Chapter 28
DOWNERS GROVE ZONING ORDINANCE

December 17, 2019

Chapter 28 | Zoning

Contents

Article 1 | Introductory Provisions 1-1
Article 2 | Residential Districts 2-1
Article 3 | Business and Employment Districts 3-1
Article 4 | Special Purpose Districts 4-1
Article 5 | Allowed Uses 5-1
Article 6 | Supplemental Use Regulations 6-1
Article 7 | Parking 7-1
Article 8 | Landscaping and Screening 8-1
Article 9 | Signs 9-1
Article 10 | General Development Regulations 10-17
Article 11 | Nonconformities 11-1
Article 12 | Review and Approval Procedures 12-1
Article 13 | Administration and Enforcement 13-1
Article 14 | Measurements 14-1
Article 15 | Definitions 15-1

Tables

Table 2-1: Residential Zoning Districts 2-1
Table 2-2: R District Lot and Building Regulations 2-1
Table 3-1: Business and Employment Zoning Districts 3-1
Table 3-2: B, O and M District Lot and Building Regulations 3-2
Table 3-3: Special Street Setback Requirements in B, O and M District 3-3
Table 4-1: Downtown Zoning Districts 4-1
Table 4-2: D District Lot and Building Regulations 4-2
Table 5-1: Allowed Uses 5-2
Table 6-1: AC Unit Setbacks 6-3
Table 7-1: Minimum Motor Vehicle Parking Requirements 7-2
Table 7-2: Shared Parking Calculations 7-6
Table 7-3: Minimum Bicycle Parking Ratios 7-7
Table 7-4: Parking Area Dimensions 7-13
Table 7-6: Stacking Space Requirements 7-19
Table 7-7: Off-street Loading Requirements 7-19
Table 9-1: Monument Sign Height and Area Regulations 9-7
Table 10-1: Light Trespass 10-21
Table 12-1: Review and Decision-Making Summary Table 12-1
Table 14-1: Permitted Setback Obstructions 14-4

Figures

Figure 2-1: Lot and Building Regulation Diagram 2-3
Figure 2-2: Apartment/condo and Nonresidential Building Setbacks 2-3
Figure 2-3: Dormer Exception to Eave Height Regulation 2-3
Figure 3-1: Side Setbacks Abutting R Districts 3-3
Figure 3-2: Canopy Setbacks 3-4
Figure 4-1: DB District Street Setback Abutting R-Zoned Lot 4-3
Figure 4-2: DB District Side Setback Abutting R-Zoned Lot 4-3
Figure 4-3: DB District Rear Setback Abutting R-Zoned Lot 4-3
Figure 6-1: Flag Pole Setback 6-6
Figure 6-2: Space Above Detached Garage 6-6
Figure 6-3: Vending Machine and Kiosk Location 6-8
Figure 6-4: Maximum Solar Panel Height 6-9
Figure 6-5: Required Barrier 6-10
Figure 6-6: Required Separation from Protected Uses 6-11
Figure 6-7: Required Separation between Establishments 6-11
Figure 6-9: Office Use in R District (R lot must be within 150' of B district and front on same street as B) 6-15
Figure 6-10: Recycling Facility Separation from Residential 6-16
Figure 6-11: Maximum Container Size in Residential Districts 6-20
Figure 6-12: Maximum Container Size in Nonresidential Districts 6-20
Figure 6-13: Tower Separation from R Districts 6-25
Figure 6-14: Required Separations for Guyed and Lattice Towers 6-25
Figure 6-15: Required Separations for Monopole Towers with a Height of 75' or More 6-25

Figure 6-16: Requied Separations for Monopole Towers with a Height less than 75' 6-26
Figure 7-1: Bench Seating Measurement 7-5
Figure 7-2: Off-Site Parking Location 7-10
Figure 7-3: Parking Area Dimensions 7-14
Figure 7-4: Parking Lot Markings 7-14
Figure 7-5: Driveway Width 7-16
Figure 7-6: Connecting Building Entrances to Street 7-16
Figure 7-7: Connections to Abutting Properties 7-17
Figure 7-8: Internal Site Connections 7-17
Figure 7-9: Driveway Crossing 7-18
Figure 8-1: Street Yard Perimeter Landscaping Opposite R Zoning 8-2
Figure 8-2: Street Yard Perimeter Landscaping Opposite Nonresidential Zoning 8-2
Figure 8-3: Plant Groupings within Perimeter Landscape Area 8-2
Figure 8-4: Perimeter Landscaping Plant Height 8-3
Figure 8-5: Trees within Street Yard Perimeter Landscape Areas 8-3
Figure 8-6: Perimeter Landscaping within Interior Yards 8-3
Figure 8-7: Perimeter Landscaping Plant Height 8-4
Figure 8-8: Supplemental Wall or Fence Abutting R-zoned Property 8-4
Figure 8-9: Parking Lot Landscape Islands 8-5
Figure 8-10: Parking Lot Landscape Divider Medians 8-5
Figure 8-11: Tree Planting within Medians 8-6
Figure 8-12: Screening of Ground-mounted Equipment 8-6
Figure 8-13: Screening of Roof-mounted Equipment 8-7
Figure 8-14: Screening of Refuse/Recycling Containers 8-7
Figure 12-1: Measurement of Mailed Notification Radius 12-4
Figure 14-1: District Area Measurement 14-1
Figure 14-2: Lot Width Measurement 14-2
Figure 14-3: Lot Width Measurement (cul-de-sac) 14-2
Figure 14-4: Lot Depth Measurement 14-2
Figure 14-5: Street Frontage Measurement 14-3
Figure 14-6: Street Setback Measurement 14-3
Figure 14-7: Side (interior) Setback Measurement 14-4
Figure 14-8: Rear Setback Measurement 14-4
Figure 14-9: Contextual Setbacks 14-7
Figure 14-10: Contextual Setbacks 14-7
Figure 14-11: Contextual Setbacks 14-8
Figure 14-12: Contextual Setbacks 14-8
Figure 14-13: Build-to Zone Measurement 14-9
Figure 14-14: "Holding the Corner" 14-9
Figure 14-15: Generally Applicable Building Height Measurement 14-10
Figure 14-16: Measuring Building Height: Detached Houses, Two-unit Houses and Attached Houses 14-10
Figure 15-1: Awning 15-4
Figure 15-2: Blockface 15-5
Figure 15-3: Buildable Area 15-5
Figure 15-4: Caliper (tree size measurement) 15-6

Figure 15-5: Canopy 15-7
Figure 15-6: Diameter at Breast Height (DBH) 15-9
Figure 15-7: Eave 15-10
Figure 15-8: Hoop House 15-13
Figure 15-9: Corner Lot 15-15
Figure 15-10: Double-frontage Lot 15-15
Figure 15-11: Front Lot Line 15-16
Figure 15-12: Rear Lot Line 15-16
Figure 15-13: Side Lot Line 15-16
Figure 15-14: Module (parking area) 15-17
Figure 15-15: Parapet 15-19
Figure 15-16: Portable Storage Container 15-19
Figure 15-17: Box Sign 15-22
Figure 15-18: Sign Height 15-23
Figure 15-19: Individual Letter Sign 15-24
Figure 15-20: Marquee Sign 15-24
Figure 15-21: Monument Sign 15-24
Figure 15-22: Sandwich Board Sign 15-25
Figure 15-23: Shingle Sign 15-26
Figure 15-24: Under-canopy Sign 15-26
Figure 15-25: Vehicle Sign 15-27
Figure 15-26: Wall Sign 15-27
Figure 15-27: Window Sign 15-27
Figure 15-28: Sign Surface Area 15-29

Article 1 | Introductory Provisions

Sec. 1.010 Official Name (Title) 1-1
Sec. 1.020 Authority 1-1
Sec. 1.030 Effective Date 1-1
Sec. 1.040 Applicability and Jurisdiction 1-1
Sec. 1.050 Exempt Utilities 1-1
Sec. 1.060 Purposes 1-1
Sec. 1.070 Minimum Requirements 1-2
Sec. 1.080 Compliance Required 1-2
Sec. 1.090 Conflicting Provisions 1-2
Sec. 1.100 Rules of Language and Construction 1-3
Sec. 1.110 Zoning Map 1-4
Sec. 1.120 Transitional Provisions 1-5
Sec. 1.130 Severability 1-6

Sec. 1.010 Official Name (Title)

The official name of this chapter (Chapter 28) is the "Zoning Ordinance of the Village of Downers Grove, Illinois." For convenience, it is referred to throughout this chapter as the "zoning ordinance."

Sec. 1.020 Authority

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

Sec. 1.030 Effective Date

The provisions of this zoning ordinance become effective on June 15, 2014, except as otherwise expressly stated.

Sec. 1.040 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. 1.050 Exempt Utilities

The provisions of this zoning ordinance do not apply to the type, location or use of poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar transmission or distribution equipment (except substations or other similar structures erected above ground level) of a public utility under the jurisdiction of the Illinois Commerce Commission or a municipally owned utility, provided that the installation of such facilities must conform with all other applicable laws and regulations.

Sec. 1.060 Purposes

This zoning ordinance is adopted for the purposes of:

A. protecting and promoting the public health, safety and general welfare; and

B. implementing the policies and goals contained within the comprehensive plan and other officially adopted plans of the village.

Sec. 1.070 Minimum Requirements

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

B. 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.

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

Sec. 1.080 Compliance Required

A. 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 provisions of this zoning ordinance.

B. 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.

C. 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. 1.090 Conflicting Provisions

A. 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.

B. 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.

C. Conflict with Private Agreements and Covenants

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. 1.100 Rules of Language and Construction

A. 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 Chapter 1 of the municipal code or in this zoning ordinance have the specific meanings assigned unless the context indicates another meaning. In cases of conflict between the definitions in Chapter 1 of the municipal code and those of this zoning ordinance, the zoning ordinance definitions govern. Words that are not expressly defined in Chapter 1 of the municipal code or this zoning ordinance have the meaning given in the latest edition of Merriam-Webster's Unabridged Dictionary.

B. Public Officials and Agencies

All employees, public officials, bodies and agencies to which references are made are those of the Village of Downers Grove unless otherwise expressly stated.

C. Computation of Time

1. 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.
2. 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.
3. 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.

D. Tenses and Usage

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The words "must," "will," "shall" and "may not" are mandatory.
4. The word "should" is advisory, not mandatory or required.
5. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."
6. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
7. The words "used" and "occupied" include "intended, designed or arranged to be used or occupied."

E. Conjunctions

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

1. "and" indicates that all connected items or provisions apply; and
2. "or" indicates that the connected items or provisions may apply singularly or in combination.

F. 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.

G. Current Versions and Citations

All references in this zoning ordinance to other village, state or federal regulations refer to the most current version and citation for those regulations, unless otherwise expressly indicated.

H. 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.

I. 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. 1.110 Zoning Map

A. 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.

B. 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. (65 ILCS 5/11-13-19).

C. Map Interpretations

Where any uncertainty exists about a zoning boundary, the community development director is authorized to refer the matter to the zoning board of appeals for a determination or make an administrative interpretation using the following rules of interpretation:

1. 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.

2. 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.

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

4. 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 should move 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.

5. 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.

D. Zoning of Public Ways and Railroad Rights-of-way

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.

E. 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 R-1 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 criteria.

Sec. 1.120 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. 1.030 to this zoning ordinance.

A. Applications, Permits and Approvals

1. 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. 1.030 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.

2. 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. 1.030 must be reviewed wholly under the terms of the zoning ordinance in effect immediately before the effective date specified in Sec. 1.030. 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.

3. 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. 1.030, 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 11.

B. Violations Continue

1. 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 Article 13.
2. 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. 1.030.
3. 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. 1.030.

Sec. 1.130 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. 2.010 The Districts 2-1
Sec. 2.020 Allowed Uses 2-1
Sec. 2.030 Lot and Building Regulations 2-1
Sec. 2.040 Generally Applicable Regulations 2-4

Sec. 2.010 The Districts

A. List

The village's residential zoning districts are listed in Table 2-1. When this zoning ordinance refers to "residential" zoning districts or "R" districts, it is referring to the districts in Table 2-1.

Table 2-1: Residential Zoning Districts

Map Symbol	District Name
R- 1	Residential Detached House 1
R- 2	Residential Detached House 2
R- 3	Residential Detached House 3
R- 4	Residential Detached House 4
R-5	Residential Attached House 5
R-5A	Residential Attached House 5A
R-6	Residential Apartment/Condo 6

B. Description

Downers Grove's residential zoning districts are primarily intended to create, maintain and promote a variety of housing opportunities for 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.

Sec. 2.020 Allowed Uses

Principal uses are allowed in R districts in accordance with Table 5-1. Only one principal building and use may be located on a single lot in the R districts. (Ord. No. 5706, 7/10/18)

Sec. 2.030 Lot and Building Regulations

The lot and building regulations of Table 2-2 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article 14. Additional regulations governing accessory uses and structures can be found in Sec. 6.010. See also Figure 2-1.

Table 2-2: R District Lot and Building Regulations

	Regulations	R-1	R-2	R-3	R-4	R-5	R-5A	R-6
	Minimum District Area (square feet)	20,000	15,000	10,500	7,500	87,120	87,120	87,120
L1	**Minimum Lot Area** (square feet)							
	Detached house	20,000	15,000	10,500	7,500	7,500	7,500	7,500
	Attached house (applies to development not individual units)	–	–	–	–	8,000	8,000	10,500
	Two-unit house	–	–	–	–	10,500	10,500	10,500
	Apartment/condo	–	–	–	–	–	–	10,500
	Other buildings/uses	20,000	15,000	10,500	7,500	10,500	10,500	10,500
	Minimum Lot Area per Dwelling Unit (square feet)							
	Detached house	20,000	15,000	10,500	7,500	7,500	7,500	7,500
	Attached house	–	–	–	–	4,000	4,000	2,500

	Regulations	R-1	R-2	R-3	R-4	R-5	R-5A	R-6
	Two-unit house	–	–	–	–	5,250	5,250	5,250
	Apartment/condo	–	–	–	–	–	–	1,000
	Other buildings/uses	–	–	–	–	–	–	–
L2	**Minimum Lot Width** (feet)							
	Detached house	100	85	75	50	50	50	50
	Attached house [1]	–	–	–	–	80	80	80
	Two-unit house	–	–	–	–	80	80	80
	Apartment/condo	–	–	–	–	–	–	80
	Other buildings/uses	100	85	75	50	80	80	80
L3	**Minimum Street Frontage** [1]	40	40	40	40	40	40	40
	Minimum Building Setbacks							
S1	Street (feet)	40	35	30	25	25	25	25
S2	Side (interior) (% lot width/feet, whichever is greater)	[2]	10/7	10/6	10/5	10/5	10/5	10/5[3]
S3	Rear (feet)	20	20	20	20	20	20	20
	Maximum Floor Area Ratio							
	Residential	–	–	–	–	–	–	1.50
	Nonresidential	0.60	0.60	0.60	0.60	0.80	0.80	1.50
C	**Maximum Building Coverage** (% of lot, principal + accessory)	32	32	32	32	32	32	40
	Maximum Building Height (feet)							
	Overall (highest point)	35	35	35	35	35	35	35
	Eave [4]	25	25	25	25	25	25	–

Notes to Table 2-2

[1] Minimum lot frontage and lot width requirements do not apply to individual units in attached house projects.

[2] R-1 minimum side setback is 10% of lot width or 10 feet, whichever is *less*, with no side setback less than 7 feet.

[3] Minimum interior side setback for apartment/condo or nonresidential building on lots abutting R-1 through R-5A districts is 20 feet, plus one foot of additional setback for each foot of building height above 20 feet. See Figure 2-2.

[4] The maximum eave height regulation does not apply to dormers, provided that individual dormers do not exceed 4.5 feet in width and the combined width of all dormers projecting from a single side of the building does not exceed 25% of the length of that side of the building and the dormers are separated by a distance of at least 5 feet. See Figure 2-3.

Figure 2-1: Lot and Building Regulation Diagram

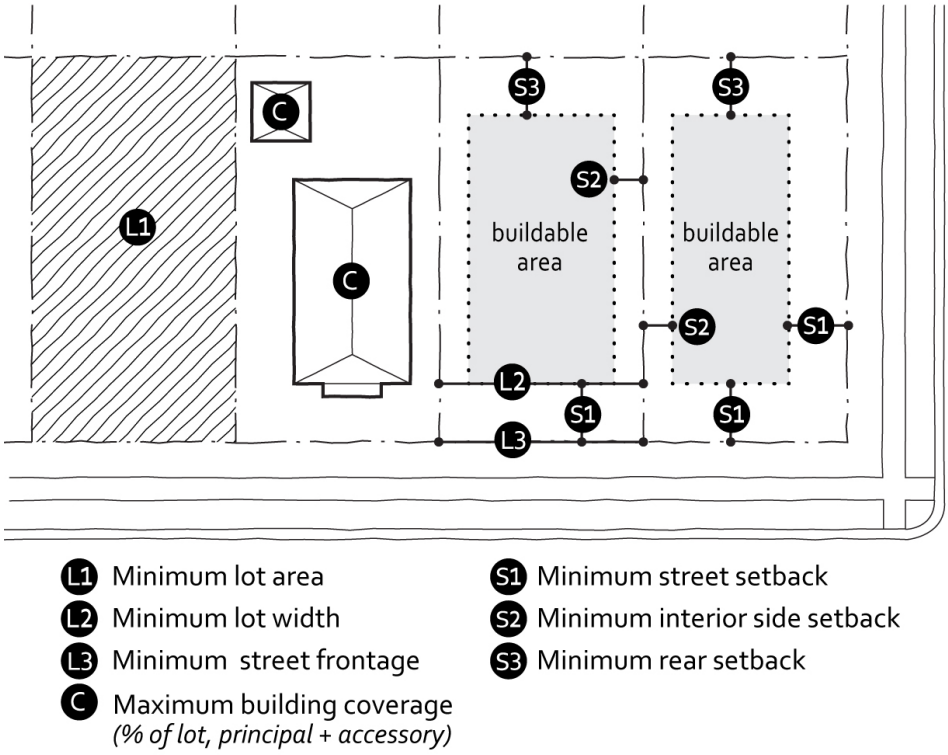


Figure 2-2: Apartment/condo and Nonresidential Building Setbacks

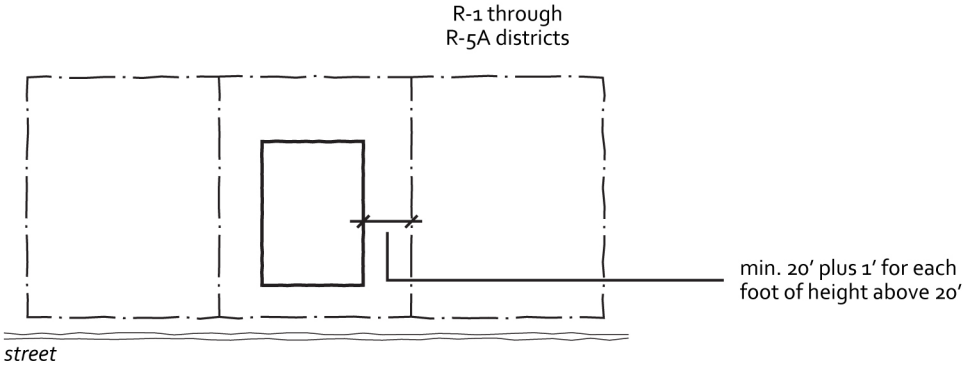
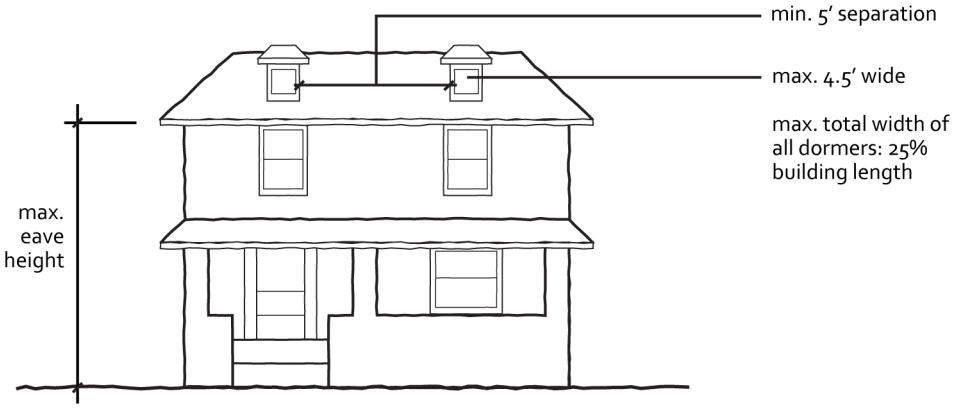


Figure 2-3: Dormer Exception to Eave Height Regulation



Sec. 2.040 Generally Applicable Regulations

Uses and structures in residential zoning districts may be subject to other regulations and standards, including the following.

A. Nonconformities

See Article 11.

B. Accessory Uses and Structures

See Sec. 6.010.

C. Parking

See Article 7.

D. Fences

See Sec. 10.010.

E. Signs

See Article 9.

F. Landscaping and Screening

See Article 8.

G. Outdoor Lighting

See Sec. 10.030.

Article 3 | Business and Employment Districts

Sec. 3.010 The Districts 3-1
Sec. 3.020 Allowed Uses 3-2
Sec. 3.030 Lot and Building Regulations 3-2
Sec. 3.040 Special Street Setback Requirements 3-3
Sec. 3.050 Outdoor Display and Storage 3-4
Sec. 3.060 Generally Applicable Regulations 3-4

Sec. 3.010 The Districts

A. List

The village's business and employment zoning districts are listed in Table 3-1. When this zoning ordinance refers to "business and employment" zoning districts or to "B," "O" or "M" districts, respectively, it is referring to the districts in Table 3-1.

Table 3-1: Business and Employment Zoning Districts

Map Symbol	District Name
B-1	Limited Retail Business
B-2	General Retail Business
B-3	General Services and Highway Business
O-R	Office-Research
O-R-M	Office-Research-Manufacturing
M-1	Light Manufacturing
M-2	Restricted Manufacturing

B. Description

Downers Grove's business and employment zoning districts are generally intended to accommodate and promote retail, service, business and employment uses.

1. B-1, Limited Retail Business District

The B-1 district is primarily intended to accommodate small-scale retail and service businesses that serve residents of abutting neighborhoods. It is generally intended to be applied to sites with frontage on a collector or higher-level street and in locations that can be safely accessed via motorized and nonmotorized transportation.

2. B-2, General Retail Business District

The B-2 district is primarily intended to accommodate retail and service businesses that serve a village-wide or larger trade area. It is generally intended to be applied to sites with frontage on at least one arterial street.

3. B-3, General Services and Highway Business District

The B-3 district is primarily intended to accommodate very large retail and service establishments, business establishments that generate large volumes of automobile traffic, high-impact commercial and limited manufacturing activities.

4. O-R, Office-Research District

The O-R district is primarily intended to accommodate office, research & development activities in office-like settings.

5. **O-R-M, Office Research and Manufacturing District**
   The O-R-M district is primarily intended to accommodate office, research & development and limited manufacturing, processing and assembly activities.

6. **M-1, Light Manufacturing District**
   The M-1 district is primarily intended to accommodate office, research and employment uses, including very low-impact industrial activities.

7. **M-2, Restricted Manufacturing District**
   The M-2 district is primarily intended to accommodate office, research and employment uses, including low-impact industrial activities.

Sec. 3.020 Allowed Uses

Principal uses are allowed in business and employment districts in accordance with Table 5-1. Only one principal building may be located on a single lot in the B, O and M districts.
(Ord. No. 5706, 7/10/18)

Sec. 3.030 Lot and Building Regulations

The lot and building regulations of Table 3-2 apply to all principal uses and structures in B, O and M districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article 14. Additional regulations governing accessory uses and structures can be found in Sec. 6.010. See also Figure 2-1.

Table 3-2: B, O and M District Lot and Building Regulations

	Regulations	B-1	B-2	B-3	O-R	O-R-M	M-1	M-2
	Minimum District Area (acres)	2	4	4	10	5[1]	6	6
L1	**Minimum Lot Area** (square feet)	–	–	–	–	20,000	20,000	20,000
	Minimum Lot Area Per Dwelling Unit (square feet)	Same as R6		–	–	–	–	–
	Maximum Floor Area Ratio (FAR)	0.40	0.75	0.75	0.75[2]	0.80/1.00[3]	1.00	1.00
	Maximum Building Coverage (% of lot)	–	–	–	–	–	60	60
	Building Setbacks (feet)							
S1	Street (see also Sec. 3.040)	25	25	25	75[6]	35[7]	35[7]	35[7]
S2	Side (interior)	–[4]	–[4]	–[4]	30[6]	10[8]	10[8]	20[7][9]
S3	Rear (residential floors)	30	30	30	–	–	–	–
S3	Rear (nonresidential floors)	–[5]	–[5]	–[5]	50[6]	10[8]	10[8]	20[7][9]
	Min. Landscaped Open Space (% of lot)[10]	10	10	10	20	15	10[11]	10
	Maximum Building Height (feet)	35	35	60	112	126/140[3]	37.5	37.5

Notes to Table 3-2

[1] No minimum district area required north of Ronald Reagan Memorial Tollway or to property zoned M-1 or M-2 on 10-25-1982.

[2] Buildings with a floor area ratio (FAR) in excess of 0.50 are subject to the following: (1) required parking for floor area in excess of 0.50 FAR must be located underground or in parking garage and (2) landscaped open space must be provided on at least 20% of the lot.

[3] South of Ronald Reagan Memorial Tollway/North of Ronald Reagan Memorial Tollway.

[4] On lots abutting R districts, minimum side setback of abutting R district must be provided, plus one foot of additional setback for each foot of building height above 20 feet. See Figure 3-1.

[5] On lots abutting rear lot line of property in R district, a minimum 20-foot rear setback is required, plus one foot of setback per foot of building height above 20 feet. On lots abutting side lot line of property in R district, minimum side setback of abutting R district must be provided, plus one foot of additional setback per foot of building height above 20 feet.

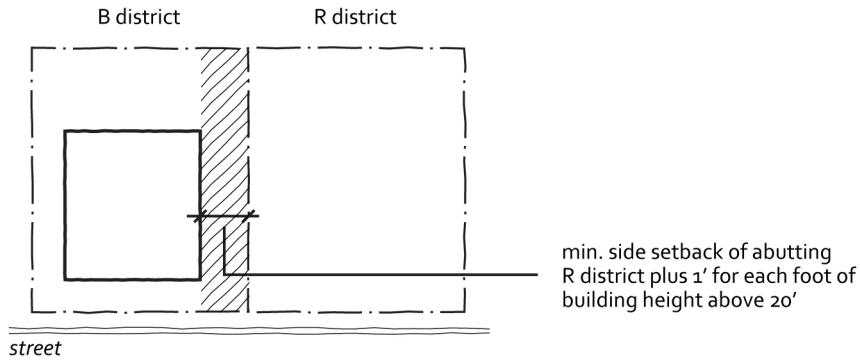
[6] Plus one foot of additional setback for foot of building height above 50 feet.

[7] Plus one foot of additional setback for each 2 feet of building height above 35 feet.

[8] On lots abutting property in R district, a minimum 30-foot setback is required, plus one foot of additional setback for each 2 feet of building height above 20 feet. Parking must be set back at least 15 feet from abutting R district.

[9] Minimum 75-foot setback required abutting R district.
[10] At least 50% of required landscaped open space must be located in the street yard.
[11] No minimum street yard landscaping required for properties abutting I-355 and frontage along west side of Thatcher Road.

Figure 3-1: Side Setbacks Abutting R Districts



Sec. 3.040 Special Street Setback Requirements

Special street setback requirements are established to reflect existing neighborhood conditions, historical building patterns and other unique context issues. The special street setback requirements of Table 3-3 govern in the case of conflict with the lot and building regulations in Table 3-2.

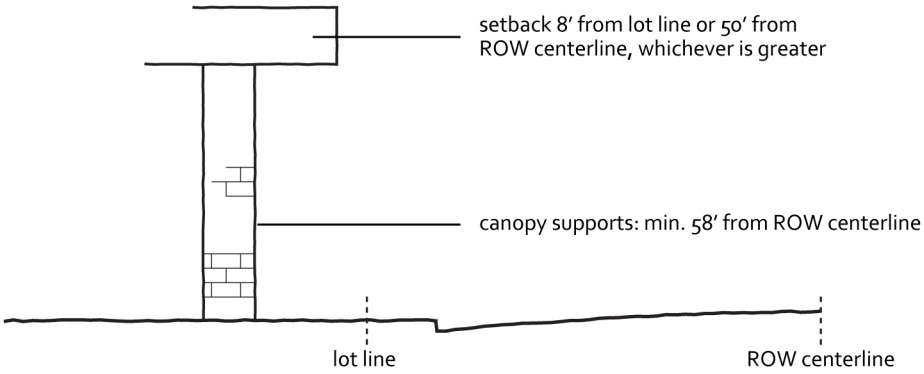
Table 3-3: Special Street Setback Requirements in B, O and M District

Street Frontage or Area[1]	**B-1**	**B-2**	**B-3**	**O-R**	**O-R-M**	**M-1**	**M-2**
Douglas Road (between Rogers Street and Maple Ave.)	–	–	–	–	–	10	–
Fairview Concentrated Business District	8	8	8	–	–	–	–
Inverness Road, North Side (between Belmont Road and Janes Ave.)	–	–	–	–	–	25	–
Maple Avenue, South Side	–	–	–	–	10	10	–
Ogden Avenue (from ROW centerline)							
Principal and accessory buildings	75	75	75	–	75	75[4]	–
Canopy	50[2]	50[2]	50[2]	–	–		–
Other (e.g., parking, fences, light poles)	50	50	50[3]	–	50	50[4]	–
Rogers Street, South Side (between Prospect Ave. and Fairview Ave.)	–	–	–	–	–	10[5]	–
Second Street, North Side (between Fairview Ave. and Wilcox Ave.)	50	–	–	–	–	–	–
Second Street (between Wilcox Ave. and Cumnor Road)	–	–	–	–	–	60	–
Warren Avenue, South Side (between Lee Street and Saratoga Ave.)	–	–	–	–	–	10[5]	–

Notes to Table 3-3

[1] All setbacks measured in feet from lot line unless otherwise expressly indicated.
[2] Or 8 feet from lot line, whichever provides the greater setback. Vertical canopy supports subject to 58-foot minimum setback from ROW centerline. See Figure 3-2.
[3] Setback for parking and vehicle display reduced to 8 feet along non-Ogden (corner) street frontage.
[4] Setback reduced to 8 feet along non-Ogden (corner) street frontage.
[5] Applies only to lots that were classified for manufacturing uses as of January 1, 1950.

Figure 3-2: Canopy Setbacks



Sec. 3.050 Outdoor Display and Storage

A. Except as otherwise expressly provided in this zoning ordinance, and except for temporary uses authorized in Chapter 4 of the municipal code, all allowed uses must be conducted within completely enclosed buildings.

B. Outdoor storage is allowed only in the O-R-M, M-1 and M-2 districts.

1. In O-R-M and M-1 districts, outdoor storage areas must be set back at least 150 feet from all R districts and enclosed by a solid fence or wall 8 feet in height, including solid doors or gates.
2. In M-2 districts, outdoor storage areas must be set back at least 500 feet from all R districts and enclosed by a solid fence or wall 8 feet in height, including solid doors or gates.

Sec. 3.060 Generally Applicable Regulations

Uses and development in business and employment zoning districts may be subject to other regulations and standards, including the following.

A. Nonconformities

See Article 11.

B. Accessory Uses and Structures

See Sec. 6.010.

C. Parking

See Article 7.

D. Fences

See Sec. 10.010.

E. Signs

See Article 9.

F. Landscaping and Screening

See Article 8.

G. Outdoor Lighting

See Sec. 10.030.

Article 4 | Special Purpose Districts

Sec. 4.010 D, Downtown Districts 4-1
Sec. 4.020 INP, Institutional and Public Districts 4-4
Sec. 4.030 PUD, Planned Unit Development Overlay District 4-7

Sec. 4.010 D, Downtown Districts

A. List

The village's downtown zoning districts are listed in Table 4-1. When this zoning ordinance refers to "downtown" zoning districts or to "D" districts, it is referring to the districts in Table 4-1.

Table 4-1: Downtown Zoning Districts

Map Symbol	District Name
DC	Downtown Core
DB	Downtown Business
DT	Downtown Transition

B. Description

1. DC, Downtown Core

The DC, Downtown Core, zoning district regulations are intended to maintain and promote a vibrant and compact core within the downtown area for shopping, dining and entertainment with residential uses above. The district regulations are further intended to encourage a broad range of uses and high-quality development. The DC district is designed for the types of development appropriate in the downtown area.

2. DB, Downtown Business

The DB, Downtown Business, zoning district regulations are intended to maintain and promote a vibrant and compact downtown area for living, shopping, dining and entertainment. The district regulations are further intended to encourage a broad range of uses and high-quality development. The DB district is designed for the types of development appropriate in the downtown business area. It is intended to be mapped only in the area shown on the zoning map as of June 7, 2005, except that:

a. the DB Downtown Business district may be mapped on property contiguous to that area on property classified as of June 7, 2005, within the DT district; and

b. upon a finding by the village council that there exists specific extraordinary circumstances, the DB district may be mapped on property classified within other zoning districts abutting the existing DB District.

3. DT, Downtown Transition

The DT, Downtown Transition, zoning district regulations are intended to accommodate and promote transitional land uses and development patterns between the DB or DC zoning district and nearby low-density residential areas. The regulations are intended to help prevent intensive downtown development from encroaching into stable residential areas and to prevent low-density residential development from encroaching

into the downtown area. The DT district is intended to be mapped only abutting the DB or DC district.

C. Allowed Uses

Principal uses are allowed in downtown districts in accordance with Table 5-1. Only one principal building may be located on a single lot in the D districts.

D. Lot and Building Regulations

The lot and building regulations of Table 4-2 apply to all principal uses and structures in D districts, except as otherwise expressly stated in this zoning ordinance. General exceptions to lot and building regulations and rules for measuring compliance can be found in Article 14. Additional regulations governing accessory uses and structures can be found in Sec. 6.010. See also Figure 2-1.

Table 4-2: D District Lot and Building Regulations

	Regulations	DC	DB	DT
L1	**Minimum Lot Area** (square feet)			
	Detached house	-	–	7,500
	Attached house (applies to development not individual units)	-	–	10,500
	Two-unit house (applies to development not individual units)	-	–	10,500
	Apartment/condo (applies to development not individual units)	-	–	10,500
	Other nonresidential buildings/uses	-	–	7,500
	Minimum Lot Area per Dwelling Unit (square feet)	900	800	1,800/4,000[1]
L2	**Minimum Lot Width** (feet)	-	–	50
	Minimum Building Setbacks (feet)			
S1	Street	-	–[2]	10[3]
S2	Side (interior)	-	–[4]	5
S3	Rear	-	–[5]	20
	Build-to Zone			
	Minimum/maximum (feet)	0/5	0/10	–
	Minimum percent of building in primary street BTZ	80	80	–
	Minimum percent of building in secondary street BTZ	30	30	–
	Maximum Floor Area Ratio			
	Apartment/condo	-	–	2.5
	Nonresidential	-	–	2.5
C	**Maximum Building Coverage** (% of lot, principal + accessory)	-	–	–
	Building Height (feet)			
	Maximum	40/3 [7]	70	36/3[6][8]
	Minimum	24/2 [9]	32	–

[1] Attached house and apartment-condo / detached house and two-unit house .

[2] When the extension of a front or street side lot line coincides with a front or street side lot line of an abutting R-zoned lot, a street setback must be provided on the DB-zoned lot. The street setback in such cases must extend at least 35 feet from the abutting R-zoned lot and be at least as deep as the street setback required on the abutting R-zoned lot. A street setback at least 8 feet in depth must be provided along the remainder of the front or street side lot line. See Figure 4-1.

[3] No street setback required if street lot line abuts DB zoning districts.

[4] A side setback is required when abutting the side or rear lot line of an R-zoned lot. The setback must be at least as deep as the side setback required on the abutting R-zoned lot, plus one foot of additional setback for each foot of building height in excess of 20 feet. See Figure 4-2.

[5] A rear setback is required when abutting the side or rear lot line of an R-zoned lot. When abutting the rear lot line of an R-zoned lot, the setback must be at least 20 feet in depth, plus one foot of additional setback for each foot of building height in excess of 20 feet. When abutting the side lot line of an R-zoned lot, the setback must be at least as deep as the side setback required on the abutting R-zoned lot, plus one foot of additional setback for each foot of building height in excess of 20 feet. See Figure 4-3.

[6] Detached houses, attached houses and two-unit houses subject to 35-foot maximum height.

[7] Maximum height is 40 feet or three stories, whichever is less.
[8] Maximum height is 36 feet or three stories, whichever is less.
[9] Minimum height is 24 feet or two stories, whichever is more. (Ord. No. 5706, 7/10/18)

Figure 4-1: DB District Street Setback Abutting R-Zoned Lot

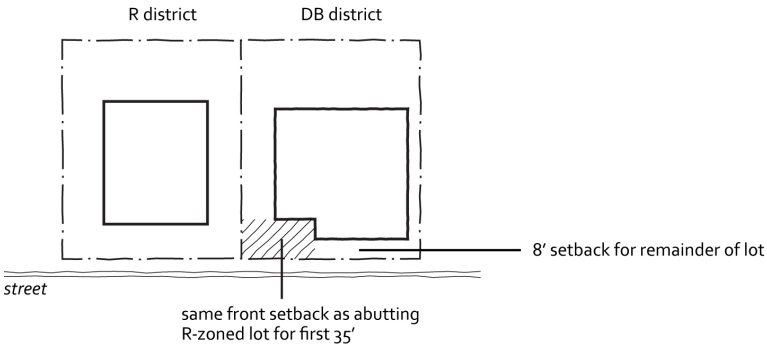


Figure 4-2: DB District Side Setback Abutting R-Zoned Lot

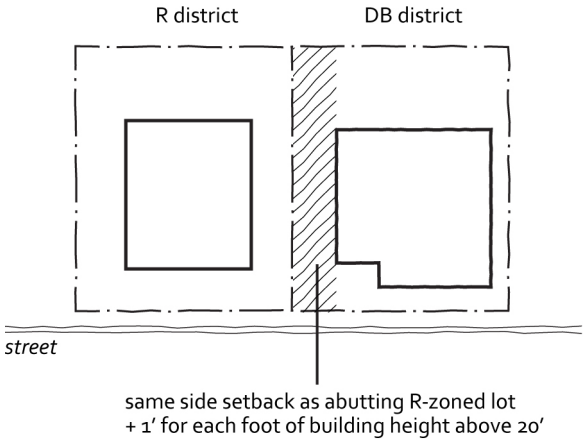
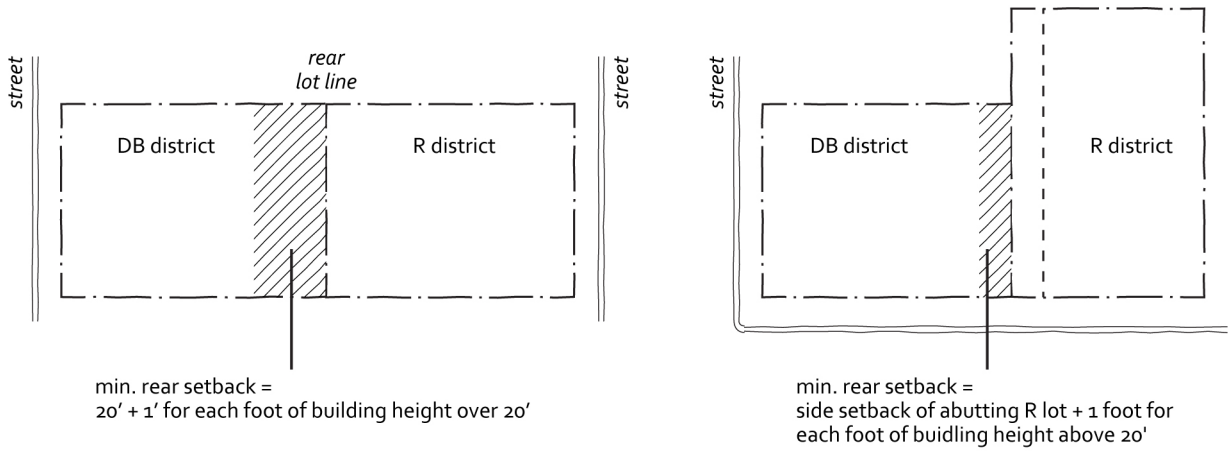


Figure 4-3: DB District Rear Setback Abutting R-Zoned Lot



Sec. 4.020 INP, Institutional and Public Districts

A. Mapping

The INP, Institutional and Public zoning district designations may be applied regardless of ownership of the land on which the use is located. INP zoning designations are not intended to be applied to land owned by a governmental or institutional entity but used for non-governmental service or non-institutional use.

B. INP-1, Neighborhood-scale Institutional and Public District

1. Purpose

The INP-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.

2. Allowed Uses

Principal uses are allowed in INP-1 districts in accordance with Table 5-1. Multiple principal uses and buildings are allowed on a single lot in the INP-1 district.

3. Lot and Building Regulations

a. Maximum District Area

In order to maintain the intended neighborhood-scale character of the INP-1 district, the maximum contiguous INP-1 zoned area may not exceed 4 acres.

b. Setbacks and Other Lot and Building Regulations

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 INP-1 district.

4. Other Regulations

Development in an INP-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping, sign and other regulations of general applicability.

