



**VILLAGE OF
SOUTH CHICAGO HEIGHTS
ZONING CODE**

Adopted August 15, 2016

TABLE OF CONTENTS

Chapter 1. ZONING TITLE, PURPOSE, AND CONSTRUCTION	1
Part#	
I. SHORT TITLE	
II. PURPOSE	
III. INTERPRETATION	
IV. SEPARABILITY	
V. SCOPE OF REGULATIONS	
VI. PENALTY	
VII. ZONING DISTRICT CLASSIFICATIONS	
VIII. ZONING DISTRICTS MAP	
IX. ZONING OF ANNEXED LAND	
Chapter 2. DEFINITIONS	6
Part#	
I. GENERAL DEFINITIONS	
Chapter 3. ZONING ADMINISTRATION AND ENFORCEMENT	22
Part#	
II. ADMINISTRATIVE OFFICIALS AND BODIES	
III. PLANNING DOCUMENTS AND PROCEDURES	
IV. ZONING APPLICATIONS AND HEARING	
V. ZONING CERTIFICATES	
VI. INTERPRETATIONS, APPEAL AND VARIATIONS	
VII. AMENDMENTS AND SPECIAL APPROVALS	
Chapter 4. GENERAL ZONING PROVISIONS	90
Part#	
I. HOME OCCUPATION REGULATIONS	
II. ACCESSORY BUILDINGS AND USED	
III. PERMITTED OBSTRUCTIONS IN YARDS	
IV. OUTDOOR SALES AND STORAGE	
V. TEMPORARY USES	
VI. RECREATIONAL VEHICLES AND TRAILERS	
VII. FENCES, SCREENING, AND REFUSE AREAS	
VIII. AUTOMOBILE DEALERS	
IX. ADULT USES	
X. BUILDING HEIGHT LIMITATIONS	
XI. BUILDINGS ON A LOT	
XII. USES	
XIII. AREA AND LOT WIDTH	

TABLE OF CONTENTS

XIV. YARD REQUIREMENTS

Chapter 5. NONCONFORMING USES AND STRUCTURES **103**

Part#

- I. PURPOSE AND INTENT
- II. AUTHORITY TO CONTINUE LEGAL NONCONFORMING USES
- III. RESTRICTIONS ON LEGAL NONCONFORMING USES AND STRUCTURES

Chapter 6. USE REGULATIONS **105**

Part#

- I. USE REGULATIONS AND INTERPRETATION
- II. PERMITTED AND SPECIAL USES

Chapter 7. RESIDENTIAL DISTRICTS **109**

Part#

- I. GENERAL REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS
- II. RESIDENTIAL ZONING DISTRICT REGULATIONS

Chapter 8. BUSINESS DISTRICTS **114**

Part#

- I. GENERAL REQUIREMENTS FOR ALL BUSINESS DISTRICTS
- II. BUSINESS DISTRICT ZONING REGULATIONS

Chapter 9. INDUSTRIAL DISTRICTS **121**

Part#

- I. INDUSTRIAL DISTRICT ZONING REGULATIONS

Chapter 10. OFF-STREET PARKING AND LOADING **123**

Part#

- II. OFF-STREET PARKING REQUIREMENTS
- III. CALCULATING OFF-STREET PARKING REQUIREMENTS
- IV. OFF-STREET PARKING DESIGN, LOCATION, AND USE STANDARDS
- V. OFF-STREET LOADING

Chapter 11. STREET GRAPHICS CODE **129**

Part#

- I. PURPOSE AND APPLICATION
- II. MEASUREMENTS AND CALCULATIONS

TABLE OF CONTENTS

- III. GENERAL DESIGN AND MAINTENANCE STANDARDS
- IV. PERMANENT SIGNS
- V. TEMPORARY SIGNS
- VI. DEFINITIONS

Chapter 12. PERSONAL WIRELESS SERVICE FACILITIES **170****Part#**

- I. PURPOSE
- II. INTERPRETATION
- III. DEFINITIONS
- IV. GENERAL LOCATION REGULATIONS
- V. TOWER AND ANTENNA DESIGN REQUIREMENTS
- VI. VILLAGE OWNED LAND
- VII. PREFERENCE FOR SHARED USE
- VIII. CONDITIONS
- IX. NONCONFORMITIES
- X. ABANDONED OR UNUSED TOWERS OR ANTENNAS; ENFORCEMENT; LIEN
- XI. INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS
- XII. ADDITIONAL APPLICATION REQUIREMENTS

Chapter 13. WIND AND SOLAR RENEWABLE ENERGY SYSTEMS **181****Part#**

- I. PURPOSE AND INTENT
- II. DEFINITIONS
- III. GENERAL REQUIREMENTS
- IV. SMALL WIND ENERGY SYSTEMS
- V. SOLAR ENERGY SYSTEMS

Chapter 1. Zoning Title, Purpose, and Construction

PART I – SHORT TITLE

1-101: This Code shall be known, cited, and referred to as the "Village of South Chicago Heights Zoning Ordinance."

PART II – PURPOSE AND INTENT

1-201: This Code is adopted for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people. The fulfillment of this purpose is to be accomplished by pursuing the following objectives:

- A. To lessen congestion on the public streets.
- B. To avoid undue concentration of population.
- C. To prevent the overcrowding of land, thereby insuring proper living and working conditions and preventing the development of blight and slums.
- D. To establish adequate standards for the provision of light, air, and open spaces.
- E. To facilitate the provision of adequate public services such as transportation, water, sewerage, open space and parks.
- F. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the village.
- G. To protect all areas alike from harmful encroachment by incompatible uses and to insure that land allocated to a class of uses shall not be usurped by inappropriate uses within the parameters of the standards and requirements of this Code.
- H. To avoid the inappropriate development of lands and provide for adequate drainage, curbing or erosion, and reduction of flood damage.
- I. To fix reasonable standards to which buildings and structures shall conform.
- J. To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
- K. To foster a more rational pattern of relationship between residential, business and industrial uses for the mutual benefit of all.
- L. To isolate or control the location of unavoidable nuisance-producing uses.

M. To define the powers and duties of the administrative and enforcement officers and bodies.

N. To prescribe penalties for any violation of the provisions of this Code, or of any subsequent amendments hereto.

The standards and requirements contained in this Code and the district mapping reflected on the Village Zoning Map are intended to implement all elements of the Comprehensive Plan, including the land use component, and the planning policies of the village.

PART III – INTERPRETATION

1-301: In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the conditions imposed by any provision of this Code, upon the use of buildings, structures or land, or upon the bulk of buildings or structures, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

1-302: This Code is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Code shall govern.

PART IV – SEPARABILITY

1-401: The several provisions of this Code are separable, as follows:

- A. If any court of competent jurisdiction shall adjudge any provision of this Code, or any amendment hereto, to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code, or any amendments hereto, to a particular building, structure or parcel of land, such judgment shall not affect the application of said provision to any other building, structure or parcel of land not specifically included in said judgment.

PART V – SCOPE OF REGULATIONS

1-501: All buildings or structures erected hereafter, all uses of buildings, structures or land established hereafter, and all structural alteration or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Code, or any amendment hereto, which are applicable to the zoning districts in which such buildings, structures or parcels of land shall be located.

1-502: Where a building permit for a building or structure has been issued in accordance with law prior to the effective date hereof, or any amendment hereto, and provided that construction was begun before the effective date hereof, or any amendment hereto, and completion is accomplished within eighteen (18) months of the adoption of these regulations, or any amendment hereto, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may, upon completion, be occupied for the use for which originally designated, subject thereafter to the provisions of Chapter 5 of this Code.

PART VI – PENALTY

1-601: It shall be unlawful for any person to violate, disobey, neglect, omit, refuse to comply with, or resist the enforcement of any of the provisions of this Zoning Code.

1-602: Upon making a determination that there exists a violation of this Code, the Community Development Director shall notify, in writing, by regular mail, the owner of the property, as reflected by the County's property tax records, upon which such violation exists. Within fourteen (14) days of notice of violation being given, or other time frame determined by the Community Development Director, the property owner shall eliminate the violation identified in the notice.

1-603: Any person who violates, disobeys, neglects, omits, refuses to comply with, or resists the enforcement of any of the provisions of this Code shall, upon conviction, be fined not less than one hundred (\$100.00) dollars nor more than seven hundred and fifty (\$750.00) dollars for each offense, and each day that a violation continues to exist shall constitute a separate offense. Nothing in this Chapter shall limit, reduce, or otherwise influence the village's rights or remedies at law or in equity.

PART VII – ZONING DISTRICT CLASSIFICATIONS

1-701: For the purpose of this Code, the village is hereby divided and classified into the following zoning districts:

Residential Districts	
R-1	Single-Family Residential Zoning District
R-2	Two-Family Residential Zoning District
R-3	General Residential Zoning District
Business Districts	
B-1	Downtown Zoning District
TCR	Town Center Redevelopment Zoning District
Industrial Districts	
I	Light Industrial Zoning District

PART VIII – ZONING DISTRICTS MAP

1-801: Designation: Such land and the zoning district classification thereof shall be as shown on the map designated as the "Village of South Chicago Heights Zoning Map," dated and signed by the Village Clerk upon adoption. This zoning map and all notations, dimensions, references and symbols shown thereon pertaining to such districts shall be as much a part of this Code as if fully described herein and shall be filed as part of this Code by the Village Clerk. Said map shall be available for public inspection in the office of the Village Clerk and any later alterations of this map adopted by amendment as provided in Chapter 3 of this Code shall be similarly dated, filed and made available for public reference.

1-802: Rules: The following rules shall apply with respect to the boundaries of the various zoning districts as shown on the Village Zoning Map:

- A. District boundary lines are the centerlines of highways, streets, alleys, easements, railroad rights-of-way, toll roads, expressways, rivers and other bodies of water, or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. Boundaries indicated as approximately following the centerlines of highways, streets, alleys, easements, toll roads or expressways shall be construed to follow such centerlines.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- D. Boundaries indicated as approximately following village limits shall be construed as following village limits.
- E. Boundaries indicated as following railroad lines shall be construed to be the established centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- F. Boundaries indicated as approximately following the centerlines of rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the centerline; the centerline shall be interpreted as being midway between the shorelines.
- G. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1-802(A) through 1-802(F) of this Section shall be so construed.
- F. Whenever any street, alley or other public right-of-way is vacated by official action of the Village Board or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public right-of-way shall be automatically extended to the centerline of such vacated street, alley or public right-of-way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

- H. Boundaries indicated as dividing a lot or tract shall be construed as being located as shown on the Village Zoning Map.
- I. Distances not specifically indicated on the Village Zoning Map shall be determined by the scale of the map.

PART IX – ZONING OF ANNEXED LAND

1-901: Zoning of Annexed Land: A party seeking to annex property into the village shall request a zoning classification for the property upon filing an application to annex into the village's municipal boundaries. Said requested zoning classification shall be reviewed by the village for consistency with the village's Comprehensive Plan, as well as the character of zoning in the area surrounding and abutting the subject property. The requested zoning classification shall be reviewed by the Planning and Zoning Commission and the Village Board in accordance with the provisions of Chapter 3 of this Code. A property that is annexed without requesting a zoning classification shall be zoned R-1, Single-Family Residential Zoning District.

4831-3563-2177, v. 1

Chapter 2. Definitions

PART I – WORD USAGE

1-101: For the purposes of this chapter, certain terms or words used herein are hereby defined and the following definitions shall be used in the interpretation of the provisions of this chapter.

- A. Words used in the present tense shall include the future tense;
- B. The singular number shall include the plural, the plural the singular;
- C. The word "person" shall include a firm, association, organization, partnership, trust, company or corporation;
- D. The words "used or occupied" include the words "intended, designed or arranged to be used or occupied";
- E. The word "shall" or "will" is mandatory;
- F. The word "may" is permissive;
- G. The word "Village" means the Village of South Chicago Heights, Illinois;
- H. The word "County" means the County of Cook, Illinois;
- I. In the event of a conflict or inconsistency between the text of this chapter and any heading, caption or figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all the applicable regulations or requirements.
- J. Lists or examples that use terms "such as," for example, "including," or other similar language are intended to provide examples and are not exhausted lists;
- K. Any other words used and not defined herein shall be construed as having the commonly accepted meaning as defined in a standard dictionary, except those words employed to refer to the permitted and special permit uses of this Code which will be interpreted, insofar as applicable, in accordance with the meaning established in the North American Industry Classification System Manual, 2012, as amended through the effective date of this Code and as further amended by the Village.
- L. The time within any act required by this Code is to be performed shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.

PART II - GENERAL DEFINITIONS

1-201: The following definitions, unless otherwise defined and noted, apply throughout this Code.

ACCESSORY USE OR STRUCTURE: A use or structure incidental and subordinate to the principal use of the land or a building on the same lot, serving a purpose customarily incidental to the principal use or structure and located behind the front wall of the principal building. An accessory use or structure is not allowed without the existence of a principal structure or use on the zoning lot. SEE FIGURE 1.

ADMINISTRATIVE AND/OR SALES SPACE: The area of a model home used actively for administration, supervision and clerical services in conjunction with dwelling sales, rental, or project

construction, but not including the area of model home used for decorated room mock up, materials and/or product display, or material storage.

ATTIC: Unfinished space between the ceiling joists of the story and the roof rafters.

BASEMENT: That portion of a building that is partly or completely below grade.

BLEACHERS: A grandstand where the seats are not provided with backrests.

BLOCK: A tract of land bordered on all sides by streets or by one or more streets and railroad right-of-way, stream or river or other lines of demarcation.

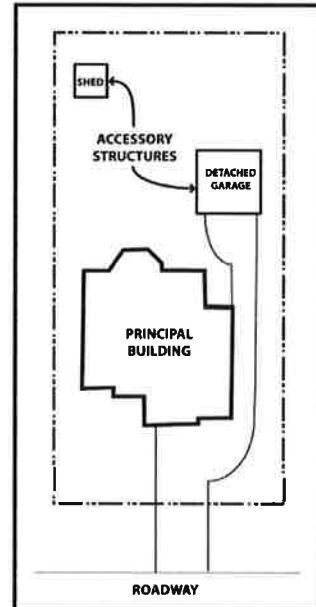


FIGURE 1

BREEZEWAY: A porch or roofed passageway for connecting two (2) buildings or parts of two (2) buildings. A breezeway must meet the following requirements: (A) Is constructed on a forty two (42") deep foundation; (B) Is enclosed by a roof and permanent walls; (C) Is at least six feet (6') wide; (D) Is not longer than twenty feet (20') measured between two (2) buildings.

BUILDER, CONTRACTOR DEVELOPER OR MANAGEMENT COMPANY: The individual, company, or corporation responsible for the development, sales, and/or rental of dwellings.

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind.

BUILDING, ACCESSORY: See "ACCESSORY USE" or "ACCESSORY STRUCTURE"

BUILDING, PRINCIPAL: A building that contains the main or principal use of a site on which the building is situated. SEE FIGURE 1 for typical location.

BUILDING HEIGHT: The Vertical distance, as measured from the average finished grade of all four (4) corners of the building to the average height of the roof.

BUILDING LINE: A line parallel to the street right-of-way line at any story or level of a building and representing the minimum distance which all or any part of the building is setback from said right-of-way line.

BUILDING SETBACK LINE (SETBACK): A minimum distance a building must be located from a property line. SEE "SETBACK". SEE FIGURE 2.

BUILD-TO-LINE: The exact distance that a building must be located from the street right-of-way. SEE FIGURE 2.

BUILD-TO-ZONE: An area from a street right-of-way in which the front or corner side façade of a building shall be placed. SEE FIGURE 2.

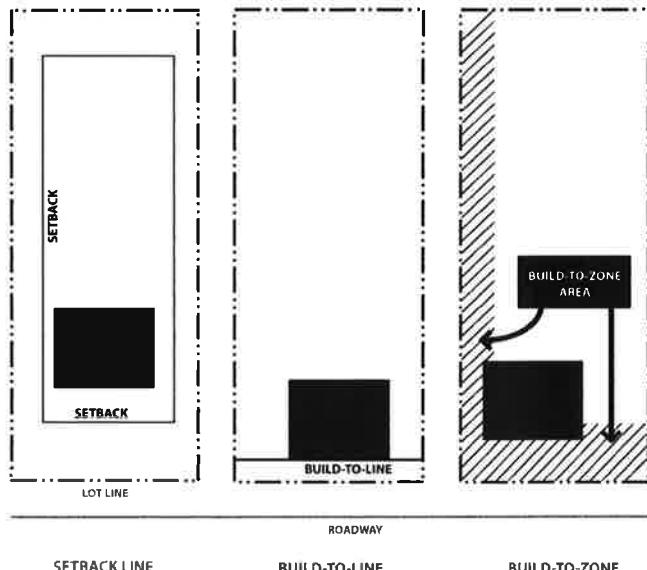


FIGURE 2

CODE: The Village of South Chicago Heights Zoning Ordinance, as amended.

COMPREHENSIVE PLAN: The Comprehensive Plan, adopted sub-area plans, and amendments thereto for the Village of South Chicago Heights which has been officially adopted to provide development policies for current and long range development within the Village and which may include, but not be limited to, the plan for land use, land subdivision, circulation, and community facilities.

CORPORATE AUTHORITIES: The Mayor and Board of Trustees of the Village.

COURT: An open unoccupied and unobstructed space, other than a yard on the same lot with a building or group of buildings.

DENSITY, GROSS: The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of all land (in acres) within the development. This would include all nonresidential land uses and private streets of the development as well as rights of way of dedicated streets; the result being the number of dwelling units per gross acre of land.

DENSITY, RESIDENTIAL: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including private streets, common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land.

DISABILITY: A physical or mental impairment which substantially limits one or more of a person's major life activities, impairs their ability to live independently, or a record of having such an impairment, or being regarded as having such an impairment.

DISTRICT: Any section of the village for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

DRAINAGE COURSE: A watercourse or indenture for the drainage of surface water.

DWELLING: Any residential building that is occupied for living purposes (SEE FIGURE 3):

Duplex: A building designed for or occupied by two (2) families totally separated from each other by an un-pierced wall extending from ground to roof.

Multiple-Family: A building designed for use by several or many families, including units that are located one over the other.

Single-Family: A detached building having no wall in common with another unit designed for or occupied by one family.

Townhomes: A single-family dwelling unit constructed in a group of three (3) or more attached units.

