed 32 square feet in area.

b. One non-flashing portable sign no more than 32 square feet in area. The sign must comply with zoning district setback requirements.

c. One banner sign affixed flush to the building, no more than 10 feet in length or 4 feet in height.

d. Banners or streamers projecting out from the building, subject to zoning district setback requirements.

e. Searchlights or beacons provided that such light may only be operated between dusk and 10:00 p.m. or closing, whichever is earlier.

4. All grand opening signs must be removed by the permittee within 24 hours after the expiration of the grand opening permit.

E. Promotional Signs
The following types of promotional signs are allowed as sign exceptions on lots occupied by allowed nonresidential uses, subject to the following regulations.

1. Promotional Banner Signs
   One promotional banner sign affixed flush with the building wall and secured at all 4 corners, not exceeding 10 feet in length or 4 feet in height, is allowed per zoning lot. Promotional banners may be displayed no more than 4 times in any calendar year, for not more than 15 consecutive days. For multi-tenant buildings consisting of 3 or more tenants, 2 promotional banner signs are allowed.

2. Promotional Pole Banners
   Promotional pole banners are allowed when secured to permanently mounted standards such as light poles. Promotional pole banners may not exceed 8 feet high by 2.5 feet in width and must maintain a minimum vertical clearance of 9 feet. No more than 2 promotional pole banners are allowed per pole. Ornamental banners with no commercial message are allowed without a permit when meeting the requirements as stated above.

3. Promotional Placard Signs
   Promotional placard signs are allowed, subject to a maximum area of 6 square feet and a maximum height of 4 feet. Promotional placard signs must be located adjacent to the principal structure and must be placed inside the principal structure before the close of the business day. A permit is not required for promotional placard that comply with the regulations in this section.

4. Promotional Window Signs
   Promotional window signs are allowed as sign exceptions for allowed nonresidential uses for a maximum period of 60 days in any calendar year, provided they do not cover more than 75% of the area of the window to which they are affixed.

8.3.7. Other Sign Exceptions
The following additional signs are also allowed as sign exceptions:

A. Signs of notice, warning, directive, or instructional nature erected by or on behalf of a government or agency;

B. Flags, emblems or insignia of any nation or political subdivision;

C. Signs located completely within enclosed buildings, provided that such signs are oriented to be primarily visible from inside the subject building; and
D. Labels and notices on equipment or structures, provided the label or notice does not exceed 15 square inches in area.

**Sec. 8.4. SIGN REGULATIONS OF GENERAL APPLICABILITY**

**8.4.1. Location**
Unless otherwise expressly stated in this article, signs must be located on the same zoning lot as the business, profession or activity to which the sign directs attention or to a commodity, service or entertainment sold or offered on such zoning lot.

**8.4.2. Sign Construction**
All signs that are applied with paint or similar substance on the face of a wall are prohibited. Any sign made of plywood or similar material must contain a trim border along the entire perimeter of the sign. Painted signs on plywood or similar material must utilize stenciling or similar methods to achieve a neat and uniform appearance.

**8.4.3. Placement**
New signs must be placed in a manner as to create a minimum of interference with the visibility of existing signs.

**Sec. 8.5. SIGNS IN R ZONING DISTRICTS**

**8.5.1. Applicability**
The regulations of this section apply to signs in R districts.

**8.5.2. Signs Allowed**
The following signs are permitted in R districts on lots occupied by allowed nonresidential uses or allowed multi-unit (residential) buildings.

1. **Wall Signs**
   Allowed nonresidential uses and allowed multi-unit (residential) buildings in R districts are allowed a maximum of one wall sign per public building entrance leading to a lobby or other common area. Such signs may not exceed 32 square feet in area.

2. **Monument Signs**
   Allowed nonresidential uses and allowed multi-unit (residential) buildings in R districts are allowed a maximum of one monument sign per street frontage. Allowed monument signs are subject to a maximum height limit of 6 feet and may not exceed 32 square feet in area.

3. **Electronic Message Display Panels**
   Electronic message display panels are prohibited in R districts, provided that on a lot occupied by an allowed public, civic or institutional use, the village board is authorized to approve a special use for one of the allowed signs to include a electronic message display panel. If approved, the electronic message display panel is subject to the regulations of Sec. 8.7 as well as any additional regulations imposed by the village board.

**Sec. 8.6. SIGNS IN NONRESIDENTIAL ZONING DISTRICTS**

**8.6.1. Applicability**
The regulations of this section apply to signs in all nonresidential zoning districts.

**8.6.2. Freestanding Signs**
Freestanding signs are allowed in all nonresidential zoning districts, subject to the following regulations.
A. Number
A maximum of one freestanding sign is allowed per lot, provided that lots with more than 350 feet of lot frontage are allowed a maximum of 2 freestanding signs. One additional freestanding sign is allowed for vehicle sales establishments (auto dealers) if they sell both new and used vehicles or if they sell more than one make of vehicle.

B. Area
1. The maximum area of allowed freestanding signs is based on the subject lot's street frontage, as indicated in Table 8-2.

<table>
<thead>
<tr>
<th>Street Frontage (feet)</th>
<th>Maximum Sign Area (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–50</td>
<td>50</td>
</tr>
<tr>
<td>51–100</td>
<td>100</td>
</tr>
<tr>
<td>101–200</td>
<td>150</td>
</tr>
<tr>
<td>201–350</td>
<td>200</td>
</tr>
<tr>
<td>350 or more</td>
<td>200 for each of the 2 allowed signs</td>
</tr>
</tbody>
</table>

2. For fueling stations, an additional 15 square feet of sign area is allowed for those fueling stations listing fuel prices directly on the freestanding sign, but not to exceed 200 square feet for any single sign. Also, for fueling station canopies, one sign is allowed on each canopy face with the sign area for each canopy sign not to exceed 10% of the area of each canopy face.

C. Height
Freestanding signs on nonresidentially zoned lots may not exceed 25 feet in height.

D. Setbacks
Freestanding signs on nonresidentially zoned lots must be set back at least 10 feet from all street rights-of-way. This required setback applies to all components of the sign, including the sign structure and sign face.

E. Landscaping
Landscaping must be installed and maintained around the base of all freestanding signs. The landscape area must extend a minimum of 3 feet from the outer edge of the sign base on all sides. Where the area around the base of a sign will not accommodate landscaping, the community development director is authorized to allow installation of all or a portion of the required landscaping at an alternate location on the site.

F. Location
Freestanding signs may not be located in yards abutting R-zoned lots.

8.6.3. Wall Signs
Wall signs are allowed in all nonresidential zoning districts, subject to the following regulations.

A. Sign Area
1. Interior Lots
The maximum area of all wall signs on a building occupying an interior lot may not exceed 1.5 square feet per linear foot of the building's street-facing building frontage, except that if the street-facing building wall is located more than 200 feet from the street right-of-way, up to 2 square feet of wall sign area is allowed per linear foot of street-facing building frontage.

2. Corner Lots
The maximum area of all wall signs on a building occupying a corner lot may not exceed the wall sign area allowed for interior lots, plus an additional 0.75 square feet of sign area per linear foot of side street-facing building frontage.
B. Location
Wall signs may be located on any exterior wall of a building except that wall signs are prohibited on building walls facing an abutting R-zoned lot.

C. Sign Type
Box signs are prohibited as wall signs.

8.6.4. Projecting Signs
Projecting signs are allowed in all nonresidential zoning districts, subject to the following regulations.

A. Maximum Sign Area
   1. Number
      A maximum of one projecting sign is allowed per building or tenant space.
   2. Sign Area
      The area of all projecting signs on a building is counted against the building's maximum allowed wall sign area. The area of any individual projecting sign may not exceed 50 square feet.

B. Height
   1. Projecting signs must be mounted to provide a minimum vertical clearance of at least 9 feet when mounted above sidewalks or pedestrian ways or at least 15 feet when mounted above driveways or vehicular circulation areas.
   2. The maximum height of a projecting sign may not exceed 20 feet above the mean grade of the centerline of the abutting street.

C. Location
Projecting signs may be located on any exterior wall of a building except that projecting signs are prohibited on building walls facing an abutting R-zoned lot.

D. Sign Type
Box signs are prohibited as projecting signs.

8.6.5. Roof Signs
Roof signs are prohibited in all zoning districts.

8.6.6. Window Signs
The area of all permanent window signs is counted against the building's maximum allowed wall sign area. Permanent window signs may not cover more than 25% of the window area.

8.6.7. Awning and Canopy Signs
A. Non-illuminated awnings or canopies are allowed and are not counted as wall signs, unless the sign copy area on the awning or canopy exceeds 6 square feet in area. Copy area in excess of 6 square feet in area is counted against the building's maximum allowed wall sign area.

B. Awnings and canopies must be mounted to provide a minimum vertical clearance of at least 9 feet when mounted above sidewalks or pedestrian ways or at least 15 feet when mounted above driveways or vehicular circulation areas.

C. Awnings and canopies may not be located above the building's ground floor.

Sec. 8.7. ELECTRONIC MESSAGE DISPLAY PANELS

8.7.1. Where Allowed
Electronic message display panels are allowed in any of the commercial and industrial zoning districts with the exception of the Ardmore Avenue Business District, Villa Avenue Business District, St. Charles Road and the train station area as shown on the maps adopted as part of Ordinance No. 3673, which are on file in the office of the community development director. Electronic message display panels are
subject to the regulations of this section.

8.7.2. **Maximum Number and Sign Area**
No more than one of the allowed signs on a lot may contain an electronic message display panel. The sign area of the electronic message display panel is counted in calculating the overall area of the subject sign. An electronic message display panel may not exceed 50% of the allowed sign area of the subject sign.

8.7.3. **Message Hold Time**
An electronic message display may not change more frequently than every 3 seconds. Background colors or displays are allowed to change only when the message changes.

8.7.4. **Graphics and Animation**
Graphics are allowed only as static displays. The use of animation, dissolve, fade, scrolling, traveling, flashing, or blinking characters on electronic message display panel signs is prohibited. Animation, live feeds, video or any off-site advertising is prohibited on electronic message display panels.

8.7.5. **Brightness**
All electronic message display panels must be equipped with automatic dimming devices, sun screens or otherwise be designed to operate in a manner that is appropriate for ambient light levels and include no external illumination. The brightness of the electronic message display panel may not exceed 5,000 nits in the daytime or more than 1,750 nits in the nighttime (after sunset).

8.7.6. **Operating Hours**
All electronic message display panels within 100 feet of any R zoning district must be turned off between the hours of 11:00 p.m. and 7:00 a.m. unless the business is open and operating during such hours, in which case the sign may be operated only during the hours of business operation.

**Sec. 8.8. ADMINISTRATION**

8.8.1. Any person proposing to erect any sign requiring a sign permit must submit a sign permit application to the community development director. Applications for a sign permit must be accompanied by detailed plans, including scaled drawings of the proposed sign, a detailed site plan and other information deemed necessary by the community development director to determine compliance with applicable regulations.

8.8.2. Sign permit fees must be paid before the issuance of a sign permit.

8.8.3. If the work associated with a sign permit has not been completed within 6 months of the date of the issuance of the permit, such permit will lapse and become null and void.

**Sec. 8.9. MASTER SIGN PLANS**

8.9.1. **Applicability**
A master sign plan is required for all shopping centers and other multi-tenant developments. No sign permit may be issued for a new multi-tenant development until a master sign plan has been reviewed and approved. A master sign plan is not required for existing multi-tenant developments except when the development is being rehabilitated or expanded and the value of such rehabilitation or expansion exceeds 3 times the equalized assessed valuation of the development for the most recent tax year.

8.9.2. **Contents of Master Sign Plans**
Master sign plans must indicate the number, location, materials, colors and dimensions of all free-standing, wall and projecting signs in the multi-tenant development. The master sign plan must also include other information necessary to determine whether the proposed signs comply with the sign regulations of this article.
8.9.3. **Design**
Master sign plans must describe and illustrate a consistent pattern of signage in the multi-tenant
development. All signs within the development must have at least 3 of the following design elements in
common:
A. Common colors on the background or text;
B. Common lettering style;
C. Common size (e.g., a height or wall location common to each sign);
D. Common materials.

8.9.4. **Sign Structure Color**
All sign cabinets, trim caps, returns and all sign supports such as poles and braces must be of a com-
mon color.

8.9.5. **Plan Approval and Amendments**
The community development director is authorized to approve master sign plans and amendments to
master sign plans.

**SEC. 8.10. NONCONFORMING SIGNS**

8.10.1. **Description**
A nonconforming sign is a sign that was lawfully established but that no longer complies with ap-
plicable zoning ordinance regulations because of the adoption or amendment of regulations after
the sign was established.

8.10.2. **General Regulations**
Nonconforming signs may continue subject to the following provisions:
1. Nonconforming signs must be maintained in good repair and safe condition. No permits may
   be issued for enlargements, structural upgrades or other modifications that would prolong
   the life of nonconforming signs.
2. If a sign is nonconforming by reason of restrictions on its brightness or illumination or its use
   of electronic display panel, strobe or beacon lights, the sign must be immediately removed or
   made to conform.
3. A window sign that is nonconforming by reason of restrictions on its sign area must be imme-
   diately removed or made to conform.
4. If a nonconforming sign is damaged or partially destroyed to the extent of more than 50% of
   its replacement cost at the time of damage, the sign must be removed or made to conform to
   all applicable regulations within 90 days of the date of the date of damage or destruction..

**Sec. 8.11. ABANDONED SIGNS**
Any sign that is located on property that becomes vacant and unoccupied for a period of 6 months or
more, or pertains to a time, event, or purpose that has passed or that no longer applies, is conclusi-
deemed to have been abandoned. Abandoned signs are prohibited, and the sign face must be removed or
replaced with clear or blank panels.

**Sec. 8.12. SIGN-RELATED DEFINITIONS AND RULES OF MEASUREMENT**

8.12.1. **Definitions**
A. **Sign:** Any writing (including letters, words or numerals), pictorial representation (including
   illustrations or decorations), emblem (including devices, symbols or trademarks), flag, banner,
   streamer, pennant, string of lights, or display calculated to attract the attention of the public or
   any other figure of similar character that:
1. Is a structure or any part thereof, or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground; and
2. Is used to announce, direct attention to, or advertise; and
3. Is located outside of a building, or if inside a building, is designed primarily to be visible from outside the building.

B. Sign area: See sign measurement rules in Sec. 8.12

C. Sign, off-premise advertising: A sign that directs attention to a business, product or activity available or conducted, at a location other than the zoning lot upon which such sign is located or that directs attention to a noncommercial message or idea not directly related to an activity conducted on such zoning lot.

D. Sign, awning: A sign located on a structure, made of cloth, metal, or other material attached to a building, such structure being erected so as to permit its being raised or retracted to a position against the building when not in use.

E. Sign, billboard: Same as “off-premise advertising sign.”

F. Sign, box (or cabinet): A sign that is printed on a plastic, acrylic or similar surface that is mounted on a cabinet or box-type frame that houses the light source and electrical equipment.

G. Sign, business: A sign that directs attention to a business or profession conducted upon, or to a commodity, service or entertainment sold or offered upon, the zoning lot upon which such sign is located.

H. Sign, campaign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local voting event.

I. Sign, canopy: A sign located on a structure, other than an awning, made of cloth, metal or other material with frames attached to a building, and supported by a frame or other device placed upon or affixed to the ground or sidewalk.

J. Sign, construction: A temporary sign erected on the premises on which construction is taking place, during the period of such construction.

K. Sign, flashing: A sign that emits a sudden or transient outburst of bright light; a flood of light briefly appearing and disappearing; as a flash; or one that repeats an unchanging light pattern of words, numerals or designs of constant brightness. For purposes of this ordinance, an electronic message display panel is not considered a flashing sign as long as it complies with the regulations of Sec. 8.7l.

L. Sign, freestanding (or ground): A sign that is completely or principally self-supported, independent of any building, and anchored in or upon the ground.

M. Sign, ground: Same as “sign, freestanding.”

N. Sign, illuminated: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

O. Sign, monument: Signs mounted on or supported by a decorative masonry, metal or natural stone base or alternative material approved by the community development director. Monument signs have a base that is flush with the ground or no more than 12 inches above the ground and a width (at the base) that is at least 75% of the width of the sign face.

P. Sign, nameplate: A small wall sign.

Q. Sign, pole: A freestanding sign over 4 feet in height that is not a monument sign.

R. Sign, portable: A sign that is not permanent, affixed to a building, structure, or the ground.

S. Sign, projecting: A sign that is attached to or supported by a building wall by more than 12
Sec. 8.12 Sign-Related Definitions and Rules of Measurement | ARTICLE 8 SIGNS

inches, with the sign faces perpendicular to such wall.

T. **Sign, public hearing notice:** A sign posed by the village that is intended to provide notice of a public hearing or meeting concerning a proposed rezoning, planned development or subdivision for the property on which the sign is posted.

U. **Sign, real estate:** A temporary sign displayed on property that is being actively marketed for sale or lease.

V. **Sign, roof:** A sign erected, constructed, or maintained in whole or in part upon the roof of a building or structure.

W. **Sign, temporary:** A sign constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

X. **Sign, wall:** A sign attached directly to the front wall, side wall or corner (exterior side) wall of a building with the sign face being effectively parallel to the wall and projecting not more than 12 inches from such wall.

Y. **Sign, window:** A sign that is visible from the exterior of a building or structure and that is permanently painted on a window or located within 12 inches of a window.

8.12.2. Measurements

A. **Sign Area**

1. **Signs Enclosed in Frames or Cabinets**
   The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

2. **Channel (individual) Letter Signs**
   a. The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements.
   b. Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter.

3. **Multi-Sided Signs**
   Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.

4. **Non-planar Signs**
   Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 vertical sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with greater than 4 polyhedron faces are prohibited.

B. **Sign Height**
   The height of a sign is measured as the vertical distance from curb level to the highest point of the sign.

C. **Nits (Brightness)**
   For the purpose of verifying compliance with maximum brightness level limits expressed in “nits,” brightness levels must be measured with the electronic message display panel set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.
D. Window Area

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area.

Figure 8-2. Area of Sign in Frame or Cabinet

Figure 8-3. Area of Individual Letter Signs

Figure 8-4. Multi-sided Sign

Figure 8-5. Non-planar Signs
Article 9. Site Design and Performance Standards

Sec. 9.1. Landscaping and Screening......................................................... 9-2
  9.1.1. Purpose......................................................................................... 9-2
  9.1.2. Applicability............................................................................... 9-2
  9.1.3. General Landscape Standards..................................................... 9-2
  9.1.4. Landscape Plan............................................................................. 9-4
  9.1.5. Landscape and Screening Requirements...................................... 9-5
  9.1.6. Completion Guarantee................................................................. 9-8
  9.1.7. Maintenance................................................................................ 9-8
  9.1.8. Plant List:.................................................................................... 9-8

Sec. 9.2. Fences ..................................................................................... 9-9
  9.2.1. General......................................................................................... 9-9
  9.2.2. Allowed Fence Heights and Locations........................................ 9-9

Sec. 9.3. Visibility Triangles ................................................................. 9-11
  9.3.1. Intersections............................................................................... 9-11
  9.3.2. Driveways.................................................................................... 9-11

Sec. 9.4. Outdoor Lighting ................................................................. 9-11
  9.4.1. Applicability............................................................................... 9-11
  9.4.2. Exceptions.................................................................................. 9-11
  9.4.3. General Regulations................................................................. 9-12
  9.4.4. Glare......................................................................................... 9-12
  9.4.5. Prohibited.................................................................................. 9-12
  9.4.6. Parking Lot Standards............................................................... 9-13
  9.4.7. Measuring Light Levels.............................................................. 9-13
  9.4.8. Exterior Lighting Plans.............................................................. 9-13

Sec. 9.5. Performance Standards...................................................... 9-14
  9.5.1. Applicability............................................................................... 9-14
  9.5.2. Noise.......................................................................................... 9-14
  9.5.3. Smoke and Emissions................................................................. 9-15
  9.5.4. Vibrations.................................................................................. 9-16
  9.5.5. Glare and Heat.......................................................................... 9-17
  9.5.6. Stormwater................................................................................. 9-17
Sec. 9.1. LANDSCAPING AND SCREENING

9.1.1. Purpose
The landscaping and screening regulations of this section are intended to:

A. Create and maintain an aesthetically appealing community character that minimizes the negative impacts of vehicular traffic, parking lots, etc., and that incorporates human-scale into the visual perception of the village;
B. Beautify the public way and mitigate the adverse effects on public streets and adjacent properties of noise, blowing dust and debris, water runoff and glare from motor vehicle headlights and parking area lighting;
C. Mitigate the impacts of high-intensity uses locating near lower intensity uses; and
D. Reduce topsoil erosion and stormwater runoff.