C. INP-2, Campus-scale Institutional and Public District

The INP-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.

1. Allowed Uses

Principal uses are allowed in the INP-2 district in accordance with Table 5-1. Additional uses may be approved in the INP-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 INP-2 district.

2. Development Review

a. Applicability

Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the INP-2 district. To comply with the development review requirements of this section, applicants have the option of:

(1) securing special use approval for all proposed building development activities in the INP-2 district; or

(2) submitting and securing approval of an overall institutional master plan in accordance with the requirements of this section.

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

(1) development that complies with a valid, approved institutional master plan;

(2) 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

(3) 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.

3. Lot and Building Regulations

a. **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 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 INP-2 district.

b. **Interior Site Areas**
Areas of an INP-2-zoned site located more than 150 feet from the boundary of an 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.

4. Institutional Master Plans

a. **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.

b. **Planning Area**
An institutional master plan must include all land located within the proposed INP-2 district and depict all land uses within the area extending out at least 500 feet from the INP-2 district boundary.

c. **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 the discretion of the community development director, the following information may be required:

(1) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;

(2) land and building uses;

(3) gross floor area;

(4) building height;

(5) landscaping and lighting; and

(6) off-street parking and loading facilities.

d. **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. At the discretion of the community development director, the plan may include the following in describing the development envelope:

(1) floor area ratio (far);

(2) average daily and peak-hour traffic;

(3) height;

(4) setbacks;

(5) total site area of open space; and

(6) total number of motor vehicle and bicycle parking spaces to be provided.

e. **Transportation Management Plan**

At the discretion of the community development director, the institutional master plan may include a transportation and parking management plan that identifies any traffic mitigation measures to be used.

f. **Nonmotorized Circulation Plan**

At the discretion of the community development director, the institutional master plan may include a nonmotorized circulation system plan.

5. **Approval Procedures**

Institutional master plans require review and approval in accordance with the PUD procedures of Sec. 12.040.

(Ord. No. 5471, § 1, 7/21/15, Ord. No. 5706, 7/10/18)

Sec. 4.030 PUD, Planned Unit Development Overlay District

A. Purpose

1. General

The PUD, Planned Unit Development, Overlay district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards and that result in public benefits that are at least commensurate with the degree of development flexibility provided. Examples of the types of development that may be appropriate for PUD approval include the following:

a. **Enhanced Protection of Natural Resource Areas**
Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, floodplains, wetlands and woodlands.

b. **Energy Conservation/Sustainability**
Developments that achieve extremely high levels of energy conservation and developments that achieve extremely high levels of sustainability, as evidenced by commitment to attain at least LEED Gold or equivalent ratings by recognized green building organizations.

c. **Housing Variety**
Developments that offer a range of housing options that offer a variety of lifestyle choices to meet the needs of different age groups and household types.

d. **Mixed- and Multi-use Developments**
Developments that contain a complementary mix of residential and nonresidential uses or that provide for a range of land use types.

e. **Comprehensive Plan**
Developments that are consistent with and help advance the goals and policies of the comprehensive plan.

2. Objectives

Different types of PUDs will achieve different planning goals. In general, however, PUDs should include elements that further some or all of the following objectives:

a. implementation of and consistency with the comprehensive plan and other relevant plans and policies;

b. 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;

c. efficient and economical provision of public facilities and services;

d. variety in housing types and sizes to accommodate households of all ages, sizes, incomes and lifestyle choices;

e. compact, mixed-use development patterns where residential, commercial, civic and open spaces are located in close proximity to one another;

f. a coordinated transportation system that includes an inter-connected hierarchy of facilities for motorized and non-motorized travel;

g. high-quality buildings and improvements that are compatible with surrounding areas, as determined by their arrangement, massing, form, character and landscaping;

h. the protection and enhancement of open space amenities and natural resource features;

i. the incorporation of sustainable development features including green infrastructure practices in landscapes and parking area, to maximize the aesthetic and water quality benefits of best practices in stormwater management; and

j. attractive, high-quality landscaping, lighting, architecture and signage, including the use of native landscaping that reflects the unique character of the village and the surrounding area.

B. Procedure

PUDs must be reviewed and approved in accordance with the procedures of Sec. 12.040.

C. Zoning Map

1. Approved PUDs must be identified on the zoning map by appending the map symbol "PUD" as a suffix to the base zoning district classification, as in "R-4/PUD."

2. All properties classified by ordinance or resolution as a planned development prior to the effective date of this ordinance are reclassified as a Planned Unit Development (PUD) subject to the regulations established as part of their previous approvals.

D. 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.

E. Regulations and Standards Eligible for Modification

Unless otherwise expressly approved by the village council as part of the PUD approval process, PUDs are subject to all applicable standards of this zoning ordinance. The village council 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 approval criteria of Sec. 12.040C.5.

F. Lot and Building Regulations

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

G. Allowed Uses

The uses to be allowed in a PUD must be identified as part of the PUD approval process along with all applicable conditions or supplemental use regulations that apply to such uses. Unless otherwise expressly stated, the village council 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.

H. Parking and Loading

Off-street parking and loading requirements may be modified when the village council 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.

I. 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 council determines that such alternative designs would better meet the purpose of the PUD overlay.

(Ord. No. 5471, § 2, 7/21/15)

Article 5 | Allowed Uses

Sec. 5.010 Allowed Uses 5-1
Sec. 5.020 Use Categorization System 5-6
Sec. 5.030 Residential Use Category 5-7
Sec. 5.040 Public, Civic and Institutional Use Category 5-8
Sec. 5.050 Commercial Use Category 5-11
Sec. 5.060 Wholesale, Distribution & Storage Use Category 5-16
Sec. 5.070 Industrial Use Category 5-17
Sec. 5.080 Recycling Use Category 5-18
Sec. 5.090 Agricultural Use Category 5-18
Sec. 5.100 Other Use Category 5-19

Sec. 5.010 Allowed Uses

A. Use Table

Principal uses are allowed in base zoning districts in accordance with Table 5-1.

B. Understanding the Use Table

1. Uses

Uses are listed in the first column of Table 5-1. See Sec. 5.020 for an explanation of the use categorization system.

2. Permitted and Special Uses

a. Uses identified with a "P" are permitted as-of-right in the subject zoning district.

b. Uses identified with an "S" may be allowed in the subject zoning district if reviewed and approved in accordance with the special use procedures of Sec. 12.050.

c. Permitted and special uses are subject to compliance with identified supplemental regulations and all other applicable regulations of this zoning ordinance.

3. Prohibited Uses

Uses identified with an "–" are prohibited. Uses that are not listed in the table and that cannot reasonably be interpreted to fall within one of the use categories described in Sec. 5.020 are also prohibited, as determined by the community development director in accordance with Sec. 5.020D

4. Supplemental Regulations and Specific Limitations

The "supplemental regulations" column identifies additional regulations that apply to some uses. In addition, some uses may be subject to "specific limitations," which are identified by a bracketed number (e.g., "[1]"). Corresponding limitations are listed immediately following the table in Sec. 5.010D. Compliance with supplemental regulations and specific limitations is required for permitted and special uses.

C. Accessory Uses

Allowed accessory uses, such as home occupations, are not identified in Table 5-1. Customary accessory uses are permitted in conjunction with allowed principal uses, subject to compliance with all applicable accessory use regulations of Sec. 6.010.

Table 5-1: Allowed Uses

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
	P = use permitted as of right | **S** = special use approval required | **–** = not allowed																			
RESIDENTIAL																				
Household Living																				
Detached house	P	P	P	P	P	P	P	–	–	–	-	–	P	–	–	–	–	–	–	
Attached house	–	–	–	–	P	P	P	–	–	S	-	S [20]	P	–	–	–	–	–	–	
Two-unit house	–	–	–	–	P	P	P	–	–	–	-	S[20]	P	–	–	–	–	–	–	
Apartment/condo	–	–	–	–	–	–	P	P	P	S	S [17]	S	S	–	–	–	–	–	–	
Group Living (except for the following uses)	S	S	S	S	S	S	S	–	–	–	-	–	–	–	–	–	–	S	S	
Group home, small (8-person max. occupancy)	P	P	P	P	P	P	P	–	–	–	-	–	–	–	–	–	–	P	P	Sec. 6.050
Group home, large (9 or more occupants)	S	S	S	S	S	S	S	–	–	–	-	–	–	–	–	–	–	S	S	Sec. 6.050
Nursing home	S	S	S	S	S	S	S	P	P	S	-	–	–	–	–	–	–	–	S	Sec. 6.080
Sheltered Care	S	S	S	S	S	S	S	P	P	S	-	–	–	–	–	–	–	–	–	Sec. 6.080
PUBLIC, CIVIC AND INSTITUTIONAL																				
Aircraft Landing Area	–	–	–	–	–	–	–	–	S	S	-	–	–	S	S	S	S	–	S	
Cemetery	–	–	–	–	–	–	–	–	–	–	S [6]	-	–	–	–	–	–	S	S	
College or University	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	S[1]	–	–	–	S	S	S	S	S	–	–	–	S	
Community Center	S	S	S	S	S	S	S	–	–	–	S	S	S	–	–	–	–	S	P	
Fraternal Organization	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	S	S	–	–	–	–	–	S	S	
Governmental Facility	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	P	P	P	P	P	P	–	–	–	–	P	P	
Hospital	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	S[3]	–	P	P	-	–	–	–	–	–	–	–	S	
Library	–	–	–	–	–	–	–	–	–	S	S	S	S	S	S	–	–	S	S	
Museum or Cultural Facility	–	–	–	–	–	–	–	–	–	S	S	S	S	S	S	–	–	S	S	
Natural Resource Preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Recreation	S	S	S	S	S	S	S	–	–	–	-	–	–	–	–	–	–	P	P	
Religious Assembly	S	S	S	S	S	S	S	S	P	P	- [6]	- [6]	S	S	S	–	–	S	S	Sec. 6.120
Safety Service	S	S	S	S	S	S	S	S	P	P	S	S	S	P	P	P	P	P	P	
School	S	S	S	S	S	S	S	–	–	–	-	–	S	–	–	–	–	S	S	
Utilities and Public Service Facility																				
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	S	S	
Wireless Telecommunications																				
Freestanding tower	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	P	Sec. 6.170
Building or tower-mounted antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.170
COMMERCIAL																				
Adult Entertainment Establishment	–	–	–	–	–	–	–	–	–	–	-	–	–	–	P	P	P	–	–	Sec. 6.020
Animal Service																				
Boarding or shelter	–	–	–	–	–	–	–	–	S	P	-	–	–	–	–	P	P	–	–	
Grooming	–	–	–	–	–	–	–	P	P	P	P	P	P[18]	–	–	P	P	–	–	

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
	P = use permitted as of right | **S** = special use approval required | **–** = not allowed																			
Veterinary care	–	–	–	–	–	–	–	–	P	P	S	S	S[18]	–	–	P	P	–	–	Sec. 6.160
Assembly and Entertainment (except for the following uses)	–	–	–	–	–	–	–	–	–	P	S	S	–	–	–	–	–	–	S	
Auditorium	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	-	–	–	S	
Cinema	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–		
Theater	–	–	–	–	–	–	–	–	P	P	S	S	–	–	–	–	–	–	S	
Broadcast or Recording Studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	
Commercial Service																				
Building service	–	–	–	–	–	–	–	–	S	P	-	S	–	–	–	P	P	–	–	
Business support service	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	P	–	–	
Consumer maintenance and repair	–	–	–	–	–	–	–	P	P	P	P	P	–	–	–	P	–	–	–	
Personal improvement service																				
General personal improvement services	-	-	-	-	-	-	-	P	P	P	P	P	P[13]	-	-	-	-	-	-	
Health and fitness services	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	S	S	-	-	
Studio or instructional services	-	-	-	-	-	-	-	P	P	P	P	P	S	-	-	-	-	-	-	
Fortune-telling or psychic service	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	
Massage therapy	–	–	–	–	–	–	–	–	–	–	-	–	–	–	S	S	S	–	–	Sec. 6.070
Research service	–	–	–	–	–	–	–	–	–	P	S	S	S[18]	P	P	P	P	–	–	
Day Care																				
Day care home	P	P	P	P	P	P	P	–	–	–	-	–	P	–	–	–	–	–	–	Sec. 6.030
Day care center	–	–	–	–	S	S	S	P	P	P	-	S	S	P	P	P	P	S	–	Sec. 6.030
Eating and Drinking Establishment																				
Restaurant	–	–	–	–	–	–	–	P	P	P	P	P	–	P[7]	P[7]	–	–	–	–	
Wine and/or Beer Boutique	–	–	–	–	–	–	–	P	P	P	P	P	S[18]	P	P	–	–	–	–	
Financial Service	–	–	–	–	–	–	–	–	P	P	P	P	P[18]	P	P	P	–	–	–	
Funeral or Mortuary Service	–	–	–	–	–	–	–	S	S	S	-	–	–	–	–	–	–	–	–	
Lodging	–	–	–	–	–	–	–	–	P	P	-	S	–	–	P	–	–	–	–	
Bed and Breakfast	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	–	–	
Office																				
Business and professional office	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	P	–	–	Sec. 6.090
Medical, dental and health practitioner	–	–	–	–	–	–	S[4]	–	P	P	P/S[8]	P/S[8]	S	P	P	P	P	–	–	
Parking, Non-Accessory	–	–	–	–	–	–	–	–	S	S	-	S	S	S	S	S	S	–	–	
Retail Sales																				
Convenience goods	–	–	–	–	–	–	–	P	P	P	P/S[12]	P	P[18]	–	–	–	–	–	–	
Consumer shopping goods	–	–	–	–	–	–	–	P	P	P	P/S[12]	P	P[18]	–	–	–	–	–	–	
Guns and firearm supplies	–	–	–	–	–	–	–	[11]	[11]	[11]	-	–	–	–	–	S	–	–	–	
Building supplies and equipment	–	–	–	–	–	–	–	P	P	P	P/S[12]	P	–	–	–	–	–	–	–	
Self-service Storage Facility	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	S	–	–	Sec. 6.130
Trade School	–	–	–	–	–	–	–	P	P	P	S	S	–	S	S	S	S	–	–	

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	R-1	R-2	R-3	R-4	R-5	R-5A	R-6	B-1	B-2	B-3	DC	DB	DT	O-R	O-R-M	M-1	M-2	INP-1	INP-2	Supplemental Regulations
	P = use permitted as of right | **S** = special use approval required | **–** = not allowed																			
Vehicle Sales and Service																				
Commercial vehicle repair and maintenance	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	–	–	–	
Commercial vehicle sales and rentals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	–	S	–	–	–	
Fueling station	–	–	–	–	–	–	–	–	S	S	-	-	–	–	S	S	–	–	–	Sec. 6.040
Personal vehicle repair and maintenance	–	–	–	–	–	–	–	–	S[10]	S	-	–	–	–	S	S	–	–	–	Sec. 6.100
Personal vehicle sales and rentals	–	–	–	–	–	–	–	–	S[10]	S	-	-	–	–	–	S	–	–	–	
Vehicle body and paint finishing shop	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	–	–	–	
Automobile dealership off-site vehicle storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	--	-	Sec 6.190
WHOLESALE, DISTRIBUTION & STORAGE																				
Equipment and Materials Storage, Outdoor	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	
Trucking and Transportation Terminals	–	–	–	–	–	–	–	–	–	S	-	–	–	–	S	P	P	–	–	
Warehouse	–	–	–	–	–	–	–	–	–	–	-	–	–	S[16]	P	P	P	–	–	
Wholesale Sales and Distribution	–	–	–	–	–	–	–	–	P	P	-	–	–	–	P	P	P	–	–	
INDUSTRIAL																				
Artisan Industrial	–	–	–	–	–	–	–	–	–	P	-	S[19]	S[18]	–	P	P	P	–	–	
Limited Industrial	–	–	–	–	–	–	–	–	–	P[11]	-	–	–	–	P	P	P	–	–	
General Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	P	P	P	–	–	
Intensive Industrial	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	S	–	–	
Junk or Salvage Yard	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	
RECYCLING																				
Recyclable Material Drop-off Facility	–	–	–	–	–	–	–	S	S	S	-	–	–	–	S	S	S	–	–	Sec. 6.110
Recyclable Material Processing	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	
AGRICULTURE																				
Animal Agriculture (except as allowed under Chapter 5 of the Downers Grove Municipal Code)	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	–	–	–	–	
Crop Agriculture	P	P	P	P	P	P	P	–	–	–	-	–	–	–	–	–	–	–	–	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
OTHER																				
Drive-in or Drive-through Facility	–	–	–	–	–	–	–	–	S	S	-	–	-	S[15]	S[15]	S[15]	–	–	–	Sec 7.130
Medical Cannabis Cultivation Center	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	–	–	–	Sec. 6.060
Medical Cannabis Dispensing Organization	–	–	–	–	–	–	–	–	–	–	-	–	–	–	–	S	–	–	–	Sec. 6.060
Adult Use Cannabis Business Establishments	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Adult Use Cannabis Craft Grower	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Adult Use Cannabis Cultivation Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Adult Use Cannabis Dispensing Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Adult Use Cannabis Infuser Organization or Infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Adult Use Cannabis Processing Organization or Processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	--	-	-	-	-	
Adult Use Cannabis Transporting Organization or Transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

D. Specific Limitations

[1] Requires minimum lot area of 40 acres. Maximum 25% building coverage.
[2] Requires minimum lot area of 10 acres.
[3] Requires minimum lot area of 25 acres. Maximum 25% building coverage.
[4] Must be within 150 feet of a B district.
[5] Requires special use approval if above one dwelling unit per 4,000 square feet of lot area.
[6] Special Use only if use was in existence on or prior to June 7, 2005.
[7] Requires minimum seating capacity of 125 persons.
[8] Permitted as of right up to 3,000 sq. ft. (gross floor area); larger requires special use approval.
[9] Must be in a completely enclosed building.
[10] Maximum 10,000 sq. ft. (gross floor area).
[11] Permitted only if ancillary to the following principal uses: sporting goods stores, uniform supply stores and public safety equipment stores.
[12] Consignment stores and martial arts studios permitted as of right up to 3,000 square feet (gross floor area); larger requires special use approval. Other uses permitted as of right up to 15,000 sq. ft. (gross floor area); larger requires special use approval.
[13] Barber shops, beauty shops and salons only; must be on ground floor and may not exceed 2,500 square feet floor area.
[14] Art galleries and studios only; must be on ground floor and may not exceed 2,500 square feet floor area.
[15] Drive-*through banks only.*
[16] See Section 6.180.
[17] Located on 2nd floor or above.
[18] Maximum floor area is 2,500 square feet unless located along Main Street where there is no floor area limitation.
[19] Use must include on-site retail sales.
[20] Requires minimum lot area of 1 acre.

(Ord. No., 5804 12/17/19; Ord. No. 5706, 7/10/18; Ord. No. 5571, § 1, 11/22/16l Ord. No. 5463, § 1, 6/2/15)

Sec. 5.020 Use Categorization System

This section establishes and describes the use categorization system used to classify principal uses in this zoning ordinance.

A. 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. 5.030.
2. Public, Civic and Institutional. See Sec. 5.040.
3. Commercial. See Sec. 5.050.
4. Wholesale, Distribution and Storage. See Sec. 5.060.
5. Industrial. See Sec. 5.070.
6. Recycling. See Sec. 5.080.
7. Agricultural. See Sec. 5.090.
8. Other. See Sec. 5.100.

B. 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.

C. 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.

D. 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 chapter.
2. 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.

3. 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."

4. 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 to the zoning board of appeals in accordance with appeal procedures of Sec. 12.100.

Sec. 5.030 Residential Use Category

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

A. 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. The following are household living specific use types:

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.

2. **Attached House**
   An attached house is a dwelling unit that is attached to one or more dwelling units, each of which is joined together by party wall or walls or 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.

3. **Two-unit House**
   A two-unit is a residential building occupied by 2 dwelling units, both of which are located on a single lot. The dwelling units are attached and may be located on separate floors or side-by-side.

4. **Apartment/condo**
   An apartment/condo 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.

5. **Manufactured Housing Unit**
   A manufactured housing unit is a residential building that complies with the *National Manufactured Housing Construction and Safety Standards Act of 1974* (42 U.S.C. §§5401, et seq.). Manufactured housing units are expressly prohibited in the village.

6. **Mobile Home**
   A vehicle without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, that does not meet building code requirements and has been or reasonably

may be equipped with wheels or other devices for transporting the structure from place to place. Mobile homes are expressly prohibited in the village.

7. **Mobile Home Park**
A mobile home park is a lot upon which mobile homes or manufactured housing units are available for lease or upon which spaces for mobile homes or manufactured housing units are available for lease. Mobile home parks are expressly prohibited in the village.

8. **Caretaker/Security Dwelling**
A single dwelling unit that is accessory to an allowed use and that is occupied solely by an individual who is responsible for maintenance or security in association with the principal use of the property.

B. 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, sheltered care facilities, retirement centers, homeless centers, shelters and halfway houses. The group living subcategories are as follows:

1. **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 the resident 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. See also Sec. 6.050.

2. **Nursing Home**
A "long-term care facility," as defined in 210 ILCS 45/1-113, that provides skilled nursing care. See also Sec. 6.080.

3. **Sheltered Care**
A "long-term care facility," as defined in 210 ILCS 45/1-113, that provides maintenance and personal care.

Sec. 5.040 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:

A. Aircraft Landing Area

Areas used or made available for the landing or takeoff of aircraft, including areas classified as a restricted landing areas by the Illinois Department of Transportation Division of Aeronautics, and including any areas that are used or suitable for use for structures or facilities incidental to aircraft services.

B. 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.

C. College or University

Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.

D. 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 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.

E. 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.

F. Governmental Facility

Uses related to the administration of local, state or federal government services or functions.

G. Hospital

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

H. Library

Collections of books, manuscripts and similar materials for free public lending, studying and reading.

I. 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.

J. 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.

K. 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 parks and open space areas. Also includes public and private golf courses and country clubs.

L. Religious Assembly

Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. See also Sec. 6.120.

M. 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.

N. School

Schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.

O. Utilities and Public Service Facility

1. Minor

a. 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 water and sewer pump stations; gas regulating stations; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.

b. The production, collection or distribution of renewable energy, water or other similar resources at a neighborhood, district or campus scale are classified as minor utilities and public service facilities. This includes distributed energy facilities that produce or distribute energy from renewable sources and neighborhood stormwater facilities.

c. 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.

2. 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.

P. Wireless Telecommunications

Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:

1. Freestanding Towers

A structure intended to support equipment that is used to transmit and/or receive telecommunications signals including monopoles and guyed and lattice construction steel structures. See also Sec. 6.170.

2. Building or Tower-Mounted Antennas

The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. See also Sec. 6.170.

Sec. 5.050 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:

A. Adult Entertainment Establishment

Adult entertainment establishments are defined in the village's adult use licensing ordinance (see Chapter 8 of the Downers Grove Municipal Code). See also Sec. 6.020.

B. Animal Service

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

1. Grooming

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

2. Boarding or Shelter/Kennel

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.

3. Veterinary Care

Animal hospitals and veterinary clinics.

C. 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 and theaters. The following uses are included in the assembly and entertainment use subcategory but are expressly prohibited in the village, regardless of any underlying or overlay zoning designation:

1. off-track wagering locations (as defined in 230 ILCS 5/1); and
2. hookah lounges, which are defined as facilities or locations whose business operation, whether as a principal use or as an accessory use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah parlors or hookah cafés.

D. Broadcast or Recording Studio

Uses that provide for audio or video production, recording or broadcasting.

E. Commercial Service

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

1. 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.

2. 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.

3. 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 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."

4. Personal Improvement Service

Uses that provide a variety of non-medical services associated with frequent, recurrent, and instructional needs.

a. General Personal Improvement Services

Uses serving individual necessities, such as personal grooming and general well-being. Typical uses include barbers, beauty and nail salons, day spas, and businesses purporting to offer fortune-telling or psychic services.

b. Health and Fitness Services

Uses that provide physical fitness services and leisure time activities. Typical uses include health clubs, yoga studios, martial arts studios, dance studios, and gymnastics studios

c. Studio or Instructional Services

Uses in an enclosed building that focus on providing education, individual or group instruction or training in music, drama, fine arts, arts studios, language or similar activities. Also includes artist studios and photography studios.

d. Massage Therapy Services

Establishments whose primary business is that of providing massage – defined as any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with aid of any mechanical electrical apparatus or appliances with or

without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such persons behalf, will pay money or give other consideration or any gratuity therefor. See also Sec. 6.070.

e. Tattoo and body piercing establishments (as defined in 410 ILCS 54/1) are also included in the personal improvement service use subcategory but are expressly prohibited in the village, regardless of any underlying or overlay zoning designation.

5. 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.

F. 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*.

1. 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. See also Sec. 6.030.

2. Day Care Home

A dwelling unit licensed by the State of Illinois in which day care is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit. See also Sec. 6.030.

G. Eating and Drinking Establishments

1. 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 and similar establishments, which may include a bar area that is customarily incidental and subordinate to the principal use as an eating establishment and that complies with Chapter 3 of the Downers Grove Municipal Code.

2. Wine and/or Beer Boutique

An establishment where the retail sale of wine and/or beer, wine and/or beer tastings and wine and/or beer education seminars/classes are conducted on a regular basis and on-site consumption of wine and beer is allowed subject to provisions of the wine and/or beer boutique license classification (see Chapter 3 of the Downers Grove Municipal Code).

H. Financial Service

Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments. All of the following are also included in the financial service use subcategory but are expressly prohibited in the village, regardless of any underlying or overlay zoning designation:

1. pawnshops and pawn brokers (as defined in 205 ILCS 510 and in Chapter 8 of the Downers Grove municipal code);
2. establishments that provide (vehicle) title-secured loans or payday loans (as defined in 815 ILCS 122) and similar services; and
3. establishments primarily engaged in buying gold or other precious metals (e.g., cash-for-gold businesses).

I. Funeral or Mortuary Service

Uses that provide services related to the death of humans or companion animals, including funeral homes, mortuaries, crematoriums and similar uses.

J. Lodging

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses may provide food or entertainment on premises.

1. Bed and Breakfast

An owner-occupied private residence that offers sleeping accommodations to guests for rent, in the owner's principal residence. Food may only be served to overnight guests of the bed and breakfast establishment.

K. Office

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

1. Business and Professional Office

Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. See also Sec. 6.090.

2. Medical, Dental and Health Practitioner

Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office 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.

L. 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 will be classified as 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.

M. Retail Sales

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified.

1. 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-premise 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 and florists.

2. 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. Stores whose primary business is the sale of guns and/or firearm supplies are expressly prohibited in the Village.

3. 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.

N. Self-service Storage Facility

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 regular size passenger vehicles and two-axle non-commercial vehicles. See also Sec. 6.130.

O. 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).

P. 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:

1. **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.

2. **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.

3. **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. See also Sec. 6.040.

4. **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. See also Sec. 6.100.

5. **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).

6. **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.

7. **Automobile Dealership Off-Site Storage**
   A use that provides for the storage of for sale personal vehicles that are parked on a separate parcel that is not contiguous to the principal business location. See also Sec. 6.190.

(Ord. No. 5760, 7/10/18; Ord. No. 5571, §2, 11/22/16)

Sec. 5.060 Wholesale, Distribution & Storage Use Category

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:

A. Equipment and Materials Storage, Outdoor

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

B. Trucking and Transportation Terminal

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.

C. 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."

D. 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 and frozen food lockers.

Sec. 5.070 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:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

Sec. 5.080 Recycling Use Category

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.

A. 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. Recyclable commodities shall be limited to non-hazardous, nonspecial, homogeneous, nonputresable materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this Zoning Ordinance shall not include general construction or demolition debris facilities, as defined in 415 ILCS 5/3.160, and/or transfer stations, as defined by 415 ILCS 5/3.500, facilities located within a structure principally devoted to another use, facilities temporarily located on a zoning lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as "recyclable material processing facilities." See also Sec. 6.110.

B. Recyclable Material Processing

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

Sec. 5.090 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.

A. Agriculture, Animal

The (principal or accessory) use of land for the keeping or raising of farm animals. Animal agriculture is expressly prohibited in the village, except in accordance with Chapter 5 of the Downers Grove Municipal Code.

B. 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.

C. 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. 5.100 Other Use Category

This category includes uses that do not fit the other use categories.

A. 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.

B. Medical Cannabis Cultivation Center

As defined in 410 ILCS 130/1 et seq. See also Sec. 6.060.

C. Medical Cannabis Dispensing Organization

As defined in 410 ILCS 130/1 et seq. See also Sec. 6.060.

D. Adult Use Cannabis Establishments

Adult Use Cannabis Establishments are defined in Chapter 8 of the Downers Grove Municipal Code.

(Ord. No. 5804, 12/17/19)

Article 6 | Supplemental Use Regulations

Sec. 6.010 Accessory Uses 6-1
Sec. 6.020 Adult Entertainment Establishments 6-10
Sec. 6.030 Day Care 6-11
Sec. 6.040 Fueling Stations 6-11
Sec. 6.050 Group Homes 6-12
Sec. 6.060 Medical Cannabis Cultivation Centers and Dispensing Organizations 6-13
Sec. 6.070 Massage and Massage Therapy 6-13
Sec. 6.080 Nursing Homes 6-14
Sec. 6.090 Offices 6-15
Sec. 6.100 Personal Vehicle Repair and Maintenance 6-15
Sec. 6.110 Recyclable Material Drop-off Facilities 6-15
Sec. 6.120 Religious Assembly 6-16
Sec. 6.130 Self-service Storage Facilities 6-17
Sec. 6.140 Temporary Real Estate Offices 6-18
Sec. 6.150 Portable Storage Containers 6-19
Sec. 6.160 Veterinary Care 6-21
Sec. 6.170 Wireless Telecommunications 6-21
Sec. 6.180 Warehousing in the O-R zoning district 6-28
Sec. 6.190 Automobile Dealership Off-Site Vehicle Storage 6-29

Sec. 6.010 Accessory Uses

A. General Regulations

The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated.

1. Accessory Uses Allowed

Accessory uses and structures are permitted in connection with lawfully established principal uses.

2. Accessory Use Determinations

The community development director is authorized to determine when a use, building or structure meets the criteria of an accessory use or accessory structure. In order to classify a use or structure as "accessory" the community development director must determine that the use or structure:

a. is subordinate and clearly incidental to the principal structure or principal use served in terms of area and function;

b. provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use; and

c. is customarily found in association with the subject principal use or principal structure.

3. Time of Construction and Establishment

a. Accessory uses may be established only after the principal use of the property is in place, unless approved in accordance with the special use procedures of Sec. 12.050.

b. Accessory buildings may be established in conjunction with or after the principal building. They may not be established before the principal building is in place.

4. 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.

5. Accessory Buildings and Structures

a. **Applicable Regulations and Standards**
Accessory buildings and structures are subject to the same regulations and standards that apply to principal uses and structures on the subject lot, unless otherwise expressly stated. Accessory buildings attached to the principal building by a breezeway, passageway or similar means are subject to the building setback regulations that apply to the principal building.

b. **Building Separation**
Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, unless the accessory building is located entirely within the principal building setbacks, in which case no separation is required.

6. Residential Accessory Buildings

The following additional regulations apply to buildings that are accessory to (principal) residential uses:

a. Accessory buildings are prohibited in street yards.

b. No more than 3 detached accessory buildings are allowed on any lot.

c. The aggregate footprint or coverage of all accessory buildings on a lot may not exceed 1,000 square feet or the gross floor area of the principal building, whichever is less.

d. Residential accessory buildings in the R-4 district are subject to minimum side and rear setbacks of 5 feet. In all other R districts, the minimum side and rear setback for accessory buildings is 6 feet.

e. Residential accessory buildings may not occupy more than 40% of the rear or side yard area.

f. Residential accessory buildings may not exceed 23 feet in height, as measured to the highest point on the building.

7. Nonresidential Accessory Buildings

The following additional regulations apply to buildings that are accessory to (principal) nonresidential uses:

a. Accessory buildings are prohibited in street setbacks.

b. Accessory buildings are subject to the lot and building regulations of the subject zoning district.

B. Air Conditioning Units

1. Air conditioning units and generators, excluding window AC units, are prohibited in street yards.

2. Air conditioning units and generators, excluding window AC units, must be set back from side and rear lot lines as indicated in Table 6-1.

Table 6-1: AC Unit Setbacks

District	**Minimum Side and Rear Setback** (feet)
R-1	10
R-2	7
R-3, R-5, R-5A and R-6	6
All other	5

C. Antennas

1. Satellite Dish Antenna

a. Satellite dish antennas up to one meter (39.4 inches) in diameter are permitted as accessory structures in all districts. They are subject to accessory structure setback standards.

b. Satellite dish antennas over one meter in diameter, up to 3 meters (118.2 inches) in diameter, are permitted as accessory structures in all nonresidential districts, subject to accessory structure setback standards.

c. Satellite dish antennas may be erected on the roof or attached to a principal building, provided the maximum height of the installation does not exceed the maximum allowable height of the subject district or more than 15 feet above the top of the building on which it is to be located, whichever is less.

d. Satellite dish antennas not expressly allowed under this section may be approved as a special use in accordance with the procedures of Sec. 12.050.

2. 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 Sec. 12.050 if the Village Council 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.

3. Microcell Networks

a. The community development director may authorize installation of cable microcell networks that operate through the use of multiple low-powered transmitters/re-

ceivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technologies that do not require the use of telecommunications towers.

b. Signal transmissions may not interfere with any village or other governmental radio signals, including those village, police, fire, emergency dispatch and public works signals.

D. Donation Drop Boxes

Donation drop boxes are expressly prohibited in the village.

E. Electric Vehicle Charging Stations

1. General

a. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.

b. Public electric vehicle charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

2. Parking

a. Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.

b. Public electric vehicle charging stations must be reserved for parking and charging electric vehicles.

3. 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. Equipment is subject to the lot and building regulations of the subject zoning district unless otherwise expressly stated.

4. Maintenance

Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or when other problems are encountered.

F. Extended Family Accessory Housing

1. Where Allowed

Extended family accessory housing units may be approved in R-1, R-2, R-3 and R-4 districts, in accordance with the special use procedures of Sec. 12.050.

2. Location

An extended family accessory housing unit must be located within the principal detached house. It may not be located in an accessory structure.

3. Regulations

Approved extended family accessory housing units are subject to all of the following regulations.

a. Only one extended family accessory housing unit is allowed within any detached house.

b. A separate exterior entrance may be added to serve an extended family accessory housing unit, provided that the door does not face the street.

c. The principal dwelling unit or the extended family accessory housing unit must be occupied by the legal or beneficial owner of the subject lot.

d. Only persons related by blood, marriage, or adoption to the occupants of the primary unit may occupy the extended family accessory housing unit. Further, at least one of the units—the principal dwelling unit or the extended family accessory housing unit—must be occupied by a person either 62 years of age or older or by a person with a physical or developmental disability that renders joint occupancy of the detached house medically necessary, beneficial, or desirable. Applicants for special use approval for extended family accessory housing have the burden of proving that such physical or developmental condition renders the joint occupancy of the detached house medically necessary, beneficial or desirable. Special use approval for any extended family accessory housing unit will remain valid and in effect only such period of time as the occupancy requirements of this section are met.

e. No additional roomers or boarders are allowed in any detached house occupied by an extended family accessory housing unit.

f. Detached houses containing extended family accessory dwelling unit must retain the appearance of a detached house. Floor plans and other specifications must be submitted and approved at the time of special use approval. Occupancy of an extended family accessory housing unit is subject to compliance with an approved floor plan for construction or conversion of the principal and accessory units, and to elevation drawings depicting the exterior appearance of the principal dwelling.

g. All owners of any extended family accessory housing dwelling are required to permit an annual inspection of the premises to assure continuing compliance with the requirements of this section, and to submit to the village on or before January 31 of each year a sworn affidavit certifying continued compliance with these regulations. The affidavit must identify all owners and the occupants of the principal and accessory units and their relationship to one another. Failure to maintain compliance with these regulations or failure to file the required affidavit will result in lapse of approval of the special use on the 30th day following notice of noncompliance, unless within that 30-day period, the owner of the extended family accessory housing unit remedies any defects causing noncompliance and obtains village approval that compliance has been established.

h. Special use approval for an extended family accessory housing unit will also lapse and be of no further effect if the owner occupying one of the units transfers his or her interest to any other person or ceases to occupy the unit, unless the transfer is to a person who meets all applicable criteria and the village is notified of the transfer, or unless the village approves a new special use for the extended family accessory housing unit.

i. Within 120 days of any expiration of special use approval for an extended family accessory housing unit, the property must be converted to a detached house (that does not contain an accessory housing unit) pursuant to reconversion plans submitted at the time of application for special use approval, unless the reconversion period is extended by the community development director for just cause shown.

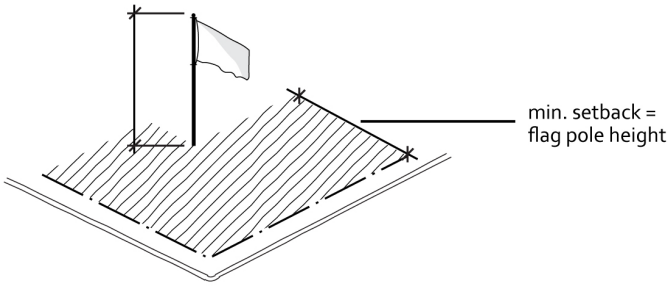
G. Fences

See Sec. 10.010.

H. Flag Poles

Flag poles must be setback from lot lines a minimum distance equal to the height of the pole and sited so the flag will not extend beyond any lot line. See Figure 6-1.

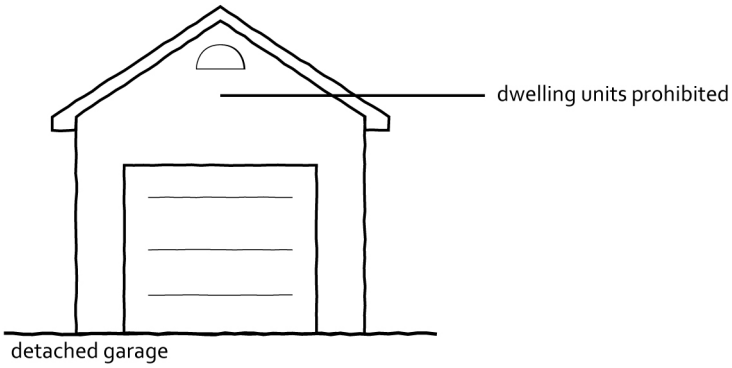
Figure 6-1: Flag Pole Setback



I. Garages

1. Only one detached garage is allowed per lot in R zoning districts.
2. Dwelling units are expressly prohibited in the space above any detached garage. See Figure 6-2.

Figure 6-2: Space Above Detached Garage



J. Geothermal Energy Systems

1. General

Geothermal energy systems are permitted as an accessory use in all zoning districts.

2. Location

a. Geothermal energy systems must be located entirely within the lot lines of the subject property excluding public easements.

b. No portion of a geothermal energy system may be located within a stream, required riparian buffer or no-disturbance area.

K. Home Occupations

Home occupations are allowed as an accessory use to an allowed household living use, subject to the regulations of this section.

1. 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 Sec. 5.010. Supplemental regulations applicable to day care homes can be found in Sec. 6.030.
2. 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.
3. Floor area devoted to the home occupation may not exceed 25% of the floor area of the dwelling or 400 square feet, whichever is less.
4. 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.
5. 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. For the purposes of this provision, the term "sale of goods" does not include the sale of household goods in what is commonly known as a garage sale, provided such sales last for a period no longer than 4 consecutive days and are held no more than 4 times in any calendar year.
6. There shall 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. 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.
7. No exterior displays or signs are allowed, except for a single sign that complies with the regulations of Sec. 9.070B.
8. No outdoor storage of equipment or materials used in connection with the home occupation are allowed.
9. 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.
10. 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.

11. 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.

12. 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.

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

    a. animal hospitals, veterinary clinics and kennels;

    b. eating and drinking establishments;

    c. retail sales;

    d. business or commercial storage of recreational vehicles, mobile homes, vehicles or mechanical equipment;

    e. funeral and mortuary services;

    f. manufacturing;

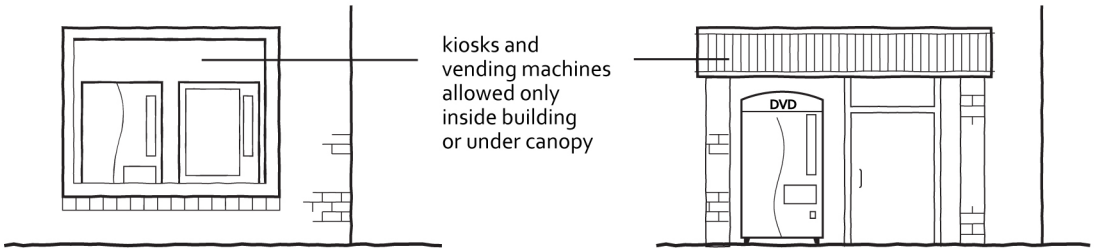
    g. medical or dental offices; and

    h. automobile, truck or large appliance repair.

L. Retail Sales Kiosks and Vending Machines

Retail sales kiosks and vending machines are allowed only if located entirely within an enclosed building or underneath a weather-protected canopy connected to the principal building. See Figure 6-3.