TYPES OF DWELLINGS

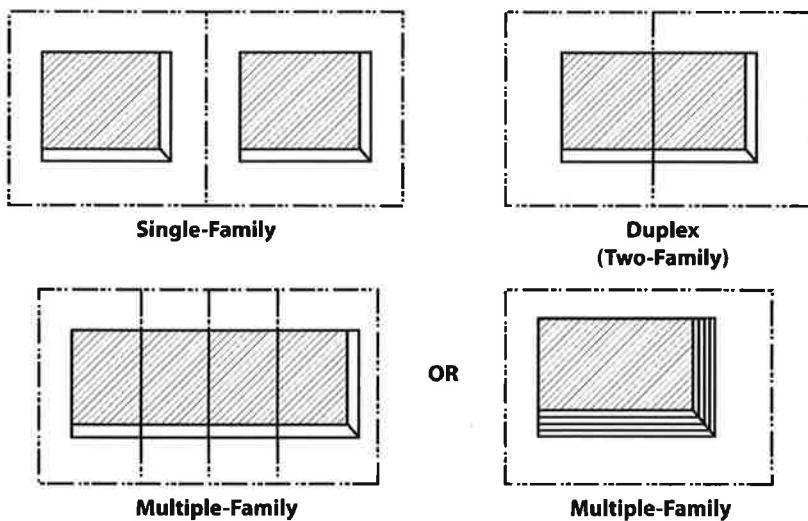


FIGURE 3: TYPES OF DWELLINGS

EASEMENT: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage courses and gas lines.

FAMILY: A person living alone, or two (2) or more persons related by blood, marriage, legal guardianship, or adoption (including foster children) living together as a housekeeping unit and occupying a single dwelling unit or a group of not more than three (3) persons not related by blood, marriage, legal guardianship, or adoption (including foster children) living together as the functional equivalent of a traditional family and a single housekeeping unit.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOR AREA, GROSS: The sum of the gross horizontal areas of all floors of a building, measured from the exterior face of exterior walls. Gross floor area shall include areas such as basement floors, but not cellar floors; elevator shafts and stairwells at each floor; floor spaces and shafts used for mechanical, electrical and plumbing equipment, except equipment located in a cellar or on the roof; penthouses; attic floors; interior balconies and mezzanines; enclosed porches and floor space used for accessory uses. It shall not include floor area devoted to off street parking or loading.

FOOT-CANDLES (fc): A quantitative unit measuring the amount of light (illumination) falling onto a given point, one foot-candle equals one lumen per square foot.

FRONTAGE: All the property on one side of a street or place between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place, or if the street or place is dead ended, then all the property abutting on one side between an intersecting street or place and the dead end of the street or place, but not including the dead end of the street. Multiple frontages shall not be construed to allow additional square footage of sign area beyond the maximum areas permitted under the zoning district in which the premises are situated.

GARAGE, PRIVATE: An accessory building designed or used for the storage of motor driven vehicles which are owned by the occupants of the building to which it is accessory.

GLARE: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

GRADE: The finished ground level adjoining the building at all exterior walls.

HOME OCCUPATION: Any ongoing activity conducted on the property with the intent to gain income whether it be the primary source of income or secondary source of income and incidental to the primary use of the property as residential.

IMPERVIOUS SURFACE: Any hard surface that does not absorb water, including, but not limited to, building roofs, sidewalks, parking, driveways, swimming pools, or other paved surfaces.

LOT: A piece or parcel of land occupied or to be occupied by a building or a use, or as a unit for the transfer of ownership.

LOT, BUILDING: For zoning purposes, as covered by this title, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and is a single lot of record. SEE FIGURE 4: TYPES OF LOTS

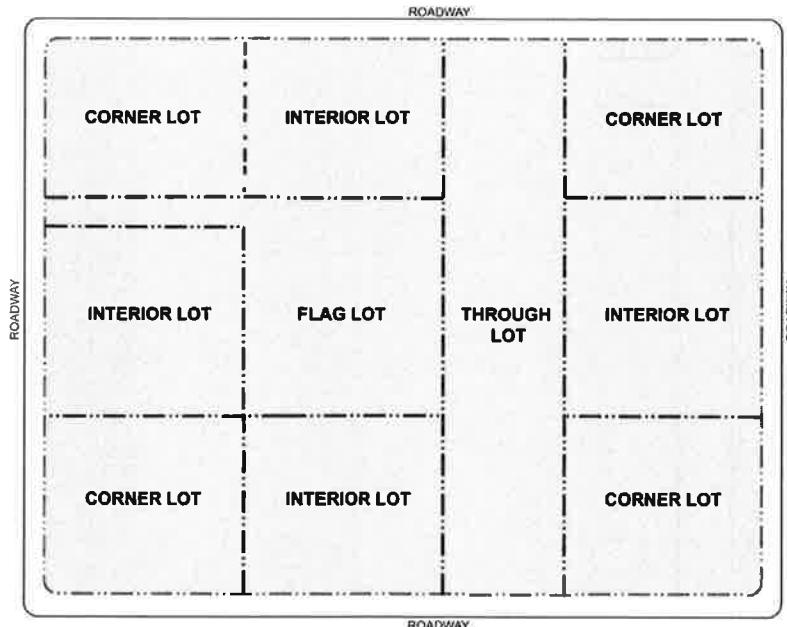
LOT, CORNER: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred twenty degrees (120°).

LOT, INTERIOR: A lot other than a corner lot with only one frontage on a street, other than an alley.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the county recorder.

LOT, REVERSED FRONTAGE: A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

LOT, THROUGH: A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two (2) streets may be referred to as "double frontage lots".



**FIGURE 4:
TYPES OF LOTS**

LOT COVERAGE: That percentage of a lot occupied by buildings, structures, or any impervious surface.

LOT FRONTRAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section. SEE FIGURE 5.

LOT LINES: The lines bounding a lot.

LOT MEASUREMENTS: (A) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(B) Width of a lot shall be considered to be the distance between the straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply.

(C) Area of a lot shall be computed from the area contained in horizontal plane defined by the lot lines.

LOT WIDTH: The dimension of a lot measured on the building setback line. SEE FIGURE 5.

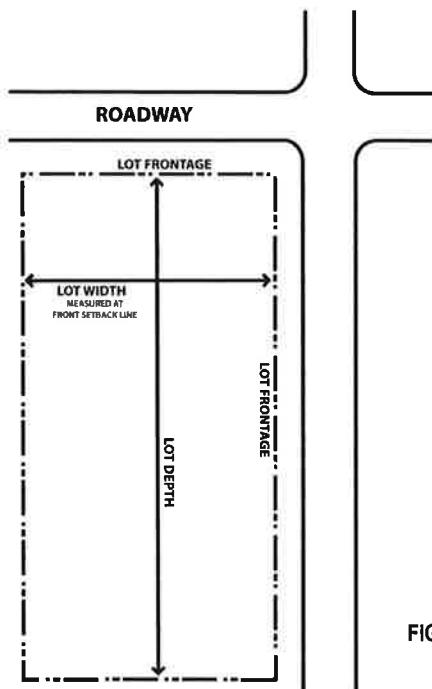


FIGURE 5: LOT DEPTH/LOT FRONTRAGE/LOT WIDTH

MODEL HOMES: Any sample or archetype of a dwelling and its attendant accessory uses as "dwelling" and "accessory use" are defined in this chapter of this code. The term "model home" shall not include "structures" as defined in this chapter, except archetypes of dwellings and accessory uses. In addition, temporary buildings constructed as dwelling mock ups may be considered as model homes. Mobile homes, trailers, or construction trailers shall not be considered as model homes for dwelling display purposes. A model home may be further defined as a dwelling used initially for display purposes which typifies the type of dwelling that will be constructed and sold or rented in other parts of the development.

NONCONFORMING USE: A building, structure or premises legally existing and/or used at the time of adoption of this title, or any amendment thereto, and which does not conform with the use provisions of this title for the district in which the premises is located.

OPEN SPACE: Land and/or water unoccupied by structures, buildings, streets, rights of way and automobile parking lots. Open space may contain walls, patios and structures for recreational use. Not more than fifty percent (50%) of the area used to satisfy stormwater management requirements set forth in other areas of this code shall be counted as open space required by this title.

OPEN SPACE, COMMON: Land and/or water unoccupied by structures, buildings, streets, rights of way and automobile parking lots and designed and intended for the use or enjoyment of all residents of a planned development or of all residents of the entire area in the advent of public dedication. Common open space may contain walks, patios, and structures for recreational use. Areas used for private open space, such as private courtyards, patios, gardens and not available to all residents of a planned unit development shall not be included as common open space.

OPEN SPACE, PRIVATE: Land and/or water unoccupied by structures, buildings, streets, rights of way and automobile parking lots, and designed and intended for the private use or enjoyment of an individual or limited number of individuals.

OUTDOOR LIGHTING: The nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

OWNER: An individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title.

PARKING LOT: A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.

PARKING, OFF STREET PARKING: As used in this title, "parking" and "off street parking" shall be deemed to include parking spaces, access driveways, aisles and all additional ancillary parking facilities.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

PARKS: Areas of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including tot lots, playgrounds, neighborhood parks, play fields and special purpose areas.

PERMITTEE: That person to whom a sign is issued.

PERSON: An individual, corporation, association, firm, partners and the like, singular or plural.

PLACE: An open unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

PLANNED UNIT DEVELOPMENT (PUD): A tract of land which is originally developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses, and is processed under the planned unit development provisions of this title. Also, a parcel of land planned as a single unit rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development). The greater flexibility in locating buildings and in combining various land uses often makes it possible to achieve certain economies in construction, as well as the preservation of open space and the inclusion of many amenities.

PLANNED UNIT DEVELOPMENT PLAN: A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned unit development are to be met and intended for recording with the county recorder of deeds.

PLAT: A map showing a plan for the subdivision of land which is submitted for approval and is intended in final form for recording.

POSTERBOARD OR BILLBOARD: A sign used for the display of advertising posters not usually associated with the product or major enterprise offered on the premises on which the sign is located.

PRIVATE STREET: A purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

PUBLIC WALKWAY: A public way designated for the use of pedestrian traffic.

RELIGIOUS INSTITUTION: The term includes the following: church, synagogue, rectory, parish house or similar building incidental to the particular use which is maintained and operated by an organized group of people for religious purposes.

RIGHT OF WAY: A strip dedicated to the public and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, public utility easements or for another special use.

ROOFLINE: Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

SANITARY SEWER: A constructed conduit connected with a sewer system for the carrying of liquids and solids other than storm waters to a sanitary treatment facility.

SCHOOL; PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY: Any school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of and in accordance with the applicable statutes of the state.

SETBACK (BUILDING SETBACK LINE):

A minimum distance a building must be located from a property line. SEE FIGURE 6.

FRONT SETBACK: A line parallel to and at a distance from the front lot line that establishes the minimum distance between said lot line and a structure on a lot.

INTERIOR SIDE SETBACK: A line parallel to and at a distance from the interior lot line that establishes the minimum distance between the interior lot line and a structure on a lot.

CORNER SIDE SETBACK: A line parallel to and at a distance from the corner side lot line that establishes the minimum distance between the corner side lot line and a structure on a lot.

REAR SIDE SETBACK: A line parallel to and at a distance from the rear lot line that establishes the minimum distance between the rear lot line and a structure on a lot.

SHOPPING CENTER: Any concentration of retail stores and service establishments in one or more buildings under single ownership or management with common parking facilities.

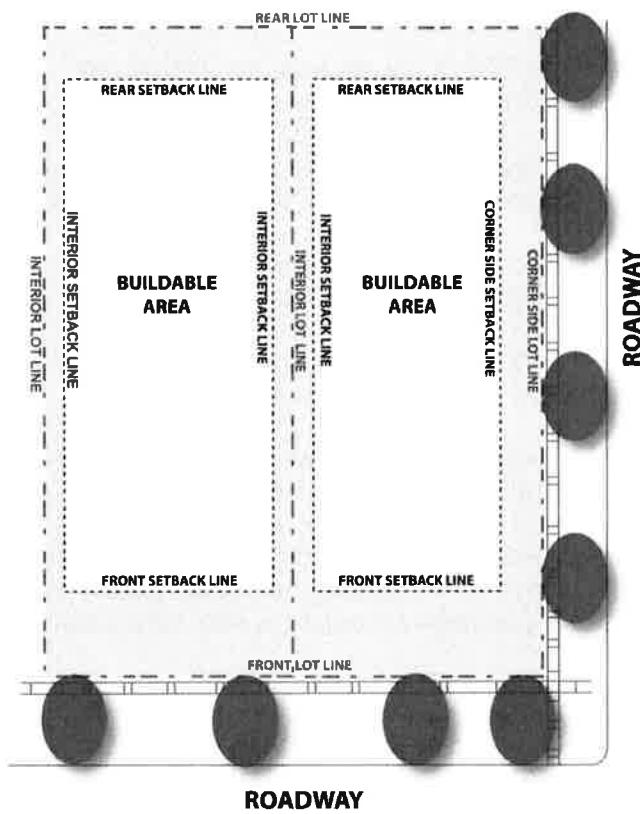


FIGURE 6: SETBACK LINES

SPECIAL USE: A specific use of land, buildings or both described herein, subject to special provisions which, because of unique characteristics, have not been specifically classified as a permitted use (also referred to as a "conditional use").

STORY: That portion of a building above grade included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

STREET: A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one parcel of land.

Alleys: Minor ways which are used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

Arterial Streets And Highways: Those designed or utilized primarily for high vehicular speeds and/or for heavy volumes of traffic.

Collector Streets And Highways: Those designed or utilized to carry intermediate volumes of traffic from minor streets to arterial streets.

Local Streets: Those which are used or will be used primarily for access to abutting properties and which carry limited volumes of traffic.

Service Access Streets (Frontage Streets): Minor streets which are parallel and adjacent to higher classified thoroughfares and which serve to reduce the number of access points to those thoroughfares and thereby increase traffic safety.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. The term structure shall also include "tents" as that term is defined herein, notwithstanding that said tent may be erected on a temporary basis only.

TENT: A portable shelter consisting of canvas, other coarse cloth or flexible material stretched out and extended over support structures or supported by forced air, and attached to stakes or other anchoring devices. A "tent" as used herein, shall be considered a "structure".

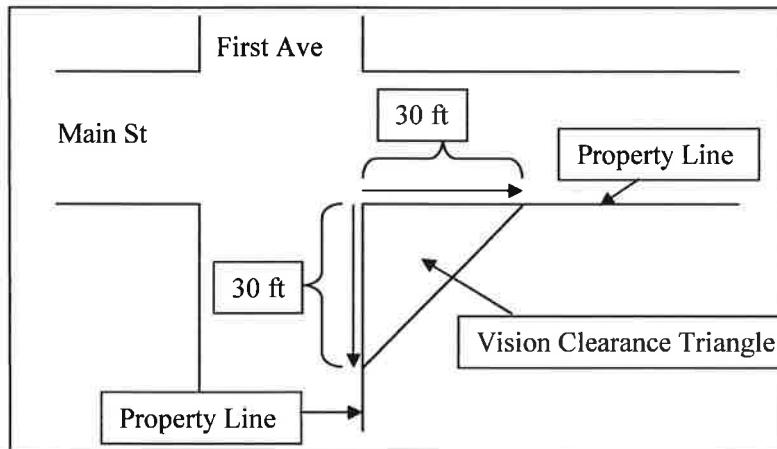
TITLE: The Village of South Chicago Zoning Ordinance, as amended.

UNIFIED CONTROL: The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the controls applicable to the planned unit development.

UNUSUALLY SHAPED SIGNS: Such as globes, cylinders or pyramids shall be considered double faced signs, and the sign area shall be computed as one-half (1/2) the total of the exposed surfaces.

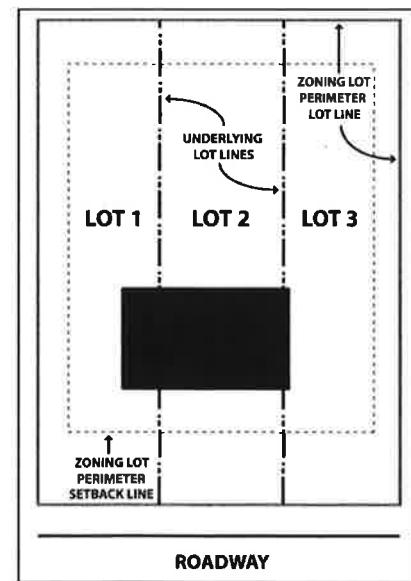
VISION CLEARANCE TRIANGLE. An area located at the intersection of two (2) streets delineated by measuring thirty (30') feet from the intersection of the two (2) right of way lines as depicted in Figure 7 below.

Figure 7: Vision Clearance Triangle



ZONING LOT: A tract of land consisting of individual parcels of land located within a block, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership. SEE FIGURE 8.

FIGURE 8: ZONING LOT



SUBDIVISION: Any of the following shall constitute a subdivision as that term is used in this title:

- (A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership;
- (B) Any construction or development which has an impact upon, involves or relates to present or proposed facilities fostering the public health, safety and welfare, including, but not limited to, streets, alleys and ways, easements of access, curbs, gutters, sidewalks, streetlights, parks, playgrounds, storm water drainage and/or management facilities, water supply and distribution systems, sanitary sewers, or sewage collection and treatment;
- (C) Any changes or alterations or any other activity having an impact upon existing topography or grades, or any other surface features, including, but not limited to, changes to same made in connection with the construction, development, installation or operation of irrigation or sprinkler systems designed to distribute water, excavation or other disturbance of the surface for construction of storm water management facilities, or of ornamental or reflecting ponds; and partial or complete installation of new or reconfiguration of existing outdoor amusement or sporting facilities; and
- (D) The improvement of one or more parcels of land for residential, commercial or industrial structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures;
- (E) The revision or amendment of a recorded plat of subdivision or planned unit development if such revision constitutes a subdivision under subsections (A), (B) or (C) of this definition; or
- (F) The development of one or more lots or parcels as one unified use or development. Example: A five (5) lot parcel developed as one unit, improved with a shopping center containing several buildings and a parking lot.

YARD: An open space unoccupied and unobstructed by any structure or portion of a structure; except otherwise permitted in this ordinance that extends along a lot line and right angles to a depth or width extending to the specified line or lines of the principal building. SEE FIGURE 9: TYPES OF YARDS

- (A) **Front Yard:** A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right of way line and a line on the lot which is at all points equidistant from and parallel to the street line.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of

the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the community development director, or authorized designee, may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two (2) frontages, the community development director, or authorized designee, shall determine the front yard requirements, subject to the following limitations:

1. At least one front yard shall be provided having the full depth required generally in the district.
2. No other front yard on such lot shall have less than half the full depth required generally.

Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines and the foremost point of the lot. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

(B) Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half depth front yard.

Depth of required rear yards shall be measured at right angles to a straight line across the lot joining the rearmost points of the side lot lines or in the case of a dedicated alley it shall be measured from the rearmost points of the side lot lines when extended to the centerline of said alley. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

(C) Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line.

In the case of through lots, side yards shall extend from the rear lines of the front yards required.

Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner

side yard line of a required side yard shall be parallel to the straight line so established.

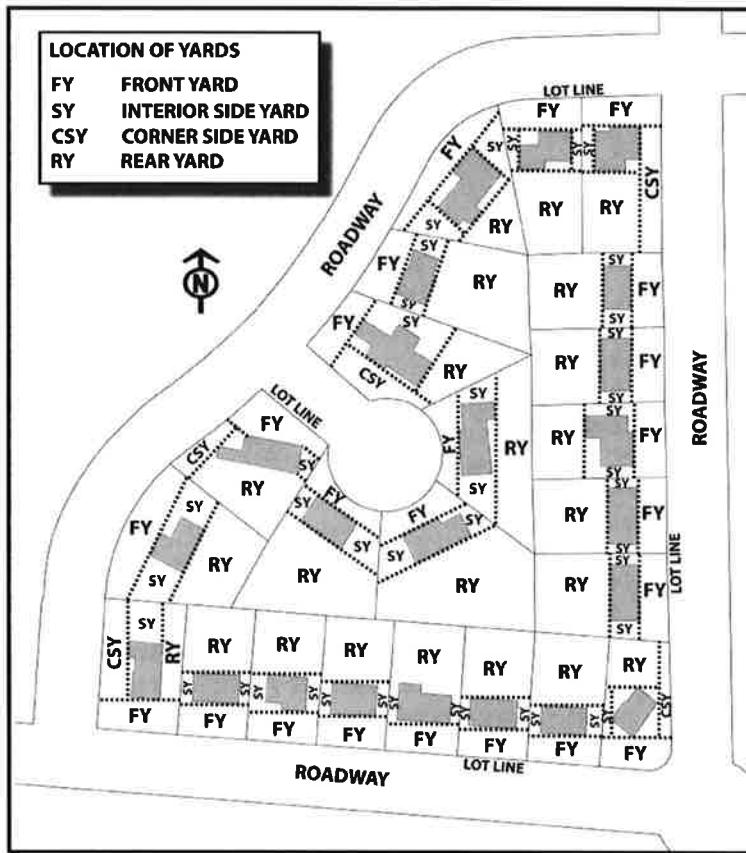


FIGURE 9:
TYPES OF YARDS

4853-2060-9831, v. 1

Chapter 3. Zoning Administration and Enforcement

PART I - ADMINISTRATIVE OFFICIALS AND BODIES

1-101: COMMUNITY DEVELOPMENT DIRECTOR

- A. General Powers. The Community Development Director will be charged with the administration and enforcement of this Code. In addition to the jurisdiction, authority and duties conferred on the Community Development Director by other provisions of State statutes and Village codes and ordinances, the Community Development Director will have all powers necessary to such administration and enforcement, and will, in particular, have the jurisdiction, authority and duties hereinafter set forth.
- B. Rules; Regulations; Application Forms. The Community Development Director will, consistent with the express standards, purposes and intent of this Code, promulgate, adopt and issue procedural rules, regulations and forms as are in the Community Development Director's opinion necessary to the effective administration and enforcement of the provisions of this Code.
- C. Staff Assistance to the Planning and Zoning Commission. The Community Development Director will make staff and consulting assistance available to the Planning and Zoning Commission, and the Community Development Director, or his delegate, will in that capacity:
 - 1. Attend the meetings of the Planning and Zoning Commission;
 - 2. Inform the Planning and Zoning Commission of all facts and information at the Community Development Director's disposal with respect to any matter brought before the Planning and Zoning Commission;
 - 3. Assist the Planning and Zoning Commission by performing research and making recommendations on matters brought before each body; and
 - 4. Perform such other duties as may be assigned to the Community Development Director by this Code and by the direction of the Board of Trustees.
- D. Records. The Community Development Director will, subject to Village record retention policies, maintain:
 - 1. Permanent and current records of this Code, including all maps; amendments; special permits; planned development and site plan approvals and denials; interpretations; and decisions rendered by the Planning and Zoning Commission, the Village Attorney and the Community Development Director, together with relevant background files and materials and final disposition of the Board of Trustees;
 - 2. A current file of all Certificates of Zoning Compliance, all Certificates of Occupancy and notices of violations, terminations, discontinuance or removal, issued by or entrusted to the Community Development Director's office, for such times necessary to ensure continuous compliance with the provisions of this Code; and

3. A current file of all nonconforming uses and signs in the Village, by location and type of use.

E. Zoning Text; Zoning Map. The Community Development Director will prepare and have available for public sale on or before March 31 of each year:

1. The compiled text of this Code in book or pamphlet form, including all amendments thereto through the preceding December 31; and
2. The official Zoning Map, showing the zoning districts, divisions and classifications in effect on the preceding December 31.

The Community Development Director will, at all other times, maintain, and have available for reproduction, at least one up-to-date copy of both this Code text and the Zoning Map, showing all amendments through the most recent meeting of a Board of Trustees for which official minutes have been approved.

F. Applications: Receipt, Processing, Referral to Interested Parties and Agencies. The Community Development Director will receive all applications required to be filed pursuant to this Code. Upon receipt of any such application, the Community Development Director will see to its expeditious processing, including its prompt referral to and retrieval from each official department, board or commission of the Village, or other government, with any interest or duty with respect to such application. Unless otherwise provided, the Community Development Director may waive any application requirements that require the submission of supporting information where the applicant demonstrates to the satisfaction of the Community Development Director that the information required is not relevant to or necessary for the determination of the application submitted.

G. Investigation of Applications. Whenever the Planning and Zoning Commission or the Board of Trustees will, by general rule or specific direction, so request, the Community Development Director will conduct or cause to be conducted such surveys, investigations and field studies, and will prepare or cause to be prepared such reports, maps, photographs, charts and exhibits, as will be necessary and appropriate to the processing of any application filed pursuant to this Code.

H. Zoning Certificates. Pursuant to the provisions of Sections 1-401 and 1-402 of this Chapter, the Community Development Director will review all applications for Certificates of Zoning Compliance and Certificates of Occupancy and approve or disapprove such applications and issue or refuse to issue such certificates based on compliance or noncompliance with the provisions of this Code.

I. Interpretations. Pursuant to the provisions of Section 1-501 of this Chapter, the Community Development Director will issue his written interpretation of the meaning and applicability of specific provisions of this Code. Any interpretation of this Code that may be rendered by the Planning and Zoning Commission or the Community Development Director will be kept on file with the Community Development Director and will be a public record of the Village.

J. Approval of Site Plans. Pursuant to the provisions of Section 1-604 of this Chapter, the Community Development Director will have authority to review and approve or deny applications for site plan approval in this cases specified in Paragraph 1-604 C(1).

K. Planned Development and Site Plan Modifications. Pursuant to the provisions of Paragraph 1-603 K and Subsection 1-604 of this Chapter, the Community Development Director will have authority to permit adjustments to final plans for planned developments and to site plans.

L. Extensions of Time.

1. The Community Development Director may, upon written request, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this Code unless an ordinance or resolution expressly provides otherwise. The total period of time granted by such extension or extensions will not exceed the length of the original period or 90 days, whichever is less.
2. The Board of Trustees may, upon written request, for good cause shown, and without any notice or hearing, grant extensions of any time limited imposed on an applicant or permittee by this Code provided an ordinance or resolution, as appropriate, is duly adopted by a two-thirds vote of the Board of Trustees. The total period of time granted by such extension or extensions will be specifically stated in the ordinance or resolution.

M. Inspection and Enforcement. In furtherance of the enforcement of this Code, the Community Development Director will undertake regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper; will undertake additional inspections as may be necessary to the performance of his duties under this Code; will receive from any person complaints alleging, with particularity, a violation of this Code; and when appropriate will cause investigations and inspections as may be warranted under the circumstances.

Upon finding the existence of any violation of this Code, the Community Development Director will take or direct all actions necessary or appropriate to punish and abate such violation.

N. Reports. The Community Development Director will, from time to time, prepare and submit a report to the Board of Trustees and the Planning and Zoning Commission concerning the administration of the land use and development regulations of the Village, setting forth information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations and setting forth the Community Development Director's recommendations for the improvement of these regulations and their administration.

1-102: PLANNING AND ZONING COMMISSION

A. Established. The Planning and Zoning Commission established by the South Chicago Heights Village Code, as amended, is the Zoning Board of Appeals and Plan Commission referred to in this Code. The provisions of this Code with respect to the Planning and Zoning Commission will be deemed supplementary to the provisions of the South Chicago Heights Village Code, as amended. Reference should be made to the South Chicago Heights Village Code for a complete description of the membership, term of office and rules of procedure of the Planning and Zoning Commission. The distinctions made in this Code between the Zoning Board of Appeals and Plan Commission are established for the purposes of defining the authority of the Planning and Zoning Commission and in what capacity it is operating on a particular form of relief provided under this Chapter 3.

B. Dissolution. The Corporate Authorities may, in their sole and absolute discretion, dissolve the Planning and Zoning Commission and establish a distinct Zoning Board of Appeals and distinct Plan Commission. At the time of any such dissolution, current members of the Planning and Zoning Commission will be appointed to the newly formed Zoning Board of Appeals and Plan Commission and the remaining seats open on the Zoning Board of Appeals and Plan Commission will be filled by the Mayor with the advice and consent of the Board of Trustees.

1-103: ZONING BOARD OF APPEALS AUTHORITY

A. RESERVED

B. Necessary Vote. The concurring vote of at least four members of the Zoning Board of Appeals will be necessary on any motion to reverse any order, requirement, decision or determination appealed to it; to decide in favor of the applicant any application made; or to effect any variation from the provisions of this Code. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision denying the appeal, application or variation.

C. Record and Decisions. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Zoning Board of Appeals will constitute the record. The Zoning Board of Appeals may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Zoning Board of Appeals will make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.

Every decision of the Zoning Board of Appeals that is deemed to be a final decision on a matter will be by written resolution which will include findings of fact; refer to all the evidence in the record and to the exhibits, plans or specifications upon which the decision is based; specify the reason or reasons for the decision; contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief; and expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.

The Zoning Board of Appeals will take no final or binding vote on a decision unless it first has before it the written resolution; provided, however, that where special circumstances warrant it, as determined by the Zoning Board of Appeals, it may take final action prior to the preparation of the resolution but before taking such action, first state its findings and conclusions at a meeting open to the public and will, in addition, state the special circumstances.

Every decision of the Zoning Board of Appeals that is deemed to be a recommendation to the Board of Trustees may be made by written resolution or by written report of the Chairman to the Mayor and Board of Trustees in accordance with the provisions of this Subsection 1-103 C.

In any case where this Code provides that the failure of the Zoning Board of Appeals to act within a fixed period is deemed to be a denial of an application, the failure will, notwithstanding the absence of required findings and conclusions, be considered to be a decision of the Zoning Board of Appeals rendered on the day following the expiration of such fixed period.

- D. Appeals. An appeal from any final decision of the Zoning Board of Appeals may be taken in the manner provided in Chapter III of the Illinois Code of Civil Procedure pertaining to Administrative Review.
- E. Jurisdiction and Authority. The Zoning Board of Appeals will have the following jurisdiction and authority:
 1. Subject to the provisions of Section 1-502 of this Chapter, to hear and decide appeals from, and to review orders, decisions or determinations made by the Community Development Director and to that end will have the powers of the Community Development Director with respect to such order, decision or determination.
 2. Subject to the provisions of Section 1-503 of this Chapter, to grant or deny variations from the requirements of this Code.
 3. Subject to the provision of Section 1-601 of this Chapter, to initiate changes and amendments to this Code.

1-104: PLAN COMMISSION AUTHORITY

- A. RESERVED
- B. Necessary Vote. The concurring vote of at least a majority of the currently appointed Commissioners will be necessary to adopt any motion to recommend approval of any matter or application. Any lesser vote on any such motion, even if a majority of those voting, will be considered a final decision to recommend denial of such matter or application.
- C. Record and Decisions. The transcript of testimony, if any; the minutes of the Staff Secretary; all applications, requests, exhibits and papers filed in any proceeding before the Plan Commission; and the decision and report, or reports, of the Commission will constitute the record.

Every recommendation of the Plan Commission upon an application filed pursuant to this Code will be by written resolution or written report of the Chairman to the Mayor and Board of Trustees which will include findings of fact; refer to all the evidence in the record and to the exhibits, plans or specifications, upon which the recommendation is based; specify the reason or reasons for the recommendation; and contain a conclusion or statement separate from the findings of fact setting for the recommendation of the Commission. Every resolution will expressly set forth any limitations or conditions recommended or imposed by the Commission.

In reaching its recommendation or decision on any such application, the Plan Commission may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that the Commission will make the particular knowledge, inspection or report a matter of record at the public hearing and afford every party reasonable time to respond to it.

The Plan Commission will take no final vote on any recommendation pertaining to an application pending before it unless it first has before it a written resolution or, in the alternative and in the sole and absolute discretion of the Plan Commission, the Plan Commission may take a final vote on a

recommendation and the Chairman may thereafter prepare and issue his written report to the Mayor and Board of Trustees.

In any case where this Code provides that the failure of the Plan Commission to act within a fixed period is deemed a recommendation for grant or denial of an application, the failure will, notwithstanding absence of required findings and conclusions, be considered a decision of the Plan Commission rendered on the day following the expiration of such fixed period.

D. Jurisdiction and Authority. In addition to the jurisdiction conferred on it by Chapter 2 of the South Chicago Heights Municipal Code, the Plan Commission will have the following jurisdiction and authority:

1. Subject to the provisions of Part II of this Chapter 3, to prepare and recommend a Comprehensive Plan, including an Official Map, to the Board of Trustees, which, upon its adoption by the Board of Trustees, will be known as the "The Village of South Chicago Heights Comprehensive Land Use Plan, [YEAR ADOPTED]" or other special area and special subject plans that in the determination of the Plan Commission are necessary and appropriate to promote sustainable land use development and otherwise promote the public health, safety, and welfare of the Village.
2. Subject to the provisions of Part II of this Chapter 3 to review, prepare and recommend to the Board of Trustees changes in and amendments to The Village of South Chicago Heights Comprehensive Land Use Plan, including the Official Map, or any other special area or special subject plans.
3. Subject to the provisions of Section 1-503 of this Chapter, to hear, review and offer its recommendations to the Board of Trustees on applications for variations from this Code.
4. Subject to the provisions of Section 1-601 of this Chapter, to initiate, hear, review and offer its recommendations to the Board of Trustees on applications for amendment of this Code.
5. Subject to the provisions of Section 1-602 of this Chapter, to hear, review and offer its recommendations to the Board of Trustees on applications for special permits.
6. Subject to the provisions of Section 1-603 of this Chapter, to hear, review and offer its recommendations to the Board of Trustees on applications for planned development approval.
7. Subject to the provisions of Section 1-604 of this Chapter, to hear, review and offer its recommendations to the Board of Trustees on applications for site plan approval.
8. To aid and assist the Board of Trustees and the departments of the Village in implementing general plans and in planning, developing and completing specific project.
9. To review and report on any matters referred to it by the Board of Trustees or the Community Development Director

PART II - PLANNING DOCUMENTS AND PROCEDURES

1-201: OFFICIAL COMPREHENSIVE PLAN AND OTHER SPECIAL AREA OR SUBJECT PLANS

- A. Authority. The Plan Commission (Planning and Zoning Commission) will have authority to prepare and recommend to the Board of Trustees a comprehensive plan and the unincorporated areas surrounding the Village and from time to time to prepare and recommend other special area or subject plans and amendments thereto, any or all of which the Board of Trustees may adopt as the "The Village of South Chicago Heights Comprehensive Land Use Plan, [YEAR ADOPTED]," all in accordance with the procedures set out in this Section.
- B. Definition. "The Village of South Chicago Heights Comprehensive Land Use Plan" will be defined as a compilation of policy statements; goals; standards; maps; recommended planning, regulatory, fiscal and public works programs; together with pertinent data relative to the past, present and future trends of the Village with respect to its population, housing, economic, social and environmental development patterns; its land, water and natural resources and use; its transportation facilities, public facilities and utilities; and any other matter relative to the present and future patterns of life within the Village or within the unincorporated areas lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Village Planning and Zoning Commission with the advice and assistance of the Community Development Director and the Community Development Director's staff and adopted by the Village Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.

The Village of South Chicago Heights Comprehensive Land Use Plan will also refer to any internally consistent and complete portion of such a compilation relating to any one or more of the aforesaid subjects or to any specific portion of the aforesaid geographical area.

As of the effective date of this Code, said term is understood to refer to the following documents:

- 1. Village of South Chicago Heights Comprehensive Plan, April 2008;
- 2. This Code;
- 3. South Chicago Heights Station Area Master Plan, September 8, 2009.

- C. Purpose. The Village of South Chicago Heights Comprehensive Land Use Plan will be considered an official statement of the policy of the Village of South Chicago Heights with respect to the existing and developing character of the various areas of the Village and its vicinity; the proper objectives, standards and direction for future maintenance, growth, development and redevelopment of the Village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and the actions and programs to be undertaken by the Village with respect to its future maintenance and development.
- D. Effect. After the adoption of The Village of South Chicago Heights Comprehensive Land Use Plan, or a part thereof, no ordinance, regulation or Official Map relating to the physical maintenance, development or redevelopment of the Village or any land within it will be enacted, established,

amended or varied and no right-of-way, street, utility or public structure or land will be authorized, established, developed, redeveloped or modified in location or extent except in accordance with the policies, goals, objectives, principles and standards of The Village of South Chicago Heights Comprehensive Land Use Plan or relevant part thereof unless the Board of Trustees will first make a specific finding that the facts and circumstances affecting the particular matter justify a departure from the Plan.