9.1.2. Applicability
A. The landscaping and screening regulations of this section apply to all new nonresidential (including mixed-use) developments and all multi-family developments (3 or more units per lot).
B. Detached houses and duplexes are exempt from the landscaping and screening regulations of this section.
C. Existing developments are exempt from the landscaping and screening regulations of this section, provided that a landscape plan showing the required landscape improvements for all areas of the site to be disturbed by proposed construction are required whenever one or more of the following occurs:
   1. When any new principal building is constructed on the site.
   2. When any addition to a principal building is constructed that increases its gross floor area by 25% or more.
   3. When an existing parking lot or drive-in facility is reconstructed, such that the reconstructed area exceeds 25% of the initial paved surface area, including access driveways. Resurfacing, sealing or restriping of an existing parking lot or drive-in that does not entail reconstruction of existing asphalt or concrete is not subject to this requirement. If meeting the landscape requirements reduces the number of parking spaces that can be accommodated, the community development director is authorized to reduce the subject use’s off-street parking requirements in order to accommodate the required landscaping.
   4. When remodeling, redevelopment or reconstruction is proposed on nonresidential property that would expand existing gross floor area of the lot's structure by less than 25%, only the portion of the site where the expansion is located is subject to the landscaping and screening regulations of this section.

9.1.3. General Landscape Standards
A. General Guide
   Required landscaping and screening must be selected, measured, installed, and maintained in accordance with the American Standards for Nursery Stock, ANZI Z60.1, published by the American Nursery and Landscape Association (www.anla.org).
B. Tree Mix
   If more than 8 trees are required, no more than 40% may be of a single species. If more than 25 trees are required, no more than 25% may be of a single species. This requirement applies to trees being planted, but not to existing trees.
C. Existing Vegetation
   1. Existing vegetation may be used to satisfy the landscaping and screening requirements of this ordinance if protected and maintained during site development and construction phases of work and if such trees or plants are not otherwise prohibited.
   2. Preserved trees will be credited toward satisfying the tree planting requirements of this ordinance if they meet applicable size requirements. Trees up to 6 inches in diameter at breast height will be credited on a 1:1 basis. In order to encourage the preservation of existing mature trees, existing trees larger than 6 inches in diameter at breast height, up to 12 inches in diameter at breast height will be credited at a ratio of 2:1. Trees that are more than 12 inches in diameter at breast height will be credited at a ratio of 3:1.

D. Plant Selection
   Plants must be healthy, free of insects and diseases and physical damage (e.g., bark bruises, cracked branches). The use of native or naturalized species (to northeastern Illinois) is encouraged. The community development director is authorized to prepare and make available to the public a list of prohibited and preferred trees and plants. Additionally, plant selection should be based on all of the following factors:
   1. Climate hardiness of plant material;
   2. Disease and pest resistance and stress tolerance;
   3. Year-round screening ability, particularly in those areas where plants will be used to provide visual screening for residential uses.

E. Minimum Plant Size
   Unless otherwise expressly stated, plants must comply with the following minimum size requirements at the time of installation:
   1. Canopy trees in a parkway: 1.5-inch caliper.
   2. Canopy trees not in a parkway: 2.5-inch caliper.
   3. Evergreen trees: 8 feet in height.
   4. Ornamental trees, single trunk: 2-inch caliper.
   7. Small shrubs: 18 inches in height.

F. Sod, Topsoil, and Seeding
   Parkway landscaping must be installed in topsoil with a minimum depth of 4 inches and include sod or ground cover plants. All seeded area must be Class 1A seeding mixture.

G. Energy Conservation
   1. Deciduous trees that are sun-tolerant should be placed on the south and west sides of buildings to provide shade.
   2. Evergreens and other shade-tolerant plants should be concentrated on the north side of buildings to dissipate the effect of winter winds.

H. Installation
   1. When necessary, trees must be staked to ensure they will be straight.
   2. The species identifying labels must remain on the tree until species verification is completed by the village. Other tags, wires, plastic ties and wire baskets must be removed from trees.
   3. Wrapping of trees must be done immediately after they are planted.
I. Mulching
All trees and shrubs must be mulched with a minimum of a 3 inches of shredded bark, wood chips, or other organic mulch. All perennial, annual, or groundcover beds must be mulched with a minimum of a 2 inches of shredded bark, wood chips, or other organic mulch.

J. Nonliving Landscaping Materials
Nonliving landscaping materials (e.g., sand, stone, rock or bark) may be substituted for living cover over up to 30% of the landscaped area. Artificial plants and artificial turf may not be used to satisfy landscaping and screening requirements.

K. Fire Hydrant Clearance
A minimum 4-foot clear area around all fire hydrants is required and there must be unobstructed access to the large “steamer” port side of any fire hydrant.

L. Fire Department Connections
All fire department connections must remain free from obstruction.

M. Fire Alarm Warning Device
No obstructions to the sight lines of any exterior fire alarm warning device (bells, strobes, etc.) are permitted.

N. Rejection of Materials
The community development director is authorized to reject plant material that does not comply with the specification, and all rejected plant material shall be immediately removed from the site by the contractor. The village will not assume any responsibility for such rejected material.

9.1.4. Landscape Plan
A. Landscape Plan Required
A landscape plan must be submitted and approved for all projects requiring site plan review. No permit for work, including site plan approval, may be issued until a landscape plan has been approved by the community development director.

B. Content of Landscape Plan
Unless waived by the community development director, all landscape plans must be sealed by a state-registered landscape architect and include the following information:
1. Title block including the name and street address of the project;
2. North arrow, scale, date of plan and any subsequent revisions, name and address of owner and site plan designer;
3. Property lines;
4. Zoning and use of all abutting properties;
5. Dimensions of landscaped areas;
6. The location and dimensions of all existing and proposed buildings, structures, parking lots and driveways, roads and rights-of-way, loading areas, sidewalks, bicycle paths, ground signs, refuse disposal areas, fences, free-standing electrical equipment, light fixtures, other surface utility structures, and other free-standing structural features as determined by the community development department, tot lots and other recreational facilities, setbacks and easements;
7. Proposed locations of stormwater inlets, valve vaults, hose bibs, manholes, hydrants, fire department Siamese connections, and other structural features as determined necessary by the community development director;
8. Existing and proposed contours at one-foot contour intervals;
9. The location, extent and general elevations of all detention and retention areas and drainage-ways;
10. The location, quantity, size, root ball condition (e.g., B/B or potted) and both scientific and common names of all proposed plant materials, the on-center spacing for hedges;
11. Specification of the type, boundaries, size and spacing of all proposed ground cover, turf and method of installation including grass seed mixes;
12. Typical planting details for trees, shrubs, ground covers, etc;
13. The designation, location, type and size of all existing trees with a diameter at breast height of 4 inches or more, including all trees to be preserved or removed;
14. Details of all proposed fences and walls;
15. Elevations, cross-sections and other construction details required by the community development department; and
16. Existing and proposed stormwater management ponds and areas.

9.1.5. Landscape and Screening Requirements

A. General
All areas of the site that are not paved must be landscaped with trees, shrubs, flowers, ground cover and/or grass to control water runoff, restrict blowing trash and litter, and deter improper or unsafe site access.

B. Parkway Trees
Parkway trees must be provided in accordance with Chapter 21, Article III of the village code.

C. Perimeter Landscaping
Perimeter landscape buffers must be provided in accordance with the following requirements:

1. Abutting RS or RD Zoning
When nonresidential or multi-family residential development occurs on property abutting any RS or RD district, a landscape buffer with a minimum width of 10 feet must be provided within the required setback. Landscaping must be provided within the required buffer as follows:
   a. A solid screen at least 6 feet in height must be provided along the entire length of the abutting property line. Such screen must consist of a solid wood fence, berm, trees, evergreens, shrubbery, or other live plant materials that provide complete (100%) visual screening.
   b. Shade trees must be provided at the rate of at least one tree per 50 feet of frontage along the abutting property line.
   c. Ornamental trees must be provided at the rate of at least one tree per 25 feet of frontage along the abutting property line.
   d. Shrubs must be provided at the rate of at least one shrub per 20 feet of frontage along the abutting property line.

2. Abutting Nonresidential or RM Zoning
When nonresidential or multi-family residential development occurs on property abutting any nonresidential or RM district, landscaping must be provided as follows:
   a. Shade trees must be provided at the rate of at least one tree per 50 feet of frontage along the abutting property line.
   b. Other landscaping materials, including berms, ornamental trees, evergreens, shrubbery, hedges, or other live plant materials must be provided along at least 30% of the abutting property line.
3. **Foundation Landscaping**
   
   No foundation landscaping is required for buildings built on a lot line; buildings in MX-1, MX-2, and MX-3 districts, or for areas where there is no public access. Otherwise, foundation landscaping is required as follows:
   
   a. Foundation landscaping must be provided in the form of a continuous 5-foot (minimum) landscape area around the full perimeter of the building, excluding pedestrian and vehicle access points. The foundation landscape area may not be reduced by more than 50% to accommodate pedestrian and vehicle access points.
   
   b. Foundation landscape areas must be 100% planted along the front, 50% planted along each side and 25% planted in the rear.
   
   c. Plantings must include a combination of trees, shrubs, perennials and ground covers that enhance the building's architecture, soften its mass and break up blank walls. Turf grass may not be counted as part of the required foundation planted area. Remaining areas not planted must be vegetated with sod or seed and blanket.

D. **Parking Lot Perimeter Landscaping.**

   The perimeter of all parking lots containing 6 or more vehicle parking spaces must comply with the parking lot perimeter landscaping regulations of this section.

1. **Street Yards**
   
   All open off-street parking areas must be separated from a public right-of-way with a minimum 7-foot wide buffer area, planted as follows:
   
   a. When a parking lot is located in or abutting a street yard in an RS or RD district, continuous landscaping must be provided across 100% of the parking lot frontage to a minimum height of 3 feet. Such landscaping must consist of hedges, or other live plant material. At least 50% of plantings must be evergreens.
   
   b. When a parking lot is located in or abutting a street yard in a RM or nonresidential district, continuous landscaping must be provided across 60% of the parking lot frontage to a minimum height of 3 feet. Such landscaping must consist of berms, shade or ornamental trees, evergreens, shrubbery, hedges or other live plant material. At least 50% of plantings must be evergreens.

2. **Rear and Side Yards**
   
   a. When a parking lot is located in an interior yard abutting an RS or RD district, a minimum 10-foot landscape buffer must be provided within the required setback. Landscaping must be provided within the buffer as follows:
      
      i. A solid screen at least 6 feet in height must be provided along the entire length of the abutting property line. Such screen must consist of a solid wood fence, berms, trees, evergreens, shrubbery, or other live plant materials, necessary to provide complete (100%) visual screening.
      
      ii. Shade trees must be provided at the rate of at least one tree per 50 feet of frontage along the abutting property line.
      
      iii. Ornamental trees must be provided at the rate of at least one tree per 25 feet of frontage along the abutting property line.
      
      iv. Shrubs must be provided at the rate of at least one shrub per 20 feet of frontage along the abutting property line.

   b. Where a parking lot is located in a yard adjacent to an RM or nonresidential district, a minimum 5-foot landscape buffer must be provided within the required setback. Landscaping
must be provided across at least 50% of that portion of the parking lot abutting the property line to a minimum height of 3 feet. Such landscaping must consist of a combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, or other live plant materials.

E. **Interior Parking Lot Landscaping**
   All parking lots containing 20 or more spaces must comply with the interior parking lot landscaping regulations of this section
   1. Parking lots must contain at least one landscape island for every 20 parking spaces.
   2. Landscape islands must be located at the end of every row of parking and include a plantable area with dimensions of at least 9 feet by 18 feet for single rows and at least 9 feet by 36 feet for double rows.
   3. In addition to landscape islands at the end of parking rows, at least one additional in-row landscape island must be provided for every 20 parking spaces within a parking row.
   4. Landscape islands must contain at least one deciduous shade tree for single-row islands and 2 deciduous shade trees for double islands.
   5. In addition to required shade trees, all islands must be fully sodded, seeded (with erosion blanket) or planted with low shrubs, perennials or ground cover and maintained at a maximum height of 30 inches.

F. **Loading Areas**
   All outside loading or storage areas visible from any abutting property or public right-of-way must be permanently screened. Screening must be provided by a minimum 6-foot tall solid, commercial-grade wood fence or wall, or a combination berm and dense evergreen tree planting at least 8 feet in height at the time of planting.

G. **Alternative Parking Lot Landscaping**
   As an alternative to traditional parking lot design, lots that use low-impact design (green infrastructure) techniques to slow water runoff, increase infiltration and improve water quality are permitted and encouraged. These parking lots must be properly designed, graded and planted utilizing “best management practices” outlined in the DuPage County Stormwater and Floodplain Ordinance. Vegetation must be established using a combination of seeding and plugs.

H. **Refuse Enclosures and Other Accessory Uses/Structures**
   1. **Refuse Disposal and Recycling Areas**
      a. No refuse or recycling containers may be located between any principal structure and its street lot line. All refuse disposal, recycling and grease storage containers must be screened on 3 sides by a masonry or concrete wall constructed with materials that are similar to the principal building to a height of at least 6 feet and with a solid, single or double access gate on one side only and situated so that, to the greatest extent possible, it does not face an abutting property or public right-of-way. The enclosure must be used solely for the confinement of refuse, recycling and grease containers and may not be used for the outside storage of any other materials or equipment. No material is permitted to accumulate so that it is visible above the height of the enclosure.
      b. The community development director is authorized to permit refuse or recycling containers screening to be constructed of a minimum 6-foot tall solid wood fence combined with landscape screening that will grow to a height of at least 4 feet in cases where the director determines that the screening required by paragraph “a” would be impossible or impractical due to site-specific constraints.
   2. **Utility Equipment and Ground-Level Mechanical Equipment**
      All equipment visible from any abutting lot or public right-of-way must be permanently
screened by dense deciduous or evergreen plantings that are at least the height of the equipment being screened. Plant material must be carefully arranged to provide maintenance and meter access while maintaining the required opacity.

3. **Rooftop Mechanical Equipment**
   Except for antennas mounted on roofs pursuant to the provisions of this ordinance, all mechanical equipment located on the roof must be completely (100%) screened by a parapet wall or other screening structure constructed of the same materials as, or materials architecturally and aesthetically compatible with, the principal building facade to at least the height of such equipment.

I. **Outdoor Storage Screening Requirements**
   Where outdoor storage is permitted, the following regulations apply:
   1. Outside storage may not exceed 6 feet in height.
   2. Outdoor storage must be screened by a solid, commercial-grade fence or wall with a height of at least 6 feet. The outdoor storage area must be located so that, to the greatest extent possible, it is not visible from abutting property or public right-of-way.
   3. Outdoor storage is not permitted in street yards and must be at least 10 feet from the nearest property line, except abutting a residential district in which case it must be at least 30 feet from the nearest property line.

9.1.6. **Completion Guarantee**
   All required landscaping and screening materials shown on the approved landscape plan must be installed before the issuance of an occupancy permit. In periods of weather conditions adverse to planting the landscaping materials, a temporary occupancy permit may be issued prior to installation of landscaping and screening if a cash security of at least 50% of the value of the landscaping is provided to the village, which must be returned upon completion and final inspection and approval of the required landscaping and screening improvements.

9.1.7. **Maintenance**
   A. **Responsibility**
      The owner of the premises, and any lessee, are jointly and severally responsible for maintaining, repairing and replacing all landscape materials and other improvements shown on the approved landscape plan over the entire life of the development. Any plant materials such as shrubs, trees and ground covers that die, are in decline, or supporting less than 50% healthy leaf growth must be replaced in compliance with the approved landscape plan. The same maintenance requirements apply to those properties without an approved landscape plan on file.
   
   B. **Watering Plant Material**
      A permanent means to water plant material, such as hose bibs or an underground irrigation system, must be provided.
   
   C. **Screening**
      All screening, including fences, walls and landscaping must be protected from damage by motor vehicles, pedestrians, snow, or salt that could reduce the effectiveness of the screening.

9.1.8. **Plant List:**
   The community development director is authorized to establish a permitted, preferred and prohibited plant list.
Sec. 9.2 Fences | ARTICLE 9 SITE DESIGN AND PERFORMANCE STANDARDS

SEC. 9.2. FENCES

9.2.1. General

A. Applicability
The fence regulations of this section apply to all fences unless otherwise expressly stated.

B. Exemptions
Open mesh-type fences enclosing school sites, park and recreation uses, utility and public service uses or industrial uses are exempt from the fence regulations of this section.

C. Permits Required
A fence permit is required from the community development department before the construction or erection of any fence or required screening.

D. Installation
The finished side of all fences (i.e., the side of the fence without posts or visual structural support elements) must face outward, toward the abutting lot or right-of-way.

E. Fences in Easements
Fences may be constructed in utility easements and easements granted to the village if the property owner acknowledges in a form approved by the village attorney that the village and its agents have the right to remove the fence at any time in order to repair, maintain or inspect the easement. The village is authorized to remove fences in easements without notifying the property owner, but the village must attempt to provide advance notice to the property owner if practical. The property owner is solely responsible for all expenses for repair, replacement, or damage to the fence within the easement as a result of either the fence removal or the repair, maintenance or inspection of improvements. The village has no liability whatsoever in connection with fences placed in easements. No fence permit may be issued if construction of the proposed fence will create an obstruction to the natural flow of water within any drainage easement.

F. Barbed Wire
No fence may contain any barbed wire or be designed, constructed, or installed to cause injury to any person, except in industrial districts or as approved through the special use process. Barbed wire may be installed in M zoning districts, provided that the lowest portion is at least 8 feet above grade. The barbed wire regulations of this paragraph do not apply to village-owned property.

9.2.2. Allowed Fence Heights and Locations
Maximum allowed fence heights depend on the type of fence and its location, as indicated in Table 9-1.