Figure 6-3: Vending Machine and Kiosk Location



M. Solar Energy Systems

1. General

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

b. Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

2. Building-Mounted Solar Energy Systems

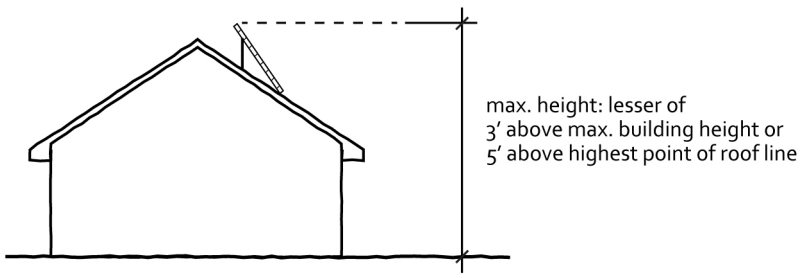
a. Building-mounted solar energy systems may be mounted on principal and accessory structures.

b. All applicable setback regulations apply to building-mounted solar energy systems. Systems mounted on principal structures may encroach into interior side and rear setbacks in accordance with Sec. 14.100B. Additionally, building-mounted solar energy systems may be installed up to the lawfully established building line of a principal structure, in cases where homes lawfully encroach into the required yard setback.

c. Only building-integrated and/or flush-mounted solar energy system may be installed on street-facing building elevations and may not extend further than the lawfully established street facing building line of the principal structure.

d. 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. See Figure 6-4.

Figure 6-4: Maximum Solar Panel Height



3. Ground-Mounted Solar Energy Systems

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

b. Ground-mounted solar energy systems may encroach a maximum of two (2) feet into the required interior side setbacks and ten (10) feet into the required rear setbacks.

N. Swimming Pools

The regulations of this section apply to private, accessory swimming pools in residential zoning districts. See Figure 6-5.

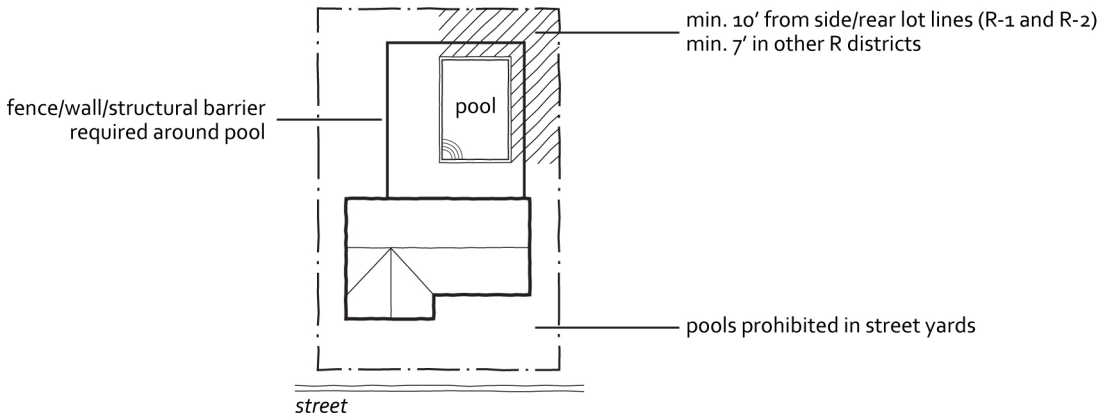
1. A barrier (fence, wall, structure wall, or combination thereof) must be erected around swimming pools, as required by the building code and other applicable ordinances.

2. Swimming pools are prohibited in street yards.

3. Swimming pools must be set back at least 10 feet from side and rear lot lines in the R-1 and R-2 districts and at least 7 feet from side and rear lot lines in all other R districts.

4. In-ground swimming pools may not be located closer than 10 feet to any principal structure unless engineering plans for protecting the principal structure's foundation are submitted to and approved by the village.

Figure 6-5: Required Barrier



(Ord. No. 5804, 12/17/19; Ord. No. 5706, 7/10/18)

Sec. 6.020 Adult Entertainment Establishments

Adult entertainment establishments are subject to licensing regulations in Chapter 8 of the Downers Grove Municipal Code and the following regulations:

A. Except when separated by right-of-way of the Illinois Toll Highway Authority, an adult entertainment establishment may not be located within 1,000 feet of any R zoning district, or, for property located beyond the corporate limits of the village, that is zoned for residential use pursuant to the zoning regulations of the governmental entity having jurisdiction. This separation distance requirement does not apply to any of the following:

1. property owned, maintained and used by the village and used for any water tower or fire station;
2. property owned, maintained and used by the Forest Preserve District of DuPage County; or
3. property owned, maintained and used as part of the Morton Arboretum.

B. Except when separated by right-of-way of the Illinois Toll Highway Authority, an adult entertainment establishment may not be located within 1,000 feet of a religious assembly use, a school or another adult entertainment establishment.

C. For the purposes of this section, separation distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure occupied by an adult entertainment establishment, to the nearest lot line of a lot occupied by a religious assembly use or school, or to the nearest boundary of a residentially-zoned lot. See Figure 6-6. The distance between adult entertainment establishments is measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the structure in which each business is located. See Figure 6-7.

Figure 6-6: Required Separation from Protected Uses

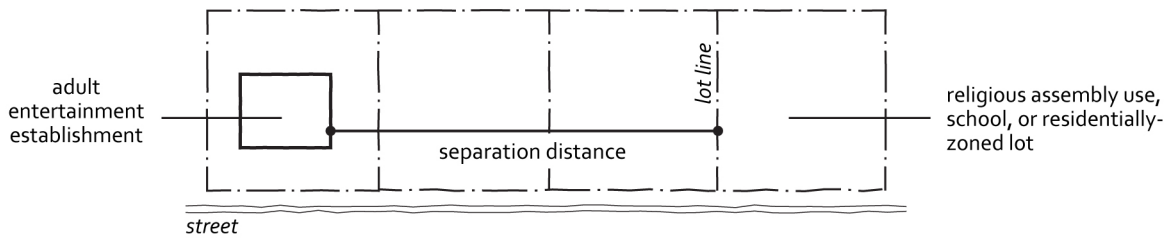
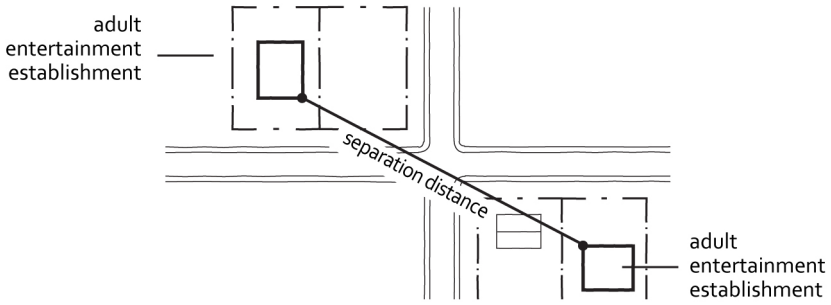


Figure 6-7: Required Separation between Establishments



Sec. 6.030 Day Care

A. Day care centers and day care homes must be licensed by the State of Illinois under the *Illinois Child Care Act* (225 ILCS 10/2.09) or other applicable statute.

B. Day care homes and day care centers for children in R districts must include an outdoor play area, fenced and screened from view from adjoining properties, with a minimum of 250 square feet of outdoor play area for each child at the facility, based on maximum enrollment of the day care facility.

C. Day care centers for children located in nonresidential districts must include an outdoor play area, fenced and screened from view from adjoining properties, with a minimum of 75 square feet of outdoor play area for each child in the play area at any one time.

Sec. 6.040 Fueling Stations

Fueling stations are subject to the following regulations:

A. Setbacks

1. Interior side and rear setbacks with a minimum depth of 20 feet must be provided abutting R-zoned lots. Setbacks abutting all other lot lines must comply with district requirements.
2. Except for approved driveways, setbacks may not be paved and must be landscaped green space.

B. Protective Curb

All landscaped areas must be protected by a raised curb at least 6 inches in height or by a bumper guard of not more than 18 inches in height. Protective curbing at least 6 inches in height must be provided along the edges of all areas accessible to motor vehicles upon adjacent property or street rights-of-way, except that provision may be made for cross-access to abutting commercial development.

Sec. 6.050 Group Homes

Group homes are subject to the following regulations:

A. Small Group Homes

Group homes for 8 or fewer persons, including supervisory and oversight personnel, are permitted as of right in all districts that allow household living uses as of right, subject to the following regulations:

1. The use must occupy a detached house, which is consistent in type and general outward appearance with other detached houses in the surrounding area.
2. The facility must be operated by a governmental, religious or other not-for-profit agency.
3. Occupancy may not exceed one person per room, where "room" means a whole room used for living purposes, including living rooms, dining rooms, kitchens, bedrooms, furnished recreation rooms and enclosed porches suitable for year-round use, but not including strip or Pullman kitchens, bathrooms, open porches, balconies, halls, half-rooms, utility rooms, unfurnished attics, unfinished basements or unfinished storage spaces.
4. A copy of the state license or certification for the group home, if a state license or certification is required it must be provided to the village.
5. Each proposed small group home must be separated by a minimum distance of 500 feet from any existing group home, as measured in a line from the nearest point of a lot line occupied by a Group Home to the nearest point of a lot line occupied by a Group Home.
6. An inspection must be conducted by the community development department to ensure that existing building code requirements for residences are met prior to any occupancy or re-occupancy.
7. Small group home uses may not include any formalized counseling for persons other than the residents of the group home and may not include any formalized medical treatment other than physical or occupational therapy for residents only.

8. Small group home uses may not be any type of "long-term care facility," as defined in 210 ILCS 45/1-113.

9. In order to implement these requirements, a statement of the number of proposed occupants, a copy of the necessary licenses or certificates, if any are required, a floor plan depicting the number, size and location of rooms, and a site plan must be submitted at the time of application for an occupancy permit.

B. Large Group Homes

Group homes for homes for 9 or more persons, including supervisory and oversight personnel are subject to small group home regulations of Sec. 6.050A and the following:

1. In order to grant special use approval for a large group home use, the village council must determine that cumulative effect of the use and its operation will not alter the residential character of the neighborhood, will not create an institutional setting and will not have an adverse effect on surrounding properties.

2. The applicant must submit a statement describing the exact nature of the facility and its proposed occupants, the qualifications of the agency that will operate the facility, the number and type of personnel who will be employed and the number of residents who will occupy the facility.

Sec. 6.060 Medical Cannabis Cultivation Centers and Dispensing Organizations

Medical cannabis cultivation centers and dispensing organizations require special use approval and are subject to strict compliance with 410 ILCS 130/1 et seq. In addition, a medical cannabis cultivation center may not be located within 2,500 feet of the property line of pre-existing public parks, and a dispensing organization may not be located within 1,000 feet of the property line of pre-existing public parks.

Sec. 6.070 Massage Therapy

Massage Therapy establishments are subject to compliance with Chapter 8 of the Downers Grove Municipal Code and the following regulations:

A. Except when separated by right-of-way of the Illinois Toll Highway Authority, a massage or massage therapy establishment may not be located within 1,000 feet of any R zoning district, or, for property located beyond the corporate limits of the village, that is zoned for residential use pursuant to the zoning regulations of the governmental entity having jurisdiction. This separation distance requirement does not apply to any of the following:

1. property owned, maintained and used by the village and used for any water tower or fire station;

2. property owned, maintained and used by the Forest Preserve District of DuPage County; or

3. property owned, maintained and used as part of the Morton Arboretum.

B. Except when separated by right-of-way of the Illinois Toll Highway Authority, a massage or massage therapy establishment may not be located within 1,000 feet of a religious assembly use, a school or another massage therapy establishment.

C. For the purposes of this section, separation distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure occupied by a massage therapy establishment, to the nearest lot line of a lot occupied by a religious assembly use or school, or to the nearest boundary of a residentially-zoned lot. The distance between massage therapy establishments is measured in a straight line, without regard to intervening structures or objects, from the nearest exterior wall of the structure in which each business is located.

Sec. 6.080 Nursing Homes/Sheltered Care Facility

Nursing homes in R districts are subject to the following regulations:

A. Building

Facilities must be located in buildings that were originally designed and constructed for use as a nursing home/sheltered care facility.

B. Lot Area

Nursing homes/sheltered care facilities must be located on lots with an area of at least 5 acres, except that the lot may contain less than 5 acres but not less than 2 acres if any part of such lot is contiguous to or directly across a street or alley from a zoning district other than R-1, R-2, R-3 or R-4.

C. Building Coverage

No more than 25% of the lot area may be occupied by buildings.

D. Setbacks

1. Buildings must be set back at least 50 feet from all lot lines.
2. No off-street parking area may be located within 30 feet of any interior side or rear lot line abutting R-zoned property.

E. Landscaping and Screening

All outdoor recreation, outdoor parking or rehabilitation areas must be screened from view by a wall, fence or densely planted, evergreen hedge not less than 4 feet and no more than 6 feet in height. All parking designated in accordance with Section 7.100 shall be screened in accordance with Article 8.

F. Vehicle Access

Facilities for vehicular access to the lot must be designed so as not to interfere with normal traffic movement.

G. Rehabilitation Therapy Services

Rehabilitation therapy and similar services may be provided for residents, and as an accessory use for others who do not require hospital services or admission to a nursing home. Rehabilitation therapy may include physical, speech, occupational or similar types of therapy for patients who, through injury or disease, require rehabilitation services to recover, function, or make adaptation in one or more basic life abilities, such as speech, ambulation, short-term memory, personal grooming, simple housekeeping, or motor skills. For non-residents, rehabilitation therapy does not include treatment for mental illness, alcohol or substance abuse, maternity or communicable diseases. Off-street parking requirements for any

floor area devoted to accessory rehabilitation therapy or services must be based on the parking requirements for medical office use.

Sec. 6.090 Offices

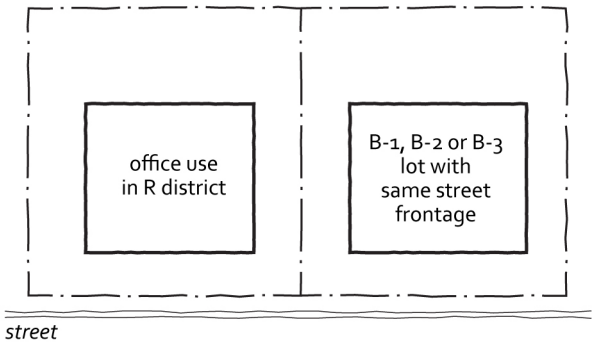
Office uses in R districts are subject to the following regulations:

A. Office uses may be approved as a special use in an R district only if located on lots that abut property zoned as B-1, B-2, or B-3 or lots occupied by existing office uses.

B. The entire building to be occupied by the office use must be located within 150 feet of the B-1, B-2 or B-3 zoning district or within 150 feet of the lot occupied by the existing office use.

C. The lot to be occupied by the office use must have street frontage on the same street as the B-1, B-2 or B-3 zoned lot or on the same street as the lot occupied by the existing office use. See Figure 6-8.

Figure 6-8: Office Use in R District (R lot must be within 150' of B district and front on same street as B)



D. The lot and building to be occupied by the office use must have frontage on a collector or arterial street.

E. As part of the special use application, a site plan must be submitted depicting the location of all structures, any landscaping and/or off-street parking provided.

F. Elevation drawings must also be submitted depicting the design of the building to be located on the site. Building designs must be consistent with or complimentary to residential buildings in the area.

Sec. 6.100 Personal Vehicle Repair and Maintenance

Personal vehicle repair and maintenance uses are subject to the following regulations:

A. Repair and service activities must be conducted within a completely enclosed building.

B. No outdoor storage is allowed, except for customer vehicles waiting to be repaired or waiting for pick up.

C. All repair and maintenance activities must be screened with a solid fence or wall with a minimum height of 6 feet and a maximum height of 8 feet.

Sec. 6.110 Recyclable Material Drop-off Facilities

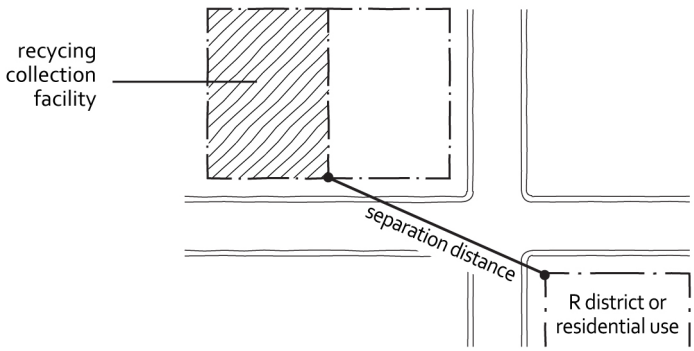
Recyclable material drop-off facilities are subject to the following regulations:

A. Location and Area

1. Drop-off, collection and storage area locations are restricted to those shown on a site plan approved by the village council as a condition of approval. Any area outside of a building may not exceed 2,000 square feet in area.

2. Except where separated by right-of-way of the Illinois Toll Highway Authority, a recyclable material drop-off facility may not be located within 1,320 feet of any R zoning district, or, for property located beyond the corporate limits of the village, that is zoned for residential use pursuant to the zoning regulations of the governmental entity having jurisdiction. This separation distance requirement does not apply to property owned, maintained and used by the village and used for any water tower or fire station. Measurement of separation distance requirements must be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the lot used as a part of the premises where a recycling, collection facility is conducted, to the nearest lot line of a lot zoned residential and used as residential property. See Figure 6-9.

Figure 6-9: Recycling Facility Separation from Residential



B. Ownership

The organization or corporation operating the facility must file with the community development department the name and address of its current registered agent or other person responsible for receiving notices on behalf of the operator. Any other provision of this zoning ordinance notwithstanding, the applicant for the special use may be a lessee or licensee, provided that proof of the property owner's permission for such use accompanies the application.

Sec. 6.120 Religious Assembly

A. Location Criteria

Religious assembly uses may be approved as a special use in an R district only if located on lots:

1. that have frontage on an arterial or collector street; or
2. that abut a B, M, or O-R-M zoning district on at least one side.

B. Lot and Building Regulations

1. The maximum allowed building coverage on lots occupied by religious assembly uses is 40%. All other lot and building regulations of the subject zoning district apply.
2. Modifications of applicable lot and building regulations may be approved as part of the special use approval process if the village council determines that strict compliance with applicable lot and building regulations substantially burdens the exercise of religion, except that no modification is allowed if the village council determines that the

burden (1) is in furtherance of a compelling governmental interest and (2) is the least restrictive means of furthering that compelling governmental interest.

3. In the event that a substantial burden (on the exercise of religion) is claimed, the applicant for religious assembly special use approval must submit materials and evidence describing:

   a. the alleged burden in detail, including why such burden is of such a substantial nature so as to justify modification of the zoning regulations;

   b. efforts employed by the applicant to avoid or reduce the burden;

   c. the minimal modification requested to avoid or reduce the burden;

   d. any adverse impacts of the requested modification on the area involved and efforts to reduce such impact; and

   e. other information or factors the applicant may deem relevant or as requested by the community development director, the plan commission or the village council related to the alleged burden or requested modification.

4. If the village council determines that there is a substantial burden, and that the regulation at issue is not in furtherance of a compelling governmental interest or is not the least restrictive means of furthering that compelling governmental interest, the plan commission may recommend and the village council may authorize modification of the lot and building regulations of the subject zoning district, subject to the following:

   a. The modification must be the smallest adjustment needed so that the regulation no longer substantially burdens the exercise of religion.

   b. The modification may be permitted only to the extent that and for the period of time that, the lot is used for religious assembly purposes. A covenant must be recorded with the DuPage County recorder of deeds, in a form acceptable to village attorney, stating that the property owner will bring the property into compliance with the affected regulation when the property ceases to be used for religious assembly uses.

   c. Conditions and restrictions may be imposed as appropriate to mitigate any adverse impact of the modification.

Sec. 6.130 Self-service Storage Facilities

Self-service storage facilities are subject to the following regulations:

A. Location

The subject lot may not have more than one boundary abutting an R district.

B. Landscaping

Portions of the site not occupied by buildings or paving must be landscaped in accordance with a landscape plan approved by the village.

C. Screening

Any portion of the site abutting an R district must be visually screened from the R zoned area by an 8 foot fence.

D. Outdoor storage

No outdoor storage is allowed, and all refuse and garbage must be stored inside a building or in areas that are completely screened from view.

E. Driveways

All driveways and parking areas must be paved.

F. Security

The site must be completely fenced and accessed via a locked security gate.

Sec. 6.140 Temporary Real Estate Offices

A. General

The community development director is authorized to issue a temporary use permit to allow a temporary real estate offices in any zoning district. Temporary real estate offices, where allowed, may be used for sales office purposes in connection with the construction, sales, or rental structures or for building construction activities in conjunction with an ongoing and permitted development or construction project.

B. Application

A written application for a temporary real estate sales office permit must be submitted to the community development director. The application must be signed by the owner of the subject lot and describe in detail the purpose, use and location of the proposed office. The application must be accompanied by an express agreement by the owner to discontinue the temporary real estate office use immediately upon the expiration or cancellation of the permit.

C. R-1, R-2, R-3 and R-4 Districts

Temporary real estate sales offices in R-1, R-2, R-3 and R-4 zoning districts are subject to the following regulations:

1. No more than 25% of the gross floor area of a dwelling may be used for sales office purposes. The remainder of the building may be used for displaying styles of architecture, construction work, interior decoration and similar matters related to real estate sales.
2. Sales of lots or structures outside of the subject subdivision are prohibited, except that sales involving lots in an adjacent subdivision under the same ownership and control as the subject subdivision are allowed.
3. No sales office is permitted for residential subdivisions containing fewer than 10 lots.
4. In any subdivision in which more than one builder or general contractor is offering to construct residential buildings, a separate sales office may be maintained by each such general builder or contractor, provided that there may not be more than one sales office for 10 lots in the subdivision, and in no event may there be more than 5 total sales offices in any single subdivision.
5. Permits for temporary sales offices cease and terminate automatically with no further action on behalf of the village, when (i) building permits for 85% or more of the total number of lots in the subject subdivision have been issued by the village, or (ii) fewer than 6 lots remain in the subdivision for which building permits have not been issued or applied for, whichever occurs later.

D. R-5, R-5A and R-6 Districts

Temporary real estate sales offices in R-5, R-5A and R-6 zoning districts are subject to the following regulations:

1. Sales may be conducted in a model dwelling unit (apartment or condominium) situated within the same building as the subject dwelling unit, or within another building or temporary building on the same lot or in the same development.
2. Not more than one dwelling unit may be used for office purposes in any single building or development.
3. No sales office is permitted in any building or development containing fewer than 12 dwelling units.
4. Permits for temporary sales offices cease and terminate automatically with no further action on behalf of the village, when (i) building permits for 85% or more of the total number of dwelling units in the building or development have been issued by the village, or (ii) fewer than 6 dwelling units remain for which no occupancy permit has been issued, whichever occurs later.

E. Term of Permit

A temporary real estate sales office permit is valid for the period stated in the permit, not to exceed one year. The permit may be renewed before its expiration for an additional period of not more than one year if a building or occupancy permit for at least one lot within the same subdivision, or an adjacent subdivision under the same ownership and control, has been issued before expiration of the temporary real estate sales offices permit.

F. Revocation of Temporary Real Estate Sales Offices Permits

Temporary real estate sales office permits are subject to revocation by the community development director for violation of any provision of this zoning ordinance. If the community development director determines that a violation exists, the director must give the permit holder written notice of the violation. If the violation is not corrected within 5 days after the notice is sent, the permit must be revoked.

G. Construction Offices

Mobile homes may be used as temporary offices or shelters incidental to construction until construction is completed, when final grading is approved, or upon granting of an occupancy permit, provided that the mobile home must be located on the premises undergoing construction.

Sec. 6.150 Portable Storage Containers

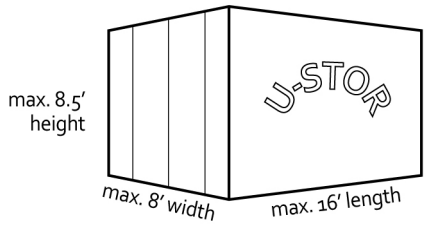
A. Residential Districts

Portable storage containers in R zoning districts are subject to the following regulations:

1. Containers may be temporarily stored for a period not exceeding an aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the community development director, an additional maximum of 90 days may be granted.
2. No more than one container may be located on any lot.

3. Containers may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 6-10.

Figure 6-10: Maximum Container Size in Residential Districts



4. Containers must be setback at least 5 feet from all property lines.

5. Containers must be placed on an improved hard, dust-free surface, generally asphalt, brick pavers, or concrete. Containers are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

B. Nonresidential Zoning District

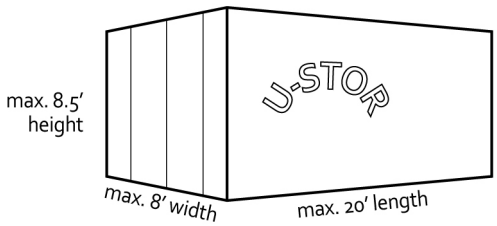
Portable storage containers in nonresidential zoning districts are subject to the following regulations:

1. Containers may be temporarily stored for a period not exceeding an aggregate of 90 days (which may or may not be consecutive) within any period of 12 consecutive months. At the sole discretion of the community development director, an additional maximum of 90 days may be granted.

2. No more than 3 containers may be located on any lot.

3. Containers may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height. See Figure 6-11.

Figure 6-11: Maximum Container Size in Nonresidential Districts



4. Containers must comply with all setback requirements that apply to principal buildings and be separated by at least 10 feet from principal buildings.

5. Containers may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.

6. Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container is prohibited. No running gear or transport trailer may be left underneath any portable storage container.

7. Containers must be placed on an improved hard, dust-free surface, generally asphalt, brick pavers, or concrete. Containers are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.

Sec. 6.160 Veterinary Care

Veterinary care uses are subject to the following regulations:

A. All medical care and boarding must be conducted within a completely enclosed principal building.

B. Bio-hazard and/or medical waste must be disposed of pursuant to the medical waste disposal regulations of the Occupational Safety and Health Administration.

C. The treatment of animals must be primarily limited to companion animals.

D. Any treatment of dangerous or vicious animals is subject to all applicable regulations of Chapter 5 of the Downers Grove Municipal Code.

Sec. 6.170 Wireless Telecommunications

A. Purpose and Intent

The wireless telecommunication regulations of this section are intended to:

1. protect residential areas and land uses from potential adverse impacts of telecommunications towers;
2. encourage the location of telecommunications towers in nonresidential areas;
3. minimize the total number of telecommunications towers in the village;
4. promote the joint use of new and existing telecommunications tower sites as a primary option rather than construction of additional single-use telecommunications towers;
5. encourage users of telecommunications towers to locate them in areas where the adverse impact on the community is minimal;
6. encourage users of telecommunications towers to design and configure them in a way that minimizes the adverse visual impact of the telecommunications towers;
7. ensure the ability of telecommunications service providers to provide such services to the community quickly, effectively, and efficiently; and
8. avoid potential damage to adjacent properties from telecommunications tower failure through engineering and careful siting of telecommunications tower structures.

B. Applicability

The regulations of this section apply to all new telecommunications towers, except for amateur radio facilities (Section 6.010(c)(2)) , receive-only antennas that do not exceed 70 feet in height, and small wireless facilities as defined in 50 ILCS 835.

C. Federal Law

The wireless communication facility regulations of this section must be applied within the constraints of the Telecommunications Act of 1996 and Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012.

D. Neighbor Communications

Applicants for telecommunication tower permits must comply with the neighbor communications requirements of Sec. 12.010F.3.

E. Permit Required

1. A permit is required for the construction or installation of a telecommunications tower. Telecommunication service providers are encouraged to submit a single application for approval of multiple telecommunications tower sites.

2. Permit applications must be filed with, and in a form as prescribed by, the community development director, and will be considered complete only upon the community development director's determination that all required fees, information and documents have been submitted.

3. The permit application must include such submittals, material and information as may be required by the community development director to establish that the request meets the standards and requirements of this section. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, must be certified by a licensed professional engineer. Information required to be submitted may include any or all of the following:

   a. An inventory of the applicant' s existing telecommunications towers, antennas, or sites approved for telecommunications towers or antennas, that are either within the corporate limits of the village or within 1.5 miles of the village's corporate limits. This inventory must include such information as the community development director may direct, including specific information about the location, telecommunications tower height, and design of each telecommunications tower. The community development director may share such information with other persons seeking to locate a telecommunications tower or antenna within the jurisdiction of the village.

   b. A scaled site plan clearly indicating the location, type and telecommunications tower height of the proposed telecommunications tower and/or antenna, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), zoning classification of the site and all properties within the applicable separation distances set forth in this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications tower and any other structures, topography, parking, and other information deemed by the community development director to be necessary to assess compliance with this section.

   c. Legal description of the parent tract and leased parcel (if applicable).

   d. The setback distance between the proposed telecommunications tower and the nearest R-zoned properties.

   e. The separation distance from other telecommunications towers described in the inventory of existing sites submitted pursuant to this section must be shown on an updated site plan or map. The applicant must also identify the type of construction

of the existing telecommunications tower and the owner/operator of the existing telecommunications tower, if known.

f. A landscape plan showing specific landscape materials.

g. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination, if any.

h. A statement indicating compliance with the regulations of this section and all applicable federal, state or local laws.

i. A notarized statement by the applicant indicating whether construction of the telecommunications tower will accommodate co-location of additional antennas for future users.

j. Identification of the entities providing the backhaul network for the telecommunications tower described in the application and other cellular sites owned or operated by the applicant in the village.

k. A description of the availability and suitability of the use of existing telecommunications towers, other structures, or alternative technology, not requiring the construction or use of a new telecommunications tower.

l. A description of the feasible locations of future telecommunications towers or antennas within the village based upon existing physical, engineering, technological or geographical limitations in the event the proposed telecommunications tower is erected.

F. Telecommunications Tower Requirements

1. Lot Size

For purposes of determining whether the installation of a telecommunications tower complies with the lot and building regulations of the subject zoning district, the dimensions of the entire lot must be used, even though the telecommunications tower may be located on leased parcels within such lot.

2. Appearance

Telecommunications towers must be maintained in a clean condition, free from corrosion or rust, and subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. At a telecommunications tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. Lighting and Illumination

Telecommunications towers may not be illuminated, unless required by the FAA or other applicable authority. If lighting is required, the lighting design must cause the least disturbance to surrounding views.

4. State or Federal Requirements

All telecommunications towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate telecommunications towers. If such standards and regulations are

changed, then the owners of the telecommunications towers governed by this section must bring the telecommunications tower into compliance with the revised standards and regulations within six (6) months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring telecommunications towers into compliance with such revised standards and regulations constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

5. **Building Codes; Safety Standards**
   To ensure the structural integrity of telecommunications towers, the owner of a telecommunications tower must ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for telecommunications towers that are published by the American National Standards Institute. If, upon inspection, the village concludes that a telecommunications tower fails to comply with applicable codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the telecommunications tower, the owner will have thirty (30) days to bring such telecommunications tower into compliance with such standards. Failure to bring the telecommunications tower into compliance within the thirty (30)-day period constitutes grounds for the removal of the telecommunications tower or antenna at the owner's expense.

6. **Signs**
   Advertising signs are prohibited on an antenna or telecommunications tower.

7. **Buildings and Support Equipment**
   Buildings and support equipment associated with antennas or telecommunications towers must comply with all applicable regulations. For building mounted antennas and equipment screening shall be provided in accordance with Sec. 8.040C.

G. Setbacks and Separations

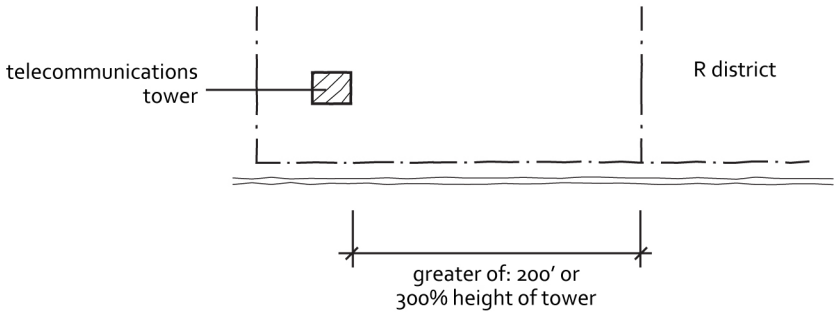
The following setback and separation requirements apply to telecommunications towers:

1. For purposes of measurement, telecommunications tower setbacks and separation distances must be calculated and applied to facilities located in the village irrespective of municipal and county jurisdictional boundaries.

2. Guys and accessory buildings must comply with minimum zoning district setback requirements.

3. Telecommunications towers in nonresidential zoning districts must be separated from R districts by a distance of two hundred (200) feet or three hundred percent (300%) of the height of the telecommunications tower, whichever is greater. See Figure 6-12.

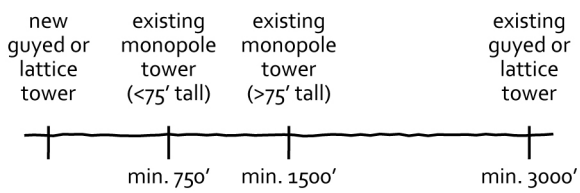
Figure 6-12: Tower Separation from R Districts



4. Telecommunications towers in R zoning districts must be separated from all other telecommunications towers as provided in this paragraph. The minimum required separation distances between the proposed telecommunications tower on R-zoned property and any other preexisting telecommunications towers must be measured by drawing or following a straight line between the base of the existing telecommunications tower and the base of the proposed telecommunications tower. Minimum required separation distances (listed in linear feet) are be based on the height and type of telecommunications tower, as follows:

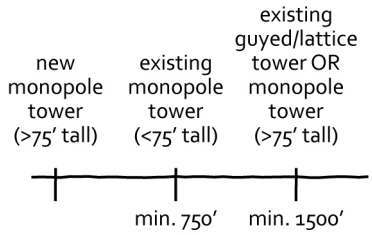
   a. Guyed or lattice telecommunications towers must be separated by at least 3,000 feet from any pre-existing lattice or guyed telecommunications towers; by at least 1,500 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See Figure 6-13.

Figure 6-13: Required Separations for Guyed and Lattice Towers



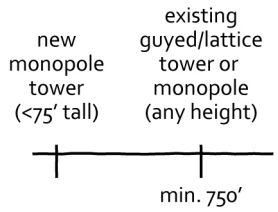
   b. Monopole telecommunications towers 75 feet in height or greater must be separated by a distance of at least 1,500 feet from any pre-existing lattice or guyed telecommunications towers; by at least 1,500 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See Figure 6-14.

Figure 6-14: Required Separations for Monopole Towers with a Height of 75′ or More



c. Monopole telecommunications towers less than 75 feet in height must be separated by a minimum distance of 750 feet from any pre-existing lattice or guyed telecommunications towers; by at least 750 feet from any monopole 75 feet in height or greater; and by at least 750 feet from any monopole less than 75 feet in height. See Figure 6-15.

Figure 6-15: Required Separations for Monopole Towers with a Height less than 75'



H. AM Array

For purposes of implementing this section, an AM array, consisting of one or more telecommunications tower units and supporting ground system that functions as one AM broadcasting antenna, is considered one telecommunications tower. Measurements of setbacks and separation distances must be measured from the outer perimeter of the telecommunications towers included in the AM array. Additional telecommunications tower units may be added within the perimeter of the AM array as of right.

I. Security Fencing

Unless waived by the community development director as provided in this section, a security fence is required to enclose a telecommunications tower to protect the telecommunications tower and the public. This fencing requirement may be waived or modified for locations where the security and protection of the public and telecommunications tower is otherwise provided.

J. Landscaping

The following requirements govern the landscaping surrounding telecommunications towers.

1. Telecommunications tower facilities must be landscaped with a visual buffer of plant materials that effectively screens the view of the telecommunications tower compound from property used for residential purposes. The standard buffer must consist of a landscaped strip at least four (4) feet in width outside the perimeter of the compound.

2. Existing mature tree growth and natural land forms on the site must be preserved to the maximum extent possible. In some cases, such as telecommunications towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

3. The landscaping requirements of this subsection may be waived or modified by the community development director for locations where the visual impact of the telecommunications tower would be minimal, or where an alternative telecommunications tower structure is used.

K. Height

Telecommunications towers are subject to the following height requirements:

1. **Residential Districts**
   The maximum height of telecommunications towers in R zoning districts may not exceed 90 feet for a single user; 110 feet for 2 users; or 130 feet for 3 or more users.

2. **Business Districts**
   The maximum height of telecommunications towers in B-1, B-2 and B-3 zoning districts may not exceed 100 feet for a single user; 120 feet for 2 users; or 140 feet for 3 or more users.

3. **Office and Manufacturing Districts**
   The maximum height of telecommunications towers in O-R, O-R-M, M-1 and M-2 zoning districts may not exceed 125 feet for a single user; 150 feet for 2 users; or 174 feet for 3 or more users.

L. Availability of Suitable Existing Telecommunications Towers, Other Structures, or Alternative Technology

No new telecommunications tower may be approved unless the applicant demonstrates that no existing telecommunications tower, structure or alternative technology that does not require the use of a new telecommunications tower or structures can accommodate the applicant's proposed antenna. Such demonstration may consist of evidence or information that establishes any of the following:

1. No existing telecommunications towers or structures are located within the geographic area that meet the applicant's engineering or coverage requirements.
2. Existing telecommunications towers or structures are not of sufficient height to meet the applicant's engineering or coverage requirements.
3. Existing telecommunications towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing telecommunications towers or structures, or the antenna on the existing telecommunications towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing telecommunications tower or structure or to adapt an existing telecommunications tower or structure for sharing are unreasonable. Costs exceeding those of installing a new telecommunications tower are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing telecommunications towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of telecommunications towers or structures is unsuitable. Costs of alternative technology that exceed new telecommunications tower or antenna development will not be presumed to render the technology unsuitable.

M. Interference with Governmental Radio Signals Prohibited

Signal transmission may not interfere with any village or other governmental radio signals, including village police, fire, emergency dispatch and public works signals.

N. Location in Residential Districts Restricted

Location of telecommunications towers in R zoning districts is discouraged. To that end and in addition to other provisions of this section, no telecommunications tower may be approved in an R district unless one of the following is established:

1. There are no sites within nonresidential zoning districts that will accomplish substantially the same coverage and that the proposed R-zoned site is necessary, from a technical perspective.
2. Because of unique circumstances, such as the location of the property and proximity of residential structures, the proposed telecommunications tower will not have a significant adverse impact on existing or reasonably anticipated residential uses or property values in the area of the proposed tower.

O. Community Development Director Approval

1. Except in those districts where telecommunications towers are classified as a special use, the community development director must review the application for a permit under this section and determine if the application and the proposed telecommunications tower complies with the provisions of this section. Within sixty (60) days following receipt of a complete application, the community development director must do one of the following:
   a. approve the application as submitted and issue a permit;
   b. approve the application and issue a permit, subject to such conditions and restrictions as the community development director may direct to ensure compliance with this section; or
   c. deny the application.
2. A telecommunications tower that is modified or reconstructed to accommodate the co-location of an additional antenna must be of the same telecommunications tower type as the existing telecommunications tower, unless the community development director allows reconstruction as a monopole.
3. To accommodate the co-location of additional users, the community development director may approve modifications or rebuilding of an existing telecommunications tower to a taller telecommunications tower height, not to exceed the maximum height limits of this section. The telecommunications tower's pre-modification height will be used to calculate separation distance requirements; no additional separation distance will be required for the additional allowed co-location height.
4. To accommodate the co-location of an additional antenna, the community development director may authorize a telecommunications tower that is being rebuilt to be moved up to fifty (50) feet from its existing location. After the telecommunications tower is rebuilt to accommodate co-location, only one telecommunications tower may remain on the site and the relocated telecommunications tower will continue to be measured from the original telecommunications tower location for purposes of calculating separation distances; no additional separation distance will be required for the authorized movement.

5. To encourage co-location, the community development director may authorize locating additional antennas on existing telecommunications towers.

P. Removal of Abandoned Antennas and Telecommunications Towers

Any telecommunications tower or antenna located on a tower that is not operated for a continuous period of twelve (12) months will be considered abandoned. If there are two (2) or more users of a single telecommunications tower, then the telecommunications tower will not be deemed abandoned until all users cease using the telecommunications tower for a continuous period of twelve (12) months or more. The owner of any abandoned antenna or telecommunications tower must remove the antenna and tower within ninety (90) days of receipt of notice from the village notifying the owner of abandonment. If the abandoned antenna or telecommunications tower is not removed within the required ninety (90-day period, the village has the right, but not the obligation, to enter the property and remove the facility. All costs incurred by the village in causing removal must be promptly paid by the owner. In addition, the village has the right to place liens on the property to recover the costs of removal.

Q. Preexisting Telecommunications Towers

Preexisting telecommunications towers are allowed to continue their usage as they presently exist without meeting the requirements of this section, other than compliance with the federal and state requirements and applicable building and safety codes. Routine maintenance of such preexisting towers is permitted. In addition, telecommunications towers that are installed in accordance with the provisions of this section will not be deemed to constitute the expansion of a lawful nonconforming use or structure. New construction other than routine maintenance on a preexisting telecommunications tower must comply with the requirements of this section.

(Ord. No. 5804, 12/17/19; Ord. No. 5760, 7/10/18)

Sec. 6.180 Warehousing in the O-R zoning district

A. Performance Standards

1. The use is limited to the storage, processing and distribution of finished consumer ready product only.
2. The use is limited to a gross floor area of no more than 10,000 square feet per warehouse tenant.
3. No more than 25% of the gross floor area of any single building may be dedicated to warehouse uses.
4. The use may only take place within a principal building
5. No forklifts or other mechanical devices, such as automated storage and retrieval systems, may be used to process or prepare materials for distribution.
6. No on-site sales or pick-up of product may occur.
7. Pick-up and delivery of all product is limited to delivery vans and trucks. The use of tractor-trailers for pick-up and delivery of goods is prohibited.