E. Procedures.

1. Plan Development. The Planning and Zoning Commission, with the assistance of the Community Development Director and staff, will exercise the powers and duties delegated to it by this Code in the continuing development and revision of The Village of South Chicago Heights Comprehensive Land Use Plan. The process of plan development is necessarily an informal one, not readily adaptable to rigid procedures, but the Planning and Zoning Commission and the Community Development Director, in developing a plan, will make all reasonable efforts to obtain the views, comments and criticisms of interested persons. In addition, the Planning and Zoning Commission and the Village Manager, in developing a plan, will make all reasonable efforts to obtain the views, comments and criticisms of interested persons. In addition, the Planning and Zoning Commission, prior to making any recommendation for the adoption or amendment of a plan or part thereof to the Board of Trustees, will set, notice and conduct a public hearing thereon in accordance with the provisions of Section 1-303 of this Chapter.

The Board of Trustees may, at any time, refer a plan to the Planning and Zoning Commission for consideration and recommendation. In the case of such referral, the Plan Commission will return its recommendation to the Board of Trustees not later than 90 days following the receipt of the referral. In the event such recommendation is not so delivered, the Board of Trustees may proceed to consider the amendment without such recommendation.

When satisfied that a plan, or a part thereof, is adequate for adoption as The Village of South Chicago Heights Comprehensive Land Use Plan, or a part thereof or an amendment thereto, the Planning and Zoning Commission will transmit the plan or part thereof to the Board of Trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. Such reports or statements may include majority and minority positions. Such transmission will be made not later than fifteen (15) days following the close of the public hearing concerning such plan.

2. Plan Adoption. Upon receiving any recommendation of the Planning and Zoning Commission with respect to adoption or amendment of any plan, or a part thereof, the Board of Trustees may, by ordinance duly enacted, adopt such plan in whole or in part, with or without amendments; or may refer such plan or any part thereof back to the Planning and Zoning Commission for further consideration; or may reject such plan. The Board will take such action no later than ninety (90) days following the close of the Planning and Zoning Commission Public Hearing on such plan. The failure of the Board to act within such period will be deemed to be a rejection of the plan. Upon the adoption of

any such plan or part thereof, it will be designated as the "The Village of South Chicago Heights Comprehensive Land Use Plan, [YEAR ADOPTED]," and if less than a total comprehensive plan, will carry a subheading designating its specific contents.

3. Plan Amendment. The Village of South Chicago Heights Comprehensive Land Use Plan, or any part thereof, may be amended at any time in accordance with the provisions of this Paragraph 3. Such an amendment may be initiated by the Board of Trustees, the Planning and Zoning Commission, the Community Development Director, or by any owner of property affected by the provisions of such plan sought to be amended.

Amendments initiated by the Board of Trustees, the Planning and Zoning Commission or the Community Development Director will require no formal application and will be processed as provided in Paragraphs E1 and E2 above.

Amendments initiated by the owner of affected property will be initiated by an application filed pursuant to Section 1-301 of this Chapter 3, except that the time limits specified in Paragraphs E1 and E2 above will apply.

4. Plan Filing and Notice of Adoption. The ordinance adopting The Village of South Chicago Heights Comprehensive Land Use Plan, or any part thereof, will provide that the Community Development Director will cause a certified copy thereof to be placed on file in the Office of the Village Clerk, and will cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Cook County Recorder of Deeds.

1-202: OFFICIAL FUTURE LAND USE MAP

- A. Authority. The Planning and Zoning Commission will have authority to prepare and to recommend to the Board of Trustees an Official Map of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, all of which the Board of Trustees may adopt as the "Official Map of the Village of South Chicago Heights."
- B. Definition. The "Official Map" will be defined as a compilation of maps, standards and specifications of and for existing and proposed rights-of-way, streets, alleys, utility easements, public grounds and public utility systems within the Village or within the unincorporated area lying within one and one-half miles of its boundaries as they may from time to time exist, prepared and recommended by the Village Planning and Zoning Commission with the advice and assistance of the Community Development Director and the Community Development Director's staff and adopted by the Board of Trustees by ordinance duly enacted, together with such amendments thereto as may be adopted from time to time.
- C. Purpose. The Official Map is adopted to implement The Village of South Chicago Heights Comprehensive Land Use Plan, to assure the adequacy of the public facilities to which it relates and to secure for the Village the authority and benefits provided by state law in connection with such an Official Map.
- D. Procedures. The procedures for the development, adoption, amendment and filing of the Official Map will be the same as those provided in Subsection 1-201 E of this Chapter with respect to The Village of South Chicago Heights Comprehensive Land Use Plan.

PART III - ZONING APPLICATIONS AND HEARING

1-301: APPLICATIONS

A. Place of Filing.

1. Applications for Zoning and Occupancy Certificates, Code Interpretations and Certain Site Plan Approvals. All applications for a Certificate of Zoning Compliance pursuant to Section 1-401 of this Chapter, a Certificate of Occupancy pursuant to Section 1-402 of this Chapter, an interpretation pursuant to Section 1-501 of this Chapter, and a site plan approval pursuant to Subsection 1-604 E1 of this Chapter, will be filed with the Office of the Community Development Director or with such other Village official or body as the Community Development Director may designate.
2. Applications for Appeals and Variations. All applications for an appeal pursuant to Section 1-502 of this Chapter and a variation pursuant to Section 1-503 of this Chapter will be filed with the office of the Community Development Director for immediate processing pursuant to Subsection 1-303 of this Chapter.
3. Applications for Amendments, Special Approvals and Certain Site Plan Approvals. All preliminary and formal applications for an amendment pursuant to Section 1-601 of this Chapter, a special permit pursuant to Section 1-602 of this Chapter, a planned development pursuant to Section 1-603 of this Chapter and a site plan approval pursuant to Subsection 1-604 of this Chapter, will be filed with the office of the Community Development Director for immediate referral to the Board of Trustees. The Community Development Director will cause every properly filed and completed application filed pursuant to this Subparagraph to be on the agenda of the next regular Board of Trustees or Committee of the Whole meeting following the date of such filing.

B. Forms, Number, Scale. All applications filed pursuant to this Code will be on forms supplied by the Village and will be filed in such number of duplicate copies as the Community Development Director may designate. All plans filed as part of any application will be at a scale sufficient to permit a clear and precise understanding of the contents of said plan and the proposal being made and will be folded to a convenient size for handling and filing in standard, legal size legal drawers.

C. Filing Deadlines.

1. Applications Requiring Hearings. Applications requiring public hearing will not be scheduled for such hearing unless and until filed in proper form and number and containing all required information.
2. Applications Not Requiring Hearing. Applications that do not require a public hearing will be filed, in proper form and number and containing all required information, at least 35 days prior to the time when action on the application is requested. Applications so filed will be processed on a first-filed, first-processed basis.
3. Supplemental Data. Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the applicant, it will be submitted at least

seven days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data will, in the discretion of the Community Development Director and of the body hearing the application, be cause to delay a requested or scheduled hearing date.

D. Fees.

1. Fee Established; Lien. Every application filed pursuant to this Code will be subject to a non-refundable application and filing fee in the amount established by the Board of Trustees and published in a Schedule of Fees that will be on file with the Community Development Director's office, plus the actual cost, as hereinafter defined, incurred by the Village in processing such application.

The owner of the property which is the subject of the application and, if different, the applicant, will be jointly and severally liable for the payment of said fee. By signing the application, owner will be deemed to have agreed to pay such fee and to consent to the filing and foreclosure of a lien on the subject property to ensure collection of any such fee, plus the costs of collection, which has not been paid within thirty (30) days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this Subsection may be foreclosed in the manner provided by statute for mortgages or mechanics liens.

2. Recoverable Costs. For purposes of calculating the fee due pursuant to Paragraph D1 above, the actual costs incurred by the Village in processing an application will be deemed to consist of the following items of direct and indirect expense:
 - (a) Legal Publication (direct cost)
 - (b) Recording Secretarial Services (direct cost)
 - (c) Court Reporter (direct cost)
 - (d) Administrative Preparation and Review (hourly salary times a multiplier to be established from time to time by the Community Development Director at a level sufficient to recover 100 percent (100%) of the direct and indirect cost of such service)
 - (e) Document Preparation and Review (hourly salary times a multiplier to be established from time to time by the Community Development Director at a level sufficient to recover 100 percent (100%) of the direct and indirect cost of such service)
 - (f) Professional and Technical Consultant Services (direct cost)
 - (g) Legal Review, Consultation, Advice, Negotiation, and Document Preparation (direct cost)
 - (h) Copy Reduction (direct cost)

- (i) Document Recordation (direct cost)

3. **Fee Payment and Escrow.**

- (a) **Initial Payment and Escrow.** Every application filed pursuant to this Code will be accompanied by the required fee plus an additional amount for recoverable costs as provided in Paragraph D2 above, as fixed from time to time by the Community Development Director, to be deposited in an application fee escrow. No interest will be payable on any such escrow.
- (b) **Charges Against Escrow.** From the date of filing of any application pursuant to this Code, the Village will maintain an accurate record of the actual costs, as hereinabove defined, of processing such application. The Community Development Director will, from time to time, draw funds from the escrow account established for such application to pay such costs and will transfer such funds to the appropriate Village accounts. The Community Development Director will maintain an accurate record of all such drawings.
- (c) **Additional Escrow Deposits.** Should the Community Development Director at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Community Development Director will inform the applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the Community Development Director may direct that processing of the application will be suspended or terminated.
- (d) **Final Settlement.** As soon as reasonably feasible following final action on an application, the Community Development Director will cause a final accounting to be made of the escrow deposits made in connection with such application and the actual cost of processing such application and will make a final charge of such costs against such escrow deposits. A copy of the accounting will be provided to the owner and the applicant.

If the amount in the escrow account is insufficient to pay the total actual costs, a written demand for payment of the balance due will be mailed to the owner and the applicant. If unused balance remains in the escrow account after paying the total actual costs, it will be returned to the applicant.

4. **Condition of All Applications, Approvals and Permits; Time Periods.** No application filed pursuant to the Code will be considered complete unless and until all fees and deposits due pursuant to this Subsection have been paid. Every approval granted and every permit issued pursuant to this Code will, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by this Subsection.

Where this Code provides that the passage of time without decision or action will be deemed an approval or a recommendation for approval, time periods will be tolled during

any period of non-payment, but will otherwise continue to run.

The failure to fully pay any such fee or deposit, when due, will be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

5. Specified Public Bodies Exempt. The provisions of this Subsection 1-301 D will not apply to, and no fee will be required of, any public body or agency deriving the majority of its revenues from taxes levied within the Village of South Chicago Heights.

E. Minimum Data Requirements.

1. All Applications. Every application submitted pursuant to this Code will contain at least the following information:
 - (a) The owner's name and address and the owner's signed consent to the filing of the application.
 - (b) The applicant's name and address, if different than the owner, and his interest in the subject property.
 - (c) The names, addresses and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
 - (d) The name and address and the nature and extent of the interest, as defined in the South Chicago Heights Ethics Code, of any officer or employee of the Village in the owner, the applicant or the subject property.
 - (e) The address and legal description of the subject property.
 - (f) A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use and development of the subject property. The scope and detail of such description will be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
 - (g) In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Subsection 1-302 B of this Chapter.
 - (h) Proof of control or ownership, in the case of site-specific applications.
2. Applications for Zoning and Occupancy Certificates. Every application filed pursuant to Section 1-401 or 1-402 of this Code will, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
- (b) A table showing the following, if applicable:
 - (i) The total lot area of the subject property, in acres and in square feet;
 - (ii) The total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to residential uses, by type of structure, commercial uses, office uses, industrial uses and institutional uses, open space, rights-of-way, streets, and off-street parking and loading areas; and
- (c) The existing and proposed:
 - (i) Number of dwelling units, by number of bedrooms and dwelling unit gross floor area; and
 - (ii) Gross and net floor area devoted to residential uses, commercial uses, office uses, industrial uses, institutional uses and recreational uses.
- (d) A table listing all bulk, space and yard requirements, all parking requirements, and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. Where any lack of compliance is shown, the reason therefore must be stated and an explanation of the Village's authority, if any, to approve the application despite such lack of compliance must be set forth.
- (e) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction or development complies with all the provisions of this Code and other Village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.

3. Application for Code Interpretations. Every application filed pursuant to Section 1-501 of this Code will, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:

- (a) The specific provision or provisions of this Code for which an interpretation is sought.
- (b) The facts of the specific situation giving rise to the request for an interpretation.
- (c) The precise interpretation claimed by the applicant to be correct.
- (d) Where a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.

(e) Where a use interpretation is sought, documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

4. Applications for Appeals. Every application filed pursuant to Section 1-502 of this Code will, in addition to the date and information required pursuant to Paragraph 1, and, where relevant, Paragraph 2 above, provide the following information:

- (a) The specific order, decision or determination of failure to act from which an appeal is sought.
- (b) The facts of the specific situation giving rise to the original order, decision, determination or failure to act and to the appeal therefrom.
- (c) The precise relief sought.
- (d) A statement of the applicant's position as to alleged errors in the order, decision, determination or failure to act being appealed and as to why the relief sought is justified and proper.

5. Applications for Variations. Every application filed pursuant to Section 1-503 of this Code will, in addition to the data and information required pursuant to Paragraph 1 and where relevant, Paragraph 2 above, provide the following information:

- (a) The specific feature or features of the proposed use, construction or development that require a variation.
- (b) The specific provision of this Code from which a variation is sought and the precise variation therefrom being sought.
- (c) A statement of the characteristics of the subject property that prevent compliance with the said provisions of this Code.
- (d) A statement of the minimum variation of the provisions of this Code that would be necessary to permit the proposed use, construction or development.
- (e) A statement of how the variation sought would satisfy the standards set forth in Subsection 1-503 F of this Code.
- (f) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
- (g) A statement concerning the conformity or lack of conformity of the approval being requested to The Village of South Chicago Heights Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to The Village of South Chicago Heights Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.

6. Applications for The Village of South Chicago Heights Comprehensive Land Use Plan or Zoning Code Text Amendments. Every application filed pursuant to Paragraph 1-201 E2 or applications filed pursuant to Paragraph 1-601 D2 of this Code requesting an amendment to the text of either The Village of South Chicago Heights Comprehensive Land Use Plan or this Code will, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:
 - (a) The exact wording of the proposed text amendment.
 - (b) A statement of the need and justification for the proposed text amendment.
 - (c) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
 - (d) A statement concerning the conformity or lack of conformity of the approval being requested to The Village of South Chicago Heights Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to The Village of South Chicago Heights Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.
7. Formal Applications for Special Permits. Every application filed pursuant to Paragraph 1-602 D2 of this Code will, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:
 - (a) A written statement of the need for the special permit.
 - (b) A survey, certified by a registered land surveyor, showing existing lot lines and dimensions as well as lot area, all easements, all public and private rights-of-way and all streets across and adjacent to the subject property.
 - (c) A statement concerning the conformity or lack of conformity of the approval being requested to The Village of South Chicago Heights Comprehensive Land Use Plan and Official Map. Where the approval being requested does not conform to The Village of South Chicago Heights Comprehensive Land Use Plan or the Official Map, reasons justifying the approval despite such lack of conformity will be stated.
 - (d) An application for site plan approval pursuant to Section 1-604 of this Chapter.
8. Applications for Zoning or The Village of South Chicago Heights Comprehensive Land Use Plan Map Amendments. Every application filed pursuant to Paragraph 1-301 E3 or formal applications filed pursuant to Paragraph 1-601 D2 of this Code requesting an amendment to The Village of South Chicago Heights Comprehensive Land Use Plan Map or the Zoning Map will, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide a statement of the need and justification for the proposed Plan or Zoning Map amendment. The statement will address at least the following factors:

- (a) The existing uses and zoning classifications of properties in the vicinity of the subject property.
- (b) The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present plan designation or zoning classification.
- (c) The extent to which the value of the subject property is diminished by the existing plan designation or zoning classification applicable to it.
- (d) The extent to which such diminution in value is offset by an increase in the public health, safety and welfare.
- (e) The extent, if any, to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.
- (f) The extent, if any, to which the value of adjacent properties would be affected by the proposed amendment.
- (g) The extent, if any, to which the future orderly development of adjacent properties would be affected by the proposed amendment.
- (h) The suitability of the subject property for uses permitted or permissible under its present plan designation and zoning classification.
- (i) The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.
- (j) The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its present plan designation and zoning classification.
- (k) The length of time, if any, that the subject property has been vacant, considered in the context of the pace of development in the vicinity of the subject property.
- (l) The community need for the proposed map amendment and for the uses and development it would allow.

9. Applications for Planned Development Concept Plan Approval. Every application filed pursuant to Paragraph 1-603 D2 of this Code will, in addition to the data and information required pursuant to Paragraph 1 and, where relevant, Paragraph 2 above, provide the following information:

- (a) A development name unique to the South Chicago Heights area for identification purposes.

- (b) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed planned development, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property, and a recent commitment for title insurance or ownership search certificate.
- (c) A map depicting municipal and special district boundaries where adjacent to or within the subject property.
- (d) A written statement addressing the following matters:
 - (i) A general description of the proposed planned development, the planning objectives to be achieved by it, including the rationales and assumptions of the applicant supporting the proposed planned development, and the market it is intended to serve.
 - (ii) How the proposed planned development is to be designed, arranged and operated so as not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this Code.
- (e) Schematic, soft-line drawings of the proposed planned development concept, including public or private rights-of-way on or adjacent to the subject property, the proposed dimensions and locations of vehicular and pedestrian circulation and parking elements, public and private open space, and residential, commercial, office, industrial and other land uses, and the general locations of and purpose of all easements.
- (f) A Tax Impact Study indicating the possible tax consequences the proposed planned development will have upon the Village and other affected taxing bodies.
- (g) A Traffic and Transit Impact Study including a list of new street construction and traffic control improvements necessary to accommodate the estimated increase in traffic and traffic related problems occasioned by the proposed development and a statement of the applicant's proposals for providing those needed improvements.
- (h) A preliminary engineering study showing the location and adequacy of existing and proposed sanitary sewer, storm sewer and water distribution systems.
- (i) A written statement identifying existing natural and environmental resources and features on the subject property, including its topography, vegetation, soils, geology, and scenic view, and the impact of the proposed planned development on such resources and features, including proposals to preserve or protect such resources and features.
- (j) Schematic, soft-line architectural elevations indicating the general style of architecture and typical building materials.

- (k) A statement of the applicant's intent with respect to the ownership, sale and leasing of the various completed units, structures, spaces and areas within the proposed planned development.
- (l) If the planned development is to be constructed in stages or units during a period extending beyond a single construction season, a development schedule for each and every such stage stating the approximate beginning and completion date, proportion of total public or common open space to be provided for each use and with each development stage.
- (m) A detailed description of the financial assurances to be presented to guarantee completion of all public improvements and private open space to be provided in connection with the proposed planned development.
- (n) Evidence of the financing plan the applicant proposes to use to complete the proposed planned development. The applicant's prior success in completing projects of similar scope may be offered in support of this requirement.
- (o) A preliminary plat of subdivision if required pursuant to the South Chicago Heights Subdivision Ordinance.