<table>
<thead>
<tr>
<th>Yard Type</th>
<th>Fence Type</th>
<th>Maximum Fence Height (feet) [1]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Interior Lots</td>
</tr>
<tr>
<td>Front</td>
<td>Solid Fence</td>
<td>3</td>
</tr>
<tr>
<td>Exterior Side</td>
<td>Solid Fence</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Open Fence</td>
<td>NA</td>
</tr>
<tr>
<td>Interior Side [3]</td>
<td>Solid or Open Fence</td>
<td>6</td>
</tr>
<tr>
<td>Rear</td>
<td>Solid or Open Fence</td>
<td>6</td>
</tr>
</tbody>
</table>

[1] Fence posts and ornamental post caps may extend above the maximum fence height by up to 6 inches.
[2] Fences up to 6 feet in height are allowed in yards abutting Route 83, between Park Avenue and Madison Ave.
[3] Fences in interior side yards may not extend closer to any street than the front of the principal structure.
Article 9 Site Design and Performance Standards | Sec. 9.3 Visibility Triangles

Figure 9-1. Interior Lot

Figure 9-2. Corner Lot

Figure 9-3. Interior Through Lot

Figure 9-4. Corner Through Lot
Sec. 9.3. VISIBILITY TRIANGLES

9.3.1. Intersections
On corner lots in all zoning districts, except C-1, C-2, MX-1, MX-2, and MX-3, nothing may be erected, placed, planted, or allowed to grow between a height of 3 feet and 10 feet above grade within the required intersection visibility triangle, which is formed by 2 lines that begin at the point of intersection of the subject lot's street lots lines and extend for a distance of 20 feet along each street lot line and a third connecting line that forms the triangle (see Figure 9-5). Any plantings or other vegetation located within or overhanging this intersection visibility triangle must be at all times trimmed, maintained or removed to maintain clear visibility between a height of 3 feet and 10 feet above grade.

9.3.2. Driveways
Solid fences and other visual obstructions exceeding 3 feet in height are prohibited within driveway visibility triangles. Driveway visibility triangles are required along both sides of driveways. The triangles are formed as follows:

A. One side of the triangle extends from the intersection of the street and the driveway edge for a distance of 10 feet along the lot line abutting the street.
B. The second side of the triangle extends from the intersection of the street and the property line for a distance of 10 feet inward from the lot line along the driveway edge.
C. The third side of the triangle connects the other 2 sides (see Figure 9-6).

Figure 9-5. Intersection Visibility Triangle

Figure 9-6. Driveway Visibility Triangle

9.4.1. Applicability
Except as otherwise expressly stated, the outdoor lighting regulations of this section apply to all new installations and all replacements of existing outdoor lighting in the village.

9.4.2. Exceptions
A. Because of their unique requirement for nighttime visibility and their limited hours of operation, municipal facilities, ball diamonds, playing fields, tennis courts, and other outdoor recreational facilities are exempt from the outdoor lighting regulations of this section. Lighting for outdoor recreational facilities must be shielded to minimize light and glare from spilling onto adjacent residential properties.
B. Traditional holiday lighting is exempt from outdoor lighting regulations of this section, provided the lighting is reasonable, limited to a power rating of no more than 75 watts and does not constitute a public safety hazard or nuisance.

C. Transportation facilities are exempt from the outdoor lighting regulations of this section.

D. When site characteristics are unique and the outdoor lighting regulations of this section cannot be met, the community development director is authorized to approve alternative lighting designs if the illumination levels and/or uniformity ratios are within 20% of the values set forth in this section.

E. A higher intensity of illumination in a safety or security problem area as defined by the chief of police may be authorized by the community development director.

F. Lighting installed and maintained within a public right-of-way, lighting used in conjunction with public safety operations, or hazard or warning lights required by a governmental agency are exempt from the outdoor lighting regulations of this section.

G. Sign illumination is exempt from the outdoor lighting regulations of this section.

9.4.3. General Regulations

A. The style of the light and light standard must be consistent with the architectural style of the principal building.

B. Security lighting must be placed at building entranceways and building access areas.

C. All building lighting for security or aesthetics must include glare controls and be shielded.

D. Floodlighting is discouraged, and if used, must be shielded to prevent glare for drivers or pedestrians, light trespass beyond the property line, and light above a 90 degree horizontal plane.

E. Wallpack type fixtures are prohibited.

F. All parking area lighting must include glare controls and be shielded.

G. Light poles must be located where they do not create hazards for pedestrians or vehicles.

H. The illuminated face of all fixtures must be parallel to the ground. Tilted fixtures are prohibited.

I. The maximum height of a luminaire may not exceed 25 feet, as measured from the ground directly below the centerline of the luminaire to the top of the pole or luminaire, whichever is higher.

9.4.4. Glare

No exterior lighting may be maintained on a lot so as to shine into, or upon, any other lot or any right-of-way with an intensity great enough to reduce a viewer's ability to see, or to cause momentary blindness or to create a nuisance on adjacent property. Sources of light (the bulb) must be directed, shaded, shielded, or otherwise located to minimize perceived glare on adjacent properties and streets.

<table>
<thead>
<tr>
<th>Use/Location/Adjacency</th>
<th>Maximum Footcandles at Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential to Residential</td>
<td>0.2</td>
</tr>
<tr>
<td>Nonresidential to Residential</td>
<td>0.2</td>
</tr>
<tr>
<td>Nonresidential to Nonresidential</td>
<td>0.5</td>
</tr>
<tr>
<td>Abutting ROW</td>
<td>0.5</td>
</tr>
<tr>
<td>M District</td>
<td>0.5</td>
</tr>
</tbody>
</table>

9.4.5. Prohibited

The following are expressly prohibited:
A. Exterior lighting used in a manner that could interfere with the safe movement of motor vehicles on public streets and alleys.

B. Any light that could be confused with, or construed as, a traffic control device, unless authorized by state, federal, city or county government.

C. High-pressure sodium lamps are prohibited.

D. Blinking, flashing, moving, revolving, fluttering, flickering, oscillating, scintillating, changing light intensity, brightness and changing color lights shall be prohibited, except for temporary holiday displays, lighting for public safety or traffic control, or lighting required by the FAA or other governmental agency for air traffic control and warning purposes.

9.4.6. Parking Lot Standards

Notwithstanding the other outdoor lighting regulations of this section, all uses required by this zoning ordinance to provide 6 or more parking spaces or one or more loading spaces, must provide lighting facilities to illuminate all parking spaces, aisles and loading spaces in accordance with the following requirements:

A. Parking lot lighting must be provided to a minimum intensity of 2.0 footcandles during all times that the parking lot is open for general use.

B. The horizontal illumination at the property line adjacent to or across from detached or attached single-family residential zoned properties may not exceed 0.2 footcandles.

9.4.7. Measuring Light Levels

Footcandle horizontal measurements must be taken at a height of 3.5 feet above ground. Light level measurement must be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or impractical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements must be made after dark with the light sources in question on, then with the same light sources off. The difference between the 2 readings must then be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light. Light levels are specified, calculated and measured in footcandles (fc). All fc values are maintained footcandles unless specified otherwise.

9.4.8. Exterior Lighting Plans

A lighting plan must be prepared any time exterior lighting is proposed, or modified, that is associated with a multi-family residential use or with any commercial, office, industrial or other nonresidential use. The lighting plan must be submitted with the site plan or independently if a site plan is not required. All lighting plans are subject to approval by the community development director. The lighting plan must include:

A. A site plan indicating location of light fixtures by style on the site.

B. Identification of all proposed light fixtures, including those used for site lighting, canopy lighting and exterior building lighting.

C. Cut sheet of each proposed light style. All styles (ground, sign, wall, pole, recessed can, bollard) of lights proposed on the building and site must be identified. Catalog cut sheets for the proposed light poles, fixtures and any exterior control equipment.

D. The type of refractor, louver, or side shield to cut off direct light to adjacent properties. On all nonresidential and multifamily uses, the shield must cover the top and sides to completely block passage of light and must extend downward vertically below the lowest point of the illumination source.
E. Lamp type. Incandescent, quartz-halogen, fluorescent, low-pressure sodium, mercury vapor, metal halide, or approved equal.

F. Lamp wattage.

G. Pole height.

H. Photometric plan prepared by a professional lighting consultant. The photometric plan must show a grid of individual illumination values and accurately indicate the level of illumination at all property lines and 5 feet beyond the property line, based on all proposed light fixtures.

I. A summary table containing average footcandles, minimum footcandles, maximum footcandles, uniformity ratio (average/minimum), footcandles at the property line, pole height, and light loss factor (LLF).

J. The lighting plan must also contain a certification by the property owner and the preparer of the plan that the exterior lighting depicted on the plan complies with the outdoor lighting regulations of this section.

K. Once the plan is approved, the exterior lighting of the property must conform to the plan. If the outdoor lighting as installed does not comply with this section, the owner must make those revisions necessary to bring the lighting plan into conformance.

L. Identification of all proposed control equipment, conduit and wiring, including material, size and location.

M. Construction details of the pole, pole foundation, electrical trench with warning tape and pole wiring.

Sec. 9.5. PERFORMANCE STANDARDS

9.5.1. Applicability
All buildings, structures and uses are subject to the performance standards of this section.

9.5.2. Noise
A. Any use established in an M district must be operated to comply with the noise standards of this section.

B. Existing uses may not be altered or modified in a way that would conflict with, or be in greater conflict with, the noise standards of this section.

C. All sounds of an intermittent nature must be controlled so as not to become a nuisance to adjacent use.

D. Sound levels must be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

E. At no point on the boundary of an R, O, C or MX district may the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in Table 9-3.
Table 9-3: Maximum Permitted Sound Levels

<table>
<thead>
<tr>
<th>Octave Band</th>
<th>Maximum Permitted Sound Level (decibels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency (cycles per second)</td>
<td>Along R District Boundary</td>
</tr>
<tr>
<td>0 to 75</td>
<td>72</td>
</tr>
<tr>
<td>76 to 150</td>
<td>67</td>
</tr>
<tr>
<td>151 to 300</td>
<td>59</td>
</tr>
<tr>
<td>301 to 600</td>
<td>52</td>
</tr>
<tr>
<td>601 to 1,200</td>
<td>46</td>
</tr>
<tr>
<td>1,201 to 2,400</td>
<td>40</td>
</tr>
<tr>
<td>2,401 to 4,800</td>
<td>34</td>
</tr>
<tr>
<td>4,801 and above</td>
<td>32</td>
</tr>
</tbody>
</table>

9.5.3. Smoke and Emissions

A. Any use established must be operated to comply with smoke and emission standards of this section.

B. Existing uses may not be altered or modified in a way that would conflict with, or be in greater conflict with, the smoke and emission standards of this section.

C. In addition to smoke and emission standards of this section, the emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare is hereby declared to be a public nuisance and unlawful.

D. For the purpose of grading the density of smoke, the Ringelmann Chart published and used by the United States Bureau of Mines must be employed. The emission of smoke or particulate matter of a density greater than No. 1 on the Ringelmann Chart is prohibited at all times except as otherwise expressly stated.

E. The emission, from all sources within any lot area, of particulate matter containing more than 10% by weight of particles having a particle diameter larger than 44 microns is prohibited.

F. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries must be kept to a minimum by appropriate landscaping, paving, oiling, fencing or acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified in this section is prohibited.

G. The emission of more than 10 smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 1. However, during a single one-hour period in each 24-hour day, each stack may emit up to 20 smoke units when blowing soot or cleaning fires. Only during fire-cleaning periods, however, is smoke of Ringelmann No. 3 permitted, and then for not more than 4 minutes.

H. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one pound per acre of lot area during any one hour, after deducting from the gross hourly emission per acre the correction factors set forth in Table 9-4, Table 9-5 and Table 9-6. Determination of the total net rate of emission of particulate matter within the boundaries of any lot must be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area—thereby obtaining the gross hourly rate of emission in pounds per acre.

2. From each gross hourly rate of emission, deduct the appropriate correction factor for height, velocity and temperature, as forth in Table 9-4, Table 9-5 and Table 9-6, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
3. Add together the individual net rates of emission, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total may not exceed one pound per acre of lot area during any one hour.

**Table 9-4: Height of Emissions**

<table>
<thead>
<tr>
<th>Exit Velocity (feet per second)</th>
<th>Correction (lbs per hour per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>0.01</td>
</tr>
<tr>
<td>100</td>
<td>0.06</td>
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<tr>
<td>150</td>
<td>0.10</td>
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<tr>
<td>200</td>
<td>0.16</td>
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<tr>
<td>300</td>
<td>0.30</td>
</tr>
<tr>
<td>400</td>
<td>0.50</td>
</tr>
</tbody>
</table>

*Interpolate for intermediate values not shown in table.

**Table 9-5: Velocity of Emissions**

<table>
<thead>
<tr>
<th>Exit Velocity (feet per second)</th>
<th>Correction (lbs per hour per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>20</td>
<td>0.03</td>
</tr>
<tr>
<td>40</td>
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<td>60</td>
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<tr>
<td>80</td>
<td>0.24</td>
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<tr>
<td>100</td>
<td>0.50</td>
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</tbody>
</table>

*Interpolate for intermediate values not shown in table.

**Table 9-6: Temperature of Emissions**

<table>
<thead>
<tr>
<th>Exit Velocity (feet per second)</th>
<th>Correction (lbs per hour per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200</td>
<td>0</td>
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<tr>
<td>300</td>
<td>0.001</td>
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<td>400</td>
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</tr>
<tr>
<td>500</td>
<td>0.003</td>
</tr>
<tr>
<td>1,000</td>
<td>0.010</td>
</tr>
<tr>
<td>1,500</td>
<td>0.040</td>
</tr>
<tr>
<td>2,000</td>
<td>0.100</td>
</tr>
</tbody>
</table>

*Interpolate for intermediate values not shown in table.

9.5.4. Vibrations

No operation or activity may cause at any time ground transmitted vibrations in excess of the limits established in this section and may not in any event create earth-shaking vibrations beyond the property line of a magnitude such as to be a nuisance or hazard to any person or other property. Vibration (the periodic displacement, measured in inches, of earth) must be measured at any point along a R, O, C or MX district boundary line with a 3-component measuring instrument and must be expressed as displacement in inches, and may not exceed the maximum vibration limits established in Table 9-7.

**Table 9-7: Maximum Vibration**

<table>
<thead>
<tr>
<th>Frequency (cycles per second)</th>
<th>Maximum Displacement Beyond Property Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 10</td>
<td>0.0008</td>
</tr>
<tr>
<td>10.01 to 20</td>
<td>0.0005</td>
</tr>
<tr>
<td>20.01 to 30</td>
<td>0.0002</td>
</tr>
<tr>
<td>30.01 to 40</td>
<td>0.0002</td>
</tr>
<tr>
<td>over 40</td>
<td>0.0001</td>
</tr>
</tbody>
</table>
9.5.5. Glare and Heat
All operations or illumination producing intense glare or heat must be performed within a completely enclosed building and in a manner that does not create a public nuisance or hazard at any location beyond lot lines of the subject property.

9.5.6. Stormwater
Adequate provisions must be made for the disposal of stormwater consistent with Section 18-104 Changing Lot Elevation and Grades; Obstructing Drainage, and Appendix D of the Village of Villa Park Municipal Ordinance.
Article 10. Wireless Telecommunications Facilities

Sec. 10.1. Applicability ..............................................................10-2
Sec. 10.2. Where Allowed ............................................................10-2
Sec. 10.3. Applications Generally ............................................10-2
Sec. 10.4. Applications for New Towers .....................................10-3
Sec. 10.5. Review and Approval Procedures ...............................10-3
  10.5.1. Small Wireless Facilities ..............................................10-3
  10.5.2. Other Wireless Telecommunications Facilities .............10-4
  10.5.3. Notice to Applicant .....................................................10-4
Sec. 10.6. Design Requirements ...............................................10-4
  10.6.1. New and Modified Towers .........................................10-4
  10.6.2. Other Wireless Telecommunications Facilities .............10-5
Sec. 10.7. Variations, Appeals and Regulatory Relief ....................10-6
Sec. 10.8. Definitions ...............................................................10-6
Sec. 10.1. APPLICABILITY
The provisions of this article apply to all wireless telecommunications facilities located outside of the public right-of-way unless otherwise expressly indicated. See village code section 13-1125 for regulations governing small cell wireless communications facilities within the public right-of-way.

Sec. 10.2. WHERE ALLOWED
Wireless telecommunications facilities and services are allowed in those zoning districts and locations indicated in Table 10-1.

Table 10-1: Zoning for Wireless Telecommunications Facilities

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>RS-10</th>
<th>RS-7.5</th>
<th>RD-7.5</th>
<th>RM-9</th>
<th>O-R</th>
<th>C-1</th>
<th>C-2</th>
<th>C-3</th>
<th>MX-1</th>
<th>MX-2</th>
<th>MX-3</th>
<th>MX-T</th>
<th>MX-R</th>
<th>M-1</th>
<th>M-2</th>
<th>PI-1</th>
<th>PI-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>New tower</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Initial placement/installation of transmission equipment on wireless support structure</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Modification of existing tower/base station that constitutes a substantial change</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Construction/placement of transmission equipment that does not constitute an eligible facilities request</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Siting of small wireless facility on RS-zoned property occupied by a single household</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Installation of new wireless support structure on RS-zoned property occupied by a single household</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Eligible facilities request</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Installation of new wireless support structure not on RS-zoned property occupied by single household</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
</tr>
<tr>
<td>Siting of small wireless facility that is not on RS-zoned property occupied by single household</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Siting of small wireless facility on a village-owned structure</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

Facilities identified with an “S” are permitted as-of-right in the subject zoning district.
Facilities identified with an “O” may be allowed in the subject zoning district only if reviewed and approved in accordance with the special use procedures of Sec. 11.4.
Facilities identified with an “–” are prohibited

SEC. 10.3. APPLICATIONS GENERALLY

10.3.1. Every applicant shall file a completed application with the community development director, in a number and form specified by the community development director.

10.3.2. Applications shall not require or be evaluated based upon:

A. Except as provided in Sec. 10.4, information about an applicant's business decisions with respect to the applicant's designed service, customer demand for service, or quality of the applicant's service to or from a particular area or site;
B. Availability of other potential locations for the placement or construction of a tower or transmission equipment;
C. Except as provided in Sec. 10.4, other options for collocation instead of the construction of a new tower or modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station; however, applicants are encouraged to consider collocation options prior to submitting an application;
D. The requirement for removal of existing towers, base stations, or transmission equipment, wherever located, other than requirements stated in policy approved by village board resolution for removal of abandoned towers or transmission equipment;

E. Surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused towers or transmission equipment can be removed, other than requirements stated in policy approved by village board resolution that are competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned;

F. Applicant's agreement to provide space on or near the tower, base station, or wireless support structure for the village or for other local governmental or nongovernmental services at less than the market rate for such space or to provide other services via the structure or facilities at less than the market rate for such services;

G. Environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded under FCC rules for radio frequency emissions pursuant to 47 CFR 1.1307(b)(1);

H. Regulations or procedures for radio frequency signal strength or the adequacy of service quality; or

I. Perceived or alleged environmental effects of radio frequency emissions, as provided in 47 USC 332(c)(7)(B)(iv).

10.3.3. The village shall not deny an application due to the type of transmission equipment or technology to be used by the applicant, or preference for type of infrastructure or technology; and shall not prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

10.3.4. Applications shall remain valid for a period of 2 years from the date of final approval, including disposition of any appeals. Construction of approved structures or facilities shall be commenced within 2 years of final application approval and diligently pursued to completion.

SEC. 10.4. APPLICATIONS FOR NEW TOWERS
In addition to the general application requirements of Sec. 10.3, applications for new towers must include the following:

10.4.1. An explanation of the reason for choosing the proposed location and why collocation was not selected, including a sworn statement from an individual with responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant; and

10.4.2. Propagation maps, to be used solely for the purpose of identifying the location of the coverage or capacity gap or need for applications for new towers in an area zoned for residential use. Such maps are to be used for no other purpose.