B. Approval Criteria

In addition to the Special Use approval criteria in Section 12.050.H, 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 council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

1. The proposed use will not be detrimental to the existing parking, loading and circulation patterns on the premises.
2. The existing building is suitable for the proposed use in being able to accommodate the size, weight and dimensions of the proposed finished consumer ready product.
3. The proposed use will not be injurious to adjacent users via noise, odor, vibration or other environmental concerns.

(Ord. No. 5463, § 2, 6/2/15)

Sec. 6.190 Automobile Dealership Off-Site Vehicle Storage

A. Performance Standards

1. Off-site storage must located within a 3.5-mile radius of the use served by the off-site storage area, measured between the nearest property lines of both uses.
2. Off-site storage areas shall be separated from each other by a distance of 1,000 feet, measured between the nearest property lines of both uses.
3. A parking study shall be required. Such study shall identify the number of required parking spaces for the existing use on the storage site per Table 7-1 and the number of excess parking spaces that the storage site has available. The number of storage spaces provided may not exceed the amount of available parking per the study.
4. Screening and landscaping of the entire storage area is required only when the property is within 100 feet of a residential use or residential zoning district. Screening shall be in the form of an eight foot tall solid fence and landscaping shall comply with Section 8.020.
5. All stored vehicles must be located within a designated area. Such designated area shall be depicted on the Special Use application and clearly identified on the property. Stored vehicles must be parked within a striped parking space and must be in compliance with parking lot site design standards in Section 7.100.
6. Only employees of the personal vehicle sales office shall be allowed on the storage site. Customers are prohibited from being on the storage site and any sales are prohibited from occurring on the storage site.
7. Storage areas are to be only for the storage of vehicles 'for sale' or 'for lease.' Vehicles that have been damaged or waiting for repair or service or that are rental cars may not be stored in the storage area.
8. The off-site storage area may be under separate ownership only if an agreement is provided, in a form approved by the Village attorney, guaranteeing the availability of the

storage, commensurate with the number of available storage spaces. Off-site storage privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site storage agreement lapses or is no longer valid, then the storage must be removed.

9. Any Special Use approval shall be limited to only the applicant, the approval is non-transferable.

(Ord. No. 5571, § 3 11/22/16)

Article 7 | Parking

Sec. 7.010 General 7-1
Sec. 7.020 Maximum Requirements 7-2
Sec. 7.030 Minimum Motor Vehicle Parking Ratios 7-2
Sec. 7.040 Calculation of Required Parking 7-4
Sec. 7.050 Parking Exemptions and Reductions 7-5
Sec. 7.060 Bicycle Parking 7-7
Sec. 7.070 Location of Off-Street Parking 7-8
Sec. 7.080 Use of Off-Street Parking Areas 7-11
Sec. 7.090 Parking of Recreational Vehicles and Equipment 7-11
Sec. 7.100 Parking Area Design 7-13
Sec. 7.110 Pedestrian Circulation 7-16
Sec. 7.120 Accessible Parking for People with Disabilities 7-18
Sec. 7.130 Drive-through Facilities 7-18
Sec. 7.140 Off-Street Loading 7-19

Sec. 7.010 General

A. Purpose

1. The regulations of this article are intended to help ensure provision of off-street motor vehicle parking facilities, bicycle parking and other motorized and non-motorized transportation circulation facilities in rough proportion to the generalized demands of different land uses. By requiring such facilities, it is the intent of this article to help avoid the negative impacts associated with spillover parking into adjacent areas, while at the same time avoiding the negative environmental and visual impacts that can result from unnecessarily large parking and vehicular use areas.

2. The provisions of this article are also intended to help protect the public health, safety and general welfare by:

   a. promoting multi-modal transportation options and enhanced safety and convenience for non-motorized travel; and

   b. providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

B. Applicability

1. **General**
   Unless otherwise expressly stated, the regulations of this article apply to all districts and uses.

2. **New Uses and Development**
   Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

3. Enlargements and Expansions

a. Unless otherwise expressly stated, 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, employees or other units of measurement used for establishing off-street parking requirements.

b. 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. In other words, there is no requirement to address a lawful, existing parking deficit.

4. Change of Use

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning ordinance, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

5. Existing

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

Sec. 7.020 Maximum Requirements

Commercial uses requiring 100 or more parking spaces may not provide more than 4.5 spaces per 1,000 square feet of floor area unless otherwise approved through the special use approval process of Sec. 12.050. The special use permit application must include a parking study prepared by professional transportation planner or traffic engineer.

Sec. 7.030 Minimum Motor Vehicle Parking Ratios

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 7-1.

Table 7-1: Minimum Motor Vehicle Parking Requirements

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	**Minimum Motor Vehicle Parking**
RESIDENTIAL	
Household Living (except for the following uses)	2 spaces per dwelling unit
Apartment/condo in DB or DC zoning district	1.4 spaces per dwelling unit
Apartment/condo (for persons 62 or older)	0.6 spaces per dwelling unit
Apartment/condo (for persons 62 or older and offering on-site assisted living services)	0.4 spaces per dwelling unit
Group Living	0.5 spaces per bed
PUBLIC, CIVIC AND INSTITUTIONAL	
Aircraft Landing Area	per Sec. 7.040G
College or University	per Sec. 7.040G
Community Center	1 space per 4 occupants (maximum capacity)
Fraternal Organization	4 spaces per 1,000 square feet
Governmental Facility	per Sec. 7.040G

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	**Minimum Motor Vehicle Parking**
Hospital	per Sec. 7.040G
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	2 spaces per 1,000 sq. ft.
Natural Resource Preservation	None
Parks and Recreation	
Park	5 spaces per acre
Swimming pool	10 spaces per 1,000 sq. ft. of water surface
Tennis court	2.25 per court
Religious Assembly	
Existing as of 01-14-1991 and located within 1,000 feet of DC or DB zoning district	1 space per 8 occupants (maximum capacity)
All other	1 space per 4 occupants (maximum capacity)
Safety Service	per Sec. 7.040G
School	
Elementary and Junior High	0.10 spaces per student
Senior High	0.30 spaces per student
Utilities and Public Service Facility	
Minor	None
Major	per Sec. 7.040G
Wireless Telecommunications	None
COMMERCIAL	
Adult Entertainment Establishment	per Sec. 7.040G
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 space per 3 occupants (maximum capacity)
Bowling alley	4 per lane, plus parking required by this section for restaurants, bars, and other affiliated uses
Commercial Service (except for the following uses)	3.5 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Personal improvement services	4 spaces per 1,000 sq. ft.
Health club, fitness facility	5 spaces per 1,000 sq. ft.
Studio or instructional services	3.5 spaces per 1,000 sq. ft.
Research service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft. (not to exceed a minimum of 10)
Eating and Drinking Establishment (except for the following uses)	10 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater, plus stacking spaces per Section 7.130.
Carry-out restaurant	3.5 spaces per 1,000 sq. ft.
Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per Sec. 7.130
Funeral or Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	1.25 spaces per room, plus parking required by this section for restaurants, bars, banquet facilities and other accessory uses
Office	
Business and professional office	3 spaces per 1,000 sq. ft.
Medical, dental and health practitioner	4.50 spaces per 1,000 sq. ft.
Parking, Non-Accessory	None
Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
Furniture/large appliance store	1.67 spaces per 1,000 sq. ft.
Grocery store over 20,000 sq. ft.	4.0 spaces per 1,000 sq. ft.
Shopping center (multi-tenant)	4.0 spaces per 1,000 sq. ft.
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Trade School	1 space per 4 occupants (maximum capacity)
Vehicle Sales and Service	

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	**Minimum Motor Vehicle Parking**
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Fueling station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per Section 7.130.
Personal vehicle repair and maintenance	1 per service bay, plus stacking spaces per Section 7.130.
Car wash	1 per wash bay, plus stacking spaces per Section 7.130.
Personal vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per Section 7.130.
WHOLESALE, DISTRIBUTION & STORAGE	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL	1.17 spaces per 1,000 sq. ft.
RECYCLING	
Recyclable Material Drop-off Facility	per Sec. 7.040G
AGRICULTURE	
Community Garden	None
OTHER	
Drive-in or Drive-through Facility	Stacking spaces per Sec. 7.130

(Ord. No. 5804, 12/17/19; Ord. No. 5760, 7/10/18)

Sec. 7.040 Calculation of Required Parking

The following rules apply when calculating the required number of off-street parking spaces:

A. Multiple Uses

Unless otherwise expressly allowed in accordance with the shared parking regulations of Sec. 7.050B, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

B. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number.

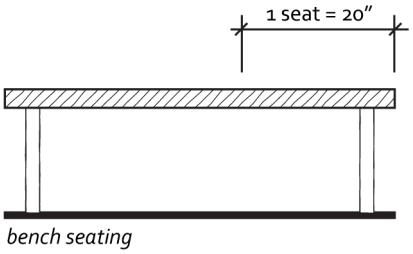
C. Area Measurements

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses.

D. Bench Seating

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See Figure 7-1.

Figure 7-1: Bench Seating Measurement



E. 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 occupancy standards established by the building code.

F. Unlisted Uses

Upon receiving a development application for a use not specifically listed in the 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 Sec. 7.040G.

G. Establishment of Other Parking Ratios

The community development director is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted. Such ratios may be established on the basis of a similar use/parking determination (as described in Sec. 7.040F), on parking data provided by the applicant or information otherwise available to the community development director. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). 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. 7.050 Parking Exemptions and Reductions

A. Downtown and Fairview Concentrated Business District

1. Minimum off-street parking requirements do not apply in the DC or DB zoning districts or the Fairview Concentrated Business District, except as follows:

    a. All residential uses, medical offices, and dental or health practitioner offices are required to comply with off-street parking requirements; and

b. Any nonresidential uses requiring village council approval (e.g., special uses and uses in approved PUDs) may be required to provide off-street parking as a condition of approval.

2. Parking that is voluntarily provided must comply with the parking area design and parking lot landscape regulations of this zoning ordinance. See Article 8.

B. Shared Parking

1. Purpose

Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. 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.

2. Applicability

Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the community development director. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.

3. Methodology

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

a. Multiply the minimum parking required for each individual use, as set forth in Sec. 7.030 by the percentage identified for each of the 6 designated time periods in Table 7-2.

b. Add the resulting sums for each of the 6 columns.

c. The minimum shared parking requirement is the highest sum among the 6 columns resulting from the above calculations.

d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

Table 7-2: Shared Parking Calculations

	Weekday			Weekend		
Land Use	**Midnight–7:00 a.m.**	**7:00 a.m. –6:00 p.m.**	**6 p.m. –Midnight**	**Midnight–7:00 a.m.**	**7:00 a.m.–6:00 p.m.**	**6 p.m. –Midnight**
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating and Drinking	50%	70%	100%	45%	70%	100%
Religious Assembly	0%	10%	30%	0%	100&	30%
Assembly & Entertain.	10%	50%	100%	5%	80%	100%
Retail & Comm. Service	5%	70%	90%	0%	100%	60%

4. Other uses

If one or more of the land uses proposing to make use of shared parking arrangement do not conform to the land use classifications in Table 7-2, as determined by the community development director, then the applicant must submit sufficient data to indi-

cate 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.

5. **Alternative Methodology**
As an alternative to the shared parking methodology established in Sec. 7.050B.3, the community development director is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by professional transportation planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

6. **Location**
Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of Sec. 7.070D.

C. Motorcycle Parking

In parking lots containing over 20 motor vehicle parking spaces, motorcycle or scooter parking may be substituted for up to 5 automobile parking spaces or 5% of required motor vehicle parking, whichever is less. For every 4 motorcycle or scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle and scooter space must minimum dimensions of 4 feet by 8 feet. This provision applies to existing and proposed parking lots.

D. Car-Share Service

For any development, one parking space or up to 5% of the total number of required spaces, whichever is greater, may be reserved for use by car-share vehicles. The number of required motor vehicle parking spaces is reduced by one space for every parking space that is leased by a car-share program for use by a car-share vehicle. Parking for car-share vehicles may also be provided in any non-required parking space.

(Ord. No. 5760, 7/10/18)

Sec. 7.060 Bicycle Parking

A. Minimum Requirements

Bicycle parking spaces must be provided in accordance with the minimum ratios established in Table 7-3.

Table 7-3: Minimum Bicycle Parking Ratios

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	**Minimum Bicycle Parking Spaces** (% of Motor Vehicle Parking)
PUBLIC, CIVIC AND INSTITUTIONAL	
Community Center	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Library	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Museum or Cultural Facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Parks and Recreation	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
School	
Elementary and Junior High	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Senior High	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater

USE CATEGORY **Subcategory** Specific use (See Sec. 5.020)	**Minimum Bicycle Parking Spaces** (% of Motor Vehicle Parking)
COMMERCIAL	
Assembly and Entertainment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Commercial Service	
Health club, fitness facility	None for first 9 vehicle spaces, then 10% or 2 spaces, whichever is greater
Eating and Drinking Establishment	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Financial Service	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Office	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Retail Sales	None for first 19 vehicle spaces, then 5% or 2 spaces, whichever is greater
Studio, Instructional or Service	None for first 19 vehicle spaces, then 10% or 2 spaces, whichever is greater

B. Maximum Requirement

The minimum bicycle parking ratios of Table 7-3 notwithstanding, no use is required to provide more than 25 bicycle parking spaces.

C. Location

Bicycle parking spaces must be located in highly visible, illuminated areas that do not interfere with pedestrian movements. Bicycle parking spaces must be located within 100 feet of a customer entrance. Bicycle parking spaces must be set back in accordance with Sec. 14.100.B.

D. Design

Bicycle parking spaces must:

1. consist of bike racks or lockers that are anchored so that they cannot be easily removed;
2. be of solid construction, resistant to rust, corrosion, hammers, and saws;
3. allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
4. be designed so as not to cause damage to the bicycle;
5. facilitate easy locking without interference from or to adjacent bicycles; and
6. have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

(Ord. No. 5804, 12/17/19)

Sec. 7.070 Location of Off-Street Parking

A. General

Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

B. Setbacks

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks, exclusive of any additional setbacks for building height, of the subject zoning district.

1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway The driveway must be improved with a hard,

dustless material, generally asphalt or concrete, as approved by the public works director.

2. Off-street parking spaces accessory to any religious assembly use that was in existence before April 19, 1965 may be located in a required street setback, provided they are set back at least 5 feet from the right-of-way.

3. Off-street parking spaces for M-1 zoned lots that are located on the west side of Thatcher Road and also abut the Illinois State Tollway right-of-way may be located in the required street setback, provided they are set back at least 5 feet from the right-of-way. Such spaces must be improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.

4. Off-street parking spaces for M-1 zoned lots with frontage on Douglas Road between Rogers Street on the north and Maple Avenue on the south may be located in the required street setback on the Douglas Road frontage, provided that such spaces are improved with a hard, dustless material, generally asphalt or concrete, as approved by the public works director.

C. Downtown

Parking is prohibited in the street yard of any lot located within a DC, DB or DT zoning district except that parking is allowed on approved driveways serving detached houses, attached houses and two-unit houses.

D. Off-Site Parking

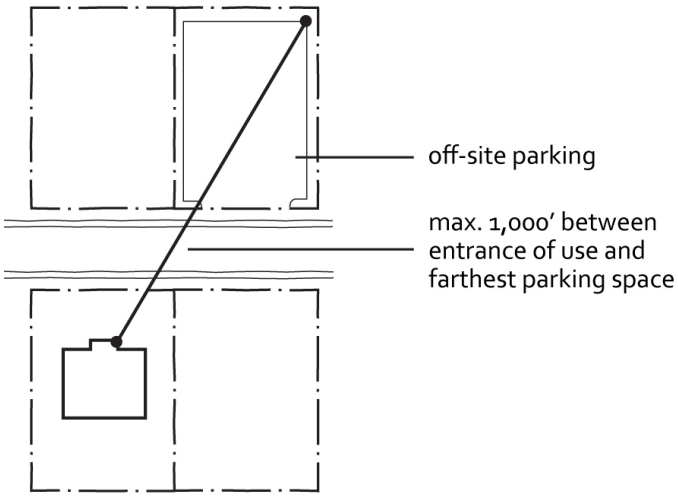
1. When Allowed

All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and parking required for residential uses may not be located off site.

2. Location

Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the farthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit the principal use to be served by the off-site parking spaces, unless approved as a special use. See Figure 7-2.

Figure 7-2: Off-Site Parking Location



3. **Design**
   Off-site parking areas must comply with all applicable parking area design and parking lot landscape regulations of this zoning ordinance. See Article 8.

4. **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, in a form approved by the village attorney, 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.

(Ord. No. 5760, 7/10/18)

Sec. 7.080 Use of Off-Street Parking Areas

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 or accessory 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. Property owned by the village, state or federal government is exempt from this provision.

C. Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of R-zoned property from displaying vehicles for sale on the property's off-street parking facilities provided the vehicle is owned by the owner or occupant of the residential property. Except for flagrant or repeated violations, the village will endeavor to obtain voluntary compliance with the restrictions on displaying cars for sale prior to initiation of enforcement proceedings.

D. No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential or business zoning district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises. The sale of gasoline and motor oil in conjunction with off-street parking facilities is not permitted in any residential zoning district.

E. No vehicle with a gross weight in excess of 8,000 pounds may be stored overnight on a lot in a business, employment or special purpose zoning district unless the vehicle is being used in connection with a business currently operating on such lot, if the vehicle is serving a particular business on such lot or if the vehicle is providing a service to or activity upon such lot.

F. No vehicle with a gross vehicle weight in excess of 8,000 pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code; and no contractor's equipment, materials, supplies and tools, including the trailers used to haul such items and snow plow blades, may be stored or parked on any lot in any residential zoning district, unless:

1. the vehicle, equipment, supplies or tools are located within a completely enclosed building, or
2. the vehicle, equipment, supplies or tools are being used in connection with a legitimate service actually being rendered for the benefit of the subject lot.

(Ord. No. 5760, 7/10/18)

Sec. 7.090 Parking of Recreational Vehicles and Equipment

A. Recreational vehicles, recreational equipment and utility trailers located on a zoning lot on or before December 31, 2007 are subject to the following regulations:

1. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. The vehicles and equipment must be set back at least 2.5 feet from any side or rear lot line. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft or not more than 2 snowmobiles, personal watercrafts or specialty prop-crafts. Recreational vehicles,

recreational equipment and utility trailers may not be stored in the required street setbacks.

2. Notwithstanding the regulations of Sec. 7.090A.1, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard or in the street yard if stored on a driveway, provided that the community development director is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding 10 days in aggregate (which may or may not be consecutive) within any period of 30 consecutive days.

3. All recreational vehicles, recreational equipment and utility trailers parked in residential zoning districts must be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.

4. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.

B. Recreational vehicles located on a zoning lot after December 31, 2007 are subject to the following regulations:

1. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. The vehicles and equipment must comply with the principal building setback requirements of the subject zoning district. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft or not more than 2 snowmobiles, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the street yard.

2. Notwithstanding the regulations of Sec. 7.090B.1, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard or in the street yard if stored on a driveway, provided that the community development director is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding 10 days in aggregate (which may or may not be consecutive) within any period of 30 consecutive days.

3. All recreational vehicles, recreational equipment and utility trailers parked in residential zoning districts must be parked on an improved area constructed of a hard dustless material, generally asphalt, brick pavers or concrete.

4. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.

5. Any recreational vehicle, recreational equipment or utility trailer stored in a rear or side yard of a residential district must be screened on at least 3 sides by a single row of evergreens a minimum of 4 feet in height at the time of planting or by a 6-foot privacy

fence. The screening must be placed so that the equipment is screened from view of all abutting property owners.

6. The recreational vehicle, recreational equipment, or utility trailer must be properly licensed.

7. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground so as to prevent its ready removal.

8. No parked or stored recreational vehicle may be used for living, sleeping or business purposes.

Sec. 7.100 Parking Area Design

A. Tandem and Valet Parking Arrangements

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, as follows.

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

2. **Valet Parking**
   Valet parking may be used to satisfy minimum off-street parking requirements for non-residential uses if an attendant is present during all hours of operation. Valet parking arrangements may involve the stacked parking of vehicles (i.e., requiring one or more vehicles to be moved to obtain access to other parked vehicles). Valet parking is not subject to the off-site parking distance limit of Sec. 7.070D.2. See also the valet parking regulations in Chapter 14 (Article XI) of the municipal code.

B. Stall Sizes and Parking Lot Geometrics

1. Off-street parking areas must be designed and constructed in accordance with the regulations of Table 7-4. See also Figure 7-3.

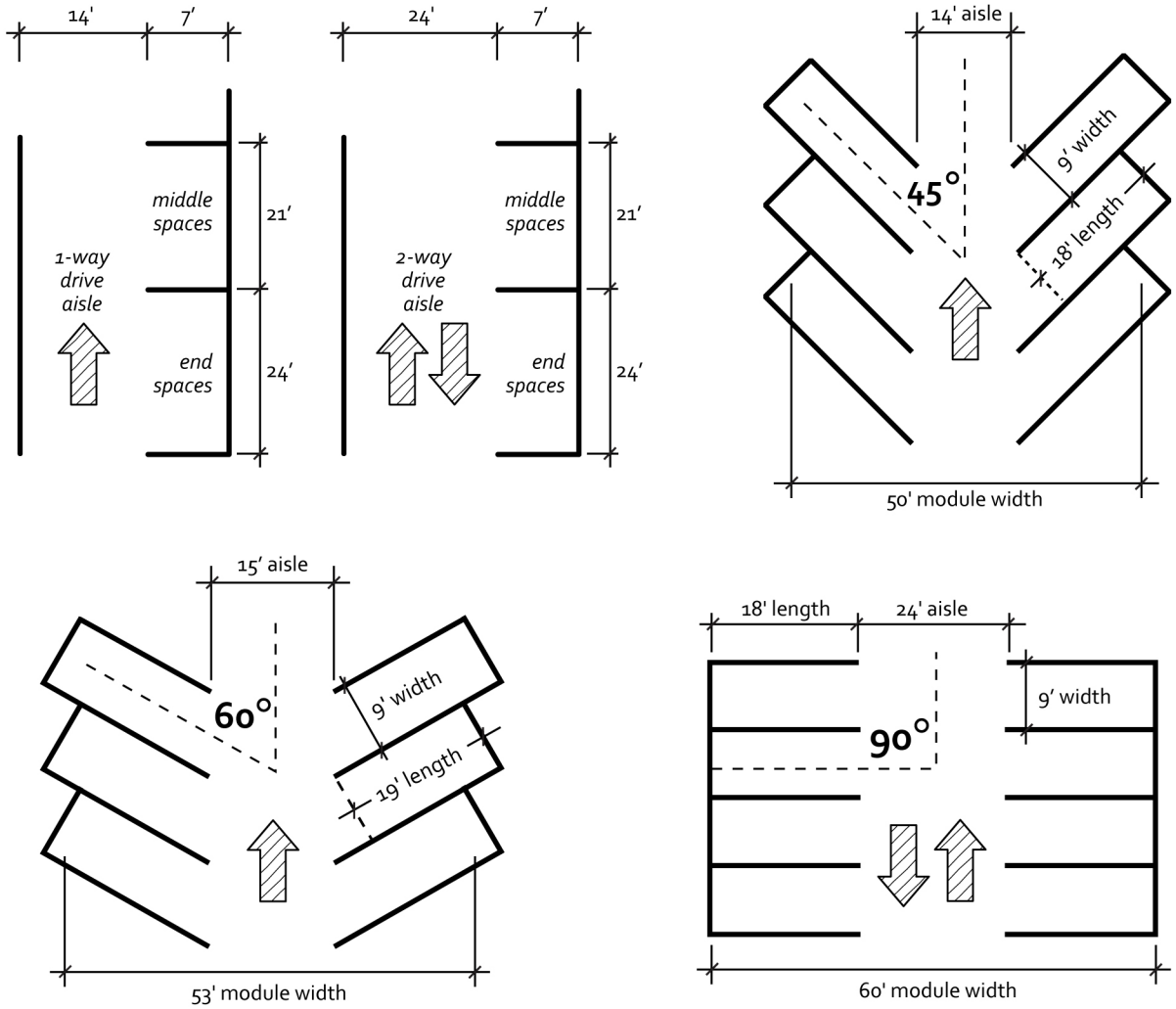
Table 7-4: Parking Area Dimensions

	Angle of Parking			
	0° (Parallel)	**45°**	**60°**	**90°**
Stall Width (feet)	7	9	9	9
Stall Length (feet)	21 (middle), 24 (ends)	18	19	18
Aisle Width (feet)	14 (one-way), 24 (two-way)	14	15	24
Module Width (feet)		50	53	60

Note: Dimensions must be measured from the centerline of the stripe delineating the space.

2. Stall dimensions may be reduced by up to 6 inches in width and length in parking lots containing more than 50 parking spaces if a parking study demonstrates that parking activity is projected at medium to low turnover conditions, defined as Class B or C by the Institute of Transportation Engineers (ITE), and that the typical parking space in such lot or structure will be occupied by no more than one or 2 different vehicles during the course of the business day. Stall size reductions are not allowed for parallel spaces.

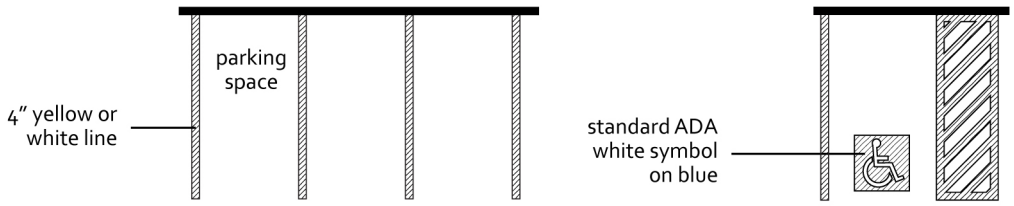
Figure 7-3: Parking Area Dimensions



C. Striping

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted with the standard ADA white symbol on blue background. See Figure 7-4.

Figure 7-4: Parking Lot Markings



D. Surfacing

All outdoor parking spaces must be properly engineered and improved with a compacted stone base and surfaced with asphaltic concrete, or other comparable all-weather, dustless material. Plans and materials must be approved by the public works director.

E. Wheel Stops

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas. Plans must be approved by the public works director.

F. Curb and Gutter

Combination concrete curb and gutter or concrete barrier curbs are required around the perimeter of all parking lots containing 5 or more parking spaces and around all landscape islands and divider medians. Alternatives to curb and gutter that comply with the village's best management practices for stormwater may be approved at the sole discretion of the public works director.

G. Drainage

The recommended slope of a parking lot to the drain is a minimum 1%, with a 1.5% or 2% recommended minimum in all directions.

H. Landscaping

All off-street parking lots containing 5 or more spaces must be landscaped in accordance with Sec. 8.020 and Sec. 8.030.

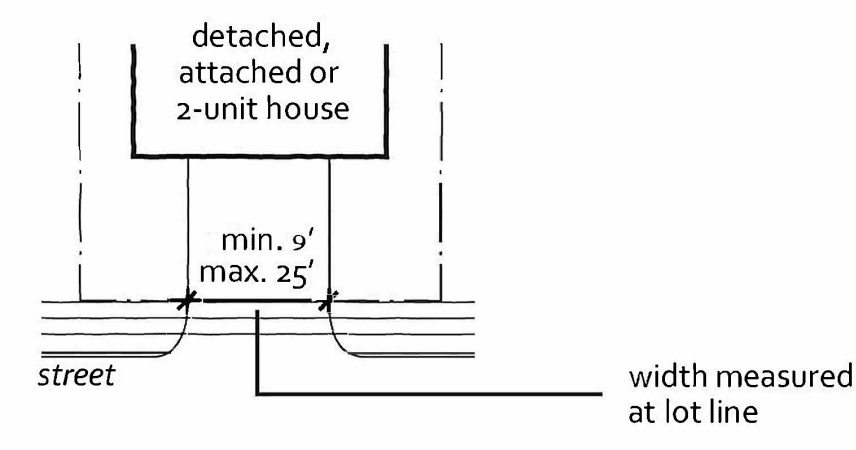
I. Lighting

See the outdoor lighting regulations of Sec. 10.030.

J. Access

1. 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.
2. 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.
3. Driveways leading to detached garages or parking areas serving a detached house, attached house or two-unit house must be at least 9 feet in width. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed 25 feet in width, excluding any flared pavement portion, as measured at the lot line. See Figure 7-5.

Figure 7-5: Driveway Width



4. All other uses must be designed with appropriate means of vehicular access from the street, as approved by the public works director.

5. All driveways must be improved with a compacted stone base and surfaced with asphalt, concrete or other comparable all-weather, dustless material.

(Ord. No. 5760, 7/10/18)

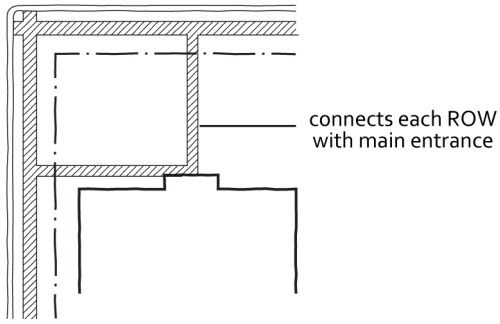
Sec. 7.110 Pedestrian Circulation

An on-site circulation system for pedestrian and non-motorized travel must be provided in accordance with the requirements of this section. These pedestrian circulation requirements do not apply to lots occupied by detached houses, two-unit houses or attached houses.

A. Connection to the Street

The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users. See Figure 7-6.

Figure 7-6: Connecting Building Entrances to Street

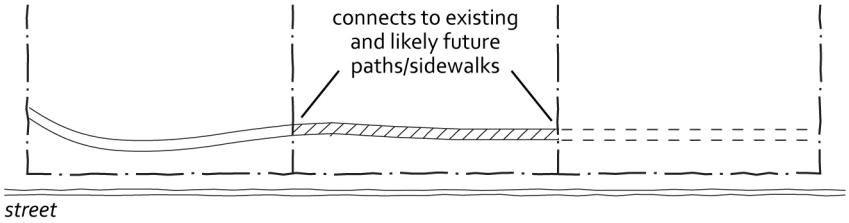


B. Connection to Abutting Properties

The on-site pedestrian circulation system must provide at least one connection to existing paths and sidewalks on abutting properties or to the likely location of future paths or sidewalks on those properties. When the community development director determines that no paths or sidewalks exist on a neighboring property or it is not possible to determine the

likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no such connection is required. See Figure 7-7.

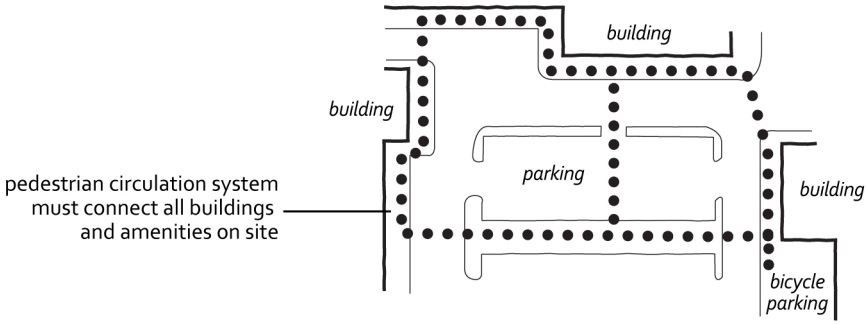
Figure 7-7: Connections to Abutting Properties



C. Internal Connections

The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreational areas, common outdoor areas, plazas and similar amenity features. See Figure 7-8.

Figure 7-8: Internal Site Connections

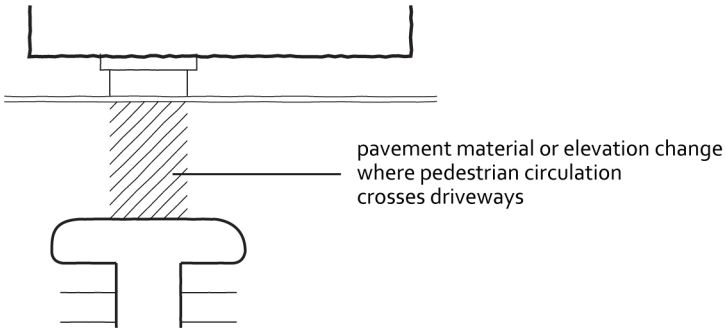


D. Design

Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:

1. The on-site pedestrian circulation system must be hard-surfaced, with a dust-free material and be at least 5 feet in width.
2. When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement. See Figure 7-9.

Figure 7-9: Driveway Crossing



3. When the on-site pedestrian circulation system is parallel and adjacent to a motor vehicle travel lane, it must be a raised path at least 6 inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.

4. The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at a height appropriate for a pedestrian pathway system.

Sec. 7.120 Accessible Parking for People with Disabilities

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

B. Accessible spaces must be provided in accordance with the Illinois Accessibility Code.

C. Accessible parking spaces count towards the total number of parking spaces required.

D. Each accessible parking space must be designed as required by the Illinois Accessibility Code.

E. Accessible parking spaces must be signed in compliance with applicable state law and 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 the Village Council.

F. 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.

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

(Ord. No. 5804, 12/17/19)

Sec. 7.130 Drive-through and Drive-in Facilities

A. Purpose

These regulations of this section are intended to help ensure that

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;

2. vehicles awaiting service do not impede traffic on abutting streets; and

3. impacts on surrounding uses are minimized.

B. Applicability

The regulations apply to new developments, the addition of drive-through and drive-in facilities to existing developments and the relocation of existing drive-through facilities.

C. Stacking Spaces Required

Stacking lanes must be provided in accordance with the minimum requirements of Table 7-5.

Table 7-5: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	8 total spaces, with at least 3 spaces between order and pick-up station
Other	3 spaces per lane, ordering station or machine

D. Stacking Lane Dimensions, Design and Layout

1. Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 10 feet.

2. All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs.

E. Setbacks

Stacking lanes must be set back at least 50 feet from any abutting residential zoning district.

F. 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.

G. 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.

(Ord. No. 5760, 7/10/18)

Sec. 7.140 Off-Street Loading

A. Minimum Ratios

Off-street loading spaces must be provided in accordance with Table 7-6.

Table 7-6: Off-street Loading Requirements

Use Type	Minimum Loading Spaces Required
Multi-unit or Mixed-use Residential	
Under 60 units	None

60+ units	1 space per 60 units
Nonresidential	
Under 20,000 square feet	None
20,000–99,999 square feet	1
100,000+ square feet	1 space per 100,000 square feet

B. Design and Location

1. Off-street loading spaces must be at least 12 feet in width and 35 feet in length unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.

2. All loading spaces must be located on the subject lot and include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the community development director.

3. All loading spaces must be located on the subject lot, provided that the community development director is authorized to approve central off-street loading spaces for a group of contiguous lots as a substitute for loading berths on individual lots if the following conditions are met:

   a. each lot served must have direct access to the central loading area without at-grade crossings of streets or alleys;

   b. no lot served may be more than 500 feet from the central loading area; and

   c. the passageway connecting the central loading area with the lot served shall be at least 7 feet in width and have a vertical clearance of at least 7 feet.

4. All loading spaces for semi-tractor trailer combinations must be set back at least 25 feet from the nearest point of intersection of any 2 street rights-of-way and at least 50 feet from all residential zoning districts. Loading spaces may be located within 50 feet of a residential zoning district if completely enclosed by a building wall or fence at least 6 feet in height.

5. All off-street loading areas must be properly engineered and improved with a compacted stone base and an all-weather, dustless surface, generally asphalt or concrete.

6. Plans for the location, design and construction of all loading area are subject to approval by the community development director.

7. Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

Article 8 | Landscaping and Screening

Sec. 8.010 Purpose 8-1
Sec. 8.020 Parking Lot Perimeter Landscaping 8-1
Sec. 8.030 Parking Lot Interior Landscaping 8-4
Sec. 8.040 Screening 8-6
Sec. 8.050 Landscape Plans 8-8
Sec. 8.060 Landscape Material and Design 8-8
Sec. 8.070 Alternative Compliance 8-10

Sec. 8.010 Purpose

The landscaping and screening regulations of this article establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this ordinance and specifically to:

A. enhance quality of life for residents and visitors;

B. protect property values;

C. enhance the quality and appearance of new development and redevelopment projects;

D. mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;

E. promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping;

F. help ensure wise use of water resources;

G. improve air quality;

H. protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;

I. moderate heat by providing shade; and

J. reduce the impacts of noise and glare.

Sec. 8.020 Parking Lot Perimeter Landscaping

A. Applicability

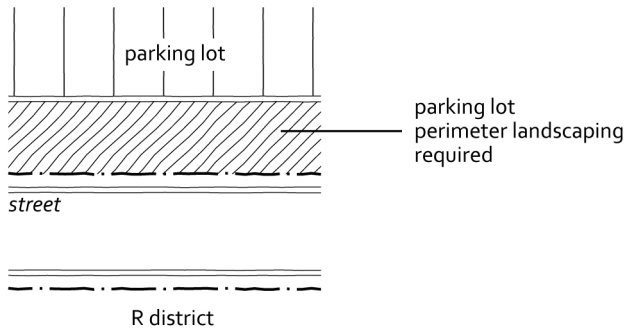
The parking lot perimeter landscaping requirements of this section apply to all of the following:

1. the construction or installation of any new surface (open) parking lots containing 6 or more parking spaces; and
2. the expansion of any existing surface (open) parking lot if the expansion would result in 6 or more total parking spaces, in which case the requirements of this section apply only to the expanded area.

B. Street Yards

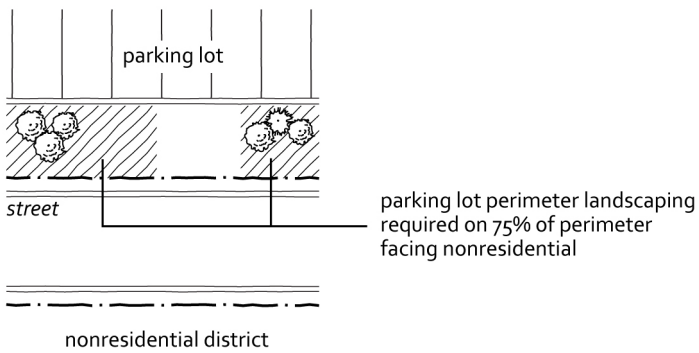
1. When a parking lot is located across the street from a residential zoning district, parking lot perimeter landscaping must be provided along 100% of the street frontage opposite the residential zoning district. See Figure 8-1.

Figure 8-1: Street Yard Perimeter Landscaping Opposite R Zoning



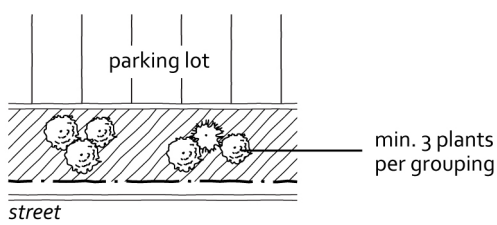
2. When a parking lot is located across the street from a nonresidential zoning district, parking lot perimeter landscaping must be provided along at least 75% of the parking lot perimeter opposite the nonresidential zoning district. See Figure 8-2.

Figure 8-2: Street Yard Perimeter Landscaping Opposite Nonresidential Zoning



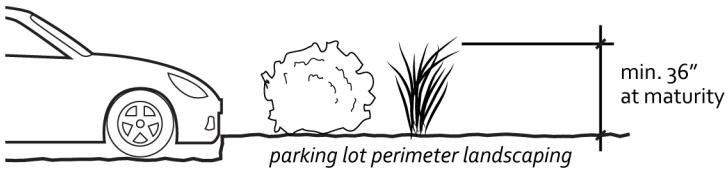
3. Required parking lot perimeter landscaping must be provided in plant groupings of at least 3 live plants. See Figure 8-3.

Figure 8-3: Plant Groupings within Perimeter Landscape Area



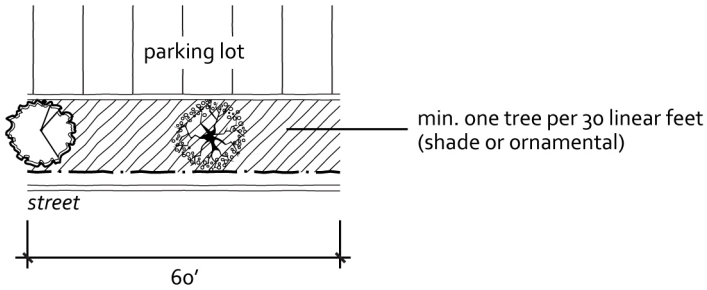
4. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennial plants, all of which must reach a minimum height of 36 inches at maturity. See Figure 8-4.

Figure 8-4: Perimeter Landscaping Plant Height



5. Shade or ornamental trees must be provided within required parking lot perimeter landscape areas at a rate of at least one tree per 30 linear feet of street frontage, rounded to the nearest whole number. Parkway trees may be counted toward satisfying parking lot perimeter tree planting requirements. See Figure 8-5.