10. Application for Planned Development Final Plan Approval. Every application filed pursuant to Paragraph 1-603 D4 of this Chapter will, in addition to the data and information required pursuant to Paragraph 1 and, where applicable, Paragraph 2 above, provide the following information:

- (a) The date on which Development Concept Plan approvals were granted.
- (b) An application for site plan approval pursuant to Section 1-604 of this Chapter.
- (c) A statement and plan of the proposed treatment of the perimeter of the proposed planned development, including materials and techniques to be used.
- (d) When the proposed planned development, or stage thereof, includes provision for public or common open space, a statement describing the provision made for the dedication or care and maintenance of such open space. If it is proposed that such open space be owned or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity will be submitted. When the property is to be dedicated, a draft of the instrument of dedication will be submitted.
- (e) Copies of any restrictive covenants to be recorded with respect to property included in the Final Plan.
- (f) A statement summarizing all changes that have been made, or have occurred, in any document, plan, data or information previously submitted, together with a revised copy of any such documents, plan or data.

- (g) A final plat of subdivision if required pursuant to this Code.
- (h) All engineering data and drawings required in connection with an application for final subdivision approval under this Code (3 sets only).
- (i) All certificates, seals and signatures required for the dedication of land and recordation of documents.
- (j) Hard line elevations and floor plans
- (k) Proof from appropriate governmental agencies that all taxes on the subject property have been paid and that all special assessments, taxes, and other levies against the subject property or any part thereof have been paid in full.

11. Applications for Site Plan Approval. Whenever an application filed pursuant to any provision of this Code involves any use, construction or development requiring the submission of a site plan pursuant to Section 1-604 of this Chapter, a site plan illustrating the proposed use, construction or development and providing at least the following data and information, on one or more sheets, will be submitted as part of the application:

- (a) A graphic rendering of the existing conditions, which depicts:
 - (i) All significant natural, topographical and physical features of the subject property including topographical contours at one foot intervals;
 - (ii) The location and extent of tree cover including single trees in excess of eight inches in diameter at five feet above ground level;
 - (iii) The location and extent of water bodies and courses, wetlands, marshes and special flood hazard areas and floodways on or within 100 feet of the subject property;
 - (iv) Existing drainage structures and patterns; and
 - (v) Soil conditions as they affect development.
- (b) The location, use, size and height in stories and feet of structures and other land uses on properties within 250 feet of the subject property.
- (c) For areas within any required yard or setback, any proposed regarding of the subject property.
- (d) Data concerning proposed structures and existing structures that will remain, including:
 - (i) Location, size, use and arrangement, including height in stories and feet;
 - (ii) Where relevant, floor area ratio, gross floor area and net floor area;
 - (iii) Where relevant, number and size of dwelling units, by dwelling unit type and number of bedrooms;
 - (iv) Building coverage; and
 - (v) Description of the calculation method utilized in computing all required statistics shown.

- (e) Minimum yard and setback dimensions and, where relevant, relation of yard and setback dimensions to the height, width and depth of any structure.
- (f) A vehicular and pedestrian circulation plan showing the location, dimensions, gradient and number of all vehicular and pedestrian circulation elements including rights-of-way and streets; driveway entrances, curbs and curb cuts; parking spaces, loading spaces and circulation aisles; sidewalks, walkways and pathways; and total lot coverage of all circulation elements divided as between vehicular and pedestrian ways.
- (g) All existing and proposed surface and sub-surface drainage and retention and detention facilities and existing and proposed water, sewer, gas, electric, telephone and cable communications lines and easements and all other utility facilities.
- (h) Location, size and arrangements of all outdoor signs and lighting.
- (i) Location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing or screening.
- (j) Location, designation and total area of all usable open space.
- (k) A detailed landscaping plan, showing location, size and species of all trees, shrubs and other plant material.
- (l) A traffic study, if required by the Community Development Director or the Board or Commission hearing the application.
- (m) An erosion control plan for the period during which construction will be taking place, if required by the Community Development Director or the Board or Commission hearing the application.
- (n) Hard line elevations and floor plans.

12. Applications for Appeal from Denial of Site Plan Approval. Every application filed pursuant to Subparagraph 1-604 E(1)(d) will, in addition to the data and information required pursuant to Paragraph 1 above, provide the following information:

- (a) A copy of the original application for site plan approval.
- (b) A statement of the applicant's position as the alleged errors in the Community Development Director's denial of site plan approval and as to why approval of the site plan is justified and proper.

F. Special Data Requests. In addition to the data and information required pursuant to Subsection E of this Section, every applicant will submit such other and additional data, information or documentation as the Community Development Director or any Board or Commission before which

its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

- G. Concurrent Applications. Where a proposed use or development requires more than one approval pursuant to this Code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a precondition to approval of other applications. Such applications may, in the discretion of the official, officials, body or bodies charged with review of such applications be processed together; provided, however, that no application will be approved unless all applications that are a precondition to its approval have first been approved.
- H. Withdrawal of Application. An applicant may withdraw an application at any time prior to a final decision having been rendered with respect thereto; provided that the applicant will have paid all applicable application fees pursuant to Section 1-301 D. Such withdrawal will be without prejudice to the applicant's right to refile such application, but any such refiling will be treated as an entirely new filing and will be subject to the procedures and fees of this Code in the same manner as any other new application.
- I. Administrative Discretion. Notwithstanding anything to the contrary in this Chapter 3, the Community Development Director or any Board or Commission before which its application is pending may waive any application requirements otherwise set forth in this Section 1-301 where the applicant demonstrates to the satisfaction of the Community Development Director or any Board or Commission before which its application is pending that the information required is not relevant to or necessary for the determination of the application submitted.

1-302: SUCCESSIVE APPLICATIONS

- A. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application, seeking essentially the same relief, whether or not in the same form or on the same theory, will not be brought unless, in the opinion of the Community Development Director, Board or Commission before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- B. New Grounds to be Stated. Any such second application will include a detailed statement of the grounds justifying consideration of such application.
- C. Exception. Whether or not new grounds are stated, any such second application filed more than two years after the final denial of a prior application will be heard on the merits as though no prior application had been filed. The applicant will, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence it will be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

1-303: PUBLIC HEARINGS AND MEETINGS

- A. Setting Hearing or Meeting; Time Limitation. When the provisions of this Code require a public hearing or meeting in connection with any application filed pursuant to this Code, the Planning and

Zoning Commission will, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting; provided, however, that such hearing or meeting will be commenced no later than 60 days, and will be concluded no later than 120 days, following the receipt of the subject application unless the applicant agrees to an extension or unless the hearing or meeting agenda of the body is completely committed during that time.

B. Notice.

1. Notice to be Given. Notice of public hearings and meetings set pursuant to Subsection A of this Section will be given by the Community Development Director or the applicant, as the case may be, in the form and manner and to the person herein specified.
2. Content of Notice. All notices will include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, and the common street address, Parcel Index Number(s), and particular location of the subject property.
3. Persons Entitled to Notice
 - (a) All Hearings and Meetings. Notice of every hearing or meeting set pursuant to Subsection A of this Section will be given by the Community Development Director:
 - (i) By mail or personal delivery to the applicant and, if a specific parcel is the subject of the application, to the owner of the subject property.
 - (ii) By mail to any newspaper or person that will have filed a written request, accompanied by an annual fee as established from time to time by the Community Development Director to cover postage and handling, for notice of all hearings or meetings held pursuant to this Code. Such written request will automatically expire on December 31 of the year in which it is made unless a written request for renewal, accompanied by the annual fee, is submitted prior to such date
 - (iii) By mail, personal delivery or interdepartmental delivery to affected Board of Trustees, Commissions, Departments and Officials.
 - (b) Delivery of Notice. Notice by mail as herein required, will be mailed no less than five days in advance of the hearing or meeting date by regular United States Mail.
 - (c) Hearings on Amendments, Special Permits and Variations. In addition to notice as required by Subparagraph B3(a) above, the following notice will be given for every hearing set pursuant to Subsection A of this Section in connection with an application for an amendment to this Code (other than an amendment to the Zoning Map), a special permit or a variation:
 - (i) Content of Notice. The notice required pursuant to this Subparagraph will contain, at a minimum, the following information:

- (1) The street address, property index number(s), and street intersection location description of the property that is the subject of the application;
- (2) A brief statement of the nature of the relief being requested;
- (3) The name and address of the applicant;
- (4) The name and address of the legal and beneficial owner of the property, if any, that is the subject of the application; and

- (ii) Notice by Newspaper Publication. The Community Development Director will cause a notice to be published in a newspaper published in, or of general circulation within, the Village at least once no less than fifteen (15) days, nor more than thirty (30) days, in advance of the hearing date.
- (iii) Notice by Sign. If a specific property is the subject of the application, the applicant will post the subject property with a ground sign of approximately six (6) square feet of gross surface area containing the legibly written notice. The sign will be located on the subject property so as to be visible from at least one (1) right-of-way abutting the subject property. The applicant will remove the sign within three (3) days after the hearing is closed. The notice by sign requirement will not be applicable for any application for a variation.
- (iv) Report to Hearing Body. At the hearing, the applicant will present to the hearing body an affidavit, certification or other evidence satisfactory to the hearing body, demonstrating, to the satisfaction of the hearing body, that the applicable notice requirements of this Subparagraph have been satisfied.

- (d) Hearing on Renewal of Special Permits. In addition to notice as required by Subparagraph B3(a) above, notice of a hearing for the renewal of a special permit pursuant to Subsection 1-602 K of this Code will be given in accordance with Subparagraphs 1-303 B3(b) (i), (iii), and (iv).
- (e) Hearing on The Village of South Chicago Heights Comprehensive Land Use Plan. In addition to notice as required by Subparagraph B3(a) above, notice of every hearing set pursuant to Subsection A hereof in connection with the adoption of The Village of South Chicago Heights Comprehensive Land Use Plan will be given by publication in a newspaper of general circulation in Cook and Will Counties at least fifteen (15) days before such hearing.
- (f) Hearing on Zoning Map Amendments. In addition to notice as required by Subparagraph B3 (a) above, notice of every hearing set pursuant to Subsection A hereof in connection with an application for an amendment to the Zoning Map will be pursuant to Subparagraph 1-303 B3 (c); provided, however, that the requirements set forth in Subparagraph 1-303 B3 (c)(iv) will not apply when the Village is the applicant and none of the property that is the subject of the application is owned by the Village.

C. Referral to Village Commissions and Departments for Hearings and Meetings Regarding Appeals, Variations, Amendments, and Special Approvals.

1. Community Development Director to Refer Applications. The Community Development Director will, not later than the time set pursuant to Subsection B of this Section for giving public notice, refer every application for an appeal pursuant to Section 1-502 of this Chapter, for a variation pursuant to Section 1-503 of this Chapter, including pursuant to Paragraph 1-503 D4 of this Chapter, an amendment pursuant to Section 1-601 of this Chapter, a special permit pursuant to Section 1-602 of this Chapter, and a planned development pursuant to Section 1-603 of this Chapter to all appropriate Village Commissions and Departments.
2. Review and Comments. Each Village Commission and Department to which an application is referred pursuant to this Subsection will review such application and submit its comments thereof to the Planning and Zoning Commission.

Such comments will, whenever possible, be submitted at least two business days prior to the date set for the hearing and will be made available to any person on request prior to the hearing.

D. Conduct of Hearings. The Planning and Zoning Commission, in accordance with the authority set forth in Section 11-13-22 of the Illinois Municipal Code, 65 ILCS 5/11-13-22, may adopt such rules of procedure as necessary and appropriate to govern any public hearing required under this Chapter 3.

PART IV - ZONING CERTIFICATES

1-401: CERTIFICATE OF ZONING COMPLIANCE

A. Authority. The Community Development Director will have authority to issue Certificates of Zoning Compliance, but only in accordance with the provisions of this Section.

B. Purpose. The Certificate of Zoning Compliance is intended to serve two general purposes:

1. A procedure for reviewing plans for conformance with this Code and a means for evidencing such conformance; and
2. As an adjunct to, filed prior to or with, all other applications filed pursuant to this Code with respect to a specific use or development proposal.

When so filed, it serves as a vehicle for routine plan review by the Community Development Director prior to consideration of special requests by other Officials, Boards and Commissions, thus avoiding needless special reviews of defective plans.

C. Certificate Required. Except where expressly waived by another provision of this Code, unless a Certificate of Zoning Compliance will have first been obtained from the Community Development Director:

1. The construction, reconstruction, remodeling, alteration or moving of any structure will not be commenced;
2. The grading, excavation or improvement of land preliminary to any construction on or use of such land will not be commenced; and
3. Building or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure or the use of any land or structure will not be issued by the Village.

In any case where a Certificate of Zoning Compliance is not required under this Code, the Community Development Director will, upon written request, issue a certificate of such fact.

D. Relation to Other Applications. No application for a zoning variation, application for a special permit, application for an amendment or application for approval of a development Concept Plan will be processed unless an application for a Certificate of Zoning Compliance will first have been received, processed and approved, or denied solely on one or more grounds that form the basis for the application. It is the intent of this Section that no application filed pursuant to this Chapter with respect to a specific use or development proposal will be processed until the Community Development Director is satisfied that the proposed use or development complies with the provisions of this Code in all respects except those within the scope of such application.

E. Procedure.

1. Application. Applications for Certificates of Zoning Compliance will be filed in accordance with the requirements of Section 1-301 E2 of this Chapter.
2. Action on Application. Within ten (10) days following receipt of a completed application for a Certificate of Zoning Compliance, the Community Development Director will cause the application and related submissions to be reviewed for compliance with this Code and will inform the applicant whether the application has been granted or denied.

In any case where an application is granted, the Community Development Director will issue a Certificate of Zoning Compliance that will read on its face:

THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL
AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH
REVIEW AND APPROVAL WHERE EITHER IS REQUIRED.

BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE
OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST
BE OBTAINED.

In any case where an application is denied, the Community Development Director will state specific reasons therefor and will cite the specific provisions of this Code upon which such denial is based. If relief from such demand would be available pursuant to a companion application filed in connection with the application for a Certificate of Zoning Compliance, the Community

Development Director will inform the applicant and will promptly process such companion application. If the application is approved, the Community Development Director will issue the requested Certificate of Zoning Compliance in accordance with the terms and conditions of such approval.

If relief from the Community Development Director's denial of a Certificate of Zoning Compliance would be available by variation, special permit or site plan review, but no application therefor has been filed, the Community Development Director will so state and refer the applicant to the appropriate provisions of this Code.

3. Contents of Certificate. Each Certificate of Zoning Compliance issued pursuant to this Section will state the specific use of the subject property for which it is issued; identify the specific plans, if any, pursuant to which it is issued; and set forth any conditions imposed in connection with any approval granted pursuant to this Code.
4. Filing of Certificates. Every Certificate issued pursuant to this Section will be kept on file with the Community Development Director and will be a public record open to inspection in accordance with the provisions of the Illinois Freedom of Information Act.

F. Effect of Issuance of Certificate of Zoning Compliance. The issuance of a Certificate of Zoning Compliance will not authorize the establishment, expansion or extension of any use nor the development, construction, relocation, alteration or moving of building or structure, but will merely authorize the preparation, filing and processing of applications for any additional permits and approvals that may be required by the codes and ordinances of the Village, including, but not limited to, a Building Permit, a Certificate of Occupancy and Subdivision Approval.

G. Limitations on Certificates. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 1-101 L of this Chapter, a Certificate of Zoning Compliance will become null and void six months after the date on which it was issued unless within such period construction, reconstruction, remodeling, alteration or moving of a structure is commenced or a use is commenced.

H. Void Certificates. Any Certificate of Zoning Compliance issued in violation of the provisions of this Code, whether intentionally, negligently or innocently, will be void and confer no rights whatsoever.

1-402: CERTIFICATE OF OCCUPANCY

- A. Authority. The Community Development Director will have authority to issue Certificates of Occupancy; provided, however, that no such certificate will be issued except in accordance with the provisions of this Section and the other relevant provisions of this Code governing development, building and related matters.
- B. Purpose. For the purposes of this Code, the Certificate of Occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this Code and approved plans prior to commencement of the use or occupancy of such premises. The Certificate may also evidence compliance with other relevant provisions of this Code, as set forth in those provisions.

C. Certificate Required. Unless a Certificate of Occupancy is obtained certifying compliance with the provisions of this Code:

1. No structure, or addition thereto, constructed, reconstructed, remodeled, altered or moved after the effective date of this Code will be occupied or used for any purpose;
2. Except for changes involving only substitution of occupants in existing dwelling units, no use or occupancy of any land or structure will be changed to any other use or occupancy, whether or not construction, remodeling, alteration or moving is involved.

D. Procedure.

1. Application. Where no Certificate of Zoning Compliance is required, applications for Certificates of Occupancy will be filed in accordance with the requirements of Section 1-301 of this Chapter.

Where a Certificate of Zoning Compliance has been issued, the application for that Certificate will also be treated as the application for a Certificate of Occupancy and will be processed as such at such time as the applicant notifies the Community Development Director in writing that the subject structure or use is ready for a Certificate of Occupancy in accordance with the Certificate of Zoning Compliance.

In any case where the structure or use involved has been constructed or established pursuant to any approval granted pursuant to this Code, the application will be accompanied by "as built" plans depicting the structure or use as built and bearing the certificate of a surveyor, engineer, architect, land planner or owner-designer, as may be appropriate, certifying that the structure or use as built conforms in all respects to the approval granted.

2. Action on Application. Within ten (10) days following the receipt of a completed application, the Community Development Director will cause the subject structure or premises to be inspected and will take on the following actions based on the inspection:

- (a) If all work has been completed and the structure and use thereof are in full and complete compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved and any conditions attached to any approval issued pursuant to this Code, the Community Development Director will issue a Certificate of Occupancy;
- (b) If, however, all work is not complete or is in any manner not in full compliance with all applicable requirements, the Community Development Director will deny the application and inform the applicant in writing of the specific deficiencies on which the denial is based, citing the particular provisions of the codes and ordinances of the Village, the particular items in the applicant's plans or the applicable special approval conditions with respect to which compliance is lacking.