Sec. 10.5. REVIEW AND APPROVAL PROCEDURES

10.5.1. Small Wireless Facilities
Applications for small wireless facilities shall be processed as follows:

A. Within 90 days following the submission of a completed application, the community development director shall approve or disapprove the application, by written notice provided to the applicant, and documenting the basis for denial if applicable including the specific code provisions or standards on which the denial is based.
B. An applicant whose application is denied shall have an opportunity to cure any deficiencies identified by the village as the basis for the denial and to submit a revised application within thirty days following the date of denial without paying an additional fee. The village shall approve or deny a revised application within thirty days following submission.

10.5.2. Other Wireless Telecommunications Facilities
Applications for any wireless telecommunications service use other than for small wireless facilities shall be processed as follows:

A. Within 30 days of acceptance of an application, village staff shall provide written notice to the applicant of all deficiencies in the application relating to the village's applicable zoning regulations and building permit requirements, setting forth the village code sections and village policies for reference. The applicant shall provide all required information or necessary revisions as set forth in such notice.

B. Within 10 days of the date that the applicant supplements its submission in accordance with the village's notice, village staff shall provide written notice to the applicant of any continued deficiencies in the application, setting forth the village code sections and village policies for reference as also provided in the original notice. The applicant may supplement its submission, and the village may provide notice of deficiencies, until such time as the applicant provides all required information and/or makes all necessary revisions to its plans.

C. No application shall be deemed complete until all deficiencies stated in such notices, if any, have been cured.

D. Unless extended due to notices and responses as described in paragraphs A or B of this subsection, the community development department director shall approve or disapprove the application, by written notice provided to the applicant:
   1. Within 150 calendar days of the date of submission for applications for new towers,
   2. Within 60 calendar days of the date of submission for applications for eligible facilities requests, and
   3. Within 90 calendar days of the date of submission for applications for (i) initial placement or installation of base stations and/or transmission equipment on wireless support structures, (ii) modification of an existing tower or existing base station that constitutes a substantial change, or (iii) a request for construction or placement of transmission equipment that does not constitute an eligible facilities request.

10.5.3. Notice to Applicant
If the community development director finds that an application submitted under this section does not meet the definition of an eligible facilities request, the village shall notify the applicant in writing that the application shall be processed as an application for a new tower, or as an application for initial placement or installation of a base station and/or transmission equipment on wireless support structures, and/or for modification of an existing tower or existing base station that constitutes a substantial change, and/or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, or as a small wireless facility application or wireless support structure for the siting of a small wireless facility, accordingly, and the applicable time-frame for review shall commence on the date stated on said notice.

Sec. 10.6. DESIGN REQUIREMENTS

10.6.1. New and Modified Towers
The following requirements and criteria are applicable to new towers and modifications of existing towers that constitute a substantial change:
A. A tower shall be set back from the property line of any adjoining residentially zoned property a distance equal to the height of the tower and its related equipment, unless a lesser setback is required due to the type of transmission equipment or technology proposed by the applicant, and the tower and related equipment shall be adequately screened from adjoining residential uses.

B. A tower and any related equipment thereon shall be painted a color compatible with the surrounding area.

C. Except for the minimum lighting, if any, necessary to comply with FAA regulations.

D. The height of a tower, inclusive of any related equipment thereon, shall not exceed 180 feet unless additional height is required due to the type of transmission equipment or technology proposed by the applicant.

E. Any service building or equipment located at grade shall be adequately screened from adjoining residential uses.

F. The adverse visual impact of a tower shall be minimized through careful design, siting, landscape screening and innovative camouflage techniques. Unless otherwise required due to the type of transmission equipment or technology proposed by the applicant, at a tower site, the design of the buildings and related equipment shall use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting and the built environment. If the built environment is anticipated to change significantly during the usable life of the tower, such as within an urban renewal district or recently annexed areas, the tower or structure shall be compatible with the anticipated future built environment.

G. Modifications to existing towers shall not defeat existing concealment elements of the tower, and shall comply with all conditions associated with the prior approval of construction or modification of the tower, including but not limited to building code, zoning ordinance, and permit conditions, unless required due to the type of transmission equipment or technology proposed by the applicant.

H. Modifications shall not increase the standard number of new equipment cabinets for the technology involved, not to exceed 4 cabinets, and shall not cause excavation or deployment to occur outside the current site of the tower, unless required due to the type of transmission equipment or technology proposed by the applicant.

10.6.2. Other Wireless Telecommunications Facilities

The following requirements and criteria shall apply to all wireless telecommunication service uses other than new towers or modifications of existing towers that constitute a substantial change. For purposes of this subsection only, unless otherwise specified, “transmission equipment” includes “transmission equipment,” “base station,” and “small wireless facility.”

10.6.3. Transmission equipment shall be placed upon or within a wireless support structure such as to minimize visibility of the transmission equipment to the fullest extent technologically possible, unless visible placement is required due to the type of transmission equipment or technology proposed by the applicant, including but not limited to the following:

A. Wall mounted transmission equipment shall be mounted in a configuration that is as flush to the wall as technically possible to ensure both the functionality of the antenna and to minimize visual impact and shall not project above the wall on which it is mounted.

B. Transmission equipment mounted on roof appurtenances, such as mechanical equipment, must be as flush mounted to the existing mechanical equipment or roof appurtenance as technically possible to ensure both the functionality of the antenna and to minimize visual impact.

10.6.4. Transmission equipment shall be designed and located so as to be architecturally compatible with the wireless support structure upon which the transmission equipment is mounted and to minimize any adverse aesthetic impact, unless otherwise required due to the type of trans-
mission equipment or technology proposed by the applicant.

10.6.5. Except for the minimum lighting, if any, necessary to comply with FAA regulations.

10.6.6. Transmission equipment upon a wireless support structure, and any related equipment located at grade, shall be adequately screened from adjoining residential uses.

10.6.7. The height of a wireless support structure, inclusive of the transmission equipment, shall not exceed the maximum height allowed by the applicable zoning district unless additional height is required due to the type of transmission equipment or technology proposed by the applicant.

10.6.8. A wireless support structure, and transmission equipment, shall be set back from the property line of any adjoining residentially zoned property as required by the bulk regulations of the applicable zoning district.

10.6.9. The number of new wireless support structures may be reasonably limited, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider's ability to provide wireless service within the area of a proposed new structure.

10.6.10. Modifications to an existing base station shall not defeat existing concealment elements of the base station, and shall comply with all conditions associated with the prior approval of construction or modification of the base station, including but not limited to building code, zoning code, or permit conditions, unless required due to the type of transmission equipment or technology proposed by the applicant.

10.6.11. Modifications to an existing base station shall not increase the standard number of new equipment cabinets for the technology involved, not to exceed 4 cabinets, and shall not cause excavation or deployment to occur outside the current site of the base station, unless required due to the type of transmission equipment or technology proposed by the applicant.

Sec. 10.7. VARIATIONS, APPEALS AND REGULATORY RELIEF
If the denial of any appeal for a variation of relief will result in denial of wireless telecommunications services, or if approval of a variation or an appeal for relief is necessary due to the type of technology proposed by an applicant, then the planning and zoning commission shall grant the relief sought, which may be subject to conditions allowed by village, state, and federal law.

Sec. 10.8. DEFINITIONS
The definitions of this section apply solely in administering and interpreting the wireless telecommunications regulations of this article. The following words, terms and phrases have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. Applicant
Any person, and/or any person acting on behalf of another person, engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application. This definition of “applicant” shall apply specifically to this article.

B. Application
A request submitted by an applicant to the community development department for any wireless telecommunications service use requiring conditional use approval and/or zoning compliance and siting review as set forth in this article. This definition of “application” shall apply specifically to this article.
C. **Base Station**
   Equipment not associated with a tower or a supporting structure that is not a tower, at a fixed location, that, at the time that the application is filed, supports or houses an antenna, transceiver, distributed antenna system (DAS) equipment, small cell equipment, or other associated equipment that enables FCC-licensed or FCC-authorized wireless communications between user equipment and a communications network and that has been previously reviewed and approved under the applicable zoning or siting process or under another state or local regulatory review process. “Base station” includes but is not limited to equipment associated with wireless communications services such as private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers; antennas; coaxial or fiberoptic cable; regular and backup power supplies; and comparable equipment, regardless of technological configuration.

D. **Collocation**
   The mounting or installation of transmission equipment on an existing tower or base station for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

E. **Distributed Antenna System (DAS)**
   A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

F. **Eligible Facilities Request**
   A request for modification of an existing wireless tower or base station, including legal non-conforming structures, that involves collocation, removal, or replacement of transmission equipment, and that does not constitute a substantial change to the tower or base station. “Eligible facilities request” applies only to towers or base stations for which the state or local government has approved the construction of the structure with the sole or primary purpose of supporting covered transmission equipment (i.e. existing wireless towers), or where the state or local government has previously decided that the site is suitable for wireless facility deployed and approved the siting of transmission equipment that is part of a base station on that structure (i.e. other existing support structures). “Eligible facilities request” includes hardening through structural enhancement where such hardening is necessary for a covered collocation, replacement, or removal of transmission equipment and structural enhancement so long as the modification of the underlying tower or base station is performed in connection with and is necessary to support a collocation, removal, or replacement of transmission equipment, but does not include replacement of the structure upon which the transmission equipment is located.

G. **Equipment Cabinet**
   A cabinet mounted on the ground or on a wireless support structure used to support equipment associated with a wireless telecommunication facility.

H. **Existing**
   Previously reviewed and approved under applicable zoning or siting processes, or under another form of affirmative state or local regulatory review process. “Existing” includes a wireless tower that does not have a permit or other zoning approval because it was not in a zoned area when it was built, but was otherwise lawfully constructed; and a structure that, at the time of the application, supports or houses a base station, even if the structure was not built for the sole or primary purpose of providing such support. “Existing” does not include a tower or base station that was constructed or deployed without proper review; was not required to undergo siting review; does not support transmission equipment that received another form of affirmative state or local regulatory approval; or any structure that is merely capable of supporting wireless transmission equipment whether or not it is providing such support at the time of the application. This definition of “existing” shall apply specifically to this article.
I. **FCC**
   Federal Communications Commission.

J. **Increase in Height**
   Any of the following:
   1. For towers not within public rights-of-way, a cumulative increase in the height of the tower by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, measuring the change in height from the dimensions of the tower as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Spectrum Act, whichever is greater.
   2. For towers within public rights-of-way, a cumulative increase in the height of the tower by more than 10 percent or 10 feet, whichever is greater, measuring the change in height from the dimensions of the tower as originally approved or as of the most recent modification that received local zoning or similar regulatory approval prior to the passage of the Spectrum Act, whichever is greater.
   3. For all base stations, an increase in height of the base station by more than 10% or 10 feet, whichever is greater, measuring the change in height from the height of the original structure, rather than the height of the previously approved antenna.

K. **Increase in Width**
   Any of the following:
   1. For towers not within public rights-of-way, an increase in width from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
   2. For towers within public rights-of-way, and for all base stations, an increase in width from the edge of the structure more than 6 feet.

L. **Site**
   All of the following:
   1. For towers, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. This definition of “site” shall apply specifically to this article.
   2. For base stations, the area in proximity to the structure and to other transmission equipment deployed on the ground at the time of the application. This definition of “site” shall apply specifically to this article.

M. **Small Wireless Facility**
   Operator-controlled, low-powered radio access nodes, including those that operate in licensed spectrum and unlicensed carrier-grade Wi-Fi, with a range from 10 meters to several hundred meters, and further defined as follows:
   1. Each antenna is no more than 6 cubic feet in volume.
   2. All other equipment associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume.
   3. For purposes of this “small wireless facility” definition, volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of such enclosure. An associated electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit, and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume.
“Small wireless facility” does not include any structure that supports or houses equipment described in this definition.

N. **Spectrum Act**

O. **Substantial Change**
Any of the following:
1. The installation of more than the standard number of new equipment cabinets for the technology involved, and not to exceed 4 cabinets.
2. Any excavation or deployment outside the current site of the tower or base station.
3. Modifications that defeat the existing concealment elements of the tower or base station.
4. Modifications that do not comply with conditions associated with the prior approval of construction or modification of the tower or base station, including but not limited to building code, zoning code, or permit conditions, and that exceed one or more of the “substantial change” thresholds identified in this definition.
5. An “increase in height,” as that phrase is defined in this article.
6. An “increase in width,” as that phrase is defined in this section.

P. **Tower (or Communication Tower or Wireless Tower)**
A structure constructed with the sole or primary purpose of supporting FCC-licensed or authorized transmission equipment, including transmission of personal wireless service, broadband service, and mobile and fixed broadband service.

Q. **Transmission Equipment**
Any equipment, other than equipment related to a “small wireless facility” as defined in this subsection, that facilitates transmission for any FCC-licensed or FCC-authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply used in any technological configuration associated with any FCC-authorized wireless transmission, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast service, and public safety services, as well as fixed wireless services such as microwave backhaul or fixed broadband. The term “related equipment”, when used in this chapter in reference to a tower or a base station, includes but is not limited to “transmission equipment.”

R. **Wireless Support Structure (or Structure)**
A structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures. “Wireless support structure” or “structure” does not include a tower or existing base station.
Article 11. Review and Approval Procedures

Sec. 11.1. Common Provisions
11.1.1. Applicability
11.1.2. Review and Decision-making Authority
11.1.3. Applications and Fees
11.1.4. Public Hearing Notices
11.1.5. Public Hearing Procedures
11.1.6. Action by Review and Decision-Making Bodies
11.1.7. Decision-Making Criteria; Burden of Proof or Persuasion
11.1.8. Required Time-frames for Action

Sec. 11.2. Ordinance Text & Map Amendments
11.2.1. Purpose
11.2.2. Authority to File
11.2.3. Application Filing
11.2.4. Review and Report—Community Development Director
11.2.5. Notice of Hearing
11.2.6. Hearing and Recommendation—P&Z
11.2.7. Final Action—Village Board
11.2.8. Protest Petitions
11.2.9. Review and Approval Criteria
11.2.10. Successive Applications
11.2.11. Pending Rezonings

Sec. 11.3. Planned Unit Developments
11.3.1. Overview
11.3.2. Development Plan Approval Required
11.3.3. PUD Development Plans
11.3.4. PUD Site Plans
11.3.5. Amendments to Approved PUD Development Plans
11.3.6. Abandonment of PUD

Sec. 11.4. Special Uses
11.4.1. Intent
11.4.2. Authority to File
11.4.3. Application Filing
11.4.4. Review and Report—Community Development Director
11.4.5. Notice of Hearing
11.4.6. Hearing and Recommendation—P&Z
11.4.7. Final Action—Village Board
11.4.8. Review and Approval Criteria
11.4.9. Lapse of Approval
11.4.10. Transferability
11.4.11. Amendments
11.4.12. Successive Applications

Sec. 11.5. Variations
11.5.1. Intent
11.5.2. Authorized Variations
11.5.3. Authority to File
11.5.4. Application Filing
11.5.5. Notice of Hearing
11.5.6. Hearing and Recommendation—P&Z
11.5.7. Final Action—Village Board
11.5.8. Transferability
11.5.9. Amendments
11.5.10. Lapse of Approval
11.5.11. Successive Applications
Sec. 11.6. Administrative Adjustments ................................................................. 11-17
11.6.1. Intent ......................................................................................................... 11-17
11.6.2. Authorized Administrative Adjustments ............................................ 11-17
11.6.3. Authority to File ...................................................................................... 11-17
11.6.4. Application Filing .................................................................................... 11-17
11.6.5. Notice of Filing/Intent to Approve ....................................................... 11-17
11.6.6. Action by Community Development Director .................................. 11-17
11.6.7. Review and Approval Criteria .............................................................. 11-18
11.6.8. Conditions of Approval ..................................................................... 11-18
11.6.9. Transferability ....................................................................................... 11-18
11.6.10. Amendments ....................................................................................... 11-18
11.6.11. Lapse of Approval ............................................................................. 11-19

Sec. 11.7. Appeals of Administrative Decisions ............................................... 11-19
11.7.1. Authority ............................................................................................... 11-19
11.7.2. Right to Appeal ..................................................................................... 11-19
11.7.3. Application Filing ................................................................................ 11-19
11.7.4. Effect of Filing ..................................................................................... 11-19
11.7.5. Record of Decision ............................................................................ 11-19
11.7.6. Notice of Hearing ............................................................................... 11-19
11.7.7. Hearing and Final Decision ................................................................. 11-20
11.7.8. Decision-Making Criterion ................................................................. 11-20
SEC. 11.1. COMMON PROVISIONS

11.1.1. Applicability
The “common provisions” of this section apply to all of the procedures in this article unless otherwise expressly stated.

11.1.2. Review and Decision-making Authority
The following table provides a summary of the review and approval procedures of this article. In the event of conflict between this table and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Community Development Director</th>
<th>Planning and Zoning Commission</th>
<th>Village Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance Text/Map Amendment</td>
<td>R</td>
<td>&lt;R&gt;</td>
<td>DM</td>
</tr>
<tr>
<td>Special Use</td>
<td>R</td>
<td>&lt;R&gt;</td>
<td>DM</td>
</tr>
<tr>
<td>Planned Unit Development (PUD)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Plan</td>
<td>R</td>
<td>&lt;R&gt;</td>
<td>DM</td>
</tr>
<tr>
<td>Site Plan</td>
<td>DM</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Variation</td>
<td>R</td>
<td>&lt;R&gt;</td>
<td>DM</td>
</tr>
<tr>
<td>Administrative Adjustment</td>
<td>DM</td>
<td>&lt;A&gt;</td>
<td>–</td>
</tr>
<tr>
<td>Appeal of Administrative Decision</td>
<td>–</td>
<td>&lt;DM&gt;</td>
<td>–</td>
</tr>
</tbody>
</table>

R = Review/Recommendation | DM = Decision-Making | A = Appeal of Decision | <> = Public Hearing

11.1.3. Applications and Fees

A. Form of Application
Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the community development director. Applications must include materials and information as may be required by the community development director to establish that the proposed activity complies with all applicable requirements of this zoning ordinance.

B. Application Filing Fees
All applications must be accompanied by the fee amount that has been established by the village board.

C. Application Completeness, Accuracy and Sufficiency

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required filing fee.
2. The community development director must make a determination of application completeness within 10 business days of application filing.
3. If an application is determined to be incomplete, the community development director must provide written notice to the applicant along with an explanation of the application’s deficiencies. No further processing of the application will occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days, the application will be considered withdrawn.
4. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next processing cycle.
5. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
6. The community development director may require that applications or plans be revised before being placed on an agenda for action if the community development director determines that:
   a. The application or plan contains one or more inaccuracies or omissions that will hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or
   b. The decision-making body does not have legal authority to approve the application or plan as submitted.

D. Amended Applications
Applications may be amended at any time before final action upon such terms and conditions as the community development director (if amended before any required hearing), the planning and zoning commission (if amended before final action by the commission), or the village board, directs. Examples of such terms and conditions include requiring republication of the notice, re-hearing of the application and/or extension of any time-frames required for village action.

E. Application Processing Cycles
The community development director, after consulting with the planning and zoning commission, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

11.1.4. Public Hearing Notices
A. Required Public Hearing Notice—Publication in Newspaper
   Published notice is required for public hearings required under this zoning ordinance. This required notice must be published at least once in a newspaper of general circulation in Villa Park at least 15 days before and no more than 30 days before the public hearing. Required notices must include at least the following information:
   1. An address or legal description of the property that is the subject of the hearing;
   2. A summary of the nature of the application; and
   3. The time and place of the hearing.