Figure 8-5: Trees within Street Yard Perimeter Landscape Areas

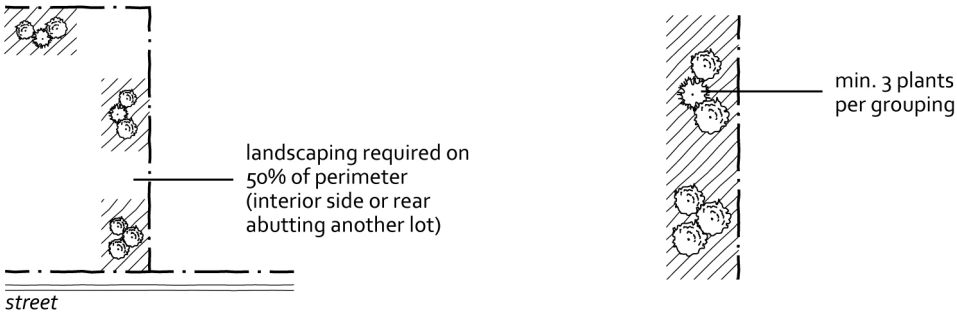


C. Interior Yards

1. When a parking lot is located in the interior side or rear yard of a lot abutting another lot, parking lot perimeter landscaping must be provided as follows:

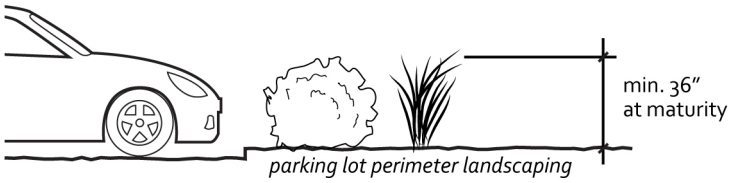
   a. Landscaping provided in plant groupings of no less than 3 live plants must be provided along at least 50% of the parking lot perimeter along the abutting interior side and rear lot lines. See Figure 8-6.

Figure 8-6: Perimeter Landscaping within Interior Yards



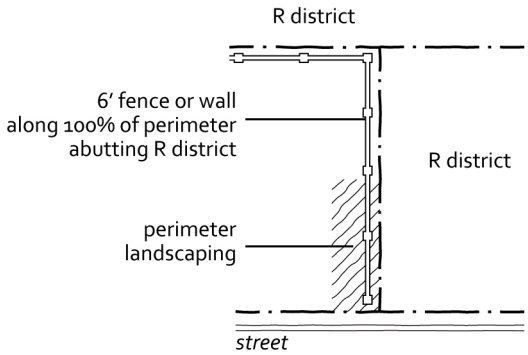
   b. Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennials, all of which must reach a minimum height of 36 inches at maturity. See Figure 8-7.

Figure 8-7: Perimeter Landscaping Plant Height



2. When a parking lot is located in the interior side or rear yard of a lot abutting a residential zoning district, the parking lot perimeter landscaping required by Sec. 8.020C.1 must be supplemented by installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of 6 feet along 100% of the parking lot perimeter immediately abutting the R- zoned property. See Figure 8-8.

Figure 8-8: Supplemental Wall or Fence Abutting R-zoned Property



D. General

1. Landscape material used to satisfy the parking lot perimeter landscaping requirements of this section are subject to the landscape material and design regulations of Sec. 8.060.

2. Parking lot perimeter landscape areas that meet the requirements of this section (Sec. 8.020) may be counted toward satisfying zoning district landscaped open space requirements.

Sec. 8.030 Parking Lot Interior Landscaping

A. Applicability

The parking lot interior landscaping requirements of this section apply to all of the following:

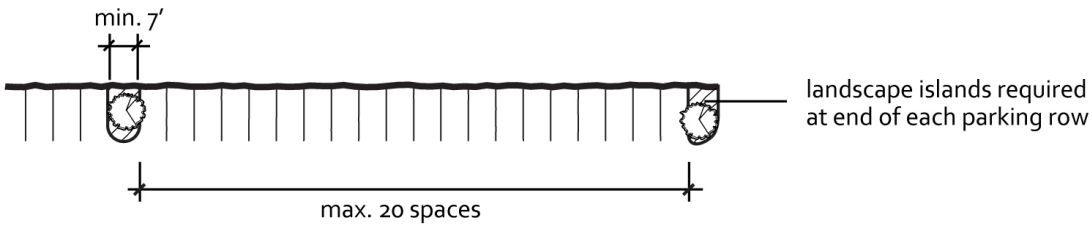
1. the construction or installation of any new surface (open) parking lots containing 6 or more parking spaces; and

2. the expansion of any existing surface (open) parking lot if the expansion would result in 6 or more total parking spaces, in which case the requirements of this section apply only to the expanded area.

B. Landscape Islands

1. Landscape islands must be located at the end of each parking row and within each parking row so that the distance between islands is no greater than 20 parking spaces. See Figure 8-9.

Figure 8-9: Parking Lot Landscape Islands



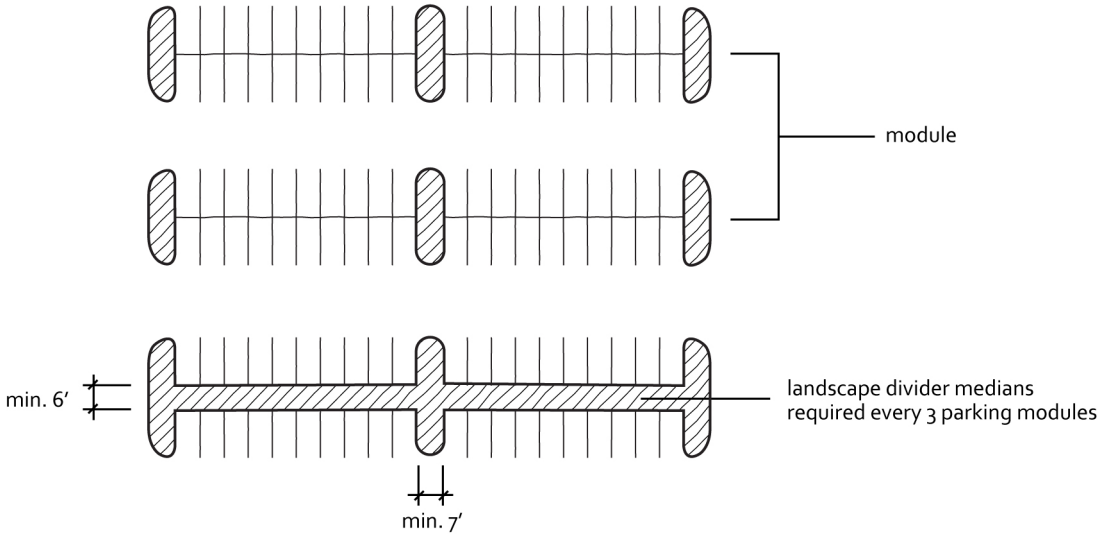
2. Landscape islands must be a minimum of 150 square feet in area when located in a single row of parking spaces and 300 square feet in area when located within a double row of (face-face) parking spaces. Islands must be at least 7 feet in width, as measured from the back of curb to back of curb.

3. At least one shade tree must be provided for each 150 square feet of landscape island, rounded to the nearest whole number.

C. Landscape Divider Medians

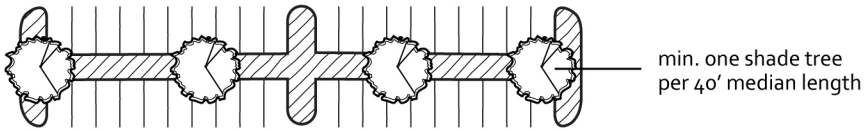
1. Landscape divider medians must be provided between at least every 3 parking modules. Divider medians must be least 6 feet in width. See Figure 8-10.

Figure 8-10: Parking Lot Landscape Divider Medians



2. At least one shade tree must be provided for each 40 feet of median length, rounded to the nearest whole number. See Figure 8-11.

Figure 8-11: Tree Planting within Medians



D. General

1. Landscape material used to satisfy the parking lot interior landscaping requirements of this section are subject to the landscape material and design regulations of Sec. 8.060.
2. All landscaped islands and divider medians must be crowned to provide positive drainage or designed to comply with the village's best management practices for stormwater.
3. At least 50% of every landscape island and landscape divider median must be planted with live plant material, such as perennials, ground cover, shrubs, or turf grass to a maximum height of 30 inches at maturity.
4. Interior landscape islands and divider medians that meet the requirements of this section (Sec. 8.030) that have a surface area of 500 square feet or more, as measured from the back of curb to back of curb, may be counted toward satisfying zoning district landscaped open space requirements.

Sec. 8.040 Screening

A. Applicability; Features to be Screened

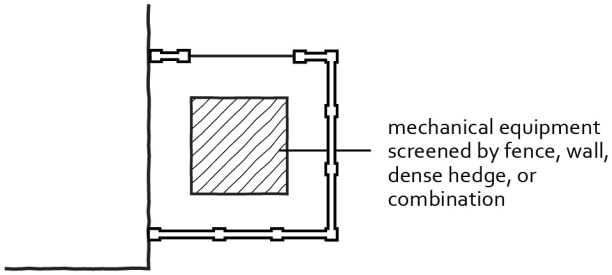
When located on lots occupied by multi-unit residential or nonresidential uses, the following features must be screened from view of public rights-of-way, public open spaces and from lots used or zoned for residential purposes, as specified in this section:

1. ground-mounted mechanical equipment;
2. roof-mounted mechanical equipment;
3. refuse/recycling/grease containers; and
4. outdoor storage of materials, supplies and equipment.

B. Ground-mounted Mechanical Equipment

All ground-mounted mechanical equipment over 30 inches in height must be screened from view by a fence, wall, dense hedge, or combination of such features providing at least 80% direct view blocking. The hedge, fence or wall must be at least as tall as the tallest part of the equipment. The hedge must be this tall at the time of planting. See Figure 8-12.

Figure 8-12: Screening of Ground-mounted Equipment

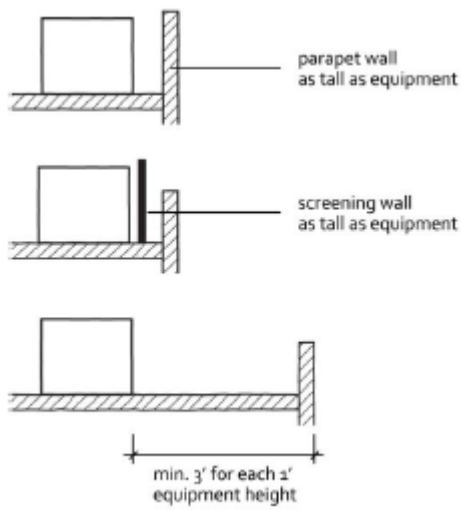


C. Roof-mounted Mechanical Equipment

Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy devices) must be screened from ground-level view in one of the following ways (and as illustrated in Figure 8-13):

1. a parapet that is as tall as the tallest part of the equipment;
2. a screen around the equipment that is at least as tall as the tallest part of the equipment, with the screen providing at least 80% direct view blocking and which is an integral part of the building's architectural design; or
3. an equipment setback from roof edges that is at least 3 feet in depth for each one foot of equipment height.

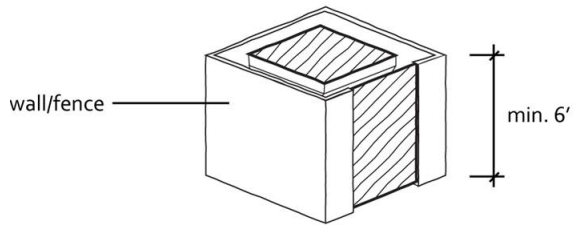
Figure 8-13: Screening of Roof-mounted Equipment



D. Refuse/Recycling Containers

Refuse/recycling and similar containers must be located on an appropriately designed concrete or other paving material pad and apron and screened from view of streets and all abutting lots with a wall or other screening material providing at least 80% direct visual screening at least 6 feet in height. Refuse/recycling containers may not be located in street yards. Enclosure doors must be located and designed so that, to the maximum extent possible, they do not face towards an abutting property, sidewalk, or street. Residential dwellings utilizing curbside pick-up service are exempt from these screening requirements. See Figure 8-14.

Figure 8-14: Screening of Refuse/Recycling Containers



E. Outdoor Storage of Materials, Supplies and Equipment

All stored materials, supplies, merchandise, vehicles, equipment, or other similar materials not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by a fence, wall, dense hedge, or combination of such features with a minimum height of 8 feet at the time of installation.

F. Landscape Materials and Design

Landscape material used to satisfy the screening requirements of this section must be evergreens and are subject to the landscape material and design regulations of Sec. 8.060.

(Ord. No. 5760, 7/10/18)

Sec. 8.050 Landscape Plans

All applications for development and construction activities that are subject to the landscape and screening regulations of this article must be accompanied by a landscape plan. No building permit or similar authorization may be issued until the Community Development Director determines that the landscaping and screening regulations of this article have been met.
(Ord. 5760, 7/10/18)

Sec. 8.060 Landscape Material and Design

A. Landscaping with Required Landscape Areas

All required landscape areas must be sodded or seeded with turf grass or appropriate ground cover. Alternatives that comply with the village's best management practices for stormwater are also allowed. Areas not required to be covered with live plant material must be covered with organic, biodegradable mulch.

B. Existing Trees and Vegetation

Existing non-invasive trees may be counted toward satisfying the landscaping and screening regulations of this article if they are located within the subject area and they comply with the plant height and size requirements of this section.

C. Plant Selection

1. Trees and plants selected for required landscape areas must be well-suited to the microclimate and on-site soil conditions.
2. Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ASNS).
3. Invasive species may not be used to meet landscape requirements.
4. All plant materials are subject to the approval of the Community Development Director.

D. Trees

1. Ornamental

Ornamental trees used to satisfy the requirements of this article must be at least 4 feet in height at time of installation.

2. **Shade**
   Shade trees used to satisfy the requirements of this article must be a minimum 2.5-inch caliper at time of installation.

E. Shrubs

Shrubs used to satisfy the requirements of this article must be at least 18 inches in height at time of installation.

F. Ornamental Grasses and Perennials

Ornamental grasses and perennials used to satisfy the requirements of this article must be at least 12 inches in height at time of installation.

G. Curbs and Vehicle Barriers

Landscaped areas in or abutting parking lots must be protected by concrete curbing, anchored wheel stops, or other durable barriers approved by the Community Development Director. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged. Curbs protecting landscape areas may be perforated, have gaps or otherwise be designed to allow stormwater runoff to pass through them.

H. Installation

1. All landscaping must be installed in a sound manner and in accordance with accepted landscape planting practices.
2. Newly planted trees may not be staked or guyed unless they are unable to stand upright without support. Any staking and guying materials must be removed within one year of installation.

I. Maintenance

The property owner, occupant, tenant and respective agent of each, if any, are jointly and severally responsible for the maintenance and protection of all required landscaping, in accordance with all of the following regulations:

1. Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.
2. Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise.
3. All landscaping must be maintained to minimize property damage and public safety hazards, including removal of invasive species, dead or decaying plant material, and removal of low-hanging branches next to sidewalks and walkways obstructing street lighting.
4. All pruning must be done in accordance with ANSI A300 (part 1) "Standards for Tree Care Operations—Pruning." Tree topping is prohibited. Crown reduction pruning may be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree planting requirements.
5. Failure to maintain landscaping is a violation of this ordinance.

(Ord. No. 5760, 7/10/18)

Sec. 8.070 Alternative Compliance

In order to encourage creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the Community Development Director is authorized to approve alternative compliance landscape plans when the Community Development Director determines that one or more of the following conditions are present:

A. the site has space limitations or an unusual shape that makes strict compliance impossible or impractical;

B. conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this article;

C. safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or

D. creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.

(Ord. No. 5760, 7/10/18)

Article 9 | Signs

Sec. 9.010 General 9-1
Sec. 9.020 Prohibited Signs and Sign Characteristics 9-2
Sec. 9.030 Signs Allowed without a Sign Permit 9-3
Sec. 9.040 Temporary Signs 9-5
Sec. 9.050 Sign Regulations Generally 9-6
Sec. 9.060 Sign Regulations for Downtown and the Fairview Concentrated Business District 9-10
Sec. 9.070 Special Sign Types 9-13
Sec. 9.080 Administration and Permits 9-14
Sec. 9.090 Nonconforming Signs 9-15
Sec. 9.100 Illumination 9-15
Sec. 9.110 Maintenance 9-16
Sec. 9.120 Enforcement 9-16

Sec. 9.010 General

A. Purpose

The sign regulations of this article are established to create a comprehensive but balanced system of sign regulations to promote effective communication and to prevent placement of signs that are potentially harmful to motorized and non-motorized traffic safety, property values, business opportunities and community appearance. This article is adopted for the following specific purposes:

1. to preserve, protect and promote public health, safety and welfare;
2. to preserve the value of private property by assuring the compatibility of signs with surrounding land uses;
3. to enhance the physical appearance of the village;
4. to enhance the village's economy, business and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity and the public it seeks with its message;
5. to protect the general public from damage and injury, that may be caused by the faulty and uncontrolled construction and use of signs within the village;
6. to protect motorized and non-motorized travelers by reducing distraction that may increase the number and severity of traffic accidents; and
7. to encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of street signs.

B. Applicability

The regulations of this article apply to all signs in the village, unless otherwise expressly stated.

C. Public Health and Safety

No sign may be designed, constructed or maintained in a manner that presents a danger to the public health, safety or welfare, as determined by the village.

D. Content and Location

Except as otherwise expressly provided in this article, the following regulations apply to all signs:

1. The content of signs is limited to the business, service, and activity available or conducted on the subject lot.
2. Unless otherwise specified in the Article, signs are subject to setback regulations of the subject zoning district.
3. When a business or service does not have direct access to a public street, signs directing traffic to the subject business or service may be located off premises at the nearest point of access. Such signs are counted as part of the total allowable sign area.

E. No Discrimination Against Non-Commercial Signs Or Speech

The owner of any sign which is otherwise allowed under this Article 9 may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or allow the substitution of an off-site commercial message in place of an on-site commercial message.

(Ord. No. 5478, § 1, 9/8/15)

Sec. 9.020 Prohibited Signs and Sign Characteristics

The following are expressly prohibited under this ordinance:

A. any sign or structure that constitutes a hazard to public health or safety;

B. any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs;

C. signs, that by their color, location, or design resemble or conflict with traffic control signs or signals;

D. except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign may be located on the public right-of-way, or affixed to or upon public property. This prohibition includes any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign;

E. portable signs, except for sandwich board signs that are allowed in the DC, DB, DT and Fairview concentrated business districts;

F. vehicle signs when the vehicle is not licensed, insured or operational;

G. advertising off-premise signs;

H. moving signs;

I. LED and flashing signs;

J. signs with bare bulb illumination, except for marquees located in the DC, DB, DT or Fairview concentrated business districts;

K. attention-getting devices;

L. signs containing exposed gas tubing, exterior to the building, including argon and neon;

M. roof signs;

N. box-type signs in the DC, DB, DT or Fairview concentrated business districts;

O. any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the previous 30 days;

P. any sign painted directly on a wall, roof, or fence;

Q. any sign placed or attached to a telecommunications tower, pole or antenna;

R. signs containing manual changeable copy consisting of more than 2 lines, except that fueling stations, governmental agencies, schools and religious assembly uses have up 4 lines of manual changeable copy. The changeable copy surface area is included in the total surface area allowed;

S. signs containing electronic changeable copy/message board;

T. single pole signs with a base of less than 2 feet in width; and

U. any other sign not expressly permitted in this article.

(Ord. No. 5760, 7/10/18; Ord. No. 5472, § 1, 7/21/15)

Sec. 9.030 Signs Allowed without a Sign Permit

The following signs do not require a sign permit and are subject to the following regulations:

A. Governmental signs, public signs and other signs incidental to those signs for identification, information or directional purposes erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance.

B. Railroad crossing and signs of public utility companies indicating danger or that serve as an aid to public safety or that show the location of underground facilities.

C. Street address signs up to 4 square feet in area.

D. Decorations temporarily displayed in connection with a village-sponsored or approved event or a generally recognized or national holiday.

E. Temporary signs at a residence commemorating a personal event, such as a birth, birthday, anniversary or graduation.

F. "No trespassing" or similar signs regulating the use of property, provided such signs are no more than 2 square feet in area.

G. Noncommercial flags of any country, state or unit of local government.

H. Real estate signs, provided that in residential zoning districts, real estate signs may not exceed 5.5 square feet in area, including all attached tags. In nonresidential zoning districts, real estate signs may not exceed 36 square feet in area. Real estate signs may be used solely for advertising the sale, rental or lease of the property where such sign is located. Real estate signs may not exceed 10 feet in height. No more than one real estate sign is allowed per lot where such lot contains a single use, except on a corner lot one real estate sign is allowed per street frontage. When a lot contains multiple uses one real estate sign is allowed per use. Real estate signs may not be placed in the public right-of-way, except that "open house" signs may be placed in the public right-of-way on Friday, Saturday and Sunday of the weekend that the open house will take place. Such open house signs may be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday, provided that:

1. the open house sign may not exceed 4 square feet in area;
2. the open house sign must be freestanding, not attached to any utility pole, traffic control sign or other similar structured and must be placed at least 3 feet from the curb or edge of the pavement;
3. only one open house sign is permitted within 150 feet of another sign that relates to the same address. There may be only one open house sign relating to the same address placed in on a single lot;
4. no attention-getting or attracting devices may be attached to any open house sign;
5. each open house sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for placement and removal of the sign; and
6. a minimum fine of $75.00, per Section 1.16(f) of the municipal code, will be levied on the person whose name is on the sign if the sign does not comply with the preceding regulations. If no names are found on the sign the fine will be levied on the owner of the property identified on the sign.

I. Political signs and noncommercial signs, provided that total area of all such signs together may not exceed a maximum area of 12 square feet per lot. Political and noncommercial signs may not be placed in the public right-of-way.

J. Garage sale, rummage sale, yard sale and estate sale signs, provided that such signs may be placed in the public right-of-way only on Friday, Saturday, Sunday and federal holidays that are observed on Mondays of the weekend that the sale will take place. Such sale signs may be posted only between the hours of 5:00 a.m. Friday to 10:00 p.m. on Sunday, provided that:

1. the sign may not exceed 4 square feet in area;
2. the sign must be freestanding, not attached to any utility pole, traffic control sign or other similar structured and must be placed at least 3 feet from the curb or edge of the pavement;
3. only one sale sign is permitted within 150 feet of another sign that relates to the same address. There may be only one sale sign relating to the same address placed in on a single lot;
4. no attention-getting or attracting devices may be attached to any sale sign;
5. each sale sign must have attached to it an adhesive label or other means to identify the name, address and telephone number of the person responsible for placement and removal of the sign; and
6. a minimum fine of $75.00, per Section 1.16 of the municipal code, will be levied on the person whose name is on the sig if the sign does not comply with the preceding regulations. If no names are found on the sign the fine will be levied on the owner of the property identified on the sign.

K. Memorial signs and tablets, names of buildings and date of erection when cut into masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.

L. "Help wanted" signs up to 2 square feet in area. The "help wanted" sign text must be the predominant text on the sign. Help wanted signs may only be located on a window or door.

M. Public notice signs are permitted on property that is the subject of a public meeting or hearing. Such signs may not exceed 9 square feet in area or 6 feet in height.

N. Vehicle signs are allowed when the vehicle to which the sign is attached is licensed, insured, and operational. The vehicle must be used for the operation of the business and may not remain stationary for an extended period of time for the purpose of attracting attention to a business.

O. Up to one contractor sign is allowed per lot. Such sign may not exceed 6 square feet in area and must be removed upon completion of related work.

Sec. 9.040 Temporary Signs

Temporary signs as identified in this article may be permitted for promoting special community activities, special events, grand openings for businesses, or the activities of nonprofit organizations, subject to the issuance of a sign permit and compliance with the following regulations.

A. No more than 8 permits for temporary signs may be issued in any calendar year for a single lot. Permits may be valid for a maximum period of 7 days. Applications for temporary sign permits must be approved by the village and must contain at minimum a general description of the sign, including size and lighting.

B. All temporary signs must be properly maintained while displayed and be able to withstand all weather elements.

C. Temporary signs may not contain changeable copy.

D. Temporary signs may not exceed 32 square feet in area.

E. A maximum of one temporary sign may be permitted for each street frontage on a lot.

F. All temporary signs must be removed by the person or organization that erected or caused the erection of the sign within 3 days of the end of the event to which they relate, or at the end of the maximum period for which the sign is allowed, whichever date comes first.

G. Temporary window signs are exempt from sign permit requirements. However, unless they are promoting an upcoming event of a nonprofit agency, such temporary window signs are subject to the restrictions regarding allowable area for window signs.

H. Temporary signs may not be located above the first floor in the DC, DB, DT and Fairview Avenue Concentrated Business Districts.

I. The following additional regulations apply to all (temporary) development signs.

1. A sign permit must be obtained before the erection of any development sign. A sign permit may be issued in connection with the following types of developments after the village has issued a final approval for the development.
   a. Residential developments of 3 or more dwelling units.
   b. Commercial, industrial or institutional developments consisting of at least 20,000 square feet of land area.
2. Only one development sign per street frontage is permitted.
3. Development signs may not exceed 36 square feet in area.
4. Development signs must be removed at such time a final certificate of occupancy is issued. If more than one final certificate of occupancy will be issued for the development, the development signs must be removed when at least 75% of the final certificates of occupancy have been issued.
5. Development signs may display only information pertinent to the entity or entities participating in the development project.

(Ord. No. 5760, 7/10/18)

Sec. 9.050 Sign Regulations Generally

The regulations of this section (Sec. 9.050) apply to signs in all areas of the village except the DC, DB and DT zoning districts and the Fairview concentrated business district.

A. Maximum Total Sign Area

The maximum allowable sign area may not exceed 1.5 square feet per linear foot of tenant frontage, plus any signs expressly excluded from maximum sign area calculations. Buildings set back more than 300 feet from the abutting street right-of-way are allowed a maximum allowable sign area of 2 square feet per linear foot of tenant frontage, plus any allowed excluding menu boards, window and temporary signs. In no case, may a single tenant exceed 300 square feet in total sign surface area.

B. Monument Signs and Shingle Signs

Unless otherwise expressly stated, each lot is allowed either one monument sign or one shingle sign.

1. Monument Signs

a. Monument signs are limited to a maximum of 2 sign faces and are subject to the height and area limitations of Table 9-1.

Table 9-1: Monument Sign Height and Area Regulations

Monument Sign Regulations	Lot Size		
	Less than 100 ft. Lot Width	**100–259 ft. Lot Width**	**260 ft. or Greater Lot Width and at Least 2.5 Acres in Area** (B-3 District Only)
Maximum Height (feet)	8	10	15
Maximum Area (sq. ft.)	24	36	60

b. Monument signs must be set back at least 10 feet from all street rights-of-way and at least 25 feet from all other lot lines. Monument signs that are greater than 10 feet in height and 36 square feet in size must be set back at least 100 feet from interior (non-street) lot lines.

c. Monument signs are subject to the intersection visibility regulations of Sec. 10.020.

d. Monument signs must display the address number of the subject property with numbers or characters between 8 and 10 inches in height. Address numbers are excluded when calculating the area of the monument sign.

e. Lots with more than one street frontage are allowed 2 monument signs, provided the signs are located on different street frontages and separated by a minimum distance of 100 feet.

f. The base of all monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:

(1) Signs must be surrounded by a landscaped area of at least 3 feet in width, measured outward from the face of the sign.

(2) Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these monument sign landscaping requirements.

(3) Monument sign landscaping is subject to the landscape maintenance provisions of Sec. 8.060I.

2. **Multi-tenant Shopping Centers**

a. Multi-tenant shopping centers located on lots with more than 500 feet of street frontage are allowed 2 monument signs, provided the signs are separated by a minimum distance of 200 feet. Such signs may not exceed 15 feet in height or 60 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.

b. Multi-tenant shopping centers located on lots with 100 to 500 feet of street frontage are allowed a maximum of one monument sign. The sign may not exceed 10 feet in height or 36 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.

c. Multi-tenant shopping centers located on lots with less than 100 feet of street frontage age are allowed a maximum of one monument sign. The sign may not exceed 8 feet in height or 24 square feet in area and must contain the names of more than one tenant. A shopping center tenant's panel sign is not counted toward allowable sign surface area.

3. **Tollway Corridor**

Signs on lots abutting the right-of-way of I-88 or I-355 are subject to all regulations of this article, with the following exceptions:

a. In addition to the monument sign otherwise allowed by Sec. 9.050B, one additional monument sign is allowed for lots with a minimum frontage of 100 feet along the tollway or on IDOT frontage along the tollway.

b. The additional monument sign must be placed adjacent to the tollway and may not exceed 225 square feet in area or 20 feet in height. The additional monument sign will not be counted in calculating the lot's total sign area.

c. Monument signs must be separated by a minimum distance of 30 feet from any existing tollway signs.

4. **Shingle Signs**

The maximum allowed sign area of a shingle sign is 10 square feet per side. The maximum allowed height is 7 feet. Shingle signs must be set back at least 8 feet from interior lot lines. No street setback applies.

C. Wall Signs

1. Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.

2. If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.

3. Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than 12 inches from the vertical plane of the wall to which it is attached.

4. Buildings with a height of 4 stories or more are allowed one wall sign on up to 3 sides of the building, with a maximum area of 100 square feet per sign. Such wall signs are not counted in calculating maximum allowable sign area.

5. In addition to all other signs allowed by Section 9.050, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.5 square feet per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to Section 9.050 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

D. Menu Boards

Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed 4 square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

E. Projecting Signs

1. **First Floor**
   Each first floor establishment is allowed one projecting sign. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

2. **Second Floor**
   The second floor of any building is allowed only one projecting sign, which must be located immediately over or within 2 feet of the first floor pedestrian access to the building. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. The projecting signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

F. Awning Signs

Awning or canopy signs are allowed, subject to the following requirements:

1. Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.

2. Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

G. Under-Canopy Signs

Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed 12 inches in height or 4 feet in length. Such signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign.

H. Window Signs

1. First floor businesses are allowed permanent and temporary window signs covering a maximum of 25% of each window. The window sign area is in addition to the total maximum allowable sign area.

2. Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to 25% of one window per floor per tenant.

(Ord. No. 5760, 7/10/18; Ord. No. 5472, §2, 7/21/15)

Sec. 9.060 Sign Regulations for Downtown and the Fairview Concentrated Business District

The regulations of this section (Sec. 9.060) apply in the DC, DB and DT zoning districts and the Fairview concentrated business district.

A. Maximum Total Sign Area

The maximum allowable sign area may not exceed one square feet per linear foot of tenant frontage or 300 square feet, whichever is less, plus any signs expressly excluded from maximum sign area calculations.

B. Box Signs Prohibited

Box-type signs are prohibited.

C. Monument, Shingle and Freestanding Signs

Unless otherwise expressly stated, each lot is allowed either one monument sign, one shingle sign or one freestanding sign, subject to the following regulations.

1. **Monument Sign**

   Monument signs may not exceed 20 square feet in area per side or a height of 7 feet. Monument signs must be set back at least 8 feet from all interior lot lines. No street setback applies. Monument signs must display the address number of the subject property with numbers or characters between 8 and 10 inches in height. Address numbers are excluded when calculating the area of the monument sign.

2. **Shingle Sign**

   Shingle signs may not exceed 10 square feet in area per side or a height of 7 feet. Shingle signs must be set back at least 8 feet from all interior lot lines. No street setback applies.

3. **Freestanding Sign**

   Freestanding signs may not exceed 20 square feet in area per side or a height of 7 feet. Freestanding signs must be set back at least 8 feet from all interior lot lines. No street setback applies.

D. Landscaping

The base of all freestanding and monument signs must be landscaped. Every permit application for a monument sign must be accompanied by a landscape plan demonstrating compliance with the following standards:

1. Signs must be surrounded by a landscaped area of at least 3 feet in width, measured outward from the face of the sign.
2. Landscaping within the required landscape area must consist of shrubs, evergreens, perennial or annual flowers, ornamental grasses, vegetative ground cover or some combination of such live plants. Sodded, seeded, mulched or rocked areas may not be counted as meeting these landscaping requirements.
3. Freestanding and monument sign landscaping is subject to the landscape maintenance provisions of Sec. 8.060I.

E. Wall Signs

1. Each business or property owner is allowed to display one wall sign per tenant frontage along a public roadway or drivable right-of-way.
2. If the structural support of a wall sign is visible it must be the same color as the exterior building to which it is attached.
3. Wall signs may not cover (wholly or partially) any wall opening, and may not extend beyond the perimeter of the wall to which it is attached or extend more than 12 inches from the vertical plane of the wall to which it is attached.
4. In addition to all other signs allowed by Section 9.060, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.0 square foot per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to Section 9.060 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

F. Menu Boards

Menu boards for restaurants are allowed on the exterior wall of the business. Such signs may not exceed 4 square feet in area. The menu board area is not counted in calculating maximum allowable sign area. The menu board sign may include menus or notice of special events including community events. All menu board signs must be enclosed in a tempered glass or Plexiglas frame.

G. Projecting Signs

1. First Floor

Each first floor establishment is allowed one projecting sign. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

2. **Second Floor**
The second floor of any building is allowed only one projecting sign, which must be located immediately over or within 2 feet of the first floor pedestrian access to the building. Such signs may not extend more than 36 inches from the vertical plane of the façade to which it is attached and may not exceed 6 square feet in area. First floor projecting signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign. Projecting signs may not be internally illuminated.

H. Awning Signs

Awning or canopy signs are allowed, subject to the following requirements:

1. Awnings and canopies may not extend above the first floor of the building to which it is attached and must be constructed and erected so that the lowest portion of the awning or canopy is at least 8 feet above the ground directly beneath it.
2. Awning or canopy signs may include only the name, address, and logo of the business conducted within the building. No advertising may be placed on any awning or canopy sign. Lettering must be painted or otherwise permanently affixed to the awning or canopy.

I. Under-Canopy Signs

Under-canopy signs must be attached to the underside of the soffit or ceiling of a canopy. The face of any such sign may not exceed 12 inches in height or 4 feet in length. Such signs must be placed to allow at least 8 feet of vertical clearance above the ground directly beneath the sign.

J. Window Signs

1. First floor businesses are allowed permanent and temporary window signs covering a maximum of 25% of each window. The window sign area is in addition to the total maximum allowable sign area.
2. Businesses located above the first floor are allowed permanent window signs of individual letters or etching, covering up to 25% of one window per floor per tenant. Window signs above the first floor may not be illuminated by means of exposed gas tubing including, but not limited to, argon, neon or neon-like substances.

K. Heritage Signs

Signs in place in the DC, DB or DT zoning districts or Fairview concentrated business district before January 1, 1965 are hereby deemed to be "heritage signs" and are allowed to remain in place and be maintained in any manner to allow for continued use. In order to be deemed a "heritage sign," the owner of the sign must provide conclusive evidence to the community development director that the sign was in place before January 1, 1965.

L. Sandwich Board Signs

First floor businesses are allowed up to one sandwich board sign, not to exceed 6 square feet in area. They are not counted in calculating the maximum sign area allowed on a lot. Sandwich board signs are allowed within the public right-of-way, provided the following requirements are met:

1. A license agreement must entered into in a form and amount approved by the village indemnifying and holding the village harmless from liability and naming the village, its

officers and employees as an additional insured on a general liability insurance policy. Such license agreements require the approval and signature of the village manager.

2. Sandwich board signs may be displayed only during business hours and must be removed each day at the end of business.

3. Sandwich board signs may not be placed in any location where the paved area for passage is reduced to less than 6 feet or within 15 feet of any intersection, driveway or crosswalk.

4. Sandwich board signs must be constructed of wood, metal or durable plastic.

5. The minimum fine for a violation of these sandwich board sign regulations is $750. Each day that such violation continues constitutes a separate fineable offense.

(Ord. No. 5760, 7/10/18; Ord. No. 5472, § 3, 7/21/15; Ord. No. 5463, §3, 6/2/15)

Sec. 9.070 Special Sign Types

A. Ornamental Entry Gate Signs

Ornamental entry gate signs are allowed at the entry to a development along an arterial or collector street, subject to the following regulations:

1. The maximum area of any ornamental entry gate sign in a residential zoning district is 25 square feet, and the maximum height is 8 feet.

2. The maximum area of any ornamental entry gate sign in a manufacturing zoning district is 50 square feet, and the maximum height is 10 feet.

3. In residential zoning districts, the sign may display only the name of the subdivision or development.

4. In manufacturing zoning districts, the sign may display only a directory for an industrial subdivision or an industrial park.

5. One ornamental entry gate sign may be located on each side of the point of ingress to the development, but not in the public right-of-way or otherwise upon public property. Any ornamental entry gate sign on public property before August 1, 2006 may remain in place, subject to approval of a fully executed license agreement with the village.

B. Home Occupation Signs

Permitted home occupations are allowed one sign per lot, subject the following regulations.

1. The sign must be flat-mounted against the principal building.

2. The sign may not exceed 2 square feet in area.

3. The sign may display only the name, address, phone number and occupation.

4. The sign may not be directly or indirectly illuminated, other than by those lights incidental to the residential use of the premises.

C. Signs Accessory to Parking Areas

Signs directing and guiding vehicular ingress and egress to public or private off-street parking areas may not exceed 2 square feet in sign area. No more than 2 such signs are allowed at each point of ingress/egress from the parking area. One sign with a maximum sign area

of 4 square feet may be maintained on each street side of a parking area for the purpose of designating the conditions of use or identity of the parking area. Signs accessory to parking areas are not included in calculating the total sign area on a lot. Signs accessory to parking areas must be set back at least 3 feet from the public right-of-way.

D. Institutional Signs

Exterior identification signs up to 20 square feet in area and a maximum height of 6 feet are allowed on the site of a public, charitable or religious assembly use. No more than one such sign is allowed per lot. Changeable copy consisting of a maximum of 4 lines is allowed. The changeable copy area is included in calculating the total sign area on a lot.

E. College and University Signage

Any educational campus with an area of 40 acres or more is subject to the regulations of this section. Entry monument signs are allowed at the perimeter of the campus on private property. The monument sign may not exceed 6 feet in height or 50 square feet in area, including ornamentation. Entry monument signs must be set back at least 40 feet from all curb lines. Exterior building identification may consist of no more than one monument sign on each side of the primary building entrance.

Sec. 9.080 Administration and Permits

Except as otherwise expressly stated, all signs require a permit.

A. Application

Any person or activity proposing to erect or display a sign must file an application on a form provided by the village, which must include a plat of survey.

B. Fees

All applicable permit fees as established in the User-Fee, License & Fine Schedule must be paid in full.

C. Conformance with the National Electrical Code

All signs in which electrical wiring and connections are required for direct or indirect illumination must comply with all applicable provisions of the National Electrical Code.

D. Wind Pressure and Dead Load Requirements

Signs must be designed and constructed to withstand a wind pressure of at least 40 pounds per square foot of net surface area and to receive dead loads as required in the building code.

E. Insurance and Bond Requirements

Every applicant for a sign that will extend over a public right-of-way or that is so located that it may fall upon the public right-of-way, must file with the community development director an encroachment license agreement indemnifying the village and holding the village harmless from any liability. The applicant must also provide a liability insurance policy covering all damage or injury that might be caused by such signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state of Illinois and satisfactory to the community development director, with limits of liability of not less than $1,000,000 for property damage and $1,000,000 for personal injuries. The village, its officers, agents and employees must be named as additional insured. Such liability insurance policy must be maintained in force throughout the life of the permit, and if at any time it is not in full force, the permit must be revoked.

F. Completion of Authorized Work

If the work authorized under a sign permit has not been completed within 6 months of the date of issuance, the permit becomes null and void.

Sec. 9.090 Nonconforming Signs

Any sign that existed lawfully on the effective date of the sign regulations of this article that remains or becomes nonconforming by reason of adoption of these sign regulations or because of subsequent amendments to these sign regulations, or that become nonconforming by reason of annexation to the village of the lot on which the sign is located, are considered nonconforming signs and their continuance is allowed in accordance with the following regulations:

A. Ordinary repairs and maintenance, including the removing and replacing of the outer panels is permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work that extends the normal life of the nonconforming sign is permitted.

B. Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.

C. No repair or alteration that increases the size of the nonconforming sign is permitted.

D. No nonconforming sign may be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of these sign regulations.

E. If a nonconforming sign is located on property that is sold, with the full ownership of the property being transferred, the nonconforming sign must be brought into conformance with the sign regulations of this article at the time of the transfer unless the business will continue to operate under the same name.

F. If a nonconforming sign is abandoned or the described business discontinued for a continuous period of 30 days or more, it must be discontinued and any subsequent sign must conform to all of the sign regulations of this article.

G. On or prior to May 5, 2014 all nonconforming signs must be brought into conformance with the sign regulations of this article. This period is for all purposes deemed an appropriate amortization period for each and every nonconforming sign presently located within the corporate limits of the village or hereinafter located within the village by reason of annexation into the village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.

H. Paragraph G does not apply to signs previously granted variances by the zoning board of appeals. Such signs are deemed nonconforming signs to which all other provisions of this section apply.

Sec. 9.100 Illumination

Except as otherwise expressly stated, internally or externally illuminated signs are allowed, provided they comply with the following requirements:

A. Signs may be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create a nuisance to adjacent property or a traffic hazard.

B. Individual letters or logos may be internally illuminated. All other portions of the sign must be opaque.

C. Signs may not be illuminated by exposed reflective type bulbs, exterior exposed neon, fluorescent, incandescent or strobe lights.

Sec. 9.110 Maintenance

All signs must be properly maintained, which includes repair or replacement of all broken or missing parts, elimination of rust or oxidation, elimination of faded or chipped paint, and correcting all similar conditions of disrepair. If a sign is illuminated, the source of such illumination must be kept in a state of safe working order at all times. Failure to properly maintain any sign constitutes a violation of this zoning ordinance.

Sec. 9.120 Enforcement

The community development director is hereby authorized and directed to enforce all of the provisions of this article. Upon presentation of proper credentials, village personnel may enter, at reasonable times, any building, structure or premises to perform any duty imposed under this article.