3. Contents of Certificates. In addition to the matters required to be contained in a Certificate of Occupancy pursuant to other applicable provisions of this Code, each Certificate of

Occupancy issued pursuant to this Section will state the specific use of the subject property for which it is issued; identify the specific plans, if any, pursuant to which it is issued and set forth any conditions imposed in connection with any approval granted pursuant to this Code.

4. **Filing of Certificates.** Every Certificate issued pursuant to this Section will be kept on file with the Community Development Director and will be a public record open to inspection pursuant to the provisions of the Illinois Freedom of Information Act.
- E. **Temporary Certificate of Occupancy.** Notwithstanding the provisions of Paragraph D2 above, where construction, reconstruction, remodeling or alteration of a structure does not require the vacating of the structure, or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling or alteration and are certified upon inspection to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Code, other relevant codes and ordinances of the Village, the applicant's plans as approved and any conditions attached to any approvals issued pursuant to this Code with respect to such structure or its premises, a Temporary Certificate of Occupancy may be issued for a period not to exceed six (6) months from its date, which Temporary Certificate will bear on its face, in bold type, a statement of its temporary nature.
- F. **Certificate of Occupancy for Existing Uses.** The Community Development Director may issue a Certificate of Occupancy certifying the lawful existence and use of any existing structure or use in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses. The Certificate will be *prima facie* evidence of the facts contained in it with respect to any structure or use as of the date of its issue and remain effective for that purpose for so long as neither the use or structure nor the applicable provisions of this Code are changed.
- G. **Certificate of Occupancy for Legal Nonconformities.** The Community Development Director may issue a Certificate of Occupancy certifying the lawful existence and use of any nonconforming use, structure, lot or sign in the same manner, and subject to the same standards and limitations, as authorized by this Section with respect to new structures and uses.
- H. **Void Certificates.** Any Certificate of Occupancy issued in violation of the provisions of this Code, whether intentionally, negligently, or innocently, will be void *ab initio* and will confer no rights whatsoever.

PART V - INTERPRETATIONS, APPEAL AND VARIATIONS

1-501: INTERPRETATIONS

- A. Authority. The Community Development Director may, subject to the procedures, standards and limitations of this Section, render interpretations, including use interpretations, of the provisions of this Code and of any rule or regulation issued pursuant to it.
- B. Purpose. The interpretation authority established by this Section is intended to recognize that the provisions of this Code though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations can, however, be readily addressed by an interpretation of the specific provisions of this Code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Code but, rather, it is not intended only to allow authoritative application of that content to specific cases.
- C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations will not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.
- D. Procedure.
 - 1. Application. Applications for interpretations of this Code will be filed in accordance with the requirements of Section 1-301 of this Chapter.
 - 2. Action on Application. Within 35 days following the receipt of a properly completed application for interpretation, the Community Development Director will inform the applicant in writing of his interpretation, stating the specific precedent, reasons and analysis upon which the determination is based.

The failure of the Community Development Director to act within 35 days, or such further time to which the applicant can agree, will be deemed to be a decision denying the application rendered on the day following such 35 day period.
 - 3. Appeal. Appeals from interpretations rendered by the Community Development Director may be taken to the Planning and Zoning Commission as provided in Section 1-502 of this Chapter.
- E. Standards for Use Interpretations. The following standards will govern the Community Development Director, and the Planning and Zoning Commission on appeals from the Community Development Director, in issuing use interpretations:
 - 1. No use interpretation will be given with respect to any Residential District.
 - 2. Any use defined in Chapter 2 or as otherwise defined in Appendix A (2012 North American Industry Classification System) of this Code will be strictly interpreted as therein defined.

3. No use interpretation will permit a use not already listed as a permitted or special permit use in the district proposed for that use.
4. No use interpretation will permit any use in any district unless evidence is presented that demonstrates that it will comply with each use limitation established for that particular district.
5. No use interpretation will permit any use in a particular district unless such use is substantially similar to other uses permitted in such district.
6. If the proposed use is most similar to a use permitted only as a special permit use in the district in which it is proposed to be located, then any use interpretation permitting such use will be conditioned on the issuance of a special permit for such use pursuant to Section 1-602 of this Chapter.
7. No use interpretation will permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.
8. Subject to the foregoing conditions and limitations, in rendering use interpretations the Community Development Director will be guided by the 2012 North American Industry Classification System, as amended by the Village (see Appendix A) and the use classification methodology used therein.

F. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district will authorize the establishment of that use nor the development, construction, reconstruction, alteration or moving of any building or structure but will merely authorize the preparation, filing and processing of Applications for any Permits and Approvals that may be required by the codes and ordinances of the Village, including, but not limited to, a Special Permit, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.

G. Limitations on Favorable Use Interpretations. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 1-101 L of this Chapter, no use interpretation finding a particular use to be permitted or specially permitted in a particular district will be valid for a period longer than six months from the date of issue unless a building permit is issued, and construction is actually begun within that period and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.

A use interpretation finding a particular use to be permitted or specially permitted in a particular district will be deemed to authorize only the particular use for which it was issued, and such permit will not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. The permit will automatically expire and cease to be of any force or effect if the particular use for which it was issued will, for any reason, be discontinued for a period of six consecutive months or more.

1-502: APPEALS

- A. Authority. Except as provided in Subparagraph 1-604 E1(d) of this Chapter with regard to site plan review appeals, the Planning and Zoning Commission will hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Community Development Director acting pursuant to his authority and duties under this Code and to that end the Board of Appeals will have the same powers and be subject to the same standards and limitations as the Community Development Director with respect to any order, decision or determination being appealed.
- B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by providing a local procedure for the review and correction of administrative errors. It is not, however, intended as a means to subvert the clear purposes, intent or meaning of this Code or the rightful authority of the Community Development Director to enforce this Code. To these ends, the reviewing body will give all proper deference to the spirit and language of this Code and to the reasonable interpretations of those charged with its administration.
- C. Parties Entitled to Appeal. An application for appeal to the Planning and Zoning Commission may be filed by any person aggrieved or adversely affected by an order, decision, determination or failure to act of the Community Development Director acting pursuant to his authority and duties under this Code.
- D. Procedure.
 - 1. Application. An application for appeal to the Planning and Zoning Commission will be filed not later than 45 days following the action being appealed and in accordance with the requirements of Section 1-301 of this Chapter.
 - 2. Action by Community Development Director. Upon receipt of a properly completed application for an appeal, the Community Development Director will transmit to the Planning and Zoning Commission the application together with all papers constituting the record upon which the action appealed from was taken.
 - 3. Public Hearing. A public hearing will be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of this Chapter.
 - 4. Action by Planning and Zoning Commission. Within thirty (30) days following the close of the public hearing the Planning and Zoning Commission will render a decision on the appeal in the manner and form specified in Subsection 1-103 C of this Chapter. The decision may reverse, affirm or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Planning and Zoning Commission, is proper to be made in the premises.

The failure of the Board to act within thirty (30) days, or such further time to which the applicant may agree, will be deemed to be a decision denying the appeal.

- E. Stay of Proceedings. An application for appeal properly filed pursuant to Subsection D above will stay all proceedings in the furtherance of the action appealed from, unless the Community Development Director certifies to the Planning and Zoning Commission after the application for appeal has been filed with the Community Development Director that, by reason of facts stated in the certificate, a stay would, in the Community Development Director's opinion, cause imminent peril to life or property, in which case the proceedings will not be stayed other than by a restraining order, which may be granted by the Planning and Zoning Commission or by the Circuit Court on application, upon reasonable written notice to the Community Development Director and on due cause shown.
- F. Right to Grant Variation in Deciding Appeals. In any case where the application for appeal is accompanied by an application for variation in accordance with Section 1-503 of this Chapter, the Planning and Zoning Commission will have the authority to grant, as part of the relief, a variation but only in strict compliance with each provision of said Section 1-503.
- G. Conditions and Limitations on Rights Granted by Appeal. In any case where this Code imposes conditions and limitations upon any right, any such right granted by the Planning and Zoning Commission on appeal will be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

1-503: VARIATIONS

- A. Authority. The Board of Trustees will have the authority to grant variations from the provisions of this Code, but only in compliance with the procedures set forth in Subsection D of this Section and in those specific instances enumerated in Subsection E of this Section and then only in accordance with each of the standards enumerated in Subsection F of this Section.
- B. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this Code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Chapter 3, the variation procedure is necessarily inappropriate.
- C. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or any person having a contractual interest in, the subject property.
- D. Procedure.
 1. Application. Applications for variations will be filed in accordance with the requirements of Section 11-301 of this Chapter.
 2. Public Hearing. A public hearing will be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of this Chapter.
 3. Action by Planning and Zoning Commission. Within 35 days following the close of the public hearing, the Planning and Zoning Commission will render its decision, granting or denying the variation, in the manner and form specified by Subsection 1-103 C of this Chapter.

The failure of the Board to act within 35 days, or such further time to which the applicant may agree, will be deemed to be a decision denying the variation.

E. Authorized Variations.

1. Permitted Variations. Subject to the prohibitions set forth in Paragraph E2 below, and subject to the other provisions of this Section, the Planning and Zoning Commission may only consider and recommend the following variations:
 - (a) To reduce the dimension of any required yard or setback of a lot of record existing at the time that the application for the variation is submitted;
 - (b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event will the respective area and width of the lot or lots be less than 90 percent of the required area and width, and only on a lot of record existing at the time that the application for the variation is submitted;
 - (c) To increase the maximum allowable height of any fence;
 - (d) To reduce by not more than 25 percent, or one space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required;
 - (e) To increase by not more than one sign the maximum number of signs of any functional type otherwise allowed;
 - (f) To allow the otherwise prohibited restoration of a partially damaged or destroyed pre-code structure or structure devoted to a nonconforming use;
 - (g) To allow yard variations in excess of those permitted by this Code in connection with the development of a legal nonconforming lot of record;
 - (h) To permit the use of one or more residential lots for a use otherwise prohibited solely because of the insufficient width of the lot or lots, where:
 - (i) The lot or lots for which the variation is sought are the result of a proposed subdivision that includes one or more existing nonconforming lots of record;
 - (ii) The application for a proposed subdivision is submitted concurrently with the application for variation;
 - (iii) The width of the lot or lots for which the variation is sought is not less than 75 percent of the required width;
 - (iv) The area of the lots for which a variation is sought is not less than 115% of the required lot area;
 - (v) The creation of new lots does not increase the degree of nonconformity as to width that exists in the existing nonconforming lot or lots at the time of application; and

(vi) The number of lots for which the variation is sought does not exceed either the number of nonconforming lots to be subdivided for the proposed subdivision or thirty percent (30%) of the total number of lots created by the proposed subdivision, whichever is less.

Any variation granted pursuant to this Subparagraph will run only to the applicant, as a personal privilege.

(i) To reduce the bulk, yard, setback and space requirements when a zoning lot, whether vacant or legally used, is reduced in size, by reason of the exercise of the right of eminent domain by an authorized governmental body or by reason of a conveyance made under the specific threat of an eminent domain proceeding, so that the remainder of said zoning lot, or any structure or use on said zoning lot, does not conform with one or more of such bulk, yard, setback or space requirements of the district in which said zoning lot is located.

(j) To permit the use of one or more residential lots for a use otherwise prohibited solely because of the insufficient width of the lot or lots, where:

- (i) The application for a proposed subdivision is submitted concurrently with the application for variation;
- (ii) The width of the lot or lots for which the variation is sought is not less than 75 percent of the required width;
- (iii) The area of the lots for which a variation is sought is not less than 115 percent of the required lot area; and
- (iv) The lot width of the lots created by the proposed subdivision is not less than the lot width of 75 percent of the remaining lots along the same frontage as the proposed new lots.

Any variation granted pursuant to this Subparagraph will run only to the applicant, as a personal privilege.

(k) To increase the maximum height of an alteration to, or enlargement of, a principal single-family detached residential pre-code structure located in a single-family residential district authorized pursuant to Chapter 7 of this Code, but in no event to a height exceeding the otherwise applicable district height limitations.

(l) To permit a reduction of the required lot width for property that is annexed to the Village pursuant to an annexation agreement that is duly authorized by the Corporate Authorities in the manner required by the Illinois Municipal Code.

(m) To increase the maximum height of an alteration to, or enlargement of, a principal single-family detached residential pre-code structure located in a single-family residential district authorized by this Code, but in no event to a height exceeding the otherwise applicable district height limitations.

2. Prohibited Variations. Notwithstanding any other provision of this Section, no variation will be granted that:

- (a) Is intended as a temporary measure only; or
- (b) Is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the applicant.

F. Standards for Variations.

1. General Standard. No variation will be granted pursuant to this Section unless the applicant will establish that carrying out the strict letter of the provisions of this Code would create a particular hardship or a practical difficulty. Such a showing will require proof that the variation being sought satisfies each of the standards set forth in this Subsection F.
2. Unique Physical Condition. The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.
4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the sale of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship will not be a prerequisite to the grant of an authorized variation.
6. Code and Plan Purposes. The variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of The Village of South Chicago Heights Comprehensive Land Use Plan.
7. Essential Character of the Area. The variation would not result in a use or development on the subject property that:

- (a) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- (b) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity;
- (c) Would substantially increase congestion in the public streets due to traffic or parking;
- (d) Would unduly increase the danger of flood or fire;
- (e) Would unduly tax public utilities and facilities in the area; or
- (f) Would endanger the public health and safety.

8. No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

G. Variation Less Than Requested. A variation less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

H. Conditions on Variations. The Planning and Zoning Commission may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Code upon the premises benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions will be expressly set forth in the resolution granting the variation. Violation of any such condition or limitation will be a violation of this Code and will constitute grounds for revocation of the variation.

I. Affidavit of Compliance with Conditions; Fee. Whenever any variation authorized pursuant to this Section is made subject to conditions and limitations to be met by the applicant, the applicant will upon meeting such conditions file an affidavit with the Community Development Director so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

J. Effect of Grant of Variation. The grant of a variation will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure but will merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the Codes and Ordinances of the Village, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy, Subdivision Approval and Site Plan Approval.

K. Limitations on Variations. Subject to an extension of time granted by the Community Development Director or Board of Trustees pursuant to Subsection 1-101 L of this Chapter, no variation from the

provisions of this Code will be valid for a period longer than 180 days, and no variation from the provisions of this Code that is granted concurrently with a special permit will be valid for a period longer than one year, unless a building permit is issued and construction has actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use is commenced within that period. Variations granted pursuant to Subparagraph 1-503 E1(j) of this Chapter will be valid for a period that is coterminous with the period that the tentative subdivision plat is valid, and will be deemed final variations that run with the land only after recordation of a duly approved final subdivision plat.

A variation will be deemed to authorize only the particular construction or development for which it was issued and will automatically expire and cease to be of any force or effect if such construction or development will be removed and not replaced within six months following such removal.

PART VI - AMENDMENTS AND SPECIAL APPROVALS

1-601: AMENDMENTS

- A. Authority. This Code and the Zoning Map may be amended from time to time by ordinance duly enacted by the Board of Trustees in accordance with the procedures set out in this Section.
- B. Purpose. The amendment process established by this Section is intended to provide a means for making changes in the text of this Code and in the Zoning Map that have more or less general significance or application. It is not intended to relieve particular hardships or to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this Code and Zoning Map in light of changing, newly discovered or newly important conditions, situations or knowledge.
- C. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the Planning and Zoning Commission, the owner of, or any person having a contractual interest in, any property to be affected by a proposed amendment to the Zoning Map, or any person interested in a proposed amendment to the text of this Code.
- D. Procedure.
 - 1. Preliminary Consideration.
 - (a) Preliminary Application. A preliminary application for an amendment to this Code or the Zoning Map will be filed in accordance with the requirements of Paragraph 1-301 E1 of this Chapter.
 - (b) Referral to Board. Every properly filed and completed preliminary application for an amendment to this Code or the Zoning Map will, before being processed in any other manner, be referred to the Board of Trustees pursuant to Subsection 1-301 A3 of this Chapter.
 - (c) Action by Board. The Board of Trustees will, not later than the first regular Board of Trustees meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review will be to broadly acquaint the Board of Trustees with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of the Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action will be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application will be deemed to be only preliminary

and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review will be deemed to create, or to prejudice, any rights of the applicant or to obligate the Board of Trustees, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

(d) Specified Public Bodies Exempt. Amendments proposed by the Board of Trustees, the Plan Commission or the Planning and Zoning Commission will not be subject to the provisions of this Subsection.

2. Formal Consideration.

(a) Formal Application. Subsequent to the Board of Trustees' review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for an amendment to this Code or the Zoning Map will be filed in accordance with the requirements of Paragraphs 1-301 A3 and 1-301 E6 of this Chapter for a Code amendment and 1-301E8 of this Chapter for a map amendment. Except as expressly provided otherwise herein, no formal application for an amendment to this Code will be filed unless the Board of Trustees will have first reviewed a preliminary application for such amendment in accordance with Paragraph D1 of this Section.

(b) Referral. Every properly filed and completed formal application for an amendment to this Code or the Zoning Map will be referred by the Community Development Director to the Planning and Zoning Commission.

(c) Public Hearing. In any case where a formal application for an amendment to this Code or the Zoning Map is referred by the Community Development Director pursuant to Subparagraph D-2(b) of this Section, a public hearing will be set, noticed, and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of the Chapter.

(d) Action by Plan Commission. Within 21 days following the conclusion of the public hearing, the Planning and Zoning Commission will transmit to the Board of Trustees its recommendation in the form specified by Subsection 1-103 C of this Chapter.

(e) The failure of the Commission to act within 21 days following the conclusion of such hearing, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the proposed amendment as submitted.

(f) Action by Board of Trustees; Protest. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the Board of Trustees will either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village

Clerk before the adoption of such amendment by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed amendment, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such amendment will not be passed except by a two-thirds vote of the Board of Trustees.

(g) The failure of the Board of Trustees to act within sixty (60) days or such further time to which the applicant may agree, will be deemed to be a decision denying the application.

E. Standard for Amendments. The wisdom of amending the Zoning Map or the text of this Code is a matter committed to the legislative discretion of the Board of Trustees and is not dictated by any set standard. However, in determining whether a proposed amendment should be granted or denied, the Board should be guided by the principle that its power to amend this Code is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the Board should weigh the factors that Paragraph 1-301 E8 requires the applicant to address.

1-602: SPECIAL PERMITS

A. Authority. The Board of Trustees may, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, grant special permits authorizing the development of uses listed as special permit uses in the regulations applicable to the district in which the subject property is located.