B. Courtesy Public Hearing Notices
   1. In addition to providing the required published notice, the village must endeavor to provide or require that applicants provide the following forms of additional courtesy notice of required public hearings:
      a. Posting of a public hearing notice sign on the subject property;
      b. Mailing notices to the taxpayer of record; and
      c. Mailing notices to taxpayers of record within 250 feet of the subject property.
   2. Failure to provide any form of courtesy notice that is not required by state law or any defect in such courtesy notice does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

11.1.5. Public Hearing Procedures
A. Open Meetings Act
   All public hearings are subject to the Illinois Open Meetings Act (5 ILCS 120/1 et. Seq.).

B. General Procedure
   Public hearings required by this zoning ordinance must be conducted by the designated hearing body. At the hearing, interested persons must be permitted to submit information and comments, verbally or in writing. The designated hearing body is authorized to establish reasonable rules and
regulations governing the presentation of information and comments such as, the limitation of redundant or irrelevant materials and testimony, the order and length of statements or testimony and time limitations.

C. **Continued Public Hearings**
   1. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
   2. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing.
   3. If the applicant requests and is granted a postponement, the applicant must pay any costs of retotification.

**11.1.6. Action by Review and Decision-Making Bodies**

A. Review and decision-making bodies may take any action that is consistent with:
   1. The regulations of this zoning ordinance;
   2. Any rules or by-laws that apply to the review or decision-making body; and
   3. The notice that was given.

B. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

C. When decision-making bodies approve applications with conditions, the conditions must relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

**11.1.7. Decision-Making Criteria; Burden of Proof or Persuasion**

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application complies with all applicable review or approval criteria.

**11.1.8. Required Time-frames for Action**

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. If a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

**SEC. 11.2. ORDINANCE TEXT & MAP AMENDMENTS**

**11.2.1. Purpose**

The text of this zoning ordinance and the zoning map may be amended from time to time in accordance with the procedures of this section. Zoning ordinance text and map amendments are intended to allow modifications in response to changed conditions or changes in village policy.

**11.2.2. Authority to File**

A. Amendments to the text of this zoning ordinance may be initiated by the village board, the planning and zoning commission, or the community development director.

B. Amendments to the zoning map may be initiated only by the village board, the community development director or by the owner of the property that is the subject of the proposed zoning map amendment or by the subject property owner’s authorized agent.
11.2.3. Application Filing
Complete applications for zoning map amendments must be filed with the community development director.

11.2.4. Review and Report—Community Development Director
Upon initiation of a zoning text amendment or receipt of a complete application for a zoning map amendment, the community development director must prepare a report and recommendation on the proposal. The report must be transmitted to the planning and zoning commission before their public hearing on the proposed ordinance text or zoning map amendment.

11.2.5. Notice of Hearing
Notice of the planning and zoning commission's required public hearing on a zoning ordinance text or zoning map amendment must be published in the newspaper in accordance with 11.1.4-A. Additional notice may also be provided in accordance with 11.1.4-B.

11.2.6. Hearing and Recommendation—Planning and Zoning Commission
The planning and zoning commission must hold a public hearing on the proposed amendment. Within 60 days of the close of the public hearing, the planning and zoning commission must act by simple majority vote of a quorum to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its recommendation to the village board.

11.2.7. Final Action—Village Board
A. Within 60 days of receipt of the planning and zoning commission's recommendation, the village board must act to approve the proposed zoning ordinance text or map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The village board may also remand the proposed amendment back to the planning and zoning commission for further consideration.

B. If the zoning ordinance text or map amendment application is remanded, the village board must specify the reasons and scope of the remand, and further proceedings before the planning and zoning commission must be limited to those identified items. The planning and zoning commission must conduct further proceedings as may be appropriate and return a recommendation on the amendment to the village board within 60 days of the date that the matter is remanded to the planning and zoning commission. Within 60 days of receipt of the planning and zoning commission's recommendation, the village board must take final action on the amendment.

C. Approval of a zoning ordinance text amendment requires a by simple majority vote of a quorum of the village board. Approval of a zoning map amendment also requires a by simple majority vote of a quorum, unless a valid protest petition has been filed by opponents of the zoning map amendment (see 11.2.8).

11.2.8. Protest Petitions
A. If a valid protest petition is filed against any proposed zoning map amendment, passage of the map amendment requires a favorable vote of two-thirds of the entire village board.

B. A protest petition will be deemed valid if it is signed and acknowledged by the owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage immediately abut-
ting or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage included within the proposed zoning map amendment area.

C. A written protest petition opposing a zoning map amendment must be submitted to the village clerk at least 5 business days before the village board’s vote.

D. When a written protest petition has been submitted, the protest petition must be served by the protesters upon the applicant and upon the applicant’s attorney, if any, by certified mail at the applicant’s and attorney’s addresses, as shown on the application.

11.2.9. Review and Approval Criteria

A. Zoning Ordinance Text Amendments

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, the planning and zoning commission and village board must consider at least the following factors:

1. Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
2. Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established village policy.

B. Zoning Map Amendments

The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, the planning and zoning commission and village board must consider at least the following factors:

1. The existing use and zoning of nearby property;
2. The extent to which the particular zoning restrictions affect property values;
3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
4. The suitability of the subject property for the zoned purposes;
5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
6. The value to the community of the proposed use; and
7. The comprehensive plan.

11.2.10. Successive Applications

If a zoning map amendment application is denied, no application may be accepted that proposes reclassification of any portion of the same property for the same zoning classification for 12 months from the date of the village board decision to deny, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the community development director.

11.2.11. Pending Rezonings

No permit or license for any building, structure or use may be issued for a period of 3 months after zoning ordinance text or map amendment has been initiated by village board or the planning and zoning commission in a public meeting, provided that if final action by the village board is not taken on proposed amendment within 3 months of initiation, the permit may be issued, if otherwise lawful. If within such 3-month period, the village board approves zoning ordinance text or map amendment has that prohibits such building, structure or use, no such permit may be issued.
SEC. 11.3. PLANNED UNIT DEVELOPMENTS

11.3.1. Overview
A. Planned Unit Development (PUD) Overlay zoning districts are established through the concurrent approval of:
   1. A PUD district map amendment, in accordance with the zoning map amendment procedures of Sec. 11.2; and
   2. A PUD development plan application in accordance with the procedures of this section.
B. PUD site plan approval is required after approval of the PUD zoning map amendment and PUD development plan. This section describes the required review and approval procedures for PUD development plans and PUD site plans.

11.3.2. Development Plan Approval Required
Approval of a PUD development plan and a PUD site plan must occur before any building permit is issued and before any development takes place in a PUD district. Permits may be issued for a phase of development within a section of an approved PUD district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

11.3.3. PUD Development Plans
PUD development plans serve to establish the overall zoning plan for the proposed development and provide the regulatory framework (e.g., allowed uses, densities, floor area, building heights, and overall site design) for future development of the property. While, detailed engineering and technical specifications are not required as part of PUD development plans, such development plans must include information necessary to establish the basic zoning parameters for what is allowed on the property. At the option of the applicant, the PUD development plan may serve also as the preliminary subdivision plat if such intention is declared before the planning and zoning commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

A. Preapplication Meeting
Before submitting an application for a PUD district rezoning, the applicant must schedule a meeting with the community development director to discuss the proposed project and the required process. The community development director is responsible for coordinating the involvement of other relevant village departments in the preapplication meeting.

B. Application Contents
An application for a PUD district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.

C. Application Filing
Complete applications for PUD development plan approval must be filed with the community development director at the same time that the PUD zoning map amendment application is filed. The zoning map amendment procedures of Sec. 11.2 apply to PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.

D. Hearing and Recommendation—Planning and Zoning Commission
The planning and zoning commission must hold a public hearing on the proposed PUD development plan and PUD zoning map amendment within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the planning and zoning commission must act by simple majority vote of a quorum to recommend that the proposed plan and map amendment be approved, approved with modifications or conditions, or denied and transmit its recommendations to the village board.
E. Final Action—Village Board

1. Within 90 days of receipt of the planning and zoning commission’s recommendation, the village board may act to approve the proposed PUD development plan and PUD zoning map amendment, approve the proposed plan and amendment with modifications or conditions or deny the proposed plan and map amendment. The village board may also remand the matter back to the planning and zoning commission for further consideration.

2. If the PUD development plan and PUD zoning map amendment application are remanded, the village board must specify the reasons and scope of the remand, and further proceedings before the planning and zoning commission must be limited to those identified items. The planning and zoning commission must conduct further proceedings as may be appropriate and return a recommendation on the plan and zoning map amendment to the village board within 60 days of the date that the matter is remanded to the planning and zoning commission. Within 60 days of receipt of the planning and zoning commission’s recommendation, the village board must take final action on the PUD development plan and PUD zoning map amendment.

3. PUD zoning map amendments may be approved by simple majority vote of a quorum, of the village board except as stated in 11.2.8.

F. Review and Approval Criteria

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD district are matters of legislative discretion that are not controlled by any single standard. In making recommendations and decisions regarding approval of planned unit developments, review and decision-making bodies must consider at least the following factors:

1. The zoning map amendment review and approval criteria of 11.2.9.;

2. Whether the proposed PUD development plan and map amendment would be consistent with the comprehensive plan and any other adopted plans for the subject area;

3. Whether PUD development plan complies with the PUD district provisions of Sec. 5.1;

4. Whether the proposed development will result in public benefits that are greater than or at least equal to those that would have resulted from development under conventional zoning regulations; and

5. Whether appropriate terms and conditions have been imposed on the approval to protect the interests of surrounding property owners and residents, existing and future residents of the PUD and the general public.

G. Lapse of Approval

1. Unless a longer time period or a phasing plan is approved at the time of approval of a PUD development plan, a complete application for PUD site plan approval must be filed within 1 year of the date of PUD development plan approval. If an application for PUD site plan approval is not filed within the required time period, no further PUD site plans may be approved for the project until the subject property owner has filed the original or amended PUD development plan for re-review and reconsideration by the planning and zoning commission and village board. Such re-review and reconsideration must follow the PUD development plan review procedures of this zoning ordinance. Following re-review and reconsideration, the planning and zoning commission is authorized to recommend and the village board is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the planning and zoning commission and village board:
11.3.4. PUD Site Plans

PUD site plans are detailed plans for building and site design for the subject property. PUD site plans may cover all or part of the property included within an approved PUD development plan. Such plans must include all information required to determine whether the proposed development and any permits requested are in compliance with the approved PUD development plan.

A. Application Filing

PUD site plan applications must be filed with the community development director before the lapse of a PUD development plan (see 11.3.3-G).

B. Review and Action by Community Development Director; Appeals

1. The community development director must review and take action on the PUD site plan. The community development director must approve the PUD site plan if it complies with the approved PUD development plan, all conditions of PUD development plan approval and all applicable regulations of this zoning ordinance. If the submitted PUD site plan does not comply with the approved PUD development plan, any conditions imposed on that plan or any applicable regulations of this zoning ordinance, the community development director must deny the PUD site plan and advise the landowner in writing of the specific reasons for denial.

2. In acting on PUD site plans, the community development director is authorized to approve the following minor deviations from an approved PUD development plan:
   a. Any deviation expressly authorized at the time of PUD development plan approval;
   b. The addition of customary accessory uses and structures; and
   c. Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the development plan was approved and that are not otherwise classified as amendments pursuant to 11.3.5.

3. No other changes or amendments may be approved as part of the community development director action on a PUD site plan. Any other changes will be considered amendments to an approved PUD development plan. Amendments are subject to 11.3.5.
4. If the community development director does not approve the PUD site plan, the landowner may either: (1) resubmit the PUD site plan to correct the plan’s inconsistencies and deficiencies, or (2) within 60 days of the date of notice of disapproval, appeal the decision of the community development director. If an appeal is filed, the PUD site plan must be processed in the same manner as a PUD development plan, with review and recommendation by the planning and zoning commission and a final decision by the village board.

C. **Effect of Approval**

Approval of a PUD site plan must occur before any building permits are issued for the PUD. PUD site plan approval does not constitute effective dedication of rights-of-way or any other public improvements, nor will the filed plan be the equivalent of or an acceptable alternative for the final platting of land prior to the issuance of building permits in the PUD (if platting is required).

**11.3.5. Amendments to Approved PUD Development Plans**

A. The community development director is authorized to approve minor amendments to an approved PUD development plan, but major amendments must be processed as a new PUD development plan, including all requirements for fees, notices and hearings. All of the following constitute major amendments to an approved PUD development plan:

1. Elimination or relaxation of a condition of approval imposed by the village board at the time of PUD development plan approval;
2. An increase in overall building coverage by more than 5%;
3. An increase in building height by more than 10% or 5 feet, whichever is less;
4. An overall reduction in the amount of usable open space, common open space or landscaping;
5. A reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;
6. A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
7. Anything that the community development director determines a material change, likely to create adverse impacts that were not considered as part of the PUD development plan approval.

**11.3.6. Abandonment of PUD**

If a PUD development plan expires or is abandoned, development is allowed only in compliance with the base zoning district regulations.
SEC. 11.4. SPECIAL USES

11.4.1. Intent
The special use approval procedures of this section are intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they will be compatible with surrounding uses and development patterns.

11.4.2. Authority to File
Special use applications may be filed by the owner of the property that is the subject of the special use application or by the subject property owner's authorized agent.

11.4.3. Application Filing
Complete applications for special use approval must be filed with the community development director.

11.4.4. Review and Report—Community Development Director
Upon receipt of a complete application for special use approval, the community development director must prepare a report and recommendation that evaluates the proposed special use in light of the standards and review criteria of 11.4.8. The report must be transmitted to the planning and zoning commission before their public hearing on the proposed special use.

11.4.5. Notice of Hearing
Notice of the planning and zoning commission's required public hearing on a special use application must be published in the newspaper in accordance with 11.1.4-A. Additional notice may also be provided in accordance with 11.1.4-B.

11.4.6. Hearing and Recommendation—Planning and Zoning Commission
The planning and zoning commission must hold a public hearing on the special use application within 60 days of receipt of a complete application. Within 60 days of the close of the public hearing, the planning and zoning commission must act by simple majority vote of a quorum to recommend that the proposed special use be approved, approved with modifications and/or conditions, or denied and transmit its findings and recommendations to the village board.

11.4.7. Final Action—Village Board
A. Within 60 days of receipt of the planning and zoning commission's findings and recommendation, the village board may act to approve the proposed special use application, approve the special use with conditions and/or modifications or deny the special use. The village board may also remand the special use application back to the planning and zoning commission for further consideration.

B. If the special use application is remanded, the village board must specify the reasons and scope of the remand, and further proceedings before the planning and zoning commission must be limited to those identified items. The planning and zoning commission must conduct further proceedings as may be appropriate and return a recommendation on the special use application to the village board within 60 days of the date that the matter is remanded to the planning and zoning commission. Within 60 days of receipt of the planning and zoning commission's recommendation, the village board must take final action on the special use application.

C. The village board is authorized to impose conditions and restrictions upon the premises benefited by a special use as the board determines to be necessary to ensure compliance with the approval criteria of 11.4.8, to reduce or minimize the effect of the special use upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

D. The village board may act by simple majority vote of a quorum.
11.4.8. Review and Approval Criteria
No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village board policies and plans and that the applicant has presented evidence to support each of the following conclusions:

A. That the proposed use or activity is expressly authorized as a special use;

B. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

C. That the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

D. That approval of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

E. That the proposed special use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services; and

F. That the proposed special use complies with all applicable regulations of this zoning ordinance except as expressly approved in accordance with the procedures of this zoning ordinance.

11.4.9. Lapse of Approval

A. The applicant may submit, and the village board may approve, as part of the ordinance authorizing the special use, a maximum 2-year schedule for establishing the approved special use. If such a schedule is not approved by the village board, the approved special use will lapse and have no further effect one year after it is approved by the village board, unless:
   1. A building permit has been issued (if required);
   2. A certificate of occupancy has been issued; or
   3. The special use has been lawfully established.

B. The village board is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 6 months each. Requests for extensions must be submitted to the community development director and forwarded to the village board for a final decision.

C. A special use also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the special use.

D. If any special use is abandoned, or is discontinued for a continuous period of 6 months or more, the special use for such use is void, and such use may not be reestablished unless and until a new special use is obtained in accordance with the procedures of this section.

11.4.10. Transferability
Special use approval runs with the land and is not affected by changes of tenancy or ownership.
11.4.11. Amendments
Amendments to approved special uses may be approved in accordance with the following requirements. The special use amendment procedures may not be used to vary or modify zoning ordinance standards.

A. Minor Amendments
1. The community development director is authorized to approve the following minor amendments to approved special uses:
   a. Any amendments expressly authorized as minor amendments at the time of special use approval;
   b. The addition of customary accessory uses and structures; and
   c. Changes to the development site or to structures necessitated by engineering, architectural or physical limitations of the site that could not have been foreseen at the time the special use permit was approved and that are not otherwise classified as major amendments pursuant to 11.4.11-B.

2. Applications for minor amendments to approved special uses must be filed in a form established by the community development director. If no action is taken on the minor amendment application within 20 days of filing of a complete application, the minor amendment is deemed denied.

B. Major Amendments
1. All of the following constitute major amendments to approved special uses:
   a. An increase in overall building coverage by more than 5%;
   b. An increase in building height by more than 10% or 5 feet, whichever is less;
   c. An overall reduction in the amount of common open space or landscaping;
   d. A reduction in off-street parking by more than 10%;
   e. A change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and
   f. Any combination of 3 or more minor changes that were not expressly authorized by the approved special use permit.

2. Major amendments to an approved special use must be processed as a new special use application, including all requirements for fees, notices and public hearings.

11.4.12. Successive Applications
If a special use application is denied, no substantially similar application may be accepted for the same property for 12 months from the date of denial by the village board, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the community development director.
SEC. 11.5. VARIATIONS

11.5.1. Intent
A variation is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance. The intent of a variation is not to simply remove an inconvenience or financial burden that may result from compliance with applicable zoning requirements. Variations are intended to help alleviate a practical difficulty or particular hardship that would be caused by the literal enforcement of the subject ordinance requirements. They are intended to provide site-specific relief when the requirements of this zoning ordinance render land difficult or impossible to use because of some unique or special characteristic of the property itself.

11.5.2. Authorized Variations
The planning and zoning commission is authorized to recommend and the village board is authorized to grant a variation of any regulation in this zoning ordinance, except that the variation procedures may not be used to do any of the following:

A. Allow a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., “use variations” are prohibited);
B. Waive, modify or amend any definition or use classification;
C. Waive, modify or otherwise vary any of the review and approval procedures of this article; or
D. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government; or
E. Waive, vary or modify applicable residential density regulations, provided that this provision is not intended to prohibit variations to minimum lot area or width requirements that apply to lots occupied by a single dwelling unit.

11.5.3. Authority to File
Variation applications may be filed by the subject property owner or by the property owner’s authorized agent.

11.5.4. Application Filing
Complete applications for variations must be filed with the community development director.

11.5.5. Notice of Hearing
Notice of the planning and zoning commission’s required public hearing on a variation application must be published in the newspaper in accordance with 11.1.4-A. Additional notice may also be provided in accordance with 11.1.4-B.