A. Notice of Violation

Unless otherwise provided in this article, if the community development director finds that any sign has been erected in violation of the provisions of this article, or is unsafe or insecure, the community development director may issue a citation and/or cause the sign to be removed by the village upon 10 days written notice. However, the community development director may cause any sign that poses an immediate threat of harm to persons or property to be removed summarily and without notice. The cost of such removal will be collected from the owner and/or occupant of the property by an action at law or assessed as a lien against the subject property after notice to the property owner.

B. Signs Allowed without a Sign Permit and Temporary Signs

If the community development director finds that any sign or signs pursuant to Sections 9.030 and 9.040 have been erected in violation of the provisions of this article, or is unsafe or insecure, written notice must be provided to the owner and/or occupant of the property on which the sign is located or to the person or organization whose message is on the sign. If the sign is not removed or altered to comply with the provisions of this article within 24 hours of such notice, the community development director may issue a citation and/or cause such sign to be removed by the village without further notice. The owner and occupant of the property are jointly responsible for the cost of such removal, which may be recovered by the village in an action at law or by filing a lien against the property after notice to the property owner.

C. Sec. 9.130 Severability

If any portion of this Article 9 or any regulation contained herein is held to be invalid or unconstitutional by a court of competent jurisdiction, it is the Village's specific legislative intent that said portion or regulation is to be deemed severed from this Article 9 and should in no way affect or diminish the validity of the remainder of Article 9 or any other sign regulation set forth herein.

(Ord No. 5478 § 2, 9/8/15; Ord. No. 5463, § 4, 6/2/15)

Article 10 | General Development Regulations

Sec. 10.010 Fences 10-17
Sec. 10.020 Intersection Visibility 10-20
Sec. 10.030 Outdoor Lighting 10-20
Sec. 10.040 Operational Performance Standards 10-21

Sec. 10.010 Fences

A. General

The general regulations of this subsection apply to all fences.

1. Applicability

All fences, including plants and walls in the nature of a fence, must be erected and maintained in conformance with the requirements of this section.

2. Permits Required

It is unlawful to erect or alter any fence within the village unless a permit has been issued by the community development director. A written application for a fence permit, including applicable fees as established in the User-Fee, License & Fine Schedule must be filed with the community development department. A fence permit issued under this section is valid for a term of 6 months.

3. Public Safety

Fences may not be constructed or maintained in any way that would impair public protection services or impair public safety by obstructing the vision of persons using the street, sidewalks or driveways.

4. Structural Elements

All fences must be constructed so that fence posts and structural elements are located on the side of the fence facing the property being enclosed.

5. Open-Design Fences

Open design fences must be constructed in such a manner that no post or vertical element exceeds a width of 6 inches, and the ratio of open area to closed are does not exceed 1:2, with the open area distributed uniformly over the entire fence surface. Open-design fences include split-rail, post and board and similar designs, expressly excluding chain-link and woven mesh fences.

6. Electrified or Barbed Wire Fences

Electrified or barbed wire fence are prohibited in all zoning districts, except that in business and manufacturing districts electrified or barbed wire fences may be approved through the special use process.

B. Fences in R Districts

Fences in R zoning districts are subject to the general regulations of Sec. 10.010A and the R district regulations of this subsection. See Figures 10-1 and 10-2.

1. Street Yards

The regulations of this subsection apply to fences in street yards of lots located in R districts.

a. Open-design fences that do not exceed 4 feet in height are permitted within street yards.

b. Chain-link and woven mesh fences are prohibited in street yards, except that chain-link fences, including those that are anodized or vinyl-clad, constructed without slats, are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street, provided that the fence does not exceed 4 feet in height and is located only in the area from the rear line of the structure to the rear lot line.

c. Fences up to 6 feet in height are permitted in the street yard area on corner lots when the side of any principal structure located on the subject lot faces a street if the rear of the structure faces the rear of a structure that is located on an adjacent corner lot, provided that the fence is located only in the area from the rear line of the structure to the rear lot line.

d. Fences up to 6 feet in height are permitted in the street yard area of an R-zoned lot occupied by a principal nonresidential use if the lot has multiple street frontages and contains a parking lot without a structure. Such fence must be an open-design fence (See Sec. 10.010A.5) and be constructed along the parking lot perimeter immediately adjacent to an arterial street or non-residentially zoned property. All other landscaping and screening requirements of Article 8 apply.

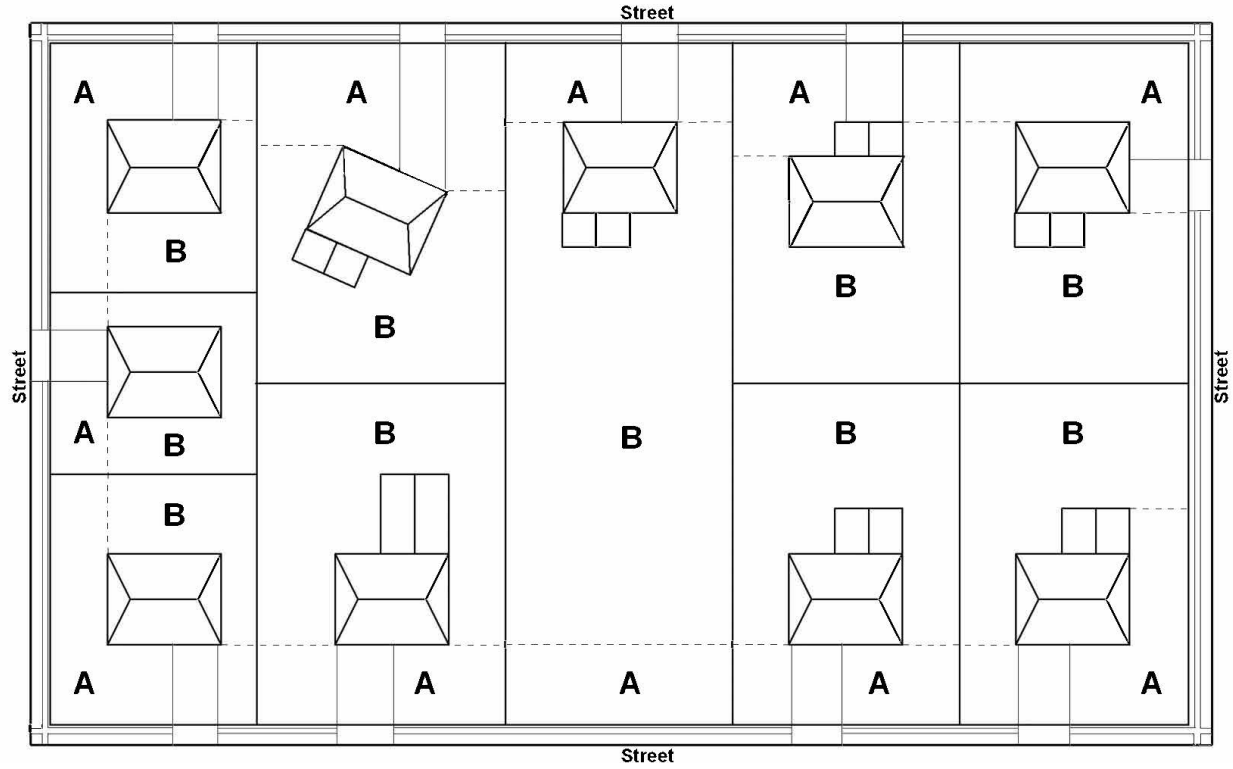
2. Side and Rear Yards

The regulations of this subsection apply to fences in the side and rear yards of lots located in R districts.

a. Fences, including chain-link and woven mesh designs, are permitted in side and rear yards and required setbacks. Fences in side and rear yards may not exceed 6 feet in height. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and all directly abutting lots share this layout, the yard along that street frontage is considered a rear yard for purposes of these fence regulations. On double-frontage lots, when the rear of any principal structure located on the lot faces a street, and one or more directly abutting lots has the front of a principal structure that faces the same street, the fence must adhere to the yard requirements of the front facing principal structure.

b. On corner lots with 3 lot lines abutting a street, fences up to 6 feet in height, including chain-link and woven mesh designs, are permitted only within the 2 street-facing side yard areas located from the rear building line to the rear lot line. Any fences outside this area are subject to a maximum height limit of 4 feet.

Figure 10-1: Residential Fence Regulations

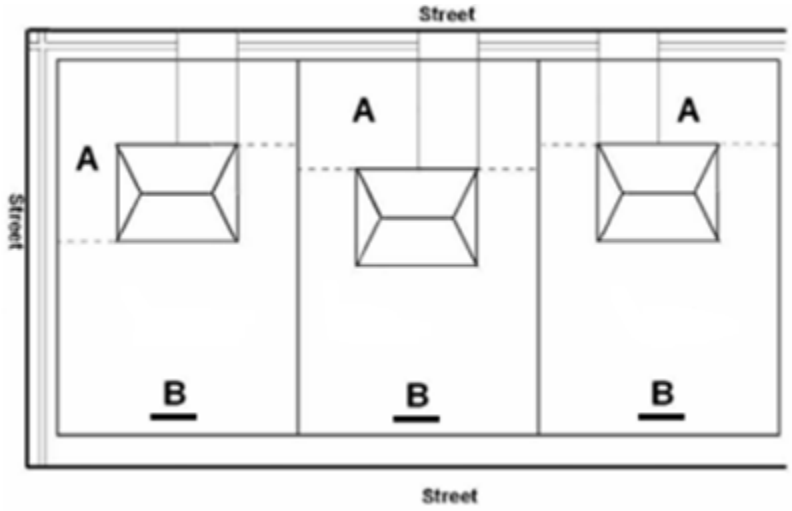


Fence Regulations Quick Guide

A – Fences may be open and not exceed four feet in height.

B – Fences may be open or solid and not exceed six feet in height.

Figure 10-2: Residential Multi-Frontage Fence Regulations



C. Fences in Nonresidential Districts

Fences in nonresidential zoning districts are subject to the general regulations of Sec. 10.010A and the nonresidential district regulations of this subsection.

1. **Street Yards**
   Open-design fences up to 8 feet in height are permitted in street yards.

2. **Side and Rear Yards**
   Fences up to 8 feet in height are allowed in side and rear yards.

(Ord. No. 5804, 12/17/19; Ord. No. 5760, 7/10/18)

Sec. 10.020 Intersection Visibility

No obstruction to the vision of persons using streets, sidewalks or driveways, and no structure, other than fences meeting the requirements of Sec. 10.010, may be located in any of the following areas on corner lots:

A. In any R zoning district, within a triangular area formed by the lot lines abutting streets and a line connecting points on these lot lines located 35 feet from the intersection of the lot lines abutting streets.

B. In any nonresidential district within 10 feet of the intersection of the right-of-way lines bordering a corner lot, provided that this regulation shall not apply to that part of a building above the first floor.

Sec. 10.030 Outdoor Lighting

A. Purpose

The outdoor lighting standards of this article are intended to protect the public health and general welfare by controlling the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures.

B. Applicability

Unless otherwise expressly exempted, the regulations of this article apply to all uses.

C. Exemptions

The following are expressly exempt from the outdoor lighting regulations of this article:

1. temporary holiday light displays;
2. outdoor light fixtures producing light directly by the combustion of fossil fuels, such as, kerosene lanterns or gas lamps;
3. landscape accent lighting;
4. village street lights;
5. illumination of official government flags; and
6. construction and emergency lighting used by construction workers or police, fire-fighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting.

D. Exterior Lighting Plan

An outdoor lighting plan must be prepared by a professional lighting consultant and submitted to the community development director for approval. The lighting plan must be reviewed

to determine whether the proposed outdoor lighting complies with the regulations of this section. The plan must include at least the following information:

1. a photometric study and data on the types of lighting fixtures to be used;
2. location of and catalog cut-sheet data for all proposed light fixtures, including those used for site lighting, canopy lighting and exterior building lighting;
3. calculations showing contours of individual illumination values in foot-candles. The contours must include property lines and at least 5 feet beyond; and
4. a summary calculation table showing average foot-candles, minimum foot-candles, maximum foot-candles, average-minimum uniformity ratio, and foot-candles at property lines and at least 5 feet beyond.

E. General Regulations and Standards

1. Flashing, revolving, or intermittent exterior lighting visible from any property line or street is prohibited.
2. High-intensity light beams, such as outdoor searchlights and lasers are prohibited.

F. Glare

All outdoor lighting must be directed, shaded, shielded, or otherwise located and designed to minimize perceived glare on adjacent properties and streets.

G. Light Trespass

All outdoor lighting must be designed, installed and maintained to avoid the adverse impacts of glare and light trespass associated with poorly shielded or inappropriately directed lighting fixtures. Average maintained foot-candles at the property line may not exceed the values shown in Table 10-1.

Table 10-1: Light Trespass

Land Use	Maximum Horizontal Foot-Candles
Residential to residential	0.10
Nonresidential to nonresidential	2.00
Nonresidential to residential	0.10

H. Light Fixture Mounting Height

Parking lot light fixtures in R zoning districts may not exceed 20 feet in height. Parking lot light fixtures in nonresidential districts may not exceed 30 feet in height.

I. Hours of Illumination

Outdoor lighting for nonresidential uses adjacent to residential districts must be extinguished or reduced to security-level intensity no later than 30 minutes after the close of business of the use.

Sec. 10.040 Operational Performance Standards

A. General

1. Applicability

The operational performance standards of this section apply to the establishment and operation of all nonresidential uses.

2. **Testing**
The community development director is authorized to require that uses provide a certificate from a scientific testing laboratory certifying compliance with the standards of this section. The cost of employing the testing laboratory must be paid by the owner if a violation of applicable standards is determined to exist; otherwise costs of testing and certification will be paid by the village.

B. Noise

1. Unless otherwise expressly stated in this section, it a violation of this zoning ordinance to operate in any manner that causes the daytime noise level to exceed 65 dB(A) or that causes the nighttime noise level to exceed 50 dB(A) on property located within an R zoning district. For the purposes of administering and enforcing these noise regulations:
   a. daytime hours include the hours from 7:00 a.m. to 8:00 p.m.;
   b. nighttime hours include the hours from 8:01 p.m. to 6:59 a.m.; and
   c. noise levels must be determined by measuring the dB(A) taken at least 10 feet inside the property line of the R-zoned property.
2. It is not a violation of applicable noise standards if the noise source does not:
   a. exceed 5 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 15 minutes in any one-hour period;
   b. exceed 10 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 6 minutes in any one-hour period;
   c. exceed 15 dB(A) over the dB(A) allowed if the noise source operates at that level for less than 1.5 minutes in any one-hour period; or
   d. occur as part of the typical operation of the Premises, including mowing, construction, tree trimming, and waste removal.

C. Smoke and Particulate Matter

1. The emission of particulate matter containing more than 5% (by weight) particles having a particle diameter larger than 44 microns, is prohibited.
2. The rate of emission of particulate matter from all sources within the boundaries of a lot may not exceed one-half pound per acre of lot area during any one-hour period.
3. Emitted smoke may not be darker or more opaque than No. 0 (zero) on the Ringelmann smoke chart (as published by the United States Bureau of Mines), except that smoke no darker or more opaque than No. 1 on Ringelmann smoke chart may be emitted for periods not longer than 4 minutes in any 30-minute period. These provisions apply to visible gray smoke and to visible smoke of other colors but with an equivalent apparent opacity. Measurement of smoke and particulate matter shall be taken from the point of emission.

4. Dust or other types of air pollution borne by the wind from sources such as storage areas, trash enclosures, and yards within the boundaries of any lot must be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.

D. Odors, Toxic or Noxious Matter

1. Odors

The emission of odorous matter in such quantities as to be readily detectable at any point along lot lines or that is, harmful or injurious to the public health, comfort or welfare, is prohibited.

2. Toxic or Noxious Matter

The emission or discharge of toxic or noxious matter in such concentrations as to be readily detectable at any point along the lot lines or that is detrimental to or endangers the public welfare, safety, comfort, or causes injury or damage to property or business is prohibited.

E. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored and used only in conformance with all applicable federal, state, county and local regulations.

F. Vibration Regulations

It is a violation of this zoning ordinance if any earthborn vibration caused by the operation of any use is detectable at any point off the lot on which the use is located.

G. Glare and Heat

Any activity or operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Exposed sources of light, originating from within a building, must be controlled so that direct or indirect illumination from any source within the lot line does not cause illumination in violation of any applicable village regulations.

Article 11 | Nonconformities

Sec. 11.010 General 11-1
Sec. 11.020 Nonconforming Lots 11-2
Sec. 11.030 Nonconforming Uses 11-4
Sec. 11.040 Nonconforming Structures 11-6
Sec. 11.050 Nonconforming Signs 11-8

General

A. Scope

The regulations of this article govern nonconformities, which are lots, uses, and structures 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.

B. Intent

1. Occasionally, lots, uses, and structures 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 of this article are also intended to:

   a. recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;

   b. promote maintenance, reuse and rehabilitation of existing buildings; and

   c. place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

2. 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 converted to conforming uses. Consequently, this ordinance authorizes the zoning board of appeals to allow conversion of nonconforming uses and, under limited circumstances, expansions of nonconforming uses and structures.

C. Authority to Continue

Any nonconformity that existed on the effective date specified in Sec. 1.030 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.

D. Determination of Nonconformity Status

1. The burden of proving that a nonconformity exists (as opposed to a violation of this zoning ordinance) rests entirely with the subject owner.

2. The community development director is authorized to determine whether adequate proof of nonconforming status has been provided by the subject owner.

3. Building permits, lawfully recorded plats, aerial photography owned by the village and other official government records that indicate lawful establishment of the use, lot or structure 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:

   a. professional registrations or licenses;

   b. utility billing records;

   c. leasing records;

   d. advertisements in dated publications;

   e. listings in telephone or business directories; and

   f. notarized affidavits affirming the date of lawful establishment of the use, lot or structure.

4. The community development director's determination of nonconforming status may be appealed in accordance with Sec. 12.100.

E. Repairs and Maintenance

1. Nonconformities must be maintained to be safe and in good repair.

2. 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.

3. 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.

F. Change of Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

Sec. 11.020 Nonconforming Lots

A. 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.

B. Use of and Building on Nonconforming Lots

1. A nonconforming lot in an R district may be used as a building site for a single detached house or accessory structure, subject to compliance with applicable lot and building regulations other than those pertaining to lot area and lot width, except that when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be

consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements. Except that lot consolidations are not required for decks, front porches and stoops or when:

a. an addition does not exceed 350 square feet; or

b. an addition does not include the installation of a foundation, footers or piers; or

c. the construction of an accessory structure is less than 800 square feet.

2. Nonconforming lots in nonresidential districts may be utilized for any use allowed in the subject zoning district, provided that:

   a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district, or the lot width is not less 50 feet and the lot area is not less than 7,500 square feet;

   b. 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 standards, while others would not, then only the uses or intensities that comply with applicable standards are permitted.

   c. when 2 or more contiguous nonconforming lots are held in common ownership, the lots must be consolidated in order to meet or come closer to meeting applicable minimum lot area and lot width requirements.

3. All flag lots lawfully created before March 18, 2008 are deemed nonconforming lots. In addition to complying with the other nonconforming lot provisions of this section, nonconforming flag lots are subject to the following additional requirements:

   a. the pole of the flag lot must be at least 20 feet in width;

   b. an access corridor, including a paved surface with a width of at least 10 feet, must be maintained along the entire length of the pole. No encroachments that would interfere with emergency vehicle access are allowed within this access corridor;

   c. the street setback must be measured from a line parallel to the street where the lot meets the minimum width requirement of the subject zoning district;

   d. the address of the flag lot must be clearly displayed within 3 feet of the property line adjacent to the public street and in a manner that clearly differentiates the flag lot from abutting property; and

   e. if there is no fire hydrant located within 60 feet of the street property line of the pole section of the flag lot, a fire hydrant must be installed at the property owner's expense. If a new hydrant is required, it must be operational prior to issuance of an occupancy permit. The fire department may, in its sole discretion, permit the property owner to install a dry-system standpipe on the flag lot property instead of requiring a new hydrant to be installed.

4. All lots created by lot split before May 16, 2006 may be improved provided any such improvement complies with the lot and building regulations of the subject zoning district, provided that:

a. the lot area and lot width are not less than 75% of the minimums required in the subject zoning district; or

b. the lot width is not less 50 feet and the lot area is not less than 7,500 square feet.

5. 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.

(Ord. No. 5804, 12/17/19; Ord. No. 5760, 7/10/18)

Sec. 11.030 Nonconforming Uses

A. 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.

B. 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.

C. Expansion of Use

1. The 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.

2. Nonconforming uses within a building may not be expanded except as expressly stated below:

a. 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;

b. Other expansions of a nonconforming use may be approved in accordance with the zoning exception procedures of Sec. 12.080. In order to approve such an expansion of a nonconforming use, the zoning board of appeals must find that all of the following criteria have been met:

(1) in residential districts, the expansion will not result in an increase in the number of dwelling units;

(2) the expansion will comply with all applicable lot and building regulations of the subject zoning district;

(3) the appearance of the expansion will be compatible with the adjacent properties and neighborhood;

(4) off-street parking is provided for the expansion in accordance with the requirements of Sec. 7.010B.2 (for new uses);

(5) rezoning the property would result in an inappropriate spot zoning;

(6) the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and

(7) the use is consistent with the comprehensive plan.

D. 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 the other regulations of this article.

E. 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.

F. Loss of Nonconforming Status

1. Abandonment

a. Except as expressly authorized in Sec. 11.030F.1.d, 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.

b. A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of 6 months or more.

c. Any period of discontinuance caused by acts of God or accidental fire are not counted in calculating the length of discontinuance.

d. Re-establishment of an abandoned nonconforming use may be approved in accordance with the zoning exception procedures of Sec. 12.080 if the zoning board of appeals finds that all of the following criteria have been met:

(1) the subject property cannot reasonably or economically be used for a conforming use;

(2) the proposed use is equally appropriate or more appropriate in the proposed location than the existing nonconforming use;

(3) the traffic, hours of operation, noise and other operating characteristics of the proposed use will result in no greater adverse impact on the neighborhood than the previous nonconforming use;

(4) the proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare; and

(5) the use is consistent with the comprehensive plan.

2. Damage or Destruction

a. 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 12 months of the date of occurrence of such damage.

b. 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.

G. Accessory Uses

No use that is accessory to a principal nonconforming use may continue after the principal nonconforming use has been abandoned.

H. Nonconforming Junk Yards and Outdoor Storage Yards

Junk yards, salvage yards and land used for outdoor storage purposes that are annexed into the village must be discontinued within five (5) years of the date of annexation.

I. Electric Transmission Lines and Electrical Substations

The use or holding for use by a public utility under the jurisdiction of the Illinois Commerce Commission of any premises before July 1, 1967, for electric transmission lines supported by towers or for an electrical substation are deemed a lawful special use for such purposes, without any restrictions against enlargement, extension, reconstruction or structural alteration of any such facilities that may be located on the subject property on or after July 1, 1967.

Sec. 11.040 Nonconforming Structures

A. 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 or locational requirements of this zoning ordinance. Regulations governing nonconforming signs can be found in Sec. 9.090.

B. Use

A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.

C. Alterations and Expansions

1. Nonconforming structures may be altered or expanded if the proposed alteration or expansion complies with all applicable lot, building, dimensional and locational requirements and does not increase the extent of the structure's nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback standards.

2. A structure with a nonconforming setback may not be expanded horizontally or vertically within the required setback area, except that the zoning board of appeals may approve a either a horizontal or a vertical extension of the nonconforming exterior walls of a detached house in accordance with the zoning exception procedures of Sec. 12.080. In order to approve such horizontal or vertical extension, the zoning board of appeals must find that all of the following criteria have been met:

   a. the extended wall will comply with all other applicable lot and building regulations (other than the nonconforming setback);

   b. the extension will not obstruct farther into the required setback than the existing exterior building wall and will not extend the horizontal length of the nonconforming building wall more than 15% of its existing length;

   c. the horizontal or vertical wall extension does not include windows that allow views onto an abutting lot occupied by a detached house;

   d. the appearance of the expansion will be compatible with the adjacent property and neighborhood; and

   e. the expansion will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

D. 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.

E. Loss of Nonconforming Status

1. Damage or Destruction

a. 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 12 months of the date of occurrence of such damage.

b. 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.

2. 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 12 months of the date of occurrence of such damage.

F. Nonconforming Fences

Nonconforming fences may be maintained or repaired without regard to the requirements of this zoning ordinance, provided that the extent of nonconformity of the fence is not increased. The damage or destruction provisions of Sec. 11.040E.1 apply to nonconforming fences.

Sec. 11.050 Nonconforming Signs

See Sec. 9.090.

Article 12 | Review and Approval Procedures

Sec. 12.010 Common Provisions 12-1
Sec. 12.020 Zoning Ordinance Text Amendments 12-6
Sec. 12.030 Zoning Map Amendments (Rezonings) 12-7
Sec. 12.040 Planned Unit Developments 12-9
Sec. 12.050 Special Uses 12-13
Sec. 12.060 Zoning Compliance Determination 12-16
Sec. 12.070 Administrative Adjustments 12-16
Sec. 12.080 Zoning Exceptions 12-19
Sec. 12.090 Variations 12-20
Sec. 12.100 Appeals of Administrative Decisions 12-23

Sec. 12.010 Common Provisions

A. Applicability

The "common provisions" of this section apply to all of the procedures in this article unless otherwise expressly stated.

B. Review and Decision-making Authority

Table 12-1 provides a summary of the review and approval procedures of this article. In the event of conflict between Table 12-1 and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

Table 12-1: Review and Decision-Making Summary Table

Procedure	Community Development Director	Plan Commission	Zoning Board of Appeals	Village Council
Zoning Ordinance Text Amendments	R	<R>	–	DM
Zoning Map Amendments	R	<R>	–	DM
Planned Unit Developments				
PUD Development Plan	R	<R>	–	DM
PUD Site Plan	DM	<R>[1]	–	A
Special Uses	R	<R>	–	DM
Zoning Compliance Determination	DM	–	<A>	–
Certificates of Occupancy	DM	–	<A>	–
Administrative Adjustments	DM	–	<A>	–
Zoning Exceptions	R	–	<DM>	–
Variations	R	<R>[2]	<DM>	DM[2]
Appeals of Administrative Decisions	–	–	<DM>	–

R = Review body (responsible for review and recommendation)
DM = Decision-making body (responsible for final decision to approve or deny)
A = Appellate decision-making body responsible for final decision only upon appeal of administrative decision
< > = Public hearing required
[1] Review authority only in case of appeals of the community development director's decision
[2] Where variations are requested in conjunction with a Planned Unit Development or Special Use Petition, it may be heard by the Plan Commission and the Plan Commission shall make a recommendation to the Village Council for final action.

C. Applications and Fees

1. 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.

2. Application Filing Fees

All applications must be accompanied by the fee amount that has been established in the User-Fee, License & Fine Schedule.

3. Application Completeness, Accuracy and Sufficiency

a. 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.

b. The community development director must make a determination of application completeness within 10 business days of application filing.

c. 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.

d. 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.

e. 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.

f. The community development director may require that applications or plans be revised before being placed on an agenda for possible action if the community development director determines that:

(1) the application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;

(2) the application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or

(3) the decision-making body does not have legal authority to approve the application or plan.

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 zoning board of appeals or plan commission (if amended before final action by such body), or the village council, directs. Examples of such terms and conditions include requiring republication of the notice, rehearing of the application and/or extension of any timeframes required for village action.

E. Application Processing Cycles

The community development director, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

F. Public Hearing Notices and Neighbor Communications

1. 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 Downers Grove at least 15 days before and no more than 30 days before the public hearing. Required notices must include at least the following information:

a. an address or legal description of the property that is the subject of the hearing;

b. a summary of the nature of the application; and

c. the time and place of the hearing.

2. Courtesy Public Hearing Notices

a. In addition to the required published notice, the village will provide or require that the applicant provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:

(1) posting of a public hearing notice sign on the subject property;

(2) mailing notices to the subject property owner;

(3) mailing notices to property owners within 250 feet of the subject property, as measured from the property line to property line, but excluding public rights-of-way less than 150 feet in width (in other words, most rights-of-way are not counted in calculating the required notification radius); See Figure 12-1.

b. In addition to the required published notice, the Village may provide or require that the applicant provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:

(1) mailing notices to village-registered property owners' associations and organizations whose boundaries include the subject property;

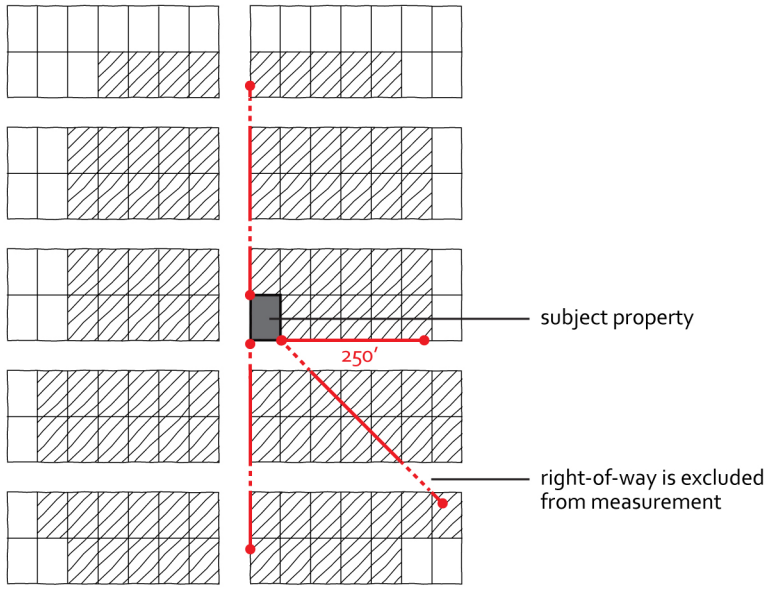
(2) posting notices in village hall or in other government buildings; or

(3) publishing notice on the village website.

c. 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.

Figure 12-1: Measurement of Mailed Notification Radius



3. Neighbor Communications

a. Purpose

The purpose of neighbor communications is to help educate applicants for development approvals and neighbors about one another's interests, to attempt to resolve issues in a manner that respects those interests and to identify unresolved issues before initiation of formal public hearings.

b. Applicability

Neighbor communications are encouraged in all cases. They are required for zoning map amendment applications that meet the criteria specified in Sec. 12.030B.The community development director is also authorized to require them prior to public hearings on other matters addressed in this article.

c. Summary Report

The applicant must submit a neighbor communication summary to the community development director at least one week before the first required public hearing. The summary report must describe:

(1) efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);

(2) how information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, flyers, door-to-door handouts, etc.);

(3) who was involved in the discussions;

(4) suggestions and concerns raised by neighbors; and

(5) what specific changes to the proposal were considered and/or made as a result of the communications.

G. Public Hearing Procedures

1. 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.

2. Continued Public Hearings

a. 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.

b. If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, a new public hearing notice must be given before the rescheduled public hearing.

c. If the applicant requests and is granted a postponement, the applicant must pay any costs of re-notification.

H. Action by Review Bodies and Decision-Making Bodies

1. Review and decision-making bodies may take any action that is consistent with:

   a. the regulations of this zoning ordinance;

   b. any rules or by-laws that apply to the review or decision-making body; and

   c. the notice that was given.

2. Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.

I. Conditions of Approval

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.

J. 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.

K. 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.

L. Preapplication Meeting.

Before submitting an application for review and approval as noted in Table 12-1, 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 related Village departments in the preapplication meeting.

(Ord. No. 5804, 12/17/19)

Sec. 12.020 Zoning Ordinance Text Amendments

A. Authority to File

Amendments to the text of this zoning ordinance may be initiated only by the village council, plan commission, village manager, or by the property owner(s) or the property owner's authorized agent.

B. Review and Report—Community Development Director

Complete applications for zoning ordinance text amendments must be filed with the community development director. The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

C. Notice of Hearing

Notice of the plan commission's required public hearing on a zoning ordinance text amendment must be published in the newspaper in accordance with Sec. 12.010F.1. Additional notice may also be provided in accordance with Sec. 12.010F.2b.

D. Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the proposed text amendment. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote to recommend that the proposed text amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

E. Final Action—Village Council

1. Within 90 days of receipt of the plan commission's recommendation, the village council must act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with modifications or deny the proposed text amendment. The village council may also remand the proposed text amendment back to the plan commission for further consideration.

2. If the zoning ordinance text amendment is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct such further proceedings as may be appropriate and re-present the text amendment, with recommendations, to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the proposed zoning ordinance text amendment.

3. Zoning ordinance text amendments may be approved by a simple majority vote.

F. Review and Approval Criteria

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, review and decision-making bodies 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 policy.

(Ord. No. 5471, § 3, 7/21/15)

Sec. 12.030 Zoning Map Amendments (Rezonings)

A. Authority to File

Amendments to the zoning map may be initiated only by the village council, 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.

B. Neighbor Communications

Neighbor communications (see Sec. 12.010F.3) are required for all owner-initiated zoning map amendment applications, except that neighbor communications are not required in the following cases:

1. if the zoning map amendment application proposes R-1, R-2, R-3, R-4 R-5 or, R-5A zoning; or
2. if there is no residential zoning within 500 feet of the property proposed to be rezoned.

C. Application Filing

Complete applications for zoning map amendments must be filed with the community development director.

D. Review and Report—Community Development Director

Upon receipt of a complete zoning map amendment application, the community development director must prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

E. Notice of Hearing

Notice of the plan commission's required public hearing on a zoning map amendment must be published in the newspaper in accordance with Sec. 12.010F.1. Applicant or Village shall also provide notice in accordance with Section 12.010F.2(a)(1)(2)(3). Additional notice may also be provided in accordance with Sec. 12.010F.2(b)(1)(2)(3).

F. Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the proposed zoning map amendment within 90 days of receipt of a complete application. Within 45 days of the close of the public

hearing, the plan commission must act by simple majority vote to recommend that the proposed amendment be approved, approved with modifications, or denied and transmit its findings and recommendations to the village council.

G. Final Action—Village Council

1. Within 90 days of receipt of the plan commission's recommendation, the village council may act to approve the proposed zoning map amendment, approve the proposed amendment with modifications or deny the proposed amendment. The village council may also may remand the proposed zoning map amendment back to the plan commission for further consideration.
2. If the zoning map amendment application is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the zoning map amendment to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the zoning map amendment.
3. Zoning map amendments may be approved by a simple majority vote, except as stated in Sec. 12.030H.

H. Protest Petitions

1. If a valid protest petition is filed against any proposed zoning map amendment, passage of the text amendment requires a favorable vote of two-thirds of the entire village council.
2. 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 abutting or across an alley therefrom, or by the owners of the 20% of the frontage directly opposite the frontage proposed to be altered.
3. A written protest petition opposing a zoning map amendment must be submitted to the village clerk at least 5 business days before the village council's vote.
4. When a written protest petition has been submitted, the protest petition must be served by the protestors upon the applicant and upon the applicant's attorney, if any, by certified mail at the applicant's and attorney's addresses shown on the application.

I. Review and Approval Criteria

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, review and decision-making bodies 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.

J. 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 council decision to deny.

Sec. 12.040 Planned Unit Developments

A. Overview

1. Planned Unit Development (PUD) overlay zoning districts are established through the concurrent approval of:
   a. a PUD overlay district map amendment, in accordance with the zoning map amendment procedures of Sec. 12.030; and
   b. a PUD development plan application in accordance with the procedures of this section.
2. 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.

B. Development Plan Approval Required

Approval of a PUD development plans and PUD site plan must occur before any building permit is issued and before any development takes place in a PUD overlay district. Permits may be issued for a phase of development within a section of an approved PUD overlay district if a development plan has been approved for the entire PUD and a PUD site plan has been approved for the subject property.

C. PUD Development Plans

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 plan commission's hearing and if the plans include all information required for preliminary plats and PUD development plans.

1. **Application Contents**
   An application for a PUD overlay district rezoning and PUD development plan must contain all items of information specified in the preapplication meeting.
2. **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. 12.030 apply to

PUD zoning map amendments except as expressly modified by the PUD approval procedures of this section.

3. Hearing and Recommendation—Plan Commission

The plan 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 plan commission must act by simple majority vote 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 council.

4. Final Action—Village Council

a. Within 90 days of receipt of the plan commission's recommendation, the village council 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 council may also may remand the matter back to the plan commission for further consideration.

b. If the PUD development plan and PUD zoning map amendment application are remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the plan and zoning map amendment to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the PUD development plan and PUD zoning map amendment.

c. PUD development plan and PUD zoning map amendments may be approved by a simple majority vote, except as stated in Sec. 12.030H.

5. Review and Approval Criteria

The decision to amend the zoning map to approve a PUD development plan and to establish a PUD overlay 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:

a. the zoning map amendment review and approval criteria of Sec. 12.030I in the case of new Planned Unit Development proposals;

b. 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;

c. whether PUD development plan complies with the PUD overlay district provisions of Sec. 4.030;

d. 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

e. 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.

6. Lapse of Approval

a. If the applicant fails to file an application for PUD site plan approval within one year of the date of approval of the PUD development plan and zoning map amendment, the PUD development plan will lapse and be of no further effect, in which case the regulations of the base zoning district will govern development of the property. The landowner may request a one-time extension for a period of up to one additional year by filing an extension request with the community development director before the expiration of the PUD development plan. Extension requests must be approved or denied by the village council.

b. For projects to be developed in phases, phase limits must be shown on the PUD development plan and approved by the village council. The village council may impose conditions upon the phasing plan as deemed necessary to ensure orderly development, including requirements for financial guarantees ensuring construction of all required improvements.

D. PUD Site Plans

1. Application Filing

PUD site plan applications must be filed with the community development director before the lapse of a PUD development plan.

2. Review and Action by Community Development Director; Appeals

a. 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.

b. In acting on PUD site plans, the community development director is authorized to approve the following minor deviations from an approved PUD development plan:

(1) any deviation expressly authorized as at the time of PUD development plan approval;

(2) the addition of customary accessory uses and structures; and

(3) 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 Sec. 12.040E.

c. 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 Sec. 12.040E.

d. 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 plan commission and a final decision by the village council.

3. **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).

E. Amendments to Approved PUD Development Plans

1. All of the following constitute amendments to an approved PUD development plan:

   a. elimination or relaxation of a condition of approval imposed by the Village Council at the time of PUD development plan approval;

   b. an increase in overall building coverage by more than 5%;

   c. an increase in building height by more than 10% or 5 feet, whichever is less;

   d. an overall reduction in the amount of usable open space, common open space or landscaping by more than 5%;

   e. a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;

   f. a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and

   g. 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.

2. Any amendment to an approved PUD development must be processed as a new PUD development plan, including all requirements for fees, notices and hearings.

(Ord. No. 5804, 12/17/19; Ord. No. 5471, §4, 7/21/15)

Sec. 12.050 Special Uses

A. 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.

B. 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.

C. Application Filing

Complete applications for special use approval must be filed with the community development director.

D. 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 approval criteria of Sec. 12.050H. The report must be transmitted to the plan commission before their public hearing on the proposed special use.

E. Notice of Hearing

Notice of the plan commission's required public hearing on a special use application must be published in the newspaper in accordance with Sec. 12.010F.1. Applicant or Village shall also provide notice in accordance with Section 12.010F.2(a)(1)(2)(3). Additional notice may also be provided in accordance with Sec. 12.010F.2(b)(1)(2)(3).

F. Hearing and Recommendation—Plan Commission

The plan commission must hold a public hearing on the special use application within 90 days of receipt of a complete application. Within 45 days of the close of the public hearing, the plan commission must act by simple majority vote 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 council.

G. Final Action—Village Council

1. Within 90 days of receipt of the plan commission's findings and recommendation, the village council 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 council may also may remand the special use application back to the plan commission for further consideration.

2. If the special use application is remanded, the village council must specify the reasons and scope of the remand, and further proceedings before the plan commission must be limited to those identified items. The plan commission must conduct further proceedings as may be appropriate and return a recommendation on the special use application to the village council within 60 days of the date that the matter is remanded to the plan commission. Within 60 days of receipt of the plan commission's recommendation, the village council must take final action on the special use application.

3. The village council is authorized to impose such conditions and restrictions upon the premises benefited by a special use as the council determines to be necessary to ensure compliance with the standards of Sec. 12.050H, to reduce or minimize the effect of the special use upon other properties in the area, and to better carry out the general public's interest and intent of this zoning ordinance.

4. The village council may act by a simple majority vote.

H. 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 council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

1. that the proposed use is expressly authorized as a special use in the district in which it is to be located;

2. 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;

3. 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.

I. Lapse of Approval

1. The applicant may submit, and the village council 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 council, the approved special use will lapse and have no further effect one year after it is approved by the village council, unless:

   a. a building permit has been issued (if required);

   b. a certificate of occupancy has been issued; or

   c. the special use has been lawfully established.

2. The village council 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 council for a final decision.

3. 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.

4. 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.

J. Transferability

Special use approval runs with the land and is not affected by changes of tenancy, ownership, or management.

K. 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.

1. Minor Amendments

a. The community development director is authorized to approve the following minor amendments to approved special uses:

(1) any amendments expressly authorized as minor amendments at the time of special use approval;

(2) the addition of customary accessory uses and structures; and

(3) 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 Sec. 12.050K.2.

b. 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.

2. Major Amendments

a. All of the following constitute major amendments to approved special uses:

(1) an increase in overall building coverage by more than 5%;

(2) an increase in building height by more than 10% or 5 feet, whichever is less;

(3) an overall reduction in the amount of common open space or landscaping;

(4) a reduction in off-street parking by more than 10% or one space, whichever results in a greater reduction;

(5) a change in the vehicle circulation pattern that would increase points of access, change access to another street or increase projected traffic volumes; and

(6) any combination of 3 or more minor changes that were not expressly authorized by the approved special use permit.

b. 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.