B. Purpose. Special permit uses are those uses having some special impact or uniqueness that require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending on a weighing, in each case, of the public need and benefit against the local impact and effect.

C. Parties Entitled to Seek Special Permits. An application for a special permit may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Preliminary Consideration.
 - (a) Preliminary Application. A preliminary application for a special permit will be filed in accordance with the requirements of subsection 1-301 E1 of this Chapter.
 - (b) Referral to Board. Every properly filed and completed preliminary application for a special permit will, before being processed in any other manner, be referred to the Board of Trustees pursuant to Subsection 1-301 A3 of this Chapter.

- (c) Action by Board. The Board of Trustees will, not later than the first regular Board of Trustees meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.
- (d) The purpose of such review will be to broadly acquaint the Board of Trustees with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.
- (e) At the meeting at which the preliminary application is considered, any member of the Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action will be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application will be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review will be deemed to create, or to prejudice, any rights of the applicant or to obligate the Board of Trustees, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.
- (f) Specified Public Bodies Exempt. Special permits proposed by the Board of Trustees, the Planning and Zoning Commission or the Planning and Zoning Commission will not be subject to the provisions of this Subsection.

2. Formal Consideration.

- (a) Formal Application. Subsequent to the Board of Trustees' review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for a special permit will be filed in accordance with the requirements of Paragraphs 1-301 A3 and 1-301 E7 of this Chapter. Except as expressly provided otherwise herein, no formal application for a special permit will be filed unless the Board of Trustees will have first reviewed a preliminary application for such special permit in accordance with Paragraph D-1 of this Section.
- (b) Referral. Every properly filed and completed formal application for a special permit will be referred by the Community Development Director to the Planning and Zoning Commission.
- (c) Public Hearing. In any case where a formal application for a special use permit is referred to the Planning and Zoning Commission pursuant to Subparagraph D-2(b) of this Section, a public hearing will be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of this Chapter.

(d) Action by Planning and Zoning Commission. Within 21 days following conclusion of the public hearing, the Planning and Zoning Commission will transmit to the Board of Trustees its recommendation in a form specified by Subsection 1-103 C of this Chapter, recommending either granting the application for a special permit; granting the application subject to conditions, as specified in Subsection F below; or denying the application.

The failure of the Planning and Zoning Commission to act within 21 days, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the proposed special permit.

(e) Action by Board of Trustees; Protest. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the Board of Trustees will either deny the application or, by ordinance duly adopted, will grant the special permit, with or without modifications or conditions; provided, however, that in the event a duly signed and acknowledged protest against the proposed special permit is filed with the Village Clerk by the owners of twenty percent (20%) or more of the frontage to be affected by the proposed special permit, or by the owners of twenty percent (20%) or more of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) or more of the frontage directly opposite the frontage to be affected, such ordinance will not be adopted except by a two-thirds vote of the Board of Trustees.

E. Standards for Special Permits.

1. General Standards. No special permit will be recommended or granted pursuant to this Section unless the applicant will establish that:
 - (a) Code and Plan Purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of The Village of South Chicago Heights Comprehensive Land Use Plan.
 - (b) No Undue Adverse Impact. The proposed use, drainage and development will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
 - (c) No Interference With Surrounding Development. The proposed use and development will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
 - (d) Adequate Public Facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or the applicant will provide adequately for such services.

- (e) No Traffic Congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- (f) No Destruction of Significant Features. The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic feature of significant importance.
- (g) Compliance With Standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

2. Special Standards for Specified Special Permit Uses. Where the district regulations authorizing any special permit use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district will not be recommended or granted unless the applicant will establish compliance with such special standards.
3. Considerations. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Planning and Zoning Commission will consider:
 - (a) Public Benefit. Whether, and to what extent, the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community; and
 - (b) Mitigation of Adverse Impacts. Whether, and to what extent, all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping and screening.

F. Conditions; Periodic Review; Term.

1. Conditions on Special Permits. In order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, substantial or undue or upon public facilities and services, the Planning and Zoning Commission may recommend, and the Board of Trustees may impose, and expressly include in the ordinance granting a special permit, conditions and limitations upon the premises benefited by a special permit. Such conditions, restrictions, and limitations may include, without limitation, the following:
 - (a) limitations and restrictions of the use of the subject property;
 - (b) restrictions on construction activity that will occur on and around the subject property;
 - (c) conditions concerning the character and design of the proposed use and development;

- (d) the location of the use within the subject property;
- (e) the provision of landscaping and screening, with specific regarding to design, quantity, quality, size and location;
- (f) restrictions on the hours of operation of the use;
- (g) a requirement that the subject property be developed and used in strict accordance with a site plan that is attached to the ordinance granting the special permit; and
- (h) any other matters relating to the purposes and objectives of this Code.

2. Violation of Conditions. Violation of any of the conditions imposed pursuant to Paragraph 1-602 F1 of this Code will be a violation of this Code and will constitute grounds for revocation of the special permit.

3. Periodic Review. The Planning and Zoning Commission may recommend, and the Board of Trustees may impose, a requirement that the special permit be publicly reviewed periodically pursuant to and in accordance with such procedures as are set forth in the ordinance granting the special permit. In every instance, such procedures will provide the applicant with advance notice of, and an opportunity to be heard at, such periodic review.

4. Term of Special Permit. Because of the unique operational nature, and potential unknown adverse impacts, of certain special permit uses, the Planning and Zoning Commission may recommend, and the Board of Trustees may impose, a term limitation on the duration of certain special permit uses. Such term limitation will (a) be set forth in the ordinance granting the special permit and (b) will be subject to renewal in accordance with Subsection 1-602 K of this Code.

G. Affidavit of Compliance With Conditions. Whenever any special permit granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant will, upon meeting such conditions, file an affidavit with the Community Development Director so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.

H. Effect of Issuance of a Special Permit. The granting of a special permit will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but will merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the Codes and Ordinances of the Village, including but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and subdivision approval.

I. Limitations on Special Permits. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 1-101 L of this Chapter, no special permit will be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is there-after diligently pursued to completion or unless a

Certificate of Occupancy is issued and a use commended within that period. A special permit will be deemed to authorize only the particular use for which it was issued, and such permit will automatically expire and cease to be of any force or effect if such use will, for any reason, be discontinued for a period of six (6) consecutive months or more. Except when otherwise provided in the Ordinance granting a special permit, a special permit will be deemed to relate to, and be for the benefit of, the current owner or operator of the use or lot in question rather than to the lot itself.

- J. Amendments to Special Permits. A special permit may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 1-602 for its original approval.
- K. Renewal of Special Permits. The Board of Trustees may, in accordance with the procedures and standards set out in this Subsection, consider requests for renewal of special permits. An application for the renewal of a special permit must be filed by the party to whom a special permit was granted, or a permitted successor thereto or assignee thereof, and must be filed prior to the date on which the term of the special permit is scheduled to expire. The Board of Trustees may consider such request at a public hearing following notice pursuant to Subparagraph 1-303 B3(c) of this Code. The Board of Trustees may, but will have no obligation to, seek the recommendation of another board or commission of the Village prior to such consideration. In the event that the party requesting such renewal demonstrates, to the satisfaction of the Board of Trustees, that the standards and circumstances under which the special permit was originally approved have not materially changed, then the Board of Trustees will, by ordinance duly adopted, renew the special permit for the same period of time for which the special permit was first valid. In the event that the Board of Trustees determines that the standards and circumstances under which the special permit was originally approved have materially changed, the Board of Trustees will have no obligation to renew the special permit.

1-603: PLANNED DEVELOPMENTS

- A. Authority. The Board of Trustees may, in accordance with the procedures and standards set out in this Section, and by ordinance duly adopted, grant special permits authorizing the development of planned developments, but only in the districts where such developments are listed as an authorized special permit use.
- B. Purpose. Planned developments are included in this Code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses.

In particular, however, the planned development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this Code in recognition of the fact that traditional regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate preregulations and rigidities upon the development or redevelopment of parcels or areas that lend themselves to an individual, planned approach.

Through the flexibility of the planned development technique, the Village seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
3. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
4. Combination and coordination of architectural styles, building forms, and building relationships.
5. Provision for the preservation and beneficial use of open space.
6. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.
7. Encouragement of land uses that promote the public health, safety and general welfare.

C. Parties Entitled to Seek Planned Development Approval. An application for special permit to permit a planned development may be filed by the owner of, or any person having a contractual interest in, the subject property.

D. Procedure.

1. Preliminary Consideration.
 - (a) Preliminary Application. A preliminary application for a special permit to permit a planned development will be filed in accordance with the requirements of Subsection 1-301 E1 of this Chapter.
 - (b) Referral to Board. Every properly filed and completed preliminary application for a special permit to permit a planned development will, before being processed in any other manner, be referred to the Board of Trustees pursuant to Subsection 1-301 A3 of this Chapter.
 - (c) Action by Board. The Board of Trustees will, not later than the first regular Board of Trustees meeting after the preliminary application has been referred to it, commence and conclude its review of the preliminary application.

The purpose of such review will be to broadly acquaint the Board of Trustees with the applicant's proposal and to provide the applicant with any preliminary views or concerns that members of the Board may have at a time in the process when positions are still flexible and adjustment is still possible and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a formal application.

At the meeting at which the preliminary application is considered, any member of

the Board of Trustees may make any comments, suggestions or recommendations regarding the preliminary application deemed necessary or appropriate by that member; provided, however, that no final or binding action will be taken with respect to any preliminary application. Any views expressed in the course of the Board's review of any preliminary application will be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review will be deemed to create, or to prejudice, any rights of the applicant or to obligate the Board of Trustees, or any member of it, to approve or deny any formal application following full consideration thereof as required by this Code.

2. Development Concept Plan.

(a) Purpose. The Development Concept Plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned development without incurring undue cost. The Development Concept Plan is the basis on which the required public hearing is held, thus permitting public consideration of the proposal at the earliest possible stage. In order to permit the Village and the applicant to proceed with some assurance, approval of the Development Concept Plan binds the applicant and the Village with respect to the following basic elements of development:

- (i) Categories of uses to be permitted;
- (ii) General location of residential and nonresidential land uses;
- (iii) Overall maximum density of residential uses and intensity of nonresidential uses;
- (iv) General architectural style of the proposed development;
- (v) General location and extent of public and private open space, including recreational amenities;
- (vi) General location of vehicular and pedestrian circulation systems;
- (vii) Staging of development; and
- (viii) Nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant.

(b) Application. Subsequent to the Board of Trustees' review and consideration of the preliminary application, but in no event more than six months thereafter, a formal application for approval of a Development Concept Plan will be filed in accordance with the requirements of Paragraphs 1-301 A3 and 1-301 E9 of this Chapter. No application for approval of a Development Concept Plan will be filed unless the Board of Trustees will have first reviewed a preliminary application for a special permit to permit a planned development in accordance with Paragraph D1 of this Section.

(c) Board Referral. Every properly filed and completed application for approval of a Development Concept Plan will be referred by the Community Development Director to the Planning and Zoning Commission.

(d) Public Hearing. In any case where an application for approval of a Development Concept Plan is referred by the Community Development Director pursuant to Subparagraph D2(c) of this Section, a public hearing will be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of this Chapter.

(e) Action by Planning and Zoning Commission. Within 21 days following the conclusion of the public hearing, the Planning and Zoning Commission will transmit to the Board of Trustees its recommendation, in the form specified by Subsection 1-103 C of this Chapter that the Development Concept Plan either be approved, be approved subject to modifications, or not be approved.

The failure of the Planning and Zoning Commission to act within 21 days, or such further time to which the applicant may agree, will be deemed a recommendation for the approval of the Development Concept Plan as submitted.

(f) Action by Board of Trustees. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the Board of Trustees will either deny the application for approval of the Development Concept Plan; will remand it back to the Planning and Zoning Commission for further consideration of specified matter; or will, by resolution duly adopted, approve the Development Concept Plan, with or without modifications and conditions to be accepted by the applicant as a condition of such approval, and refer the matter to the Planning and Zoning Commission for processing of the Final Plan in accordance with Paragraph D4 of this Section.

(g) The failure of the Board of Trustees to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying approval of the Development Concept Plan.

(h) Coordination With Subdivision Application. When a subdivision of land is proposed in connection with a planned development, review of the tentative plan of the proposed subdivision will be carried out simultaneously with review of the Development Concept Plan.

3. Optional Submission of Final Plan. The applicant may, at his option, submit a Final Plan for the proposed planned development pursuant to the requirements of Paragraph D4 below simultaneously with the submission of the Development Concept Plan pursuant to the requirements of Paragraph D1 above. In such case, the applicant will comply with all provisions of this Code applicable to submission of the Development Concept Plan and to submission of the Final Plan. The Planning and Zoning Commission and the Board of Trustees will consider such plans simultaneously and will grant or deny Final Plan Approval in accordance with the provisions of Paragraph D4 below.

4. Final Plan.

(a) Purpose. The Final Plan is intended to particularize, refine and implement the Development Concept Plan and to serve as a complete, thorough and permanent

public record of the planned development and the manner in which it is to be developed.

- (b) Application. Upon approval of the Development Concept Plan, the applicant will file an application for Final Plan approval in accordance with the requirements of Paragraph 1-301 E10 of this Chapter. The application will refine, implement and be in substantial conformity with the approved Development Concept Plan.
- (c) Public Meeting. A public meeting will be set, noticed and conducted by the Planning and Zoning Commission in accordance with Section 1-303 of this Chapter.
- (d) Coordination With Subdivision Application. When a subdivision of land is proposed in connection with a planned development, review of the final plat of the proposed subdivision will be carried out simultaneously with review of the Final Plan.
- (e) Phasing of Final Plan Approval. An application for Final Plan approval may include the entire area included in the approved Development Concept Plan or one or more phases, stages or units thereof; provided, however, that the following matters must be addressed and provide in the first phase, stage or unit submitted for Final Plan approval:
 - (i) All public improvements required or proposed for the entire area included in the approved Development Concept Plan.
 - (ii) All open space required or proposed for the entire area included in the approved Development Concept Plan.
 - (iii) All land dedications required or proposed for the entire area included in the approved Development Concept Plan.
 - (iv) The payment of all fees required by this Code.
- (f) Action by Planning and Zoning Commission.
 - (i) Evaluation. Within sixty (60) days following the filing of an application for approval of a final Plan, the Planning and Zoning Commission will with such aid and advice of such Village staff and consultants as may be appropriate, review and act on the plan. Such review will consider:
 - (1) Whether the Final Plan is in substantial conformity with the approved Development Concept Plan;
 - (2) The merit or lack of merit of any departure of the Final Plan from substantial conformity with the approved Development Concept Plan;
 - (3) Whether the Final Plan complies with any and all conditions imposed by the approval of the Development Concept Plan; and
 - (4) Whether the Final Plan complies with the provisions of this Code and all other applicable federal, state and Village codes, ordinances and regulations.

- (ii) Approval Based on Substantial Conformity. If the Planning and Zoning Commission finds substantial conformity between the Final Plan and the approved Development Concept Plan and further finds the Final Plan to be in all other respects complete and in compliance with any and all conditions imposed by approval of the Development Concept Plan and with the provisions of this Code and all other applicable federal, state and Village codes, ordinances and regulations, it will transmit the plan to the Board of Trustees with its recommendation, in the form specified in Subsection 1-103 C of this Chapter, that the Board approve the Final Plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (iii) Recommendation of Denial. In any case where the Planning and Zoning Commission finds that the Final Plan is not in substantial conformity with the approved Development Concept Plan and does not merit approval, or in any case where it requires modifications of a plan that are not accepted by the applicant, the Planning and Zoning Commission will transmit the plan to the Board of Trustees together with its recommendation and specific reasons in support of its recommendation, in the form specified in Subsection 1-103 C of this Chapter, that the Final Plan not be approved.
- (iv) Failure to Act. The failure of the Planning and Zoning Commission to act within the 60 day period specified in Subparagraph D4(f)(1) of this section, or such further time to which the applicant may agree, will be deemed to be a recommendation to the Board of Trustees to approve the Final Plan as submitted.

(g) Action by Board of Trustees. Within sixty (60) days following the receipt of the recommendation of the Planning and Zoning Commission, or its failure to act as above provided, the Board of Trustees will take action in accordance with the following Paragraphs:

- (i) Approval Based on Substantial Conformity. If the Planning and Zoning Commission has recommended approval of a Final Plan pursuant to Subparagraph D3(e)(2) of this Section, the Board of Trustees will, unless it specifically rejects one or more of the findings of the Planning and Zoning Commission on the basis of expressly stated reasons, approve the Final Plan by a duly adopted ordinance.
- (ii) Approval Notwithstanding Planning and Zoning Commission Recommendation of Denial. If the Planning and Zoning Commission has recommended denial of a Final Plan pursuant to Subparagraph D3(e)(3) of this Section, the Board of Trustees may, if it finds that the Final Plan merits approval and otherwise conforms to the requirements of this Code, approve the Final Plan by a duly adopted ordinance.
- (iii) Referral Back to Planning and Zoning Commission. In any case other than that specified in Subparagraph D3(f)(1) above, the Board of Trustees may refer the Final Plan back to the Planning and Zoning Commission for further consideration of specified matters.

- (iv) Conditions on Final Plan Approval. The approval of any Final Plan may, in addition, be granted, with or without modifications and conditions to be accepted by the applicant as a condition of approval.
- (v) Failure to Act. The failure of the Board of Trustees to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying Final Plan approval.

(h) Recording of Final Plan. When a Final Plan is approved, the Community Development Director will cause the Final Plan, or the portions thereof as are appropriate, to be recorded with the Recorder of Deeds of Cook County.

(i) Limitation on Final Plan Approval. Construction will commence in accordance with the approved Final Plan within one year after the approval of such Plan, or within such shorter time as may be established by the approved development schedule. Failure to commence construction within such period will, unless an extension of time will have been granted by the Community Development Director pursuant to Subsection 1-101 L of this Chapter, automatically render void the Final Plan approval and all approvals of the planned development and all permits based on such approvals, and the Community Development Director will, without further direction, initiate an appropriate application to revoke the special permit for all portions of the Planned Development that have not yet been completed.

(j) Building and Other Permits. Appropriate officials of the Village may, upon, but not before, receiving notice from the Community Development Director that the documents required for Final Plan approval have been approved, and upon proper application by the applicant, issue building and other permits to the applicant for the development, construction and other work in the area encompassed by the approved Final Plan; provided however, that no permit will be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the Village, in addition to this Code, that are applicable to the permit sought have been satisfied.