11.5.6. Hearing and Recommendation—Planning and Zoning Commission
A. Within 60 days of receipt of a complete application, the planning and zoning commission must hold a public hearing on the requested variation. Within 60 days of the close of the public hearing, the planning and zoning commission must act to:
   1. Recommend approval of the variation request;
   2. Recommend approval of the variation request with conditions or modifications; or
   3. Recommend denial of the variation request.
B. The planning and zoning commission’s recommendation must be accompanied by specific findings of fact regarding whether practical difficulties or particular hardships would result if a variation is not granted.
C. A simple majority vote of a quorum of the planning and zoning commission is required to recommend approval or denial of a variation request.
11.5.7. Final Action—Village Board

A. Within 90 days of receipt of the planning and zoning commission's recommendation, the village board may act to approve the variation request, approve the variation request with conditions and/or modifications or deny the requested variation. The village board may also remand the variation request to the planning and zoning commission's for further consideration.

B. If the variation request is remanded, the village board must specify the reasons and scope of the remand, and further proceedings before the planning and zoning commission's must be limited to those identified items. The planning and zoning commission's must conduct further proceedings as may be appropriate and return a recommendation on the variation to the village board within 60 days of the date that the matter is remanded to them. Within 60 days of receipt of the planning and zoning commission's findings and recommendation, the village board must take final action on the variation request.

C. The village board may act on requested variations by a simple majority vote except that when the planning and zoning commission has recommended denial of the variation, approval by the village board requires a 2/3 majority vote of a quorum.

11.5.8. Transferability

Approved variations run with the land and are not affected by changes of tenancy or ownership.

11.5.9. Amendments

A request for changes in the specific nature of the approved variation or changes to any conditions attached to an approved variation must be processed as a new variation application, including all requirements for fees, notices and public hearings.

11.5.10. Lapse of Approval

A. An approved variation will lapse and have no further effect 12 months after it is approved by the village board, unless:
   1. A building permit has been issued (if required); or
   2. The use or structure has been lawfully established.

B. The village board is authorized to extend the expiration period for good cause by up to 12 additional months. Requests for extensions must be submitted to the community development director before the variation expires. No hearings, notices or fees are required for extensions.

C. A variation also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the variation.

11.5.11. Successive Applications

If a variation request is denied, no substantially similar application may be accepted for the same property for 12 months from the date of denial by the planning and zoning commission, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the community development director.
SEC. 11.6 ADMINISTRATIVE ADJUSTMENTS

11.6.1. Intent
These administrative adjustments procedures are intended to provide a streamlined approval procedure for very minor forms of zoning relief. While typical variations require final decision-making by the planning and zoning commission, the community development director is authorized to approve a select, limited number of administrative adjustments without a public hearing, as identified in this section.

11.6.2. Authorized Administrative Adjustments
A. The community development director is authorized to grant the following administrative adjustments:
   1. A reduction of the minimum required lot area by up to 10%;
   2. A reduction of the minimum required lot width by up to 10%;
   3. A reduction of minimum required (interior) side setbacks by up to 10% or 1 foot, whichever is less;
   4. A reduction of minimum required rear setbacks by up to 10% of 2 feet, whichever is less;
   5. A reduction of minimum required motor vehicle off-street parking or loading requirements by up to 10% or one space, whichever is greater; and
   6. A reduction of minimum bicycle parking space requirements by up to 25% or 2 spaces, whichever is greater.
   7. Adjustments to MX district building types defined in Article 4.
B. The administrative adjustment provisions may not be used to vary, modify or otherwise override a condition of approval or requirement imposed by an authorized village decision-making body or the state or federal government.

11.6.3. Authority to File
Administrative adjustment applications may be filed by the subject property owner or by the property owner’s authorized agent.

11.6.4. Application Filing
Complete applications for administrative adjustments must be filed with the community development director.

11.6.5. Notice of Filing/Intent to Approve
Within 7 business days of receipt of a complete application for an administrative adjustment, written notice of application filing must be delivered to all taxpayers of record abutting the subject parcel, excluding street rights-of-way. The notice must describe the nature of the requested administrative adjustment. It must also indicate the date on which the community development director will take action on the application and that the application will available for review and comment until that date. Any interested party may submit written comments concerning the application to the community development director.

11.6.6. Action by Community Development Director
A. The community development director must review each application for an administrative adjustment and act to approve the application, approve the application with conditions or deny the application. Alternatively, the community development director is authorized to refer the application to the planning and zoning commission for consideration as a variation.
B. The community development director may not take final action to approve or deny an administrative adjustment application until at least 7 days after the date that notices are deposited in the mail or the date of personal delivery of the required notices.

C. If a property owner who has received notice of the administrative adjustment application provides a written objection to the administrative adjustment before the date of allowed action indicated on the notice, the community development director must refer the application to the planning and zoning commission for consideration as a variation. No additional fees are required other than fees to cover the cost of required notice of the planning and zoning commission's public hearing.

D. The community development director’s decision to approve or deny an administrative adjustment must be based on the approval criteria and standards of 11.6.7 and accompanied by written findings of fact.

E. The applicant may appeal a decision to deny an administrative adjustment to the planning and zoning commission. In the case of an appeal, the planning and zoning commission must consider the request as a variation. No additional fees are required other than fees to cover the cost of required notice of the planning and zoning commission’s public hearing.

F. At least once per calendar year, the community development director must provide to the planning and zoning commission a listing of all administrative adjustment decisions.

11.6.7. Review and Approval Criteria
Administrative adjustments may be approved only when the community development director determines that any specific standards associated with the authorized administrative adjustment and the following general approval criteria have been met:

A. The requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning ordinance;

B. The requested administrative adjustment 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; and

C. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

11.6.8. Conditions of Approval
In granting an administrative adjustment, the community development director is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

11.6.9. Transferability
Approved administrative adjustments run with the land and are not affected by changes of tenancy or ownership.
11.6.10. Amendments
A request for changes in the specific nature of the approved administrative adjustment or changes to any conditions attached to an approved administrative adjustment must be processed as a new administrative adjustment application, including the requirements for fees and notices.

11.6.11. Lapse of Approval
A. An approved administrative adjustment will lapse and have no further effect 12 months after it is approved by the community development director, unless:
   1. A building permit has been issued (if required); or
   2. The use or structure has been lawfully established.
B. An administrative adjustment also lapses upon revocation of a building permit or a certificate of occupancy for violations of conditions of approval or upon expiration of a building permit to carry out the work authorized by the administrative adjustment.

11.6.12. Appeals
The applicant or any interested party may appeal the decision of the community development director in accordance with Sec. 11.7.

SEC. 11.7. APPEALS OF ADMINISTRATIVE DECISIONS

11.7.1. Authority
The planning and zoning commission is authorized to hear and decide appeals where it is alleged there has been an error in any order, requirement, decision or determination made by the community development director or any other administrative official in the administration or interpretation of this zoning ordinance.

11.7.2. Right to Appeal
Appeals of administrative decisions may be filed by any person aggrieved by the community development director's or other administrative official's decision or action. The planning and zoning commission is authorized to make determinations about whether individuals filing appeals are “aggrieved” by the decision or action.

11.7.3. Application Filing
A. Complete applications for appeals of administrative decisions must be filed with the community development director.
B. Appeals of administrative decisions must be filed within 45 days of the date of the decision being appealed.

11.7.4. Effect of Filing
The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the community development director certifies to the planning and zoning commission, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the planning and zoning commission or by a court of record based on due cause shown.

11.7.5. Record of Decision
Upon receipt of a complete application of appeal, the community development director or other administrative official whose decision is being appealed must transmit to the planning and zoning commission all papers constituting the record upon which the action appealed is taken.
11.7.6. Notice of Hearing
Notice of the planning and zoning commission’s required public hearing must be published in the newspaper in accordance with 11.1.4-A. Additional notice may also be provided in accordance with 11.1.4-B.

11.7.7. Hearing and Final Decision
A. The planning and zoning commission must hold a public hearing on the appeal within 60 days of the date that the appeal is filed.
B. Within 45 days of the close of the public hearing, the planning and zoning commission must take action on the appeal. The planning and zoning commission's decision must be in writing and be supported by written findings of fact.
C. In exercising the appeal power, the planning and zoning commission has all the powers of the administrative official from whom the appeal is taken. The planning and zoning commission may affirm or may reverse, wholly or in part, or modify the decision being appealed. Action by the planning and zoning commission requires a simple majority vote of a quorum of the planning and zoning commission.
D. In acting on the appeal, the planning and zoning commission must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
E. All decisions of the planning and zoning commission are final administrative determinations and are subject to judicial review only, in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq.

11.7.8. Decision-Making Criterion
An appeal may be sustained only if the planning and zoning commission finds that the community development director or other administrative official erred.
Article 12. Administration and Enforcement

Sec. 12.1. Review and Decision-making Bodies

12.1.1. Community Development Director

12.1.2. Promulgation of Administrative Rules

12.1.3. Planning and Zoning Commission

Sec. 12.2. Violations, Penalties and Enforcement

12.2.1. Responsibility for Enforcement

12.2.2. Violations

12.2.3. Continuing Violations

12.2.4. Administrative Adjudication

12.2.5. Remedies and Enforcement Powers

12.2.6. Continuation of Previous Enforcement Actions

12.2.7. Remedies Cumulative

12.2.8. Persons Subject to Penalties

12.2.9. Enforcement Procedures

12.2.10. Appeals
SEC. 12.1. REVIEW AND DECISION-MAKING BODIES

12.1.1. Community Development Director

A. General Powers and Duties
The community development director has primary responsibility for administration of this zoning ordinance, including the following general powers and duties:

1. Conducting periodic inspections of structures and uses of land to determine compliance with this zoning ordinance;
2. Notifying in writing all persons responsible for violating this zoning ordinance;
3. Taking appropriate actions to ensure compliance with this zoning ordinance and remedying violations of its provisions, including:
   a. Ordering discontinuance of any illegal use of land or structures;
   b. Ordering removal of illegal structures and additions or alterations thereto;
   c. Ordering discontinuation of work being done in violation of zoning ordinance provisions;
4. Maintaining permanent and current records of this zoning ordinance, including all zoning maps, amendments, planned unit developments, zoning exceptions, special uses, variations and administrative adjustments;
5. Maintaining records of permits, certificates, registers of pollutants, and copies of notices of violation and orders of discontinuances or removal for such time as necessary to ensure continuous compliance with zoning ordinance provisions;
6. Receiving and processing all applications for permits and development approvals under this zoning ordinance;
7. Providing technical assistance and support to the village board, staff, boards and commissions; and
8. Exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance or as assigned by the village manager.

12.1.2. Promulgation of Administrative Rules
The community development director is authorized to establish written rules and regulations implementing the provisions of this zoning ordinance, including rules related to the content and processing of any application and the interpretation and administration of this zoning ordinance.

12.1.3. Planning and Zoning Commission
The planning and zoning commission has those powers and duties expressly identified in this zoning ordinance and in Chapter 2, Article XVI of the municipal code contains additional information regarding the planning and zoning commission’s composition and their powers and duties.

SEC. 12.2. VIOLATIONS, PENALTIES AND ENFORCEMENT

12.2.1. Responsibility for Enforcement
The community development director has primary responsibility for enforcing this zoning ordinance.

12.2.2. Violations
Unless otherwise expressly allowed by this zoning ordinance or state law, any violation of a provision of this zoning ordinance—including but not limited to all of the following—may be subject to the remedies and penalties provided for in this zoning ordinance.

A. To use land or buildings in any way not consistent with the requirements of this zoning ordinance;
B. To erect a building or other structure in any way not consistent with the requirements of this zoning ordinance;
C. To install or use a sign in any way not consistent with the requirements of this zoning ordinance;
D. To engage in the use of a building, structure or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance without obtaining such required permits or approvals;
E. To engage in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this zoning ordinance in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;
F. To violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on the permit or approval;
G. To obscure, obstruct or destroy any notice required to be posted or otherwise given under this zoning ordinance;
H. To violate any lawful order issued by any person or entity under this zoning ordinance; or
I. To continue any violation after receipt of notice of a violation.

12.2.3. Continuing Violations
Each day that a violation remains uncorrected after receiving notice of the violation from the village constitutes a separate violation of this zoning ordinance.

12.2.4. Administrative Adjudication
In lieu of the remedies, enforcement powers and procedures provided Sec. 12.2.5, the village may use the administrative adjudication procedures provided in Chapter 26 of the municipal code.

12.2.5. Remedies and Enforcement Powers
The village has all remedies and enforcement powers allowed by law, including the following:

A. Fines
Fines may be levied in accordance with the municipal code.

B. Liens
The village may file liens against a property for failure to pay levied fines or fees and to cover any expenses incurred by the village for remedying violations of this zoning ordinance.

C. Withhold Permit
1. The community development director may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

2. The community development director may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements owned by or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the property for which the permit or other approval is sought is the property in violation.

3. Instead of withholding or denying a permit or other authorization, the community development director may grant such authorization subject to the condition that the violation be corrected.
D. **Revoke Permits**
   1. Any permit, certificate or other form of authorization required under this zoning ordinance may be revoked by the community development director when the community development director determines:
      a. That there is departure from the plans, specifications, or conditions as required under terms of the permit,
      b. That the development permit was procured by false representation or was issued by mistake, or
      c. That any of the provisions of this zoning ordinance are being violated.
   2. Written notice of revocation must be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location.

E. **Stop Work**
   With or without revoking permits, the community development director may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit or other form of authorization issued under the zoning ordinance.

F. **Revoke Plan or Other Approval**
   Where a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the community development director may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):
   1. Revoke the plan or other approval; or
   2. Condition continuance of the plan or permit on strict compliance with this zoning ordinance or the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the community development director may reasonably impose.

G. **Injunctive Relief**
   The village may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit, certificate or other form of authorization granted under the zoning ordinance.

H. **Forfeiture and Confiscation of Signs on Public Property**
   Any sign installed or placed on public property, except in compliance with the regulations of this zoning ordinance will be forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this section, the village has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

I. **Abatement**
   The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

J. **Other Penalties, Remedies and Powers**
   The village may seek such other penalties as are provided by Illinois law.

12.2.6. **Continuation of Previous Enforcement Actions**
   Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the village pursuant to previous valid ordinances and laws.
12.2.7. Remedies Cumulative
The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

12.2.8. Persons Subject to Penalties
The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

12.2.9. Enforcement Procedures
A. Non-Emergency Matters
In the case of violations of this zoning ordinance that do not constitute an emergency or require immediate attention, the community development director must give notice of the nature of the violation to the taxpayer of record or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner stated in this section, after which the persons receiving notice have 10 days to correct the violation before further enforcement action may be taken. Notice must be given in person, by US Mail, or by posting notice on the premises. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters
In the case of violations of this zoning ordinance that constitute an emergency situation as a result of public health or safety concerns or violations that will create increased problems or costs if not remedied immediately, the village may use the enforcement powers available under this zoning ordinance without prior notice, but the community development director must attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the taxpayer of record or to any other person who is party to the agreement and to applicants for any relevant permit.
**ARTICLE 13. Nonconformities**

Sec. 13.1. General.......................................................... 13-2
  13.1.2. Intent................................................................. 13-2
  13.1.3. Authority to Continue............................................ 13-2
  13.1.4. Determination of Nonconformity Status................. 13-2
  13.1.5. Repairs and Maintenance....................................... 13-3
  13.1.6. Change of Tenancy or Ownership......................... 13-3

Sec. 13.2. Lots.................................................................... 13-3
  13.2.1. Description......................................................... 13-3
  13.2.2. Use of and Building on Nonconforming Lots.......... 13-3

Sec. 13.3. Uses.................................................................. 13-3
  13.3.1. Description......................................................... 13-3
  13.3.2. Change of Use..................................................... 13-4
  13.3.3. Expansion of Use................................................ 13-4
  13.3.4. Remodeling and Improvements............................. 13-4
  13.3.5. Moving .............................................................. 13-4
  13.3.6. Loss of Nonconforming Status.............................. 13-4
  13.3.7. Accessory Uses.................................................... 13-5

Sec. 13.4. Structures.......................................................... 13-5
  13.4.1. Description......................................................... 13-5
  13.4.2. Use................................................................. 13-5
  13.4.3. Alterations and Expansions................................... 13-5
  13.4.4. Moving .............................................................. 13-5
  13.4.5. Loss of Nonconforming Status.............................. 13-5

Sec. 13.5. Development Features........................................ 13-6
  13.5.1. Description......................................................... 13-6
  13.5.2. Regulations......................................................... 13-6

Sec. 13.6. Sec. 11.2 Signs.................................................. 13-6
SEC. 13.1. GENERAL

13.1.1. Scope
The regulations of this article govern nonconformities, which are lots, uses, structures and other development features that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this zoning ordinance.

13.1.2. Intent
A. Occasionally, lots, uses, structures and other development features that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map amendments or amendments to the text of this zoning ordinance). The regulations of this article are intended to clarify the effect of such nonconforming status and avoid confusion with “illegal” buildings and uses (those established in violation of applicable zoning regulations). The regulations are also intended to:
1. Recognize the interests of property owners in continuing to use their property for uses and activities that were lawfully established;
2. Promote maintenance, reuse and rehabilitation of existing nonconforming buildings; and
3. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.
B. The regulations recognize that buildings and structures have a long useful life and allowing their continued occupancy and modernization can be more desirable than requiring them to remain vacant if they cannot be made conforming. Consequently, this ordinance authorizes the planning and zoning commission to allow conversion of nonconforming uses and, under limited circumstances, expansions of nonconforming uses and structures.

13.1.3. Authority to Continue
Any nonconformity that existed on the effective date specified in Sec. 1.3 or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with the regulations of this article unless otherwise expressly stated.

13.1.4. Determination of Nonconformity Status
A. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the property owner.
B. The community development director is authorized to determine whether adequate proof of nonconforming status has been provided by the property owner.
C. Building permits, lawfully recorded plats, aerial photography owned by the government and other official government records that indicate lawful establishment of the nonconformity constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the community development director is authorized to consider whether other forms of evidence provided by the applicant are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:
1. Professional registrations or licenses associated with a street address;
2. Utility billing records;
3. Leasing records;
4. Advertisements in dated publications;
5. Listings in telephone or business directories; and
6. Notarized affidavits affirming the date of lawful establishment of the nonconformity.
D. The community development director’s determination of nonconforming status may be appealed in accordance with Sec. 11.7.

13.1.5. Repairs and Maintenance
A. Nonconformities must be maintained to be safe and in good repair.
B. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
C. Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized order of a public official.

13.1.6. Change of Tenancy or Ownership
Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

SEC. 13.2. LOTS

13.2.1. Description
A nonconforming lot is a lot that was lawfully created in accordance with lot area and lot width regulations in effect at the time of the lot’s establishment but that does not comply with currently applicable lot area or lot width regulations.

13.2.2. Use of and Building on Nonconforming Lots
A. A nonconforming lot in an R district may be used as a building site for a single detached house.
B. A nonconforming lot in a nonresidential zoning district may be used as a building site and developed with a use allowed in the subject zoning district. If the zoning allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area and lot width regulations, while others would not, then only the uses or intensities that comply with applicable regulations are permitted.
C. Development on nonconforming lots must comply with the lot and building regulations of the subject zoning district unless otherwise expressly stated.
D. Nonconforming lots may not be adjusted in size or shape to create additional nonconformity or increase the degree of nonconformity for lot area, lot width, setbacks or other applicable lot and building regulations. Lot area or shape adjustments that do not increase the extent of nonconformity may be approved.
E. Lawfully established buildings and improvements on nonconforming lots may be used, maintained, repaired and replaced, provided that the amount, quantity or degree of any existing nonconformity is not increased and no new nonconformity is created.

SEC. 13.3. USES

13.3.1. Description
A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed nonconforming uses.
13.3.2. Change of Use
A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.