L. 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 council.

(Ord. No. 5760, 7/10/18)

Sec. 12.060 Zoning Compliance Determination

A. Applicability

A zoning compliance determination must be obtained before any structure is erected, reconstructed or structurally altered. The Community Development Director may assess a fee for said determination in accordance with Chapter 1 of the Municipal Code.

B. Exemptions

The community development director is authorized to exempt accessory structures from the requirement to obtain a zoning compliance determination if the community development director determines that the accessory structure constitutes a de minimis alteration or addition to the property.

C. Procedure

1. Zoning compliance determinations must be accompanied by information the community development director deems necessary to enable an accurate determination of whether the proposed improvements will comply with the provisions of this zoning ordinance.
2. If the community development director determines that the improvements comply with all applicable provisions of this zoning ordinance, the zoning compliance determination must be issued.
3. If the community development director determines that the improvements do not comply with all applicable provisions of this zoning ordinance, the permit must be denied and the community development director must provide a written explanation of the reasons for denial.

Sec. 12.070 Administrative Adjustments

A. Intent

These administrative adjustments procedures are intended to provide a streamlined approval procedure for relatively minor forms of zoning relief. While most variations require a public hearing before the zoning board of appeals (see Sec. 12.090), the community development director is authorized to approve the administrative adjustments identified in Sec. 12.070B without a public hearing.

B. Authorized Administrative Adjustments

1. The community development director is authorized to grant the following administrative adjustments for principal and accessory buildings or structures:
   a. a reduction of the minimum required lot area by up to 10%;
   b. a reduction of the minimum required lot width by up to 10%;
   c. a reduction of minimum required setbacks by up to 10% or 2 feet, whichever is greater; and
   d. a reduction of the minimum required driveway width by up to 1 foot.

2. The community development director is authorized to grant an administrative adjustment reducing minimum required off-street parking or loading requirements by up to 10% or one space, whichever is greater.

3. 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.

C. Authority to File

Administrative adjustment applications may be filed by the subject property owner or by the property owner's authorized agent.

D. Application Filing

Complete applications for administrative adjustments must be filed with the community development director.

E. Notice of Filing/Intent to Approve

Within 5 business days of receipt of a complete application for an administrative adjustment, written notice of application filing must be delivered to all owners of property within 100 feet of the subject parcel. 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 be available for review and comment until that date. Any interested party may submit written comments concerning the application to the community development director.

F. Action by Community Development Director

1. The community development director must review each application for an administrative adjustment and act to approve the application, approve the application with conditions, deny the application or refer the application to the zoning board of appeals for consideration as a variation.

2. The community development director may not take final action to approve or deny an administrative adjustment application until at least 15 days after the date of mailing or delivery of the required notices.

3. The community development director's decision to approve or deny an administrative adjustment must be based on the approval criteria and standards of Sec. 12.070G and accompanied by written findings of fact.

4. At least once per calendar year, the community development director must provide to the zoning board of appeals and the village council a listing of all administrative adjustment decisions.

G. Standards and Review 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:

1. the requested administrative adjustment is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;

2. 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

3. any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible.

H. 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.

I. Transferability

Approved administrative adjustments run with the land and are not affected by changes of tenancy, ownership, or management.

J. 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.

K. Lapse of Approval

1. An approved administrative adjustment will lapse and have no further effect one year after it is approved by the community development director, unless:

   a. A building permit has been issued (if required); or

   b. The use or structure has been lawfully established.

2. The community development director 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 before the administrative adjustment expires. No hearings, notices or fees are required for extensions.

3. 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.

L. Conditions of Approval

In granting an administrative adjustment, the community development director may 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.

M. Appeals

The applicant or any interested party may appeal the decision of the community development director in accordance with Sec. 12.100.

(Ord. No. 5760, 7/10/18)

Sec. 12.080 Zoning Exceptions

A. Intent

The zoning exception procedure is intended to establish a procedure for consideration of requests to modify specific zoning regulations that cannot, by their nature, reasonably be considered by using the variation regulations and procedures established in this ordinance.

B. Authorized Exceptions

The zoning board of appeals is authorized to grant the following zoning exceptions:

1. expansion of nonconforming uses, in accordance with Sec. 11.030C.2;
2. re-establishment of an abandoned nonconforming use, in accordance with Sec. 11.030F.1.d; and
3. extension of an existing building wall located within a required setback, in accordance with Sec. 11.040C.2.

C. Authority to File

Zoning exception applications may be filed by the subject property owner or by the property owner's authorized agent.

D. Application Filing

Complete applications for zoning exceptions must be filed with the community development director.

E. Notice of Hearing

Notice of the zoning board of appeals required public hearing on a zoning exception application must be published in the newspaper in accordance with Sec. 12.010F.1. Applicant or Village shall also provide notice in accordance with Section 12.010F.2(a)(1)(2)(3). Additional notice may also be provided in accordance with Sec. 12.010F.2(b)(1)(2)(3).

F. Hearing and Final Decision—Zoning Board of Appeals

Within 90 days of receipt of a complete application, the zoning board of appeals must hold a public hearing to consider the requested zoning exception. Within 45 days of the close of the public hearing, the zoning board of appeals must make its findings of fact and act to approve the requested zoning exception, approve the zoning exception with modifications and/or conditions, or deny the zoning exception request based on the standards and review criteria of Sec. 12.080G. Approval of a zoning exception requires an affirmative vote of at least 4 members of the zoning board of appeals. All decisions of the zoning board of appeals 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.

G. Standards and Review Criteria

Zoning exceptions may be approved by the zoning board of appeals only when the board determines that any specific standards associated with the authorized zoning exception and the following general approval criteria have been met:

1. the requested zoning exception is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;

2. the requested zoning exception 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;

3. the proposed zoning exception will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

4. the proposed zoning exception demonstrates high-quality design and uses construction materials and colors that are compatible with other structures on the property and other properties in the vicinity; and

5. any adverse impacts resulting from the zoning exception will be mitigated to the maximum extent feasible.

H. Conditions of Approval

In granting a zoning exception, the zoning board of appeals 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.

I. Transferability

Approved zoning exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

J. Amendments

A request for changes in the specific nature of the approved zoning exception or changes to any conditions attached to an approved zoning exception must be processed as a new zoning exception application, including all requirements for fees, notices and public hearings.

K. Lapse of Approval

1. An approved zoning exception will lapse and have no further effect one year after it is approved by the zoning board of appeals, unless:

   a. a building permit has been issued (if required); or

   b. the use or structure has been lawfully established.

2. The zoning board of appeals is authorized to extend the expiration period for good cause on up to 2 separate occasions, by up to 180 days each. Requests for extensions must be submitted to the community development director before the zoning exception expires. No hearings, notices or fees are required for extensions.

3. A zoning exception 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 zoning exception.

Sec. 12.090 Variations

A. 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 incon-

venience or financial burden that may result from compliance with applicable zoning requirements. Variations are intended to help alleviate an undue hardship that would be caused by the literal enforcement of the subject ordinance requirements. They are intended to provide 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.

B. Authorized Variations

Except where the variation is requested in conjunction with a Planned Unit Development or Special Use Petition, the zoning board of appeals shall hear all petitions for variations. Where a variation is requested in conjunction with a Planned Unit Development or Special Use Petition, it may be heard by the Plan Commission and the Plan Commission shall make a recommendation to the Village Council for final action regarding such variation request. A variation is authorized to be granted from any regulation in this zoning ordinance in accordance with the variation procedures of this section, except that the variation procedures may not be used to do any of the following:

1. allow a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variations" are prohibited);
2. waive, modify or amend any definition or use classification;
3. waive, modify or otherwise vary any of the review and approval procedures of this article;
4. 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;
5. 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.

C. Authority to File

Variation applications may be filed by the subject property owner or by the property owner's authorized agent.

D. Application Filing

Complete applications for variations must be filed with the community development director.

E. Notice of Hearing

Notice of the required public hearing on a variation application must be published in the newspaper in accordance with Sec. 12.010F.1. The Village or the applicant shall also provide notice in accordance with Section 12.010F.2(a)(1)(2)(3). Additional notice may also be provided in accordance with Sec. 12.010F.2(b)(1)(2)(3).

F. Hearing and Final Decision—Zoning Board of Appeals

Within 90 days of receipt of a complete application, a public hearing to consider the requested variation must be held. Within 45 days of the close of the public hearing, the findings of fact and decision to approve the requested variation, approve the variation with modifications and/or conditions, or deny the variation request based on the standards and review criteria of Sec. 12.090G must be made. Approval of a variation requires an affirmative vote of at least 4 members of the zoning board of appeals. All decisions of the zoning

board of appeals 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.

G. Standards and Review Criteria

1. No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner.
2. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:
   a. the subject property cannot yield a reasonable return if required to comply with the regulations that apply to it;
   b. the plight of the owner is due to unique circumstances; and
   c. the variation, if granted, will not alter the essential character of the locality.
3. In addition, the hearing body must also take into consideration the extent to which the following facts, favorable to the property owner, have been established by the evidence presented:
   a. that the physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
   b. that the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification;
   c. that the alleged difficulty or hardship was not created by the current property owner;
   d. that the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood;
   e. that the proposed variation will not alter the essential character of the area; and
   f. that the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.

H. Conditions of Approval

In granting a variation, the hearing body 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.

I. Transferability

Approved variations run with the land and are not affected by changes of tenancy, ownership, or management.

J. 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.

K. Lapse of Approval

1. An approved variation will lapse and have no further effect one year after it is approved, unless:
   a. a building permit has been issued (if required); or
   b. the use or structure has been lawfully established.
2. The hearing body 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 before the variation expires. No hearings, notices or fees are required for extensions.
3. 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.

Sec. 12.100 Appeals of Administrative Decisions

A. Authority

The zoning board of appeals 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, interpretation or enforcement of this zoning ordinance.

B. 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 zoning board of appeals is authorized to make determinations about whether individuals filing appeals are "aggrieved" by the decision or action.

C. Application Filing

1. Complete applications for appeals of administrative decisions must be filed with the community development director.
2. Appeals of administrative decisions must be filed within 45 days of the date of the decision being appealed.

D. 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 zoning board of appeals, 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 zoning board of appeals or by a court of record based on due cause shown.

E. 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 zoning board of appeals all papers constituting the record upon which the action appealed is taken.

F. Notice of Hearing

Notice of the zoning board of appeals' required public hearing must be published in the newspaper in accordance with Sec. 12.010F.1.

G. Hearing and Final Decision

1. The zoning board of appeals must hold a public hearing on the appeal within 60 days of the date that the appealed is filed.
2. Within 45 days of the close of the public hearing, the zoning board of appeals must take action on the appeal. The board's decision must be in writing and be supported by written findings of fact.
3. In exercising the appeal power, the zoning board of appeals has all the powers of the administrative official from whom the appeal is taken. The zoning board of appeals may affirm or may, upon the concurring vote of at least 4 members, reverse, wholly or in part, or modify the decision being appealed.
4. In acting on the appeal, the zoning board of appeals must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
5. All decisions of the zoning board of appeals 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.

H. Review Criteria

An appeal may be sustained only if the zoning board of appeals finds that the community development director or other administrative official erred.

Article 13 | Administration and Enforcement

Sec. 13.010 Review and Decision-making Bodies 13-1
Sec. 13.020 Violations, Penalties and Enforcement 13-2

Sec. 13.010 Review and Decision-making Bodies

A. Community Development Director

1. General Powers and Duties

The community development director has primary responsibility for administration of this zoning ordinance, including the following general powers and duties:

a. conducting periodic inspections of structures and uses of land to determine compliance with this zoning ordinance;

b. notifying in writing all persons responsible for violating this zoning ordinance;

c. taking appropriate actions to ensure compliance with this zoning ordinance and remedying violations of its provisions, including:

(1) ordering discontinuance of any illegal use of land or structures;

(2) ordering removal of illegal structures and additions or alterations thereto; and,

(3) ordering discontinuation of work being done in violation of zoning ordinance provisions.

d. 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;

e. 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;

f. receiving and processing all applications for permits and development approvals under this zoning ordinance;

g. providing technical assistance and support to the village council, staff, boards and commissions; and,

h. exercising other powers and performing other duties as specified or necessarily implied by the provisions of this zoning ordinance.

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.

B. Plan Commission

The plan commission has those powers and duties expressly identified in this zoning ordinance. Additional information regarding the plan commission's composition and their powers and duties are described in Article 2 of the municipal code.

C. Zoning Board of Appeals

The zoning board of appeals has those powers and duties expressly identified in this zoning ordinance. Additional information regarding the zoning board of appeals' powers and duties are described in Article 2 of the municipal code.

Sec. 13.020 Violations, Penalties and Enforcement

A. Responsibility for Enforcement

The community development director has primary responsibility for enforcing this zoning ordinance.

B. 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.

1. to use land or buildings in any way not consistent with the requirements of this zoning ordinance;
2. to erect a building or other structure in any way not consistent with the requirements of this zoning ordinance;
3. to install or use a sign in any way not consistent with the requirements of this zoning ordinance;
4. 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;
5. 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;
6. to violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on the permit or approval;
7. to obscure, obstruct or destroy any notice required to be posted or otherwise given under this zoning ordinance;
8. to violate any lawful order issued by any person or entity under this zoning ordinance; or
9. to continue any violation after receipt of notice of a violation.

C. 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.

D. Remedies and Enforcement Powers

The village has all remedies and enforcement powers allowed by law, including the following:

1. Fines

Fines may be levied in accordance with Chapter 1 of the Municipal Code.

2. 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 ordinance.

3. Withhold Permit

a. 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.

b. 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.

c. 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.

4. Revoke Permits

a. 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:

(1) that there is departure from the plans, specifications, or conditions as required under terms of the permit;

(2) that the development permit was procured by false representation or was issued by mistake; or

(3) that any of the provisions of this zoning ordinance are being violated.

b. 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.

5. **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.

6. **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, the community development director may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected):

   a. revoke the plan or other approval; or

   b. condition its continuance 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.

7. **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.

8. **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.

9. **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.

10. **Other Penalties, Remedies and Powers**
The village may seek such other penalties as are provided by Illinois law.

11. **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.

E. Cumulative Remedies

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

F. 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.

G. Enforcement Procedures

1. 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 property owner 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.

2. 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 property owner, to any other person who is party to the agreement and to applicants for any relevant permit.

H. Appeals

Enforcement actions taken by the community development director may be appealed by the affected party in accordance with Sec. 12.100.

(Ord. No. 5463, § 5, 6/2/15)

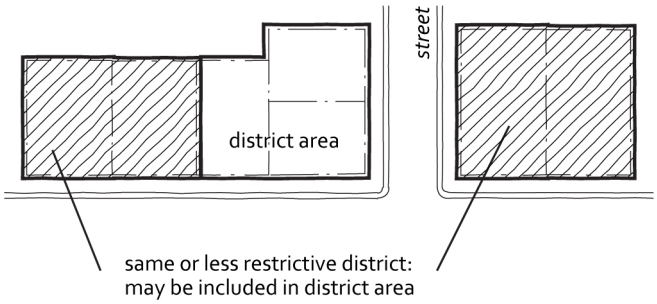
Article 14 | Measurements

Sec. 14.010 District Area 14-1
Sec. 14.020 Lot Area 14-1
Sec. 14.030 Lot Area per Dwelling Unit 14-1
Sec. 14.040 Floor Area 14-1
Sec. 14.050 Floor Area Ratio 14-2
Sec. 14.060 Lot Width 14-2
Sec. 14.070 Lot Depth 14-2
Sec. 14.080 Building Coverage 14-3
Sec. 14.090 Street Frontage 14-3
Sec. 14.100 Setbacks 14-3
Sec. 14.110 Build-to Zone 14-9
Sec. 14.120 Landscaped Open Space 14-10
Sec. 14.130 Height 14-10

Sec. 14.010 District Area

District area is measured as the total contiguous land area contained within a mapped zoning district. When a district is directly across the street from or abuts a district of the same or a less restrictive classification, the area of the district directly across the street or abutting the property may be counted in determining whether minimum zoning district area requirements have been met. See Figure 14-1.

Figure 14-1: District Area Measurement



Sec. 14.020 Lot Area

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

Sec. 14.030 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 a whole number. If, for example, a minimum lot-area-per-unit requirement of 1,750 feet is applied to a 10,000 square foot lot, a maximum of 5 units would be allowed on that lot (5.71 rounded down to 5).

Sec. 14.040 Floor Area

The floor area of a building is measured as the sum of the gross horizontal areas of all floors of the subject building, measured from the interior faces of the exterior walls or from interior faces of walls between separate buildings. "Floor area" includes basement and cellar floor areas; elevator shafts and stairwells at each

floor; floor space used for mechanical equipment, open or enclosed, located on the roof; penthouse; attic space having headroom of 7 feet 10 inches or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses. Space devoted to off-street parking or loading is not included in floor area calculations.

Sec. 14.050 Floor Area Ratio

The floor area ratio (FAR) of a building is the floor area of the building divided by the area of the lot upon which the building is located.

Sec. 14.060 Lot Width

Lot width is measured as the horizontal distance between the side lot lines of a lot measured along the required street setback line. See Figure 14-2. On a lot with a radial front (street) lot line, lot width is measured as indicated in Figure 14-3.

Figure 14-2: Lot Width Measurement

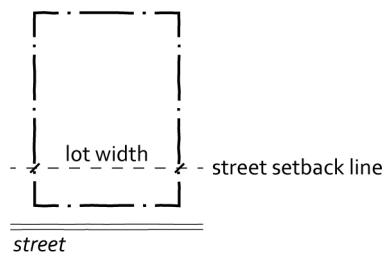
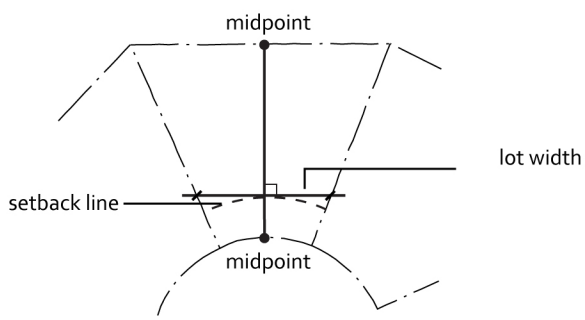


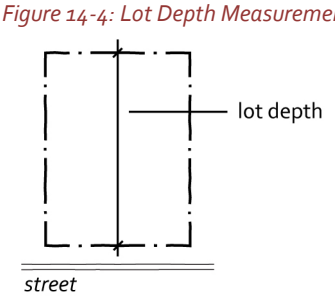
Figure 14-3: Lot Width Measurement (cul-de-sac)



Sec. 14.070 Lot Depth

Lot depth is measured as the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line. See Figure 14-4.

Figure 14-4: Lot Depth Measurement



Sec. 14.080 Building Coverage

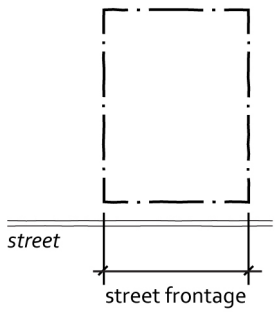
Building coverage is measured as the area of the lot that is occupied by principal and accessory buildings and by structures with a surface area of more than 4 square feet and a height of 18 inches or more, including pergolas and pools. All areas beneath a roof are counted for purposes of measuring building coverage, except on R-zoned lots with a lot width of 60 feet or less, detached garages in the rear yard and rear-loading attached garages with a building footprint of 500 square feet or less are not counted towards overall building coverage provided that the detached garage in the rear yard or the rear-loading attached garage is the only garage on the subject property

(Ord. 5760, 7/10/18)

Sec. 14.090 Street Frontage

Street frontage is measured between side lot lines of a lot along the lot line that abuts the street. See Figure 14-5.

Figure 14-5: Street Frontage Measurement



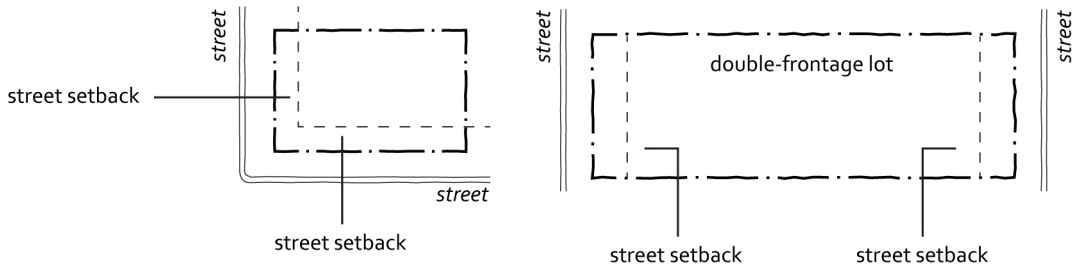
Sec. 14.100 Setbacks

A. Measurement

Setbacks are measured from the referenced lot line to the closest point of the building or structure.

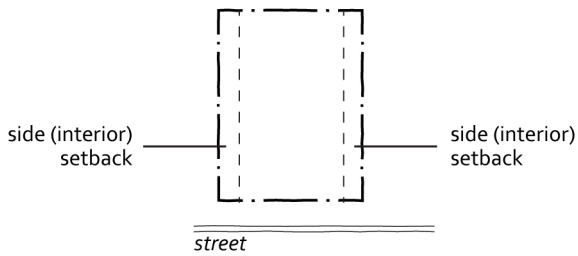
1. Street setbacks are measured from all lot lines that abut a street. See Figure 14-6. On corner lots, street setbacks apply along both streets, but applicable street setback requirements may be reduced along one of the street frontages if necessary to allow a building width of 30 feet. On double-frontage lots, street setbacks apply along both opposing lot lines that abut the street.

Figure 14-6: Street Setback Measurement



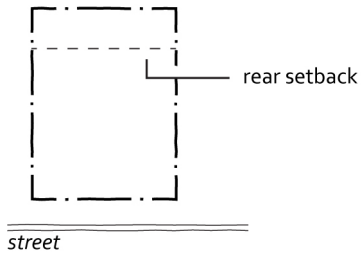
2. Side (interior) setbacks are measured from all side lot lines that do not abut a street. See Figure 14-7. Interior side setbacks do not apply to attached or abutting walls in an attached house development.

Figure 14-7: Side (interior) Setback Measurement



3. Rear setbacks are measured from the rear lot line. See Figure 14-8.

Figure 14-8: Rear Setback Measurement



B. Permitted Obstructions

Yards in all zoning districts must be unobstructed and unoccupied from the ground to the sky except as indicated in Table 14-1.

Table 14-1: Permitted Yard Obstructions

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
A/C units, generators, compressors, transformers, associated equipment, rain-water collection and geothermal equipment (ground-mounted)	No[1]	Yes	Yes	10 ft. min. setback in R-1 7 ft. min. setback in R-2 6 ft. min. in R-3, R-5, R-5A, R-6 5 ft. min. setback in all other districts
Air conditioner (window unit only)	Yes	Yes	Yes	No setback required
Antenna, amateur radio	No	No	Yes	
Antenna, receive-only and satellite dish	No	Yes	Yes	
Arbor, pergola or trellis	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Architectural building features (e.g., sills, belt courses, cornices, wing walls)	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Awning, canopy architectural light shelf or solar shading device	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft. (nonresidential districts - 2.5 ft. max. encroachment in street setback)
Balcony	-Yes	-Yes	Yes	Must meet required district street and side yard setbacks. 10 ft. max. encroachment in rear yard
Basketball standards and backboards	Yes	Yes	Yes	
Bay window (1st floor only; with or without foundation)	Yes	Yes	Yes	Street setback - 1.5 ft. max. encroachment Side setback - 1.5 ft. max. encroachment if

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
				setback is < 6 ft. or 2 ft. max. encroachment if setback is ≥ 6 ft. Rear setback - 2.5 ft. max. encroachment
Bicycle Parking	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Breezeway	No	No	Yes	10 ft. max. max. encroachment
Chimney	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Clothesline	No	Yes	Yes	5 ft. min. setback
Compost pile or container (See Chapter 13 of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Deck or patio, uncovered and open-air (see also "porch," below)	Yes	Yes	Yes	5 ft. max. encroachment in street setback 5 ft. min. setback in side setback and rear setback
Dog house or dog run	No	No	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Driveway or uncovered walk	Yes	Yes	Yes	1 ft. min. setback
Eaves and gutters	Yes	Yes	Yes	In street setback and rear setback - 2.5 ft. max. encroachment In side setback - 2 ft. max. encroachment
Electric vehicle charging equipment	Yes	Yes	Yes	In front and rear - 2.5 ft. max. encroachment In side - 2 ft. max. encroachment
Fence	Yes	Yes	Yes	See also Sec. 10.010
Fire escape (open or lattice enclosed, fireproof outside stairways)	Yes	Yes	Yes	2 ft. max. encroachment
Fireplace, fire pit, outdoor cooking/kitchen areas (See Chapter 13 of the municipal code)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Flag pole	Yes	Yes	Yes	Equal to the height of the pole; no max. encroachment of flag beyond lot line
Garage (detached)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Garden features (e.g., cold frames, hoop houses, greenhouses)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Gazebo	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Parking, open	Yes	Yes	Yes	See also Sec. 7.070
Playground equipment & playhouses (excluding equipment located on public parks and playgrounds or on school or day care center playgrounds, tot lots)	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Porch, covered and open on at least 3 sides (see also "deck," above)	Yes	Yes	Yes	5 ft. max. encroachment in street setback and rear setback (See also Sec. 14.100C) Must meet required district side yard setbacks
Shed, carport or storage structure	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sign	Yes	No	No	See Article 9
Solar panel and equipment (building-mounted)	No	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.
Solar panel and equipment (ground-mounted)	No	Yes	Yes	2 ft. max. encroachment in side setback; 10 ft. max. encroachment in rear setback. See also Sec. 6.010M
Sport courts & accessory lighting	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Sports equipment	No	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Steps (for access to building or lot; max. 4 feet above grade)	Yes	Yes	Yes	1 ft. min. setback

Obstruction/Projection	Permitted in these Yards			Minimum Setback/ Maximum Encroachment into required setback
	Street	Side	Rear	
Swimming pool (in-ground & above-ground, hot tubs and associated equipment)	No	Yes	Yes	10 ft. min. setback in R-1 and R-2 districts 7 ft. min. setback in all other R districts
Walkway (covered)	No	No	No	In residential districts - principal building setbacks apply In nonresidential districts - no side or rear setback required
Wall	Yes	Yes	Yes	See also Sec. 10.010
Wall, retaining	Yes	Yes	Yes	1 ft. min. setback
Yard features (e.g., ornamental light standards, anchored lawn furniture and decorations, sundials, statues, bird baths, ponds, sculptures, seat walls, etc.)	Yes	Yes	Yes	5 ft. min. setback in R-4 district 6 ft. min. setback in all other districts
Wheelchair lifts and ramps that meet federal and state accessibility standards	Yes	Yes	Yes	1 ft. min. setback
Window wells	Yes	Yes	Yes	1.5 ft. max. encroachment if setback is < 6 ft. 2 ft. max. encroachment if setback is ≥ 6 ft.

[1] Except for single family residential uses, units may be located on the building's primary street facade and in front of a bump as long as the unit is screened by a wing wall made of the same material as the primary façade which is attached to the primary building via a full foundation and is at least as tall as the equipment.

C. Front Porches

Front porches on R-zoned lots may encroach a maximum of 5 feet into a required street setback, subject to the following restrictions:

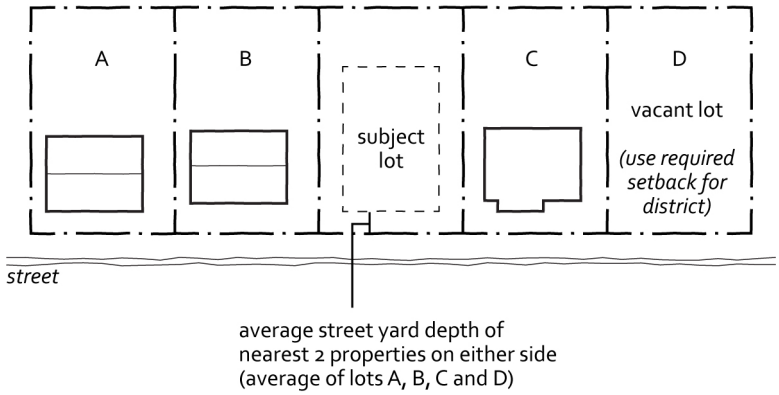
1. Front porches with a total footprint of 250 square feet or less are not counted towards overall lot or building coverage.
2. The total amount of porch encroachment into any required street setback may not exceed 250 square feet.
3. Porches that are constructed after September 1, 2006 and encroach into the street setback must remain open and not be converted into occupiable floor area at any time.
4. On lots with multiple frontages, porches may encroach into both street setbacks, but the total amount of encroachments may not exceed 500 square feet; and only a maximum of 250 square feet is not counted toward the overall lot or building coverage.
5. Occupiable floor area and porch/deck space is prohibited above or below a porch that encroaches into a required street setback.

D. Contextual Setbacks

When existing buildings on one or more abutting lots are closer to the street property line than the otherwise required street setback, additions to existing buildings or construction of new buildings on the subject lot may comply with the average street yard depth that exists on the nearest 2 lots on either side of the subject lot instead of complying with the zoning district's minimum street setback requirement.

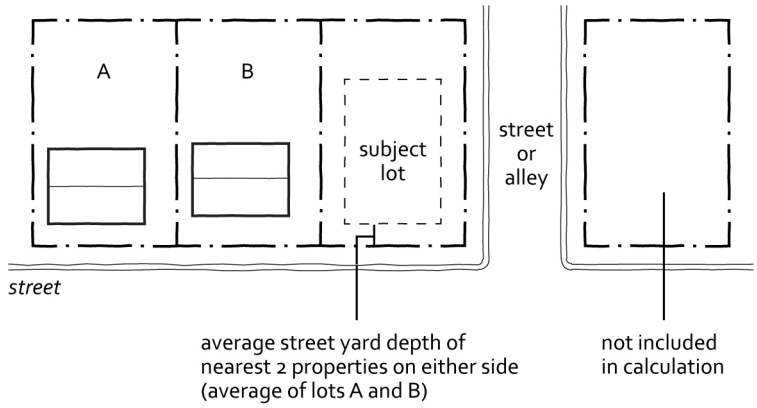
1. If one or more of the lots required to be included in the averaging calculation is vacant, that vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district. See Figure 14-9.

Figure 14-9: Contextual Setbacks



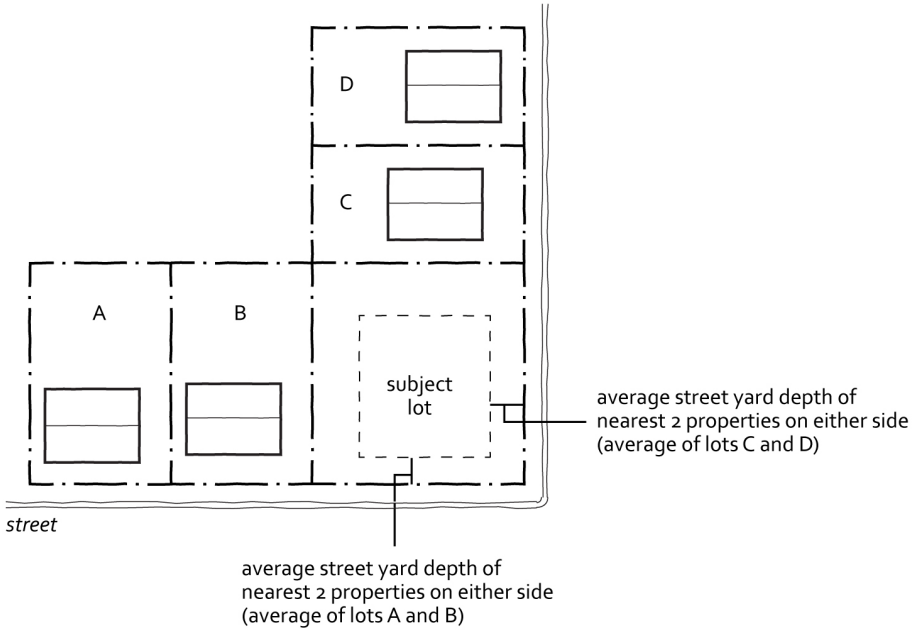
2. Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley may not be used in computing the average. See Figure 14-10.

Figure 14-10: Contextual Setbacks



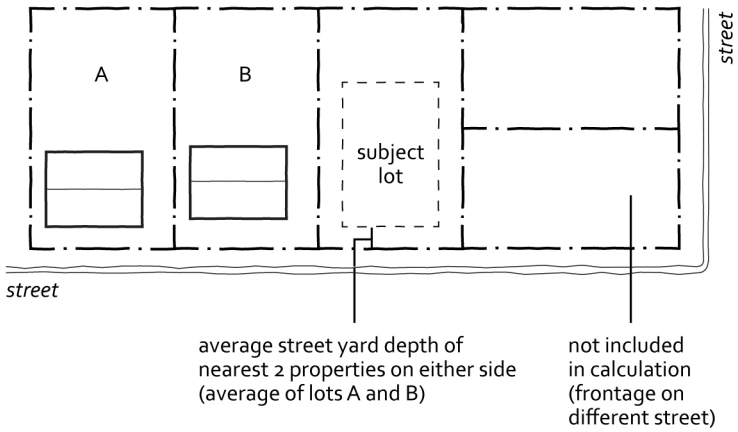
3. When the subject lot is a corner lot, the average street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot. See Figure 14-11.

Figure 14-11: Contextual Setbacks



4. When the subject lot abuts a corner lot with frontage on the same street, the average 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 14-12.

Figure 14-12: Contextual Setbacks



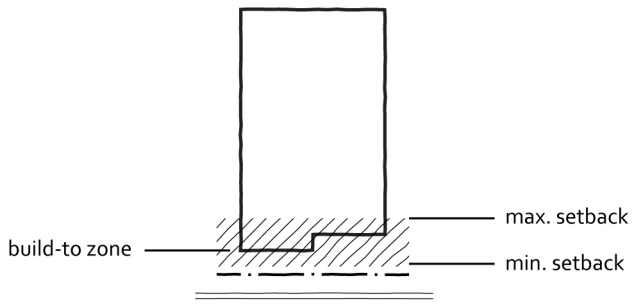
5. These contextual setback provisions may not be used to reduce the setback of a street-facing garage door to less than 20 feet.

(Ord. No. 5804, 12/17/19; Ord. No. 5760, 7/10/18)

Sec. 14.110 Build-to Zone

A. The build-to zone is the area on the subject lot where a specified percentage of the street-facing building facade must be located, measured as a minimum and maximum setback range from the edge of the abutting street right-of-way. See Figure 14-13.

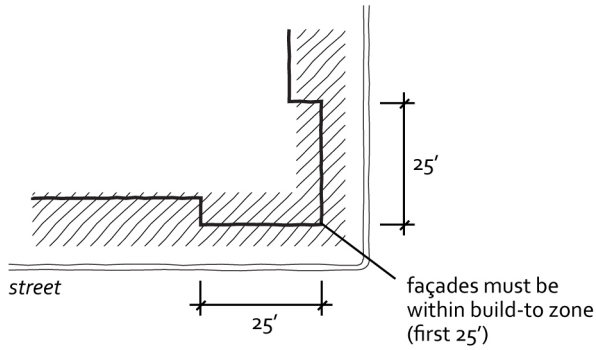
Figure 14-13: Build-to Zone Measurement



B. The specified percentage identifies the amount of the building facade that must be located in the build-to zone, based on the width of the building façade divided by the width of the lot.

C. On corner lots, the building's façade must be within the required build-to-zone for the first 25 feet extending from the intersection of the two rights-of-way. See Figure 14-14.

Figure 14-14: "Holding the Corner"



D. Outdoor dining, plazas or similar programed space are counted as part of the building for the purpose of measuring compliance with build-to zone requirements, provided that:

1. the space does not exceed 33% of the length of the building face or 30 feet, whichever is less;
2. the area is no more than 25 feet in depth; and
3. no more than one such feature may be counted per frontage.

E. For lots that have frontage on more than one street, the community development director is authorized to determine which street is the "primary street," and which are "secondary streets." The determination must be based on consideration of the following criteria:

1. the established building orientation on the blockface;
2. the street abutting the longest face of the blockface; and
3. the street that the lot takes its address from.

(Ord. No. 5804, 12/17/19)

Sec. 14.120 Landscaped Open Space

Landscaped open space requirements refer to the area on a lot that must be open and landscaped with live plant material including grass, groundcover plants, shrubs, trees, flowering plants, annuals, and perennials. The following may not be counted toward satisfying minimum landscaped open space requirements: artificial plants, synthetic turf, sidewalks, open terraces or patios, decorative walls, fences or other similar features.

Sec. 14.130 Height

A. Measurement

1. For all buildings other than detached houses, two-unit houses and attached houses, height is measured as the vertical distance from established grade at the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and ridge of principal roof structure for hip, gabled, and gambrel roofs. See Figure 14-15.

Figure 14-15: Generally Applicable Building Height Measurement

2. For detached houses, two-unit houses and attached houses, building height is measured as the vertical distance from established grade at the front of the building to the highest point of any roof structure. See Figure 14-16.

Figure 14-16: Measuring Building Height: Detached Houses, Two-unit Houses and Attached Houses

3. For the purposes of measuring building height, "established grade" is the average level of the finished surface of the ground adjacent to the exterior walls of a building, excluding man-made berms, retaining walls, and the like.

4. On lots with multiple street frontages, height must be measured from established grade of whichever street-facing building elevation or side of structure yields the greatest height measurement.

B. Exceptions

1. Lawfully established parapet walls, chimneys, elevators bulkheads, equipment penthouses, cooling towers, monuments, water towers, stacks, flag poles, stage towers, scenery lofts, ornamental towers, spires, and necessary mechanical appurtenances are exempt from zoning district height limits and are not included in building height measurements.
2. Building-mounted solar energy systems may extend up to 3 feet above the applicable maximum zoning district height limit, provided they do not extend more than 5 feet above the roof line.

Article 15 | Definitions

Sec. 15.010 General 15-1
Sec. 15.020 Use Definitions 15-1
Sec. 15.030 Measurement Terms 15-2
Sec. 15.040 Words and Terms Beginning with "A" 15-2
Sec. 15.050 Words and Terms Beginning with "B" 15-4
Sec. 15.060 Words and Terms Beginning with "C" 15-6
Sec. 15.070 Words and Terms Beginning with "D" 15-8
Sec. 15.080 Words and Terms Beginning with "E" 15-10
Sec. 15.090 Words and Terms Beginning with "F" 15-11
Sec. 15.100 Words and Terms Beginning with "G" 15-12
Sec. 15.110 Words and Terms Beginning with "H" 15-12
Sec. 15.120 Words and Terms Beginning with "I" 15-13
Sec. 15.130 Words and Terms Beginning with "J" 15-14
Sec. 15.140 Words and Terms Beginning with "K" 15-14
Sec. 15.150 Words and Terms Beginning with "L" 15-14
Sec. 15.160 Words and Terms Beginning with "M" 15-17
Sec. 15.170 Words and Terms Beginning with "N" 15-18
Sec. 15.180 Words and Terms Beginning with "O" 15-18
Sec. 15.190 Words and Terms Beginning with "P" 15-19
Sec. 15.200 Words and Terms Beginning with "Q" 15-20
Sec. 15.210 Words and Terms Beginning with "R" 15-20
Sec. 15.220 Words and Terms Beginning with "S" 15-21
Sec. 15.230 Words and Terms Beginning with "T" 15-29
Sec. 15.240 Words and Terms Beginning with "U" 15-30
Sec. 15.250 Words and Terms Beginning with "V" 15-30
Sec. 15.260 Words and Terms Beginning with "W" 15-31
Sec. 15.270 Words and Terms Beginning with "X" 15-31
Sec. 15.280 Words and Terms Beginning with "Y" 15-32
Sec. 15.290 Words and Terms Beginning with "Z" 15-32

Sec. 15.010 General

Words and terms expressly defined in Chapter 1 of the municipal code or in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. In cases of conflict between the definitions in Chapter 1 of the municipal code and those of this zoning ordinance, the zoning ordinance definitions govern. Words that are not expressly defined in Chapter 1 of the municipal code or this zoning ordinance have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

Sec. 15.020 Use Definitions

See Sec. 5.020 for an explanation of the use categorization system used in this zoning ordinance and for definitions of use types.

Sec. 15.030 Measurement Terms

See Article 14 for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to zone."

Sec. 15.040 Words and Terms Beginning with "A"

Abut or Abutting

To be next to or share a common boundary.

Accessory Structure or Use

An "accessory structure" or "accessory use" is one that:

1. is subordinate to the principal structure or principal use served in terms of area and function;
2. contributes to the comfort, convenience, or necessity of occupants of the principal structure or principal use served; and
3. is customarily found in association with the subject principal use or principal structure.

Act of God

An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

Adjacent

Situated near or in the immediate vicinity.

Adult Entertainment Establishment

See Sec. 5.050A.

Adult Use Cannabis Craft Grower

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Cultivation Center

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Dispensing Organization

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Infuser Organization or Infuser

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Processing Organization or Processor

As defined in Chapter 8 of the Downers Grove Municipal Code

Adult Use Cannabis Transporting Organization or Transporter

As defined in Chapter 8 of the Downers Grove Municipal Code

Agent

A person duly authorized to act on behalf of the subject property owner.

Agriculture, Animal

See Sec. 5.090A.

Agriculture, Crop
See Sec. 5.090B.

Aircraft Landing Area
See Sec. 5.040A.

Aisle (parking or circulation)
That portion of a parking lot that provides access to parking stalls.

Amateur Radio Facility
Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.

Amortization
The process established under this zoning ordinance by which an owner of a nonconforming sign is given a specified period of time to continue use of the nonconforming sign before it is terminated pursuant to the village's police power.

Animal, Companion
Animals that are commonly kept by persons as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in close proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

Animal, Farm
Breeds of animals which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals, including but not limited to, cattle, sheep, swine, horses, mules, goats, other animals or fowl.

Animal Service
See Sec. 5.050B.

Antenna
An exterior transmitting or receiving device mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna, Building- or Tower-mounted (Wireless Telecommunications)
See Sec. 5.040P.2.

Apartment/Condo
See Sec. 5.030A.4.

Applicant
Any authorized person, firm, corporation or agency who submits an application.

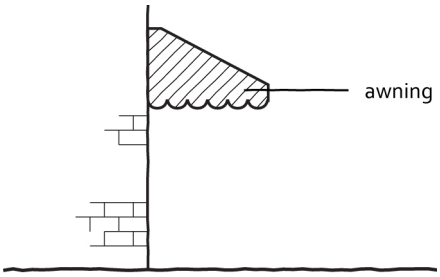
Assembly and Entertainment
See Sec. 5.050C.

Attention-getting Device
A pennant, flag, valance, banner, propeller, spinner, streamer, search light, strobe light, flashing light, balloon, inflatable shape, or similar device used to draw attention to a particular place, including but not limited to the outlining of structures or premises by the use of internal or external lighting techniques.

Auditorium
A large building or hall used for public gatherings, typically stage performances.

Awning
An overhang made of cloth or similar materials attached to a structure for decoration or protection from sunlight and precipitation. See Figure 15-1.

Figure 15-1: Awning



(Ord. No. 5804, 12/17/19)

Sec. 15.050 Words and Terms Beginning with "B"

Balcony
A projecting platform that is open and enclosed by a railing or balustrade, and which is suspended or cantilevered from, or supported solely by, the principal structure.

Banner
A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted to a permanent structure.

Backhaul Network
The lines that connect a provider's telecommunications towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, or the public switched telephone network.

Bare Bulb Illumination
Exposed or uncovered lighting elements.

Basement
A floor of a building having some but not more than one-half of its floor-to-ceiling height below grade. (Also see "cellar")

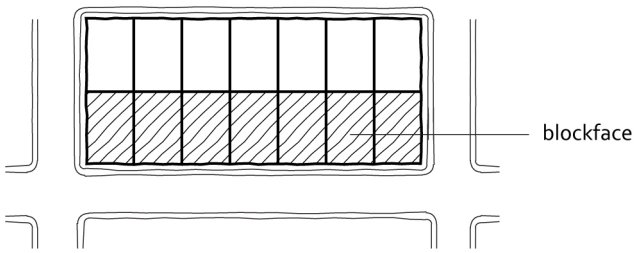
Base (Zoning) District
Any zoning district that is not an overlay district.

Battery Charging Station
An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Battery Exchange Station
A facility designed to enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery for a more fully charged battery through an automated process.

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. See Figure 15-2.

Figure 15-2: Blockface

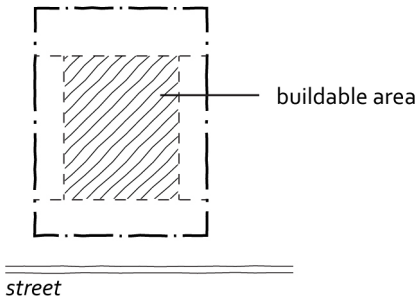


Boarding or Shelter/Kennel
See Sec. 5.050B.2.

Broadcast or Recording Studio
See Sec. 5.050D.

Buildable Area
The space remaining on a zoning lot after the minimum setback, landscaping and open space requirements of this zoning ordinance have been met. See Figure 15-3.

Figure 15-3: Buildable Area



Building
Any structure with a permanent roof, separated on all sides from adjacent open areas by walls, built for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Principal
A non-accessory building in which the principal use of the subject property is conducted.

Building Coverage
See Sec. 14.080.

Building Service
See Sec. 5.050E.1.

Building Supplies and Equipment
See Sec. 5.050M.3.

Build-to Zone
See Sec. 14.110.

Business and Professional Office
See Sec. 5.050K.1.

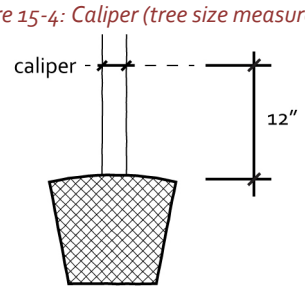
Business Support Services
See Sec. 5.050E.2.

(Ord. No. 5760, 7/10/18)

Sec. 15.060 Words and Terms Beginning with "C"

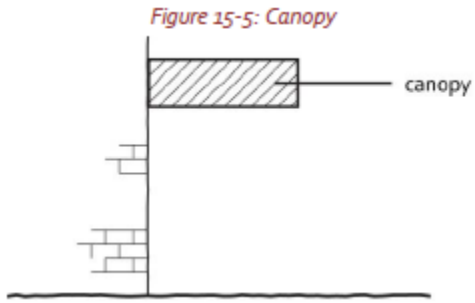
Caliper
A measurement of the size of a young tree, measured as the diameter of its trunk 12 inches above the root ball. See Figure 15-4.

Figure 15-4: Caliper (tree size measurement)



Canopy
A permanent structure that consists of an overhanging shelter connected to a building and constructed of materials such as wood or steel studs covered with wood or other material and that may or may not be supported by vertical columns. See Figure 15-5.

Figure 15-5: Canopy



Caretaker/Security Dwelling
See Sec. 5.030A.8.

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.

Car-share Vehicle
A motor vehicle that is part of a car-share program's fleet of rental vehicles.

Cellar
A floor of a building having more than one-half of its floor-to-ceiling height below grade. (Also see "basement")

Cemetery
See Sec. 5.040B.

Certificate of Occupancy
A certification issued by the community development director, as provided and required in this zoning ordinance and other part of the municipal code, authorizing a property or a structure to be used, in whole or in part, in conformance with this zoning ordinance.

Changeable Copy/Message Board
A sign on which copy is changed manually to provide a message.

Cinema
A motion picture theater.

Coffee Roasting

A facility in which unprocessed, green, coffee may be sorted, roasted and processed, or packaged for use and consumption.

Cold Frame
An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

College or University
See Sec. 5.040C.

Commercial Vehicle Repair and Maintenance
See Sec. 5.050P.1.

Commercial Vehicle Sales and Rentals
See Sec. 5.050P.2.

Commercial Service
See Sec. 5.050E.

Community Center
See Sec. 5.040D.

Community Garden
See Sec. 5.090C.

Consumer Maintenance and Repair Service
See Sec. 5.050E.3.

Consumer Shopping Goods
See Sec. 5.050M.2.

Convenience Goods
See Sec. 5.050M.1.

Copy (sign)
Written material, printed text, numbers, logos, symbols or pictures located on the copy surface for the purpose of delivering a message.

Copy Surface (sign)
The area of any sign face intended or used to display copy.

Sec. 15.070 Words and Terms Beginning with "D"

Day Care
See Sec. 5.050F.

Day Spa
A business which provides a variety of services for the purpose of improving health, beauty and relaxation through personal care and beauty treatments such as facials, manicures, pedicures, waxing, body scrubs and massages.

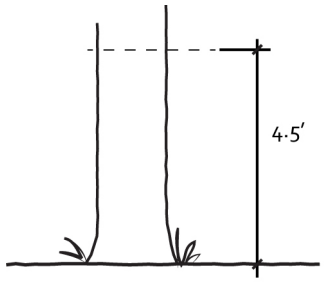
dB(A)
The intensity of sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale and the slow-meter response, as specified by the American National Standards Institute.

Decibel (dB)
The logarithmic unit of measure used to describe the amplitude of sound.

Detached House
A principal building that contains only one principal dwelling unit and that is located on a single lot with private yards on all sides of the building.

Diameter-at-breast Height (DBH)
The diameter of a mature tree's trunk, measured at a height of 4.5 feet above grade level at the base of the tree. See Figure 15-6.

Figure 15-6: Diameter at Breast Height (DBH)



Displacement (vibration)
The amount of motion involved in a vibration.

District
Zoning district.

District Area
See Sec. 14.010.

Drive-in or Drive-through Facility
See Sec. 5.100A.

Drop Box, Donation
A receptacle provided for general public to drop-off clothing, shoes, books, toys and similar household items for charitable or re-use purposes.

Dwelling
A building or portion of a building, but not including a mobile home or manufactured housing unit, designed or used exclusively for residential occupancy, including detached houses, attached houses, two-unit houses, apartments and residential condominiums but not including group residential or lodging uses. See also Sec. 5.030.

Dwelling Unit

One or more rooms in a dwelling designed for occupancy by a single household for living purposes and having its own permanently installed cooking and sanitary facilities.

Sec. 15.080 Words and Terms Beginning with "E"

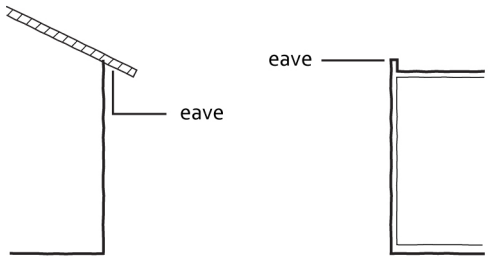
Eating and Drinking Establishments

See Sec. 5.050G.

Eave

The lower edge of a sloping roof surface or the top edge of a parapet or flat roof. See Figure 15-7.

Figure 15-7: Eave



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.

Electric Vehicle (EV) Charging Station

A public or private parking space that is served by battery charging station equipment.

Electric Vehicle Charging Station, Private (Restricted-Access)

An electric vehicle 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.

Electric Vehicle Charging Station, Public

An electric vehicle charging station that is accessible to and available for use by the general public.

Electric Vehicle Parking Space

Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

Electronic Changeable Copy/Message Board

A sign that allows letters or characters to be placed as copy electronically in order to provide a message.

Equipment and Materials Storage
See Sec. 5.060A.

Exercise of Religion
Exercise of religion means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

Extended Family Accessory Housing Unit
A secondary dwelling unit (within a detached house) that is approved as a special use and that complies with the regulations of Sec. 6.010F.

Sec. 15.090 Words and Terms Beginning with "F"

FAA
The Federal Aviation Administration.

FCC
The Federal Communications Commission.

Fairview Concentrated Business District
Lots that have street frontage along Fairview Avenue from Maple Avenue to Burlington Avenue.

Financial Service
See Sec. 5.050H.

Fence
A structure that functions as a horizontal boundary or barrier consisting of a structural frame with a fabric of wood, metal or masonry.

Festoon Lighting
A group of 2 or more bulbs hung or strung overhead on a building or structure that are not shaded or hooded to prevent the direct rays of light from being visible at the lot line.

Flag Lot
A parcel of land, whose area and dimensions meet all of the requirements of Chapter 20 of the municipal code, in which access from the public right-of-way to the land is a narrow extended portion of the parcel that does not comply with minimum lot width requirements.

Floor Area
See Sec. 14.040.

Floor Area Ratio
See Sec. 14.050.

Foot-Candle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

Fortune-telling/Psychic Services
See Sec. 14.050 Sec. 5.050E4.

Foundation, Permanent
A closed perimeter formation consisting of materials such as concrete or concrete block that extends into the ground below the frost line.

Fraternal Organization
See Sec. 5.040E.

Frequency (sound waves)
The number of oscillations per second in a sound wave; an index of the pitch of the resulting sound.

Frontage, Street
See Sec. 14.090.

Fueling Station
See Sec. 5.050P.3.

Funeral and Mortuary Service
See Sec. 5.050I.

Sec. 15.100 Words and Terms Beginning with "G"

Geothermal Energy System (Geothermal Heat Exchange)
Equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building. Geothermal energy systems consists of a closed-loop system of pipes filled with liquid, a heat exchanger and heat pump. This includes vertical closed loop, horizontal closed loop and water body closed loop systems.

Governmental Facility
See Sec. 5.040F.

Grooming
See Sec. 5.050B.1.

Group Home
See Sec. 5.030B.1.

Group Living
See Sec. 5.030B.

Sec. 15.110 Words and Terms Beginning with "H"

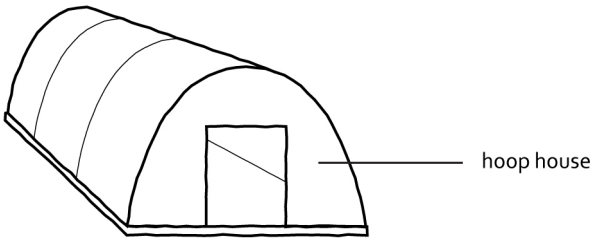
Height, Building
See Sec. 14.130.

Home Occupation
An accessory use of a dwelling for limited commercial purposes. Home occupations are subject to the regulations of Sec. 6.010K.

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. See Figure 15-8.

Figure 15-8: Hoop House



Hospital

See Sec. 5.040G.

House, Attached

See Sec. 5.030A.2.

House, Detached

See Sec. 5.030A.1.

House, Two-unit

See Sec. 5.030A.3.

Household

An individual, or 2 or more persons related by blood, marriage, or adoption and/or a group of not more than 3 unrelated persons living together as a single housekeeping unit in a dwelling unit. See also the "household living" and "group living" use categories. Sec. 5.030A and Sec. 5.030B.

Household Living

See Sec. 5.030A.

Sec. 15.120 Words and Terms Beginning with "I"

Industrial, Artisan

See Sec. 5.070A.

Industrial, General

See Sec. 5.070C.

Industrial, Intensive

See Sec. 5.070D.

Industrial, Limited

See Sec. 5.070B.

Industrial Use Category
See Sec. 5.070.

Invasive (Plant) Species
Any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction causes or is likely to cause environmental harm.

Sec. 15.130 Words and Terms Beginning with "J"

Junk or Salvage Yard
See Sec. 5.070E.

Junker
An automobile, truck, or other motor vehicle that has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable, or such a vehicle which does not comply with state or village vehicle laws or ordinances.

Sec. 15.140 Words and Terms Beginning with "K"

Kennel
See Sec. 5.050B.2.

Sec. 15.150 Words and Terms Beginning with "L"

Landscaped Open Space
See Sec. 14.120.

Landscaping
Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Lawfully Established
A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

Library
See Sec. 5.040H.

Lodging
See Sec. 5.050J.

Logo
A design used by an organization on its letterhead, advertising material and signs as an emblem by which the organization can be easily recognized.

Lot
See Lot of Record.

Lot and Building Regulations
Zoning district provisions governing such matters as required minimum lot area, minimum lot width, setbacks, maximum lot coverage and maximum building height. See, for example, Sec. 2.030 and Sec. 3.030.

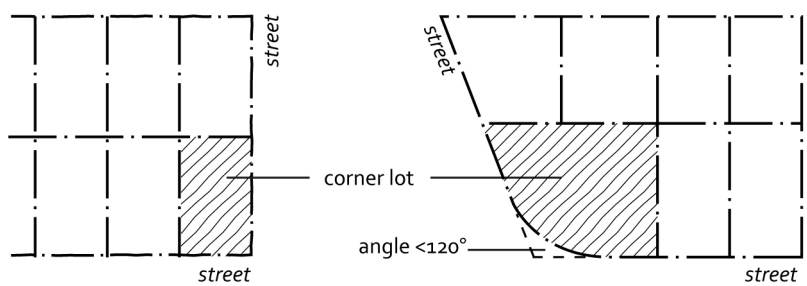
Lot Area
See Sec. 14.020.

Lot Area per Dwelling Unit
See Sec. 14.030.

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 DuPage County Recorder of Deeds.

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. See Figure 15-9.

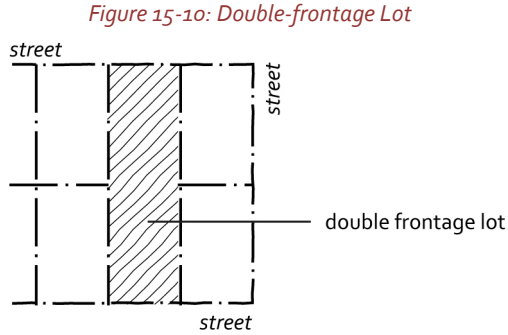
Figure 15-9: Corner Lot



Lot Depth
See Sec. 14.070.

Lot, Double-frontage
A lot having frontage on 2 parallel or nonintersecting streets, as distinguished from a corner lot. See Figure 15-10.

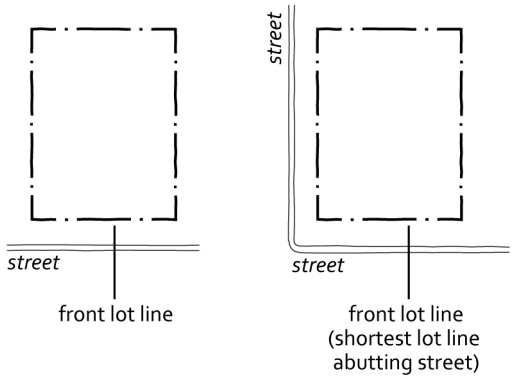
Figure 15-10: Double-frontage Lot



Lot Line, Front

A lot line abutting a street. On a corner lot, the shortest street lot line is the front lot line, except that if the length of the longer street lot line is not more than 10% greater than the length of the shorter street lot line the community development director, is authorized to designate the longer of street lot lines as the front lot line. See Figure 15-11.

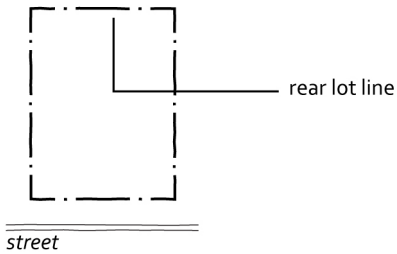
Figure 15-11: Front Lot Line



Lot Line, Rear

The lot line most nearly parallel to and located the furthest distance from the front lot line. See Figure 15-12.

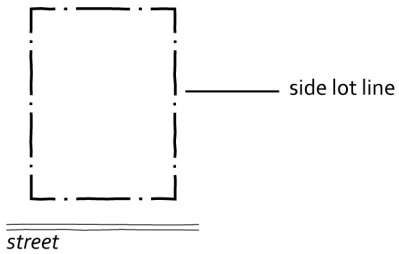
Figure 15-12: Rear Lot Line



Lot Line, Side

Lot lines other than front or rear lot lines. See Figure 15-13.

Figure 15-13: Side Lot Line



Lot Split

A division of real property located within the corporate limits of the Village which resulted in a land division that was approved by the Plan Commission prior to May 16, 2006.

Lot Width
See Sec. 14.060.

Lot, Zoning Lot or Parcel
See "Lot of Record."
(Ord. No. 5760, 7/10/18)

Sec. 15.160 Words and Terms Beginning with "M"

Manufactured Housing Unit
See Sec. 5.030A.5.

Massage Therapy
See Sec. 5.050E4A

Medical Cannabis Cultivation Center
See Sec. 5.100B.

Medical Cannabis Dispensing Organization
See Sec. 14.050Sec. 5.100C.

Medical, Dental and Health Practitioner
See Sec. 5.050K.2.

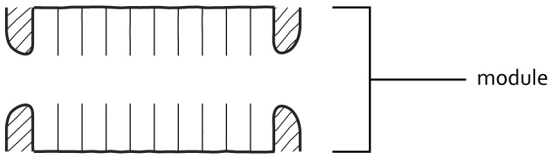
Mixed-use Building
A building occupied by residential uses in combination with nonresidential uses.

Mobile Home
See Sec. 5.030A.6

Mobile Home Park
See Sec 5.030A7.

Module
An area of a parking lot that consists of a parking (drive) aisle with parking stalls on each side of the aisle. See Figure 15-14.

Figure 15-14: Module (parking area)



Museum or Cultural Facility
See Sec. 5.040I.

Sec. 15.170 Words and Terms Beginning with "N"

Natural Resource Preservation
See Sec. 5.040J.

Nonconforming Lot
See Sec. 11.020A.

Nonconforming Sign
See Sec. 9.090.

Nonconforming Structure
See Sec. 11.040A.

Nonconforming Use
See Sec. 11.030A.

Nonconformity
Any nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign.

Nonresidential (Zoning) District
Any base zoning district other than the R (Residential) districts of Article 2.

Nursing Home
See Sec. 5.030B.2.

Sec. 15.180 Words and Terms Beginning with "O"

Occupiable Floor Area
Enclosed floor area intended for human activities, excluding those areas intended primarily for other purposes, such as storage rooms and equipment rooms, that are only intended to be occupied occasionally and for short periods of time.

Odorous Matter
Material that causes an odor sensation to a human being.

Office
See Sec. 5.050K.

Open Space, Common
Property under common ownership used for parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas in public ownership or common ownership and subject to the provisions of restrictive covenants, if any, required or approved by the village council. Common open space does not include space devoted to structures, public rights-of-way or areas improved for use as private drives or parking facilities.

Other Use Category
See Sec. 5.100.

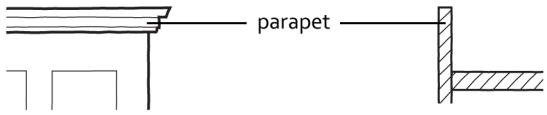
Owner
The fee title holders of property.

Sec. 15.190 Words and Terms Beginning with "P"

Parapet or Parapet Wall

A wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building. See Figure 15-15.

Figure 15-15: Parapet



Parking, Non-Accessory

See Sec. 5.050L.

Parks and Recreation

See Sec. 5.040K.

Particulate Matter

Finely divided solid or liquid matter (other than water) that is released into the atmosphere.

Personal Improvement Service

See Sec. 5.050E4.

Personal Vehicle Repair and Maintenance

See Sec. 5.050P.4.

Personal Vehicle Sales and Rentals

See Sec. 5.050P.5.

Planned Development

A development project approved in accordance with the planned development procedures in effect at the time the development was approved.

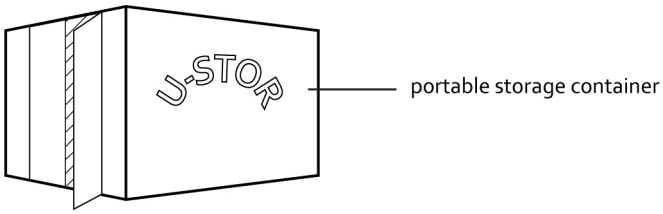
Planned Unit Development

A development project approved in accordance with the planned unit development procedures in effect at the time the development was approved. See also Sec. 4.030 and Sec. 12.040.

Portable Storage Container

A purpose-built, fully enclosed, box-like container designed for temporary storage of household or commercial goods and/or equipment and for ease of loading to and from a transport vehicle. See Figure 15-16.

Figure 15-16: Portable Storage Container



Porch
A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Protest Petition
A formal written petition of opposition filed by property owners near property proposed to be rezoned. See Sec. 12.030H for additional information.

Public, Civic and Institutional Use Category
See Sec. 5.040.

Pump Island
A concrete structure in the immediate vicinity of and designed to support and protect gasoline and fuel pumps.

Sec. 15.200 Words and Terms Beginning with "Q"
RESERVED

Sec. 15.210 Words and Terms Beginning with "R"

Rainwater Collection Equipment
A rain barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

Recreational Equipment
Any snowmobile or all-terrain vehicle (as that term is defined in the Illinois *Motor Vehicle Code*), and any watercraft including personal watercraft and specialty prop-craft (as those terms are defined in the Illinois *Boat Registration and Safety Act*), and the trailers used to transport or store such equipment.

Recreational Vehicle
Any camping trailer, motor home, mini-motor home, travel trailer, truck camper and van camper as those terms are defined in the Illinois *Motor Vehicle Code*, or any other habitable vehicle used primarily for recreational purposes.

Recycling Use Category
See Sec. 5.080.

Recyclable Material Drop-off Facility
See Sec. 5.080A.

Recyclable Material Processing
See Sec. 5.080B.

Religious Assembly
See Sec. 5.040L.

Research Service
See Sec. 5.050E5.

Residential Use Category
See Sec. 5.030.

Residential (Zoning) District
Any of the R districts of Article 2.

Restaurant
See Sec. 5.050G.1.

Retail Sales
See Sec. 5.050M.

Ringelmann Chart
A chart described by the U.S. Bureau of Mines Information Circular 6888 and upon which are illustrated graduated shades of gray for use in estimating the light obscuration of smoke.

Ringelmann Number
The next lowest shade number on the Ringelmann Chart that most nearly corresponds to the light obscuration of the smoke being measured. For example, smoke capacity lying between No. 1 and No. 2 shades of gray on the Ringelmann Chart is measured as Ringelmann No. 1 smoke.

Sec. 15.220 Words and Terms Beginning with "S"

Safety Service
See Sec. 5.040M.

School
See Sec. 5.040N.

Self-service Storage Facility
See Sec. 5.050N.

Service Bay
An area within an enclosed building that is used to store and service one motor vehicle.

Setback
Open space areas required between buildings and lot lines. See Sec. 14.100.

Setback, Contextual
See Sec. 14.100D.

Shed
An accessory storage building used for the comfort, convenience or necessity of the occupants of the principal structure on the lot upon which the shed is located.

Sheltered Care
See Sec. 5.030B.3.

Shopping Center
A series of at least 3 retail establishments or professional offices with individual entrances, sharing a common wall and common off-street parking.

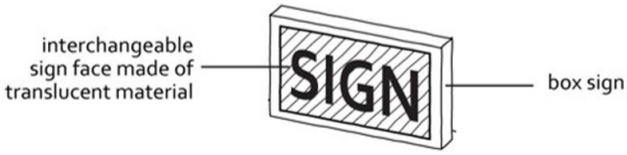
Sign
Any object, device, display or structure, or part thereof, excluding patio umbrellas that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, or illumination whether affixed to a building or separate from any building.

Sign, Abandoned/Obsolete
A sign that no longer identifies or advertises a bona fide person, business, lessee, owner, product, activity, place, idea, institution or service, or a sign for which no legal owner can be found.

Sign, Advertising Off-Premises
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. Village-sponsored banners located in established business districts and advertising affixed to village-owned vehicles are not considered advertising off-premises signs.

Sign, Box
A sign that principally consists of a metal or other type of enclosure, typically rectangular or regular in geometric form that houses internal sign illumination and provides a supporting structure for an interchangeable sign face on one or both sides of the sign that is painted, screen printed, or otherwise applied on a Plexiglass or other transparent or translucent material. See Figure 15-17.

Figure 15-17: Box Sign



Sign, Commercial
A sign that identifies, advertises, or directs attention to a commercial business, or is intended to induce the purchase of goods, property, or service; including, without limitation, a sign naming a brand of goods or service.

Sign, Contractor
Signs placed by a contractor for a limited period of time for the purpose of identifying work being performed on the subject property.

Sign, Development
A sign placed by a developer engaged in development activities for a limited period of time on the subject lot or lots for the purpose of identifying the work of the developer.

Sign, Directly Illuminated
A sign having its characters, letters, figures, designs, or outlines illuminated by any source of artificial lighting that is located on or within the perimeter of such sign.

Sign, Directional
Signs that display messages intended to direct pedestrian or vehicular traffic, such as "one-way," "entrance," "drive-thru," and "exit" but that do not identify the establishment itself or other goods or services available at the establishment or display other advertising messages.

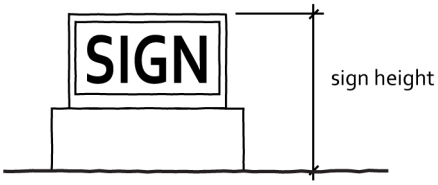
Sign, Flashing
A directly or indirectly illuminated sign with a source of artificial light that is not stationary or constant in intensity or color at all times when such sign is illuminated.

Sign, Freestanding
A sign with at least 2 support structures of less than 2 feet in width that is not attached to the principal building on the property, and is anchored in or upon the ground.

Sign, Governmental
A sign erected and maintained pursuant to and in discharge of any governmental function. Common examples include street name signs and speed limit signs.

Sign Height
The vertical distance from the finished surface of the ground at the base of a sign to the highest point of the sign. See Figure 15-18.

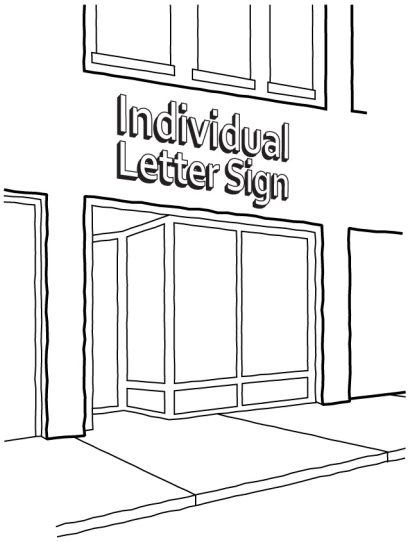
Figure 15-18: Sign Height



Sign, Indirectly Illuminated
A sign having its characters, letters, figures, designs, or outlines illuminated entirely by its own source of artificial light located outside the perimeter of such sign.

Sign, Individual Letter
A wall sign made of individual letters that are separately affixed to the face of a building and that does not project more than 12 inches above the top of the parapet wall. See Figure 15-19.

Figure 15-19: Individual Letter Sign



Sign, Marquee

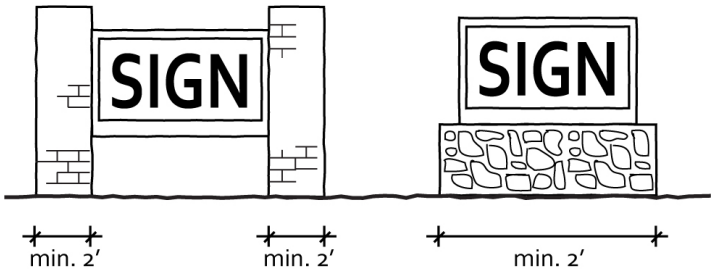
A permanent roof-like structure made of durable, rigid material extending from the entrance of a building over a pedestrian or vehicular thoroughfare. A marquee is supported by the exterior wall of the building and contains a sign board or changeable copy. See Figure 15-20.

Figure 15-20: Marquee Sign

Sign, Monument

A sign anchored in or upon the ground that is completely or principally supported by a structure of no less than 2 feet in width. See Figure 15-21.

Figure 15-21: Monument Sign



Sign, Moving
Any sign that rotates or moves or that gives the visual impression of rotating or moving.

Sign, Noncommercial
A sign that does not promote commercial activity, such as ornamental entry gate signs. Home occupation signs are also deemed noncommercial signs.

Sign, Ornamental Entry Gate
A freestanding, non-illuminated or indirectly illuminated sign that sets forth the name of a subdivision or planned unit development.

Sign, Political
A noncommercial sign announcing or describing candidates seeking public political office or announcing or describing political issues and data pertinent thereto.

Sign, Portable
A sign that is intended to be moved from place to place including but not limited to tent signs, signs on wheels, signs with trailer hitches, and portable signs with internally illuminated message boards.

Sign, Projecting
Any sign that is attached to a wall in a perpendicular manner.

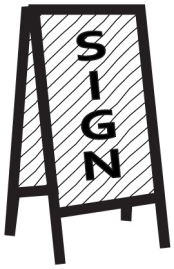
Sign, Public Hearing Notice
A sign posted by or on behalf of the village that is intended to provide legal notice of a public hearing or meeting concerning the property on which the sign is posted.

Sign, Real Estate
A sign used or intended for use for purposes of advertising a parcel of land or a building that is or will be available for sale or lease.

Sign, Roof
A sign that is permanently attached to the roof of a structure, excluding the face of a mansard roof.

Sign, Sandwich Board
A two-sided movable sign of 6 feet or less in area per side that opens at the bottom and is joined at the top and that is intended to be placed on the ground. See Figure 15-22.

Figure 15-22: Sandwich Board Sign



Sign Setback
An area on a lot in which no signs may be placed, measured from the lot line to the face of the sign or its support, whichever is closest to the lot line.

Sign, Shingle
A sign that is suspended from a horizontal arm of a freestanding pole. See Figure 15-23.

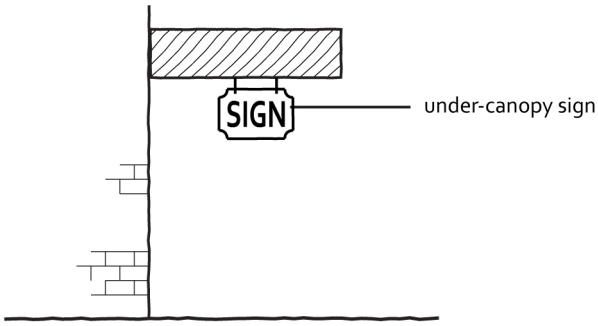
Figure 15-23: Shingle Sign

Sign Surface Area
See "Surface Area" (of a sign)

Sign, Temporary
A sign designed and intended for a temporary period of posting, typically constructed of non-durable materials such as paper, cardboard, cloth, plastic and/or wallboard, and that does not constitute a structure subject to the building code or this zoning ordinance.

Sign, Under-canopy
A sign suspended beneath a canopy or marquee. See Figure 15-24.

Figure 15-24: Under-canopy Sign



Sign, Vehicle
A sign attached to a vehicle, excluding advertising posters on buses or taxicabs. See Figure 15-25.

Figure 15-25: Vehicle Sign

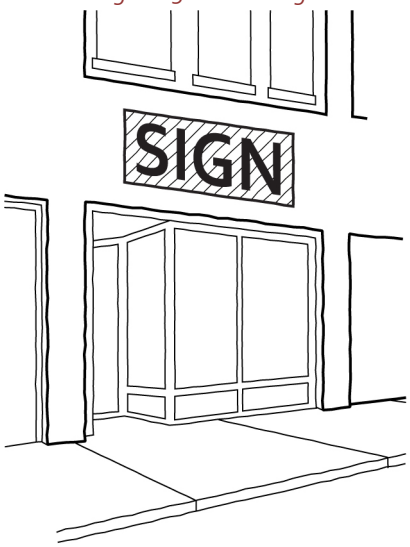
Sign, Village Public Service

A sign posted or erected by the village, the function of which is to promote items of general public interest to the community.

Sign, Wall

A sign attached or erected against a wall of a building or structure with the exposed face of the sign or plane parallel to the plane of the wall. See Figure 15-26.

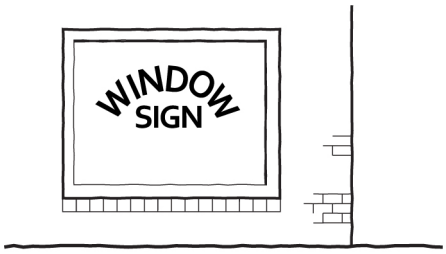
Figure 15-26: Wall Sign



Sign, Window

An interior sign, located within 2 feet of a window that is installed inside, painted upon or placed against a window for purposes of viewing from outside the premises, not including merchandise located in a window display. See Figure 15-27.

Figure 15-27: Window Sign



Smoke

A visible discharge from a chimney, stack, vent, exhaust or combustion process that is made up of particulate matter.

Solar Energy System
A system intended to convert solar energy into thermal, mechanical or electrical energy.

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.

Solar Energy System, Structure-Mounted
A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

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.

Solar Energy System, Ground-Mounted
A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

Solar Panel
A group of photovoltaic cells assembled on a panel. Panels are assembled on-site into solar arrays.

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 is no floor above it then the space between the floor and the ceiling above the floor of such story.

Structure
Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground. Common examples include buildings, freestanding signs, back stops for tennis courts, canopies and awnings, pump islands, at- or above- grade walkways, swimming pools, antennae, and pergolas.

Structural Alterations
Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, excepting such alterations as may be required for the safety of the structure.

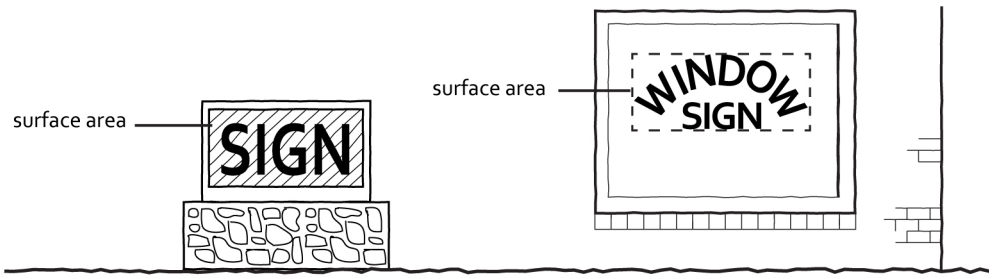
Studio, Instructional or Service
See Sec. 5.050E4c.

Structure, Principal
A structure, other than an accessory structure, in which the principal use of the lot is conducted.

Surface Area (of a sign)

The entire area of a monument or freestanding sign within a single continuous rectangular perimeter enclosing the extreme limits of a sign, exclusive of any structure or framing elements. Only one display face shall be measured in computing the surface area. For wall and window signs, the surface area of the sign shall be determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on the sign face excluding the support and architectural features. In the case of a wall or window sign with more than one exterior surface containing items of information, the area shall be the sum total of the display surface as determined by drawing an imaginary square or rectangular envelope so as to completely enclose the copy on each sign face excluding the support structure and architectural features. See Figure 15-28.

Figure 15-28: Sign Surface Area



(Ord. No. 5760, 7/10/18)

Sec. 15.230 Words and Terms Beginning with "T"

Telecommunications Tower, Alternative

An artificial tree, clock tower, bell tower, steeple, light pole or similar alternative-design mounting structure that helps to camouflage a telecommunications facility or conceal its presence.

Telecommunications Tower Height

The distance measured from the finished surface of the ground at the base of the tower to the highest point on the telecommunications tower or other structure supporting an antenna, including the base pad and any antenna.

Telecommunications Towers and Antennas, Preexisting

Any telecommunications tower or antenna for which a building permit or conditional use was issued prior to August 1, 1997, including permitted telecommunications towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Temporary Use

An activity permitted on a limited basis pursuant to Chapter 4 of the municipal code.

Tenant Frontage

The width of a tenant space measured from one side wall to the other along the front exterior wall or other drivable accessible routes or the BNSF railroad right-of-way for purposes of Sections Sec. 9.050C5 or Sec. 9.060E4.

Terrace, Open; Patio
A level plane or platform that, for the purpose of this zoning ordinance, is located adjacent to one or more faces of the principal structure and that is no more than 4 feet in height above grade.

Theater
A building or outdoor area in which plays, movies and other dramatic performances are given.

Tower, Freestanding (Wireless Telecommunications)
See Sec. 5.040P.1.

Toxic or Noxious Matter
Materials capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Trade School
See Sec. 5.050O.

Travel Trailer
A trailer designed to be used only as a temporary dwelling for travel, recreational and vacation use, and not exceeding 8 feet in width.

Trucking and Transportation Terminals
See Sec. 5.060B.

(Ord. No. 5472, § 4, 7/21/15)

Sec. 15.240 Words and Terms Beginning with "U"

Use, Permitted
A use that is expressly allowed (as of right) in the subject zoning district subject to compliance with all other applicable regulations of this zoning ordinance.

Use, Special
A use that may be allowed in the subject zoning district if approved in accordance with the special use procedures of Sec. 12.050, subject to compliance with all other applicable regulations of this zoning ordinance.

Utilities and Public Service Facility
See Sec. 5.040O.

Utility-Scale Energy Production
An energy production facility that produces electric energy for widespread distribution through the electric power grid.

Sec. 15.250 Words and Terms Beginning with "V"

Vacant
Land on which there are no structures or only structures that are secondary to the use or maintenance of the land itself.

Vehicle Body and Paint Finishing Shop
See Sec. 5.050P.6.

Vehicular Use Area
An area that is devoted to use by or for motor vehicles, including off-street parking areas (accessory or non-accessory); off-street loading areas; vehicle storage areas; fuel stations; car washes; drive-through service areas and auto sales lots. Enclosed areas and access drives used solely for access between the street and the vehicular use area are not considered part of a vehicular use area.

Vehicle Sales and Service
See Sec. 5.050P.

Veterinary Care
See Sec. 5.050B3.

Vibration
A periodic displacement of the earth measured in inches.

Sec. 15.260 Words and Terms Beginning with "W"

Walkways, At- or Above-grade, Covered
Covered structures for pedestrian access, connecting structures on 2 adjacent lots.

Warehouse
See Sec. 5.060C.

Wholesale, Distribution and Storage Use Category
See Sec. 5.060.

Wholesale Sales and Distribution
See Sec. 5.060D.

Wine and/or Beer Boutique
See Sec. 5.050G.2.

Wireless Telecommunications
See Sec. 5.040P.

(Ord. No. 5760, 7/10/18)

Sec. 15.270 Words and Terms Beginning with "X"

RESERVED

Sec. 15.280 Words and Terms Beginning with "Y"

Yard

The actual (as opposed to "required") horizontal distance that exists between a principal building and a property line. See also "setback" in Sec. 14.100.

Yard, Street

The yard that exists between a principal building and the street property line of the lot on which the building is located, extending along the full length of the street property line.

Yard, Rear

The yard that exists between a principal building and the rear property line of the lot on which the building is located, extending along the full length of the rear property line.

Yard, Side

The yard that exists between a building and the interior side property line of the lot on which the building is located, extending along a side property line.

Sec. 15.290 Words and Terms Beginning with "Z"

Zoning Map

The map displaying the location and boundaries of the zoning districts described in this zoning ordinance.

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