13.3.3. Expansion of Use
A nonconforming use of land that does not involve a building or structure or that is accessory to the nonconforming use of a building may not be expanded or extended beyond the area the use occupied at the time the use became nonconforming.

B. Nonconforming uses within a building may not be expanded except as expressly stated below:

1. A nonconforming use within a building may be expanded into another part of the same building that was occupied by the subject nonconforming use at the time the use became nonconforming;

2. Other expansions of a nonconforming use may be approved in accordance with the special use procedures of Sec. 11.4. In order to approve such an expansion of a nonconforming use, the planning and zoning commission must find that all of the following criteria have been met:
   a. In residential districts, the expansion will not result in an increase in the number of dwelling units;
   b. The expansion will comply with all applicable lot and building regulations of the subject zoning district;
   c. The appearance of the expansion will be compatible with the adjacent property and neighborhood;
   d. Off-street parking is provided for the expansion in accordance with this zoning ordinance;
   e. Rezoning the property would result in an inappropriate spot zoning;
   f. The expansion will not be detrimental to the existing character of development in the immediate area or endanger the public health, safety, or general welfare; and
   g. The use is consistent with the comprehensive plan.

13.3.4. Remodeling and Improvements
A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate any other regulations of this zoning ordinance.

13.3.5. Moving
A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation does not increase the extent of the nonconformity. A nonconforming use may be moved to another lot only if the use is allowed under the zoning regulations that apply to that (relocation) lot.

13.3.6. Loss of Nonconforming Status
A. Abandonment
1. Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
2. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 12 months or more, provided that a nonconforming open-air use of land is presumed abandoned when the use is discontinued or ceases for a continuous period of 60 days or more.
3. Any period of discontinuance caused by acts of God or accidental fire are not counted in calculating the length of discontinuance.
4. The planning and zoning commission is authorized to approve requests to re-establish an abandoned nonconforming use through the special use procedures of Sec. 11.4

B. Damage or Destruction
   1. When a building containing a nonconforming use is destroyed or damaged by acts of God or accidental fire, the building may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.
   2. When a building containing a nonconforming use is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the market value of the structure, as determined by the property owner’s certified appraiser, the use may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

13.3.7. Accessory Uses
No use that is accessory to a principal nonconforming use may continue after the principal nonconforming use has been abandoned.

SEC. 13.4. STRUCTURES

13.4.1. Description
A nonconforming structure is any structure, other than a sign, that was lawfully established but no longer complies with applicable lot and building regulations or other dimensional, siting or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in Sec. 8.10.

13.4.2. Use
A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

13.4.3. Alterations and Expansions
A. Nonconforming structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional, siting and locational requirements and does not increase the extent of the structure’s nonconformity. For example, a building with a nonconforming front street setback or a nonconforming build-to-zone frontage may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.
B. A structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area. However, if the setback is nonconforming by less than 10% or 6 inches, whichever is greater, the nonconforming structure may be expanded horizontally or vertically provided that the expansion does not extend further into the required setback area.

13.4.4. Moving
A nonconforming structure may be moved in whole or in part to another location only if the movement or relocation eliminates or reduces the extent of nonconformity.

13.4.5. Loss of Nonconforming Status
A. Damage or Destruction
   1. When a nonconforming structure is destroyed or damaged by acts of God or accidental fire, the structure may be restored or repaired, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.
2. When a nonconforming structure is demolished, damaged or destroyed by causes within the control of the owner and the extent of demolition, damage or destruction is more than 50% of the market value of the structure, as determined by the property owner’s certified appraiser, the structure may not be reestablished except in compliance with all regulations applicable to the zoning district in which it is located.

B. Damage or Destruction after Right-of-Way Acquisition
If a structure is rendered nonconforming or made more nonconforming by a public agency’s acquisition of right-of-way and the structure is subsequently damaged or destroyed by any means, the structure may be reestablished, provided that no new nonconformities are created and that the existing extent of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 18 months of the date of occurrence of such damage.

SEC. 13.5. DEVELOPMENT FEATURES

13.5.1. Description
A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure, nonconforming use or nonconforming sign—that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this zoning code. Common examples are off-street parking areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping or screening regulations.

13.5.2. Regulations
Nonconforming development features may remain except as otherwise expressly stated in this zoning code, but the nature and extent of the nonconformity may not be increased.

SEC. 13.6. SIGNS
See Sec. 8.10.
# ARTICLE 14. Measurements and Definitions

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.1.</td>
<td>Measurements</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.1.</td>
<td>Rounding</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.2.</td>
<td>Lot Area</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.3.</td>
<td>Lot Area per Dwelling Unit</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.4.</td>
<td>Building Footprint</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.5.</td>
<td>Floor Area</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.6.</td>
<td>Lot Width</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.7.</td>
<td>Lot Depth</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.8.</td>
<td>Lot Coverage</td>
<td>14-2</td>
</tr>
<tr>
<td>14.1.9.</td>
<td>Setbacks</td>
<td>14-3</td>
</tr>
<tr>
<td>14.1.10.</td>
<td>Height</td>
<td>14-6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.2.</td>
<td>Definitions</td>
<td>14-7</td>
</tr>
<tr>
<td>14.2.1.</td>
<td>General</td>
<td>14-7</td>
</tr>
<tr>
<td>14.2.2.</td>
<td>Use-Related Terms</td>
<td>14-8</td>
</tr>
<tr>
<td>14.2.3.</td>
<td>Sign-Related Terms</td>
<td>14-8</td>
</tr>
<tr>
<td>14.2.4.</td>
<td>Measurements and Calculations</td>
<td>14-8</td>
</tr>
<tr>
<td>14.2.5.</td>
<td>Words and Terms Beginning with “A”</td>
<td>14-8</td>
</tr>
<tr>
<td>14.2.6.</td>
<td>Words and Terms Beginning with “B”</td>
<td>14-8</td>
</tr>
<tr>
<td>14.2.7.</td>
<td>Words and Terms Beginning with “C”</td>
<td>14-9</td>
</tr>
<tr>
<td>14.2.8.</td>
<td>Words and Terms Beginning with “D”</td>
<td>14-9</td>
</tr>
<tr>
<td>14.2.9.</td>
<td>Words and Terms Beginning with “E”</td>
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</tr>
<tr>
<td>14.2.10.</td>
<td>Words and Terms Beginning with “F”</td>
<td>14-10</td>
</tr>
<tr>
<td>14.2.11.</td>
<td>Words and Terms Beginning with “G”</td>
<td>14-11</td>
</tr>
<tr>
<td>14.2.12.</td>
<td>Words and Terms Beginning with “H”</td>
<td>14-11</td>
</tr>
<tr>
<td>14.2.13.</td>
<td>Words and Terms Beginning with “I”</td>
<td>14-11</td>
</tr>
<tr>
<td>14.2.14.</td>
<td>Words and Terms Beginning with “J”</td>
<td>14-12</td>
</tr>
<tr>
<td>14.2.15.</td>
<td>Words and Terms Beginning with “L”</td>
<td>14-12</td>
</tr>
<tr>
<td>14.2.16.</td>
<td>Words and Terms Beginning with “M”</td>
<td>14-13</td>
</tr>
<tr>
<td>14.2.17.</td>
<td>Words and Terms Beginning with “N”</td>
<td>14-13</td>
</tr>
<tr>
<td>14.2.18.</td>
<td>Words and Terms Beginning with “O”</td>
<td>14-13</td>
</tr>
<tr>
<td>14.2.19.</td>
<td>Words and Terms Beginning with “P”</td>
<td>14-13</td>
</tr>
<tr>
<td>14.2.20.</td>
<td>Words and Terms Beginning with “Q”</td>
<td>14-14</td>
</tr>
<tr>
<td>14.2.21.</td>
<td>Words and Terms Beginning with “R”</td>
<td>14-14</td>
</tr>
<tr>
<td>14.2.22.</td>
<td>Words and Terms Beginning with “S”</td>
<td>14-14</td>
</tr>
<tr>
<td>14.2.23.</td>
<td>Words and Terms Beginning with “T”</td>
<td>14-16</td>
</tr>
<tr>
<td>14.2.24.</td>
<td>Words and Terms Beginning with “U”</td>
<td>14-17</td>
</tr>
<tr>
<td>14.2.25.</td>
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<td>14-17</td>
</tr>
<tr>
<td>14.2.26.</td>
<td>Words and Terms Beginning with “W”</td>
<td>14-17</td>
</tr>
<tr>
<td>14.2.27.</td>
<td>Words and Terms Beginning with “X”</td>
<td>14-17</td>
</tr>
<tr>
<td>14.2.28.</td>
<td>Words and Terms Beginning with “Y”</td>
<td>14-17</td>
</tr>
<tr>
<td>14.2.29.</td>
<td>Words and Terms Beginning with “Z”</td>
<td>14-17</td>
</tr>
</tbody>
</table>
ARTICLE 14 MEASUREMENTS AND DEFINITIONS  |  Sec. 14.1 Measurements

SEC. 14.1. MEASUREMENTS

14.1.1. Rounding
When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

A. Minimum Requirements
   1. In the case of minimum off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the next whole number.
   2. In all other cases, when a regulation of this zoning ordinance is expressed in terms of a minimum requirement, any fractional result must be rounded up to the next consecutive whole number.

B. Maximum Limits
   When a regulation of this zoning ordinance is expressed in terms of a maximum limit, any fractional result must be rounded down to the whole number. For example, if a maximum allowance of one dwelling unit for every 2,600 square feet of lot area is applied to an 10,000 square foot lot, the resulting fraction of 3.85 is rounded down to 3 allowed dwelling units.

14.1.2. Lot Area
Lot area is measured as the total ground-level surface area contained within the boundaries of a lot.

14.1.3. Lot Area per Dwelling Unit
Lot area per dwelling unit is a measure of residential density. It governs the amount of lot area required for each dwelling unit on the subject lot. To determine the number of dwelling units allowed on a lot, divide the lot area by the minimum lot-area-per-unit requirement, and round any fractional result down to the whole number.

14.1.4. Building Footprint
Building footprint is measured as the horizontal area on a lot that is covered by the subject building, excluding open steps and terraces, cornices and roof overhangs that do not project more than 24 inches.

14.1.5. Floor Area
The floor area of a building is measured as the area of all floor space within the outside line of walls of a building, including the total of all space on all floors of a building. It does not include porches, garages or space in a basement if the basement is used for storage or incidental uses. Any space devoted to off-street parking or loading is not included in the calculation of floor area.

14.1.6. Lot Width
Lot width is measured as the distance between the side lot lines of a lot measured along the required front street setback line.

14.1.7. Lot Depth
Lot depth is measured as the mean horizontal distance between the front and rear lot lines of a lot.

14.1.8. Lot Coverage
Lot coverage is measured as the total cumulative area of a lot that is covered by all principal and accessory buildings on the lot, as measured at the point where such buildings meet the ground (i.e., building footprint).
14.1.9. Setbacks

A. Measurement

1. Setbacks are measured from the referenced lot line (street front, street side, interior side or rear) to the closest point of the building or structure.

2. Street setbacks are measured from the lot line that abuts the street, except for lots that front on North Avenue, St. Charles Road or Roosevelt Road where the following special minimum setback regulations apply:
   a. North Avenue: minimum 100 feet from centerline of right-of-way.
   b. St. Charles Road: minimum 40 feet from centerline of right-of-way.
   c. Roosevelt Road: minimum 50 feet from centerline of right-of-way.

3. Required front street setbacks extend from side lot line to side lot line. Required side street setbacks extend from front lot line to rear lot line.

4. Interior side setbacks are measured from side lot lines that do not abut a street. Required interior side setbacks extend from the point of the required front setback to the point of the required rear setback.

5. Rear setbacks are measured from the rear lot line. Required rear setbacks extend from side lot line to side lot line.

6. On double-frontage lots, front street setbacks apply from both opposing lot lines that abut the street.

B. Contextual Setbacks for Infill Development

1. Applicability
   Contextual front street setback requirements apply in R and O-R districts to any new building constructed on a lot that abuts one or more lots occupied by principal buildings that are set back a greater or lesser distance than required by the subject lot’s zoning district.

2. Measurement
   a. The minimum contextual setback is determined by calculating the mean street yard depth that exists on the nearest 2 lots on either side of the subject lot.

   b. If one or more of the lots required to be included in the minimum contextual setback calculation are vacant, the vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Table 13-1.

Figure 13-1. Calculation of Contextual Setback (1)
c. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the minimum contextual setback. See Figure 13-2.

![Diagram of calculating contextual setback](image)

**Figure 13-2. Calculating Contextual Setback (2)**

- Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the minimum contextual setback.

d. When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure 13-3.

![Diagram of calculating contextual setback](image)

**Figure 13-3. Calculating Contextual Setback (3)**

- When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.

e. When the subject lot abuts a corner lot with frontage on the same street, the mean street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot. See Figure 13-4.

![Diagram of calculating contextual setback](image)

**Figure 13-4. Calculating Contextual Setback (4)**

- When the subject lot abuts a corner lot with frontage on the same street, the mean street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.

f. The contextual setback provisions of this section may not be used to reduce the required setback in an R district to less than 20 feet or to require a building setback in an R district of more than 40 feet.

g. The contextual setback provisions of this section may not be used to reduce the required setback in an O-R district to less than 15 feet or to require a building setback in an O-R district of more than 35% of the depth of the subject lot.

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C. Permitted Obstructions and Encroachments

Setbacks in R zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 13-1, which identifies features that are allowed to encroach into required setbacks in R zoning districts. “Yes” indicates that obstruction is permitted. “No” indicates that the identified structure is prohibiting from obstructing or encroaching into the respective setback area. Bracketed numbers refer to supplemental conditions immediately following the table.

Table 13-1: Permitted Setback Obstructions/Encroachments

<table>
<thead>
<tr>
<th>Feature</th>
<th>Street (Front or Side)</th>
<th>Interior Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air conditioners, window</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Air conditioning condensers</td>
<td>No</td>
<td>Yes [1]</td>
<td>Yes</td>
</tr>
<tr>
<td>Arbors and trellises, detached</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Arbors and trellises, attached</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Balconies, open</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Basketball goal and net</td>
<td>Yes [3]</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Carports (See also 6.10.4)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Clotheslines</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Compost container</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Decks, open - no more than 4 feet above ground level</td>
<td>No</td>
<td>No</td>
<td>Yes [2][7]</td>
</tr>
<tr>
<td>Dog run or pet enclosure (See also 6.10.5)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Driveways</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Fences, walls, or hedges (See also Sec. 9.2)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Fireplace, fire pit or permanent grill/barbecue structure</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Firewood</td>
<td>No</td>
<td>Yes [6]</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Article 14 Measurements and Definitions

#### Sec. 14.1 Measurements

<table>
<thead>
<tr>
<th>Item</th>
<th>Street (Front or Side)</th>
<th>Interior Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flagpole</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Garages, detached (See also 6.10.4)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Gardens (vegetable) and garden structures including cold frames, hoop houses and greenhouses</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Geothermal heat pumps</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Lawn furnishings, such as benches, sundials, porch swings, bird baths, and similar non-permanent architectural features</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Light standards, ornamental</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Parking, off-street (See also Article 7)</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Patios, terraces, open - no more than 4 feet above ground level</td>
<td>No</td>
<td>No [5]</td>
<td>Yes</td>
</tr>
<tr>
<td>Ponds and waterfalls</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>Porches, open</td>
<td>Yes [2]</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Private service walks</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Rain barrel or rainwater collection device</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Recreational, playground equipment and playhouses</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Refuse containers</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Satellite receiving antenna (See also 6.10.8)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Sheds (See also Sec. 6.10)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Solar energy equipment, building-mounted</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Solar energy equipment, ground-mounted</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Stairways or steps, open</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sump pump discharge pipe extensions</td>
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<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Swimming pools and sports courts</td>
<td>No</td>
<td>No</td>
<td>Yes [5]</td>
</tr>
<tr>
<td>Swing sets</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Television or radio towers or antennas (See also 6.10.10)</td>
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<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Tennis courts, other paved recreational areas</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Trees, shrubs, ground cover and flowers</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Treehouse</td>
<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Wheelchair ramp or accessibility feature</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Notes for Table 13-1:**

1. Sound and visual screening required when located in interior side setback.
2. Maximum projection may not exceed 25% of required setback depth.
3. Permitted in driveway only when located in street setback.
4. May project (encroach) no more than 3 feet.
5. Requires minimum 5-foot setback in all cases (for swimming pools, includes decking and paved area).
6. May project (encroach) no more than 2 feet.
7. Must be set back at least 5 feet from side lot line.
8. May project (encroach) no more than 4 feet

#### 14.1.10 Height

##### A. Buildings

1. **Measurement**

   Building height is measured as the vertical distance from the top of the curb in front the building (at the horizontal midpoint of the building) to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean level between the eaves and ridge for hip, gabled, and gambrel roofs. If no curb exists, the “curb” measurement must be taken from the mean elevation of the finished lot grade immediately abutting the building.
From top of curb (if no curb, then from mean finished grade abutting building)

2. Exceptions
   a. Utility penthouses are not be included in the height of the building unless the aggregate area of such structure exceeds one-third of the area of the roof of the building.
   b. Chimneys, cooking towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, or necessary mechanical appurtenances, may only be erected to the maximum height of the subject district, except as otherwise expressly stated. See also 9.1.5 for regulations governing screening of rooftop mechanical equipment.
   c. Public, civic and institutional uses permitted by special use, may be erected to a height of up to 60 feet in all zoning districts and religious assembly uses permitted by special use may be erected to a height of up to 75 feet in all zoning districts if the building is set back from each lot line at least one foot for each foot of additional building height above the height limit otherwise allowed in the subject zoning district.

B. Fences
The height of a fence is measured from the ground at the point of measurement unless the elevation of the ground at the point of measurement has been artificially changed by installation of a berm, mound, or fill that was not approved as part of a subdivision grading plan. If the elevation at the point of measurement has been artificially changed, then fence height must be measured from the elevation of the ground prior to the change.

C. Telecommunication Towers
   The height of a telecommunication tower is measured from the finished grade of the parcel directly beneath the tower to the highest point on the tower, including the base pad and any antenna.

D. Antenna
   The height of an antenna is measured vertically from the highest point of the antenna when positioned for operation to the point at which the antenna is attached to the building or antenna-supporting structure, whichever is applicable.

SEC. 14.2. DEFINITIONS

14.2.1. General
Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context indicates another meaning. General usage terms that are not expressly defined in this zoning ordinance have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary. Specialized zoning and development-related terms have the meaning given in the latest edition of The Complete Illustrated Book of Development Definitions.
14.2.2. Use-Related Terms
See Article 6 for an explanation of the use categorization system used in this zoning ordinance and for definitions of use types.

14.2.3. Sign-Related Terms
See Sec. 8.12.

14.2.4. Measurements and Calculations
See Sec. 14.1 for an explanation of various measurement-related concepts, such as how building height, lot width and contextual (average) setbacks are measured or calculated.

14.2.5. Words and Terms Beginning with “A”
A. Abut or Abutting: To touch or share a contiguous boundary or border, except that in the context of hearing notice and screening or enclosure requirements, “abutting” includes properties that are contiguous or separated therefrom only by a non-arterial street, alley or railroad right of way.
B. Accessory structure or use: A use or structure that meets the criteria established in 6.10.1.
C. Adjacent: Lying near or in the immediate vicinity.
D. Agent: A person duly authorized to act on behalf of the owner of the subject property.
E. Alley: A public or private street that affords only a secondary means of access to abutting property.
F. Amateur Radio Facility: Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.
G. Amusement ride: Any mechanized device, or combination of devices, including electrical equipment that is an integral part of the device or devices, that carries passengers along, around, or over a fixed or restricted course for the primary purpose of giving its passengers amusement, pleasure, thrills, or excitement.
H. Annual (plant): A plant that completes its life cycle in one year or less.
I. Apiary: An enclosure used to house bees.
J. Applicant: The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

14.2.6. Words and Terms Beginning with “B”
A. Base (Zoning) District: Any zoning district that is not an overlay district.
B. Basement: A story having more than one-half its height below grade. A basement is not counted as a story for the purpose of height regulations expressed in stories.
C. Berm: An earthen mound designed to provide visual screening or a buffer.
D. Bioretention: The use of soil and plants to remove pollutants from stormwater runoff.
E. Blockface: Property abutting on one side of a street between the 2 nearest intersecting streets, railroad right of ways, or other natural or human-made barriers.
F. Block party: Any gathering in, upon, or around a street or streets, of residents of a common block or street or group of connected blocks or streets, that requires blockading of streets.
G. Boat raft: Any vessel used for water travel or pleasure floating, 32 feet or less in overall length including any boat trailer used to transport it.
H. Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen potentially incompatible land uses.
I. Building: A structure enclosed within a roof and exterior walls or fire walls, built, erected and
framed of structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

J. **Building, principal:** A nonaccessory building in which the principal of the property is conducted.

K. **Build-to Zone:** An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly abutting a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line.

### 14.2.7. Words and Terms Beginning with “C”

A. **Camper, truck:** A portable RV unit, designed to be loaded onto or affixed to the bed or chassis of a truck. The 2 basic types are, as follows:

1. **Slide-in camper:** A truck camper designed to be loaded onto and unloaded from the bed of a pickup truck.

2. **Chassis-mount camper:** A truck camper permanently affixed to a truck chassis.

B. **Canopy:** Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements.

C. **Carnival:** Any theatrical, dramatic, musical, or spectacular performance or exhibition, including booths, midway games or shows, or amusement rides.

D. **Carport:** A roofed accessory structure that projects from the wall of the principal structure intended to shelter vehicles on a residential property, with at least one side permanently open to the weather.

E. **Car-share Program:** A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;

2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and

3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

F. **Car-share Vehicle:** A motor vehicle from a car-share program fleet.

G. **Courtyard:** An outdoor area enclosed by a building on at least three sides and open to the sky.

### 14.2.8. Words and Terms Beginning with “D”

A. **Deciduous:** A plant with foliage that is shed annually.

B. **Driveway:** A private vehicular access-way necessary for providing access from a public street or alley to an approved off-street parking area.

C. **Dwelling unit:** A group of rooms constituting all or part of a dwelling, that are arranged, designed, used or intended for use exclusively as living quarters for one household. Dwelling units include a complete single kitchen permanently installed that serves the entire household.

### 14.2.9. Words and Terms Beginning with “E”

A. **E-Cigarette (Electronic Cigarette):** Any device that uses an atomizer or similar device that allows users to inhale nicotine vapor of other vapor without the use of fire, smoke or ash, including electronic cigars, electronic pipes and any cartridge or component of the device or related product and any liquid products that are manufactured for use with e-cigarettes.

B. **Electric Vehicle:** Any vehicle that is licensed and registered for operation on public and private
highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

C. Electric Vehicle (EV) Charging Station: A public or private parking space that is served by battery charging station equipment.

D. Electric vehicle charging station, private (restricted-access): An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

E. Electric Vehicle Charging Station, Public: An EV charging station that is accessible to and available for use by the general public.

F. Electric Vehicle Parking Space: Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

G. Evergreen: A plant with foliage that persists and remains green throughout the year.

H. Expression Line: An architectural feature consisting of a decorative, three-dimensional, linear element, horizontal or vertical, protruding or indented at least 2 inches from the exterior facade of a building typically utilized to delineate the top or bottom of floors or stories of a building, intended to create a shadow line. Examples may include cast stone cornices, pilasters, or stepped brick coursing.

14.2.10. Words and Terms Beginning with “F”

A. Fair: An event for the exhibition and promotion of activities in the fields of agriculture, industry, labor, education and such other areas of activities as may be of interest to the public.

B. Fence: A freestanding structure of metal, masonry, composition or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement or screening. Any plantings, shrubbery, hedges or other vegetation, whether used individually or in combination with a freestanding structure of metal, masonry, composition or wood, that is installed to provide an effective visual barrier constitutes a “fence” under this ordinance if it is more than 10 feet in length.

C. Fence, Solid: Any fence that when viewed from an angle of 90 degrees, is less than 75% open.

D. Fence, Open: Any fence that when viewed from an angle of 90 degrees, is at least 75% open.

E. Fest or festival: An event that includes some or all of the following: amusement rides; carnivals circuses; fairs; parades; display and sale of arts, crafts, merchandise, food, or (alcoholic or nonalcoholic) beverages.

F. Flood base elevation: That elevation of the highest flood of record, determined by the village engineer’s record of the elevations of the highest flood at locations as indicated on the zoning map. Flood base elevations at intermediate locations must be interpolated along the watercourse between the 2 nearest base elevations, one upstream and downstream. The controlling flood base elevation for any building site is the same as the flood base elevation at the nearest point of the watercourse, as measured on a line perpendicular to the direction of the watercourse.

G. Floodplain: That continuous land area adjacent to a watercourse, whose elevation is equal to or below the flood base elevation, including any land that is surrounded on more than one-half its perimeter by land having an elevation equal to or lower than the flood base elevation.

H. Flood reservoir: A ponding area created for the purpose of impounding floodwaters and alleviating any flood damage that might result from human-made fills.

I. Foot-candle: A measure of illumination, the amount of light falling onto a surface. One lu-
men of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

J. **Foundation area:** The ground area immediately adjacent to a building on all sides. Foundation areas extend a minimum of 5 feet in all directions from the foundation of the building.

### 14.2.11. Words and Terms Beginning with “G”

A. **Garage, private residential:** A detached, enclosed accessory structure or portion of the principal building designed, arranged, used or intended to use for the parking and storage of vehicles owned and operated by the residents of the subject property.

B. **Geothermal Heat Exchange System:** Equipment that exchanges thermal energy between the ground (or a water source) and a building. This includes vertical closed loop, horizontal closed loop, water body closed loop system and open loop systems. Also known as ground source heat pumps and geothermal heat pumps.

C. **Greenhouse:** A temporary or permanent structure that is primarily used for the cultivation of plants.

D. **Green Roof:** An extension of an above-grade building roof that includes at least a waterproof membrane, a root repellent system, a drainage system, a filtering layer, soil with a minimum depth of 3 inches and native or naturalized plants. Also commonly referred to as a “vegetated roof.”

E. **Ground cover:** A plant that grows near the ground densely and spreads. Generally an herbaceous perennial, sometimes a woody shrub or vine.

### 14.2.12. Words and Terms Beginning with “H”

A. **Hedgerow:** A row of shrubs and/or trees that occur in a row, like a hedge. Sometimes purposely planted for wind control in agricultural areas. More commonly an area along a road or field boundary that, left uncut, has grown up with various plants, seeded by wind, water, birds or other natural methods.

B. **Home occupation:** An accessory use of a dwelling for limited commercial purposes. Home occupations are subject to the regulations of 6.10.6.

C. **Hoop House:** A temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse.

D. **Household:** One or more persons occupying a premises and living together as a single housekeeping unit, regardless of whether the persons are related to one other by blood, adoption or marriage; provided, however, that:

   1. No housekeeping unit consisting of all unrelated persons may exceed 4 persons; and
   2. No housekeeping unit consisting of related and unrelated persons may consist of more than the related family and no more than 2 other unrelated persons.

For the purpose of this definition of “household,” the phrase “living together as a single housekeeping unit” means that all members of the household share common meals, that all members have the equal right to use, in common with each other, the areas customarily considered to be common area in a dwelling unit, including ingress and egress, and that all members share customary household obligations in a manner typical of a traditional nuclear family.

### 14.2.13. Words and Terms Beginning with “I”

A. **Impervious Site Coverage:** The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as driveways, sidewalks, and patios.
14.2.14. **Words and Terms Beginning with “J”**

RESERVED

14.2.15. **Words and Terms Beginning with “L”**

A. **Landscape architect:** A person who, based on education, experience, or both in the field of landscape architecture, is eligible to register and has obtained a certificate to practice landscape architecture under 225 ILCS 15/1.

B. **Landscape area, perimeter:** An area around the perimeter of a property not facing a public street. The perimeter landscape area extends from the property line to the nearest building face, parking area, or access drive, exclusive of the foundation area and the interior parkway.

C. **Lawfully Established:** A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning code regulations in effect at the time of its establishment.

D. **Lot:** A parcel of land that is designated by its owner or developer, at the time of applying for a building permit or other form of development approval required under this ordinance, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the above requirements, such lot may consist of:

1. A single lot of record; or
2. A combination of contiguous complete lots of record.

E. **Lot, corner:** A lot located at the intersection of 2 streets or a lot bounded on 2 sides by a curving street 2 chords of which form an angle of 120 degrees or less measured on the lot side.

F. **Lot, double-frontage:** A lot having frontage on 2 parallel or non-intersecting streets, as distinguished from a corner lot.

G. **Lot, Interior:** Any lot that is not a corner lot.

H. **Lot line:** The property boundary line of a lot.

I. **Lot line, front (street):** A street lot line forming the boundary of an interior lot or the shorter street lot line on a corner lot.

J. **Lot line, rear:** The lot line that is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line is an imaginary line at least 15 feet long, lying wholly within the lot, parallel to
Sec. 14.2 Definitions | ARTICLE 14 MEASUREMENTS AND DEFINITIONS

the front lot line.

K. Lot line, side (interior): A lot line that is neither a street lot line nor a rear lot line.

L. Lot line, side (street): A street lot line forming the longer boundary on a corner lot.

M. Lot line, street: Any lot line that abuts a street, including front (street) lot lines and side (street) lot lines.

N. Lot of record: A lot that is part of a real estate subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, pursuant to statute.

14.2.16. Words and Terms Beginning with “M”

A. Manufactured housing unit: A principal residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42U.S.C. §5401, et seq.).

B. Motor home: A vehicular RV unit built on a self-propelled motor vehicle chassis as an integral part of the chassis.

14.2.17. Words and Terms Beginning with “N”

A. Nonconforming/Nonconformity: See Article 13.

B. Noxious matter: Material that is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of individuals.

14.2.18. Words and Terms Beginning with “O”

A. Occupied building space: Interior building space regularly occupied by the building users; does not include storage areas, utility space, or parking.

B. Odor threshold: The lowest concentration of odorous substance in the air that will produce an odor sensation.

C. Open space, landscaped: Land covered by trees, shrubs, turf grasses or ground cover. Impermeable surfaces, such as buildings, parking lots, walkways, or patios are not considered landscaped open space.

D. Ornamental grasses: A group of perennial plants that include true grasses (of the families Poaceae and Gramineae), sedges (of the family Cyperaceae) and rushes (of the family Juncaceae, including the Juncus and Luzula cultivars). Such grasses are generally planted in groups and may range in size from several inches to more than 6 feet. In contrast to turf grasses, that require regular cutting during the growing season, ornamental grasses are typically cut back only once per year, generally in late winter.

E. Outdoor seating (area): Any portion of a business establishment where the principal business activity is the sale and consumption of food on-premises, and is unenclosed and not used for other purposes.

F. Outdoor storage: The storage of foods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

G. Overlay District: A zoning district that overlays one or more base zoning districts and imposes requirements in addition to those of the base district or modifies the regulations otherwise applicable in the base zoning district.

14.2.19. Words and Terms Beginning with “P”

A. Parade: Any march, ceremony, show, exhibition, pageant, procession, assembly, meeting or gathering of any kind of persons, groups, or organizations, in or upon any street, park or other public place in the village, whether or not including vehicles, floats, or moving displays.
B. Parkway: That area of land between the property line abutting any public right-of-way, highway or street, and the back of curbs, edges of pavement, whether concrete or asphalt, or other improved roadway surface.

C. Particulate matter: Dust, smoke or any other form of airborne pollution in the form of minute separate particles.

D. Perennial: A plant whose life cycle is more than two (2) years.

E. Porte cochere: A porch roof projecting over a driveway at the entrance to a building providing shelter for persons entering or leaving vehicles and that is an integral part of an architectural design for an existing or proposed principal building.

F. Primary Street: A street that receives priority over other streets in terms of setting front lot lines and locating building entrances; typically the main street as opposed to a side street.

G. Processed ball: Plants dug bare root, while dormant, to which a moist medium is added around the roots to form a ball designed to sustain plant growth.

14.2.20. Words and Terms Beginning with “Q”
RESERVED

14.2.21. Words and Terms Beginning with “R”

A. Rainwater Harvesting Equipment: A rain barrel, cistern or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff.

B. Recreational vehicle (RV): A trailer, boat trailer, travel trailer, camping trailer, truck camper, camper shell, motor home, tent trailer, boat, personal watercraft, snowmobile, all-terrain vehicle or similar vehicle. Camper that are attached to a pickup truck are not considered a recreational vehicle.

C. Ringelmann Chart: The chart described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke, or “smoke density.”

D. Ringelmann number: The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission or the light-obscuring capacity of smoke.

14.2.22. Words and Terms Beginning with “S”

A. Screen: A method of reducing visual impacts through the use of plant materials, berms, fences and/or walls or any combination of such features.

B. Screening: Structures, such as an attractive fence consisting of cedar slats or redwood boards, or equal, and landscaping maintained for the purpose of concealing areas from view on a year-round basis.

C. Semi-pervious surface: Also referred to as semi-pervious material. A material that allows for at least 40% absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

D. Setback: An open, unobstructed area that is required to be provided by this zoning ordinance (see also 14.1.9.).

E. Shed, storage: A detached accessory structure used or intended to use for the storage of garden equipment and household items incidental to the principal use.

F. Shrub: A woody plant, smaller than a tree, that consists of a number of small stems from the ground or small branches near the ground. May be deciduous or evergreen.

G. Shrub, low: Any shrub that attains a mature height of 4 feet or less when left unpruned.

H. Shrub, tall: Any shrub that attains a mature height of more than 4 feet when left unpruned.
I. **Sign-related definitions:** See Sec. 8.12 for all sign-related definitions.

J. **Single ownership:** Ownership by an individual, partnership, corporation, cooperative or condominium having control over exterior maintenance of buildings and grounds.

K. **Smoke:** The visible discharge from a chimney, stack, vent, exhaust or combustion process that is made up of particulate matter.

L. **Smoke unit:** The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation:
   1. A Ringelmann density reading shall be made at least once a minute during the period of observation;
   2. Each reading is then multiplied by the time in minutes during which it is observed; and
   3. The various products are then added together to give the total number of smoke units observed during the entire observation period.

M. **Specified anatomical areas:** (a) less than completely and opaquely covered: human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

N. **Specified sexual activities:** (a) human genitals in a state of sexual stimulation or arousal; (b) Acts of human masturbation, sexual intercourse or sodomy; or (c) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

O. **Solar Energy System:** A system intended to convert solar energy into thermal, mechanical or electrical energy.
   1. **Solar Energy System, Building-Integrated:** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.
   2. **Solar Energy System, Structure-Mounted:** A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.
   3. **Solar Energy System, Flush-Mounted:** A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.
   4. **Solar Energy System, Ground-Mounted:** A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

P. **Solar Panel:** A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

Q. **Street:** All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to easements therefor.

R. **Story:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it, including a story that has more than three-quarters of its height above grade.

S. **Story, ground:** Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

T. **Story, half:** A space under a sloping roof that has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 60%
of the floor area is finished off for use, and a story in which more than one-half but not more than three-quarters of its height is above grade.

U. **Street line:** A line forming the boundary of the right-of-way of a street.

V. **Street wall:** The outer face of any part of a building nearest to and facing on a street, except open steps and terraces. Where the front lot line setback is 30 feet or more, bay windows projecting not more than 4 feet toward the front lot line, and sun parlors (not a part of any other room), porches and piazzas projecting not more than 10 feet toward the front lot line are shall not considered a part of the front street wall, provided no such bay window, sun parlor, porch or piazza exceeds in height the first story of the building of which it is a part.

W. **Structure:** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground or attached to something having a permanent or temporary location on or in the ground, including but without limiting the generality of the foregoing; buildings, advertising signs, backstops for tennis courts, pergolas, and swimming pools; provided, however, that this definition does not include underground tanks for the storage of any type of fuel.

X. **Structural alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Y. **Swimming pool:** Any temporary or permanent artificial pool or receptacle for water installed, constructed or maintained in, on or above the ground (not including those enclosed and located entirely within a dwelling), having a perimeter of more than 25 feet and a depth of more than 2 feet at any point.

Z. **Swimming pool, private residential:** Any swimming pool constructed, installed and maintained in or above the ground, outside of a building used as a dwelling unit.

### 14.2.23. Words and Terms Beginning with “T”

A. **Trailer, camping:** A vehicular portable RV unit mounted on a chassis and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the camp site.

B. **Trailer, travel:** A vehicular, portable RV unit built on a chassis, designed to be drawn by another vehicle, and permanently identified as a “travel trailer.”

C. **Transparency:** The measurement of the percentage of a facade that has highly transparent, low reflectance windows.

D. **Tree:** A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be deciduous or evergreen.

E. **Tree, ornamental:** A deciduous tree planted primarily for its ornamental value or for screening. May be any size at maturity but will tend to be smaller than a shade tree.

F. **Tree, protected:** An existing tree designated on the landscape plan to remain after construction.

G. **Tree, shade:** A tree planted primarily for its high crown of foliage or overhead canopy.

H. **Tree, street:** A tree planted in close proximity to a street in order to provide a canopy over the street, to give the street a sense of spatial definition and human scale, to provide shade and soften the street environment.

I. **Turfgrass:** Grasses planted, by seeding or sodding, to establish a lawn that is usually maintained by mowing during the growing season.
14.2.24. **Words and Terms Beginning with “U”**

A. **Utility penthouse:** An enclosed space located on a roof for the housing of a stairway or equipment used in the operation of a building such as tanks, fans, heating and cooling equipment, or elevator machinery, but containing no habitable or storage space.

B. **Use, open-air:** storage yards, construction debris sites, used vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses when the only buildings on the lot are incidental and accessory to the open-air use of the lot.

C. **Use, principal:** The main use of land or buildings as distinguished from a subordinate or accessory use.

14.2.25. **Words and Terms Beginning with “V”**

A. **Vehicle Fuels, Alternative:** Electricity, CNG (compressed natural gas), LNG (liquefied natural gas), LPG (liquefied petroleum gas), and hydrogen.

B. **Vehicle Fuels, Conventional:** Gasoline and diesel fuel.

C. **Visible Basement:** A half story partially below grade and partially exposed above with required transparency on the street facade.

14.2.26. **Words and Terms Beginning with “W”**

Reserved

14.2.27. **Words and Terms Beginning with “X”**

Reserved

14.2.28. **Words and Terms Beginning with “Y”**

A. **Yard:** An actual (as opposed to “required”) open, unoccupied space that exists on a lot between a building and a lot line.

B. **Yard, Front:** A yard extending along the full length of the front lot lines between the side lot lines.

C. **Yard, Rear:** A yard extending along the full length of the rear lot line between the side yards.

D. **Yard, Side:** A yard extending along a side lot line between the front yard and the rear lot line.

E. **Yard, Street:** Any yard abutting a street.

14.2.29. **Words and Terms Beginning with “Z”**

Reserved