Building permits may, however, be withheld at the discretion of the Community Development Director or the Board of Trustees at any time it is determined that the development of the planned development is not proceeding in strict compliance with the approved Final Plan.

E. Standards for Planned Developments.

1. Special Permit Standards. No special permit for a planned development will be recommended or granted pursuant to this Section unless the applicant will establish that the proposed development will meet each of the standards made applicable to special permit uses pursuant to Subsection 1-602 of this Chapter.
2. Additional Standards for All Planned Developments. No special permit for a planned development will be recommended or granted unless the applicant will establish that the proposed development will meet each of the following additional standards:

- (a) Unified Ownership Required. The entire property proposed for planned development treatment will be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property will be included as joint applicants on all applications and all approvals will bind all owners. The violation of any owner as to any tract will be deemed a violation as to all owners and all tracts.
- (b) Minimum Area. The district regulations of this Code establishing standards for particular types of planned development specify the minimum area required for same planned development. In addition to meeting that specific standard, or where no specific standard is set, the applicant will have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which planned developments may be established pursuant to this Section.
- (c) Covenants and Restrictions to be Enforceable by Village. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned development will provide that they may not be modified, removed or released without the express consent of the Board of Trustees and that they may be enforced by the Village as well as by future landowners within the proposed development.
- (d) Public Open Space and Contributions. Whenever The Village of South Chicago Heights Comprehensive Land Use Plan or Official Map indicates that development of a planned development will create a need for land for public purposes of the Village within the proposed planned development, the Board of Trustees may require that such area be designated and to the extent such need is specifically and uniquely attributable to the proposed development, dedicated to the Village for such use. In addition, the Board of Trustees may require evidence that all requirements of Village ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met as respects the proposed planned development.
- (e) Common Open Space.
 - (i) Amount, Location and Use. The failure of a planned development to provide common open space will be considered to be an indication that it has not satisfied the objectives for which such developments may be approved pursuant to this Code. When common open space is provided in a planned development, the amount and location of such open space will be consistent with its intended function as set forth in the application and planned development plans. No such open space will be used for the construction of any structure or improvement except such structures and improvements as may be approved in the Final Plan as appropriate to the intended leisure and recreational uses for which such open space is intended.

- (ii) Preservation. Adequate safeguards, including recorded covenants or dedication of development rights, will be provided to prevent the subsequent use of common open space for any use, structure, improvement or development other than that shown on the approved Final Plan. The restrictions must be permanent and not for a given period of years and must run with the land.
- (iii) Ownership and Maintenance. The Final Plan will include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance and operation in accordance with predetermined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the planned development or the Village.
- (iv) Property Owners' Association. When the requirements of the preceding Subparagraph are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association will meet each of the following standards:
 - (1) The by-laws and rules of the association and all declarations, covenants and restrictions to be recorded must be approved as part of the Detailed Plan prior to becoming effective. Each such document will provide that it will not be amended in any manner that would result in it being in violation of the requirements of this Subparagraph.
 - (2) The association must be established and all covenants and restrictions recorded prior to the sale of any property within the area of the planned development designated to have the exclusive use of the proposed open space or improvements.
 - (3) The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.
 - (4) Membership in the association must be mandatory for each property owner, and any successive owner, having a right to the use or enjoyment of such open space or improvements.
 - (5) Every property having a right to the use of enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with statutes of the State of Illinois.
 - (6) The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment will not be fixed at more than 51 percent of the members voting on the issue.
 - (7) The Village must be given the right to enforce the covenants.

(8) The Village must be given the right, after ten days' written notice to the association, to perform any maintenance or repair work that the association has neglected to perform, to assess the membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village will have all the rights and powers of the association and its governing body under the agreements and declarations creating the association.

(f) Landscaping and Perimeter Treatment. Any area of a planned development not used for structures or circulation elements will be landscaped or otherwise improved. The perimeter of the planned development will be treated so as to ensure compatibility with surrounding uses by means such as provision of compatible uses and structures; setbacks; screening; or natural or manmade buffers. Every planned development will provide a perimeter landscaped open space along each of its boundaries; each such open space will have a minimum depth equal to the minimum applicable yard required in the district in which it is located.

(g) Private Streets. Private streets will be permitted in a planned development provided that:

- (i) Said streets will be treated as public streets and rights of way for purposes of all setbacks, yards and calculations under this Code.
- (ii) Said streets will be owned and maintained by a property owners' association meeting the requirements set forth in Subparagraph E2(e)(4) above; and
- (iii) A covenant will be recorded against the subject property acknowledging that the Village will at no time be under any obligation to provide maintenance for or accept dedication of said streets.

(h) Utilities. All utility lines will be installed underground.

3. Additional Standards for Specific Planned Developments. Where the district regulations authorizing any planned development use in a particular district impose standards to be met by such planned development in such district, a special permit for such development will not be recommended or granted unless the applicant will establish compliance with such special standards.

4. Waiver of Additional Standards. The Planning and Zoning Commission may waive any additional standards where the applicant demonstrates to the satisfaction of the Planning and Zoning Commission that the information required is not relevant to or necessary for the determination of the application submitted.

F. Conditions on Planned Development Approvals. The approval of either a Development Concept Plan or a Final Plan may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned

development; or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals and objectives of this Code, the Subdivision Ordinance and The Village of South Chicago Heights Comprehensive Land Use Plan. Such conditions will be expressly set forth in the ordinance or resolution granting the approval in question. Violation of any such condition or limitation will be a violation of this Code and will constitute grounds for revocation of all approvals granted for the planned development.

- G. Affidavit of Compliance With Conditions; Fee. Whenever any planned development approval granted pursuant to this Section is made subject to conditions or limitations to be met by the applicant, the applicant will, upon meeting such conditions, file an affidavit with the Community Development Director so stating. Such affidavit will be accompanied by a nonrefundable fee, to be fixed in each case by the Community Development Director, to recover the Village's actual direct cost of an inspection to verify that such conditions and limitations have been met.
- H. Regulation During and Following Completion of Development. Following Final Plan approval, in the event of an express conflict between the provisions of the Final Plan and this Code, the Final Plan will control. This Code will control in all other instances.
- I. Inspections During Development.
 - 1. Inspections by Community Development Director. Following approval of the Final Plan of a planned development, or any stage thereof, the Community Development Director will, at least annually until the completion of development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.
 - 2. Action by Community Development Director. If the Community Development Director finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the Final Plan, the Community Development Director will immediately notify the Board of Trustees of such fact and may, if necessary to protect the public health, safety or welfare or to prevent further violation of this Code and the Final Plan, issue an order stopping any and all work on the planned development until such time as any noncompliance is cured.
 - 3. Action by Board of Trustees. Within sixty (60) days following notification by the Community Development Director, the Board of Trustees will either:
 - (a) Take such steps as it deems necessary to compel compliance with the Final Plan; or
 - (b) Require the owner or applicant to seek an adjustment to the Final Plan as provided in Subsection K of this Section.

J. Adjustments to Final Plan During Development

- 1. Minor Adjustments. During the development of a planned development, the Community Development Director may authorize minor adjustments to the Final Plan when such adjustments appear necessary in light of the technical or engineering considerations first

discovered during actual development. Such minor adjustments will be limited to the following:

- (a) Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved Final Plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the planned development, whichever is less;
- (b) Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved Final Plan between such circulation element and any structure, whichever is less;
- (c) Altering the location of any open space by not more than twenty (20) feet;
- (d) Altering any final grade by not more than ten percent (10%) of the originally planned grade; and
- (e) Altering the location or type of landscaping elements.
- (f) Such minor adjustments will be consistent with the intent and purpose of this Code and the Final Plan as approved, will be the minimum necessary to overcome the particular difficulty and will not be approved if they would result in a violation of any standard or requirement of this Code.

2. **Major Adjustments.** Any adjustment to the Final Plan not authorized by Paragraph J1 above will be considered to a major adjustment and will be granted only upon application to and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for a major adjustment without a hearing upon finding that any changes in the Final Plan as approved will be in substantial conformity with said Final Plan. If the Board of Trustees determines that a major adjustment is not in substantial conformity with the Final Plan as approved, then the Board may refer the request to the Planning and Zoning Commission for further hearing, review and recommendation.

K. **Amendments to Final Plan Following Completion of Development.** After completion of a planned development, an approved Final Plan may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Section 1-603 for approval of the planned development.

1-604: SITE PLAN REVIEW

A. **Authority.** Except in the cases of uses and developments requiring a special permit pursuant to the provisions in this Code, the Community Development Director may, as a matter of original jurisdiction and in accordance with the procedures and standards set out in this Section, grant site plan approval to uses and developments requiring such approval pursuant to Subsection C of this Section. In case of uses and developments requiring a special permit pursuant to Section 1-602 or Section 1-603 of this Code, and in cases of appeal from a denial of approval by the Community Development Director, the Board of Trustees may, by ordinance duly adopted, grant site plan approval in accordance with the procedures and standards set out in this Section.

B. Purpose. The site plan review process recognizes that even those uses and developments that have been determined to be generally suitable for location in a particular district are capable of adversely affecting the purposes for which this Code was enacted unless careful consideration is given to critical design elements. It is the purpose of this Section to provide a vehicle for the review of the developer's attention to such elements.

C. Site Plan Review Required.

1. Community Development Director Review. Site plan review by the Community Development Director in accordance with this Section will be required in connection with the following developments:
 - (a) Any development or redevelopment involving a parcel or contiguous parcels under single ownership or control having an area in excess of 20,000 square feet.
 - (b) Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25 or a height of more than three stories.
 - (c) Any development or redevelopment involving an existing structure having a floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25, or a height in excess of three stories that would alter any such measure by more than 25 percent of such amount.
 - (d) Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
 - (e) Any nonresidential development on a lot abutting or across a right of way from any residential district.
 - (f) Any development or redevelopment in the TCR District.
 - (g) Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure, that is not a special permit use.
 - (h) Any development or redevelopment for which this Code requires a special permit, including planned development approval.
2. Board of Trustees Review. Site plan review by the Board of Trustees may be sought in any case of a denial of site plan approval by the Community Development Director.

D. Parties Entitled to Seek Site Plan Approval. Application for site plan review may be filed by the owner of, or any person having a contractual interest in, the subject property.

E. Procedure.

1. Community Development Director Approvals.

- (a) Application. Applications for site plan approval by the Community Development Director will be filed in accordance with the requirements of Section 1-301 of this Chapter.
- (b) Action by Community Development Director. Within 30 days following receipt by the Community Development Director of a properly completed application, the Community Development Director will cause such application and the attached site plan to be reviewed, in terms of the standards established by Subsection F of this Section, by appropriate members of his staff.

He will then either: (1) approve the site plan as submitted; (2) on the basis of written findings in accordance with Subsection F below, approve it subject to specific modification; or (3) on the basis of such written findings, deny approval of the site plan.

Immediately upon concluding his review, the Community Development Director will return one copy of the site plan to the applicant marked to show either approval, approval subject to modification, which modification will be clearly and permanently marked on such plans, or denial or approval. The Community Development Director will maintain a similarly marked set of such plans in his files for any further processing that may be required.

The failure of the Community Development Director to act within said thirty (30) days, or such further time to which the applicant may agree, will be deemed to be a decision approving the site plan as submitted.

- (c) Effect of Community Development Director's Action. The action of the Community Development Director in approving a site plan or in approving a site plan subject to modifications that are acceptable to the applicant will constitute a final administrative action and will not be subject to further review by, or appeal to, any Board of Trustees or Commission.

The action of the Community Development Director in denying an application for site plan approval or in approving a site plan subject to modifications that are not acceptable to the applicant (which action the applicant may treat as a denial) will not be considered final action by the Village but will only be authorization for the applicant to seek approval of the site plan from the Board of Trustees by way of the appeal procedure set forth below.

- (d) Appeals. Within 45 days following a denial of site plan approval by the Community Development Director, the applicant may seek approval of the site plan by filing an application for appeal to the Board of Trustees in accordance with the requirements of Section 11-301 of this Chapter. Any such appeal will be proceeded in accordance with the provisions of Paragraph E2 below.

2. Board of Trustees Appellate Jurisdiction.

- (a) Application. Applications for site plan approval by the Board of Trustees under its appellate jurisdiction will be filed in accordance with the requirements of Section 1-301 of this Chapter. In cases where review is sought by way of an appeal of a denial of site plan approval by the Community Development Director, the application for appeal will be filed within 45 days following such denial.
- (b) Action by Community Development Director in Appeal Cases. Upon receipt of a properly completed application for an appeal of a denial of site plan approval by the Community Development Director, the Community Development Director will forthwith transmit to the Board of Trustees the application for appeal, the original application for site plan approval, all papers constituting the record upon which the Community Development Director's denial was based and a copy of the Community Development Director's decision denying the application for site plan approval.
- (c) Public Meeting. A public meeting will be set, noticed and conducted by the Board of Trustees in accordance with Section 1-303 of this Chapter.
- (d) Action by Board of Trustees. Within 35 days following the conclusion of the public meeting, the Board of Trustees will, by ordinance duly adopted, either approve the site plan as submitted, make modifications acceptable to the applicant and approve such modified site plan or approve or disapprove it in the manner hereinafter specified.

The failure of the Board to act within sixty (60) days, or such further time to which the applicant may agree, will be deemed to be a decision denying site plan approval.

F. Standards for Site Plan Disapproval.

- 1. Standards. The Community Development Director and the Board of Trustees will not disapprove a site plan submitted pursuant to this Section except on the basis of specific written findings directed to one or more of the following standards:
 - (a) The application is incomplete in specified particulars or contains or reveals violations of this Code or other applicable regulations that the applicant has, after written request, failed or refused to supply or correct.
 - (b) The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has failed to secure approval of that application.
 - (c) The site plan fails to adequately meet specified standards required by this Code with respect to the proposed use or development, including special use standards where applicable.
 - (d) The proposed site plan interferes with easements or rights-of-way.

- (e) The proposed site plan is unreasonably injurious or detrimental to the use and enjoyment of surrounding property.
- (f) The proposed site plan creates undue traffic congestion or hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed or inefficient pedestrian or vehicular circulation path on or off site.
- (g) The screening of the site does not provide adequate shielding from or for nearby uses.
- (h) The proposed site plan creates unreasonable drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned drainage system serving the Village.
- (i) The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate site utilities into the overall existing and planned utility systems serving the Village.
- (j) The proposed site plan does not provide for required public uses designated on the Official Map.
- (k) The proposed site plan otherwise adversely affects the public health, safety or general welfare.

2. Alternative Approaches. In citing any of the foregoing standards, other than those of Subparagraphs 1(a) and (b), as the basis for disapproving a site plan, the Community Development Director or the Board of Trustees may suggest alternative site plan approaches that could be developed to avoid the specified deficiency or may state the reasons why such deficiency cannot be avoided consistent with the applicant's objectives.

G. Effect of Site Plan Approval. Approval of a site plan will not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but will merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village, including, but not limited to, a Certificate of Zoning Compliance, a Building Permit, a Certificate of Occupancy and Subdivision Approval.

A copy of every approved site plan will be filed with the Community Development Director and the development of the site will be in substantial conformity with such approved & filed plan.

H. Limitations on Site Plan Approval. Subject to an extension of time granted by the Community Development Director pursuant to Subsection 1-101 L of this Chapter, no site plan approval will be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a Certificate of Occupancy is issued and a use commenced within that period.

I. Adjustments to Site Plan During Development.

1. Site Plans Approved by the Community Development Director. During the development of the site, the Community Development Director will have authority to authorize any adjustment to a site plan approved by him that he could have authorized in the course of his original review.
2. Site Plans Approved by the Board of Trustees.
 - (a) Minor Adjustments. During the development of the site, the Community Development Director may authorize minor adjustments to a site plan approved by the Board of Trustees under its appellate jurisdiction when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments will be limited to the following:
 - (i) Altering the location of any one structure or group of structures by not more than 5 feet or one-fourth of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.
 - (ii) Altering the location of any circulation element by not more than five (5) feet or one-fourth of the distance shown on the approved site plan between such circulation element and any structure, whichever is less.
 - (iii) Altering the location of any open space by not more than twenty (20) feet.
 - (iv) Altering any final grade by not more than ten percent (10%) of the originally planned grade.
 - (v) Altering the location or type of landscaping elements.

Such minor adjustments will be consistent with the intent and purpose of this Code and the site plan as approved, will be the minimum necessary to overcome the particular difficulty and will not be approved if they would result in a violation of any standard or requirement of this Code.

- (b) Major Adjustments. Any adjustment to a site plan approved by the Board of Trustees under its appellate jurisdiction that is not authorized by Subparagraph 2(a) above will be considered a major adjustment and will be granted only upon application to and approval by, the Board of Trustees. The Board of Trustees may, by ordinance duly adopted, grant approval for major adjustment without referral to the Planning and Zoning Commission upon finding that any changes in the site plan as approved will be in substantial conformity with said plan.

- J. Amendments to Site Plan Following Completion of Development. After a site is developed in accordance with an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations as provided for the original approval of site plans.

1-605: DESIGN REVIEW

- A. Authority. The Board of Trustees, in accordance with the procedures and standards set out in this Section and by ordinance duly adopted, may grant Design Review Permit approval; provided, however, that no such permit will be granted unless such use or development complies with the regulations of the district in which it is located and all necessary certificates, permits and approvals for such use or development will have been secured.
- B. Purpose. The Design Review Permit process is intended to provide a procedure for the review of plans to ensure that the use and development requiring design review approval will comply with standards established to preserve the integrity of areas and structures which have been determined to merit special protection.
- C. Design Review Required. Design review in accordance with this Section will be required in connection with the following developments:
 - 1. Any development or redevelopment involving a parcel or contiguous parcels under single ownership or control having an area in excess of 20,000 square feet.
 - 2. Any development or redevelopment involving the construction of any new structure or structures having a gross floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25 or a height of more than three stories.
 - 3. Any development or redevelopment involving an existing structure having a floor area in excess of 20,000 square feet, a floor area ratio in excess of 0.25, or a height in excess of three stories that would alter any such measure by more than 25 percent of such amount.
 - 4. Any development or redevelopment involving the creation or expansion of a parking lot or garage or a loading space.
 - 5. Any nonresidential development on a lot abutting or across a right of way from any residential district.
 - 6. Any development or redevelopment in the TCR District.
 - 7. Any development or redevelopment involving a personal wireless services antenna, with or without an antenna support structure, that is not a special permit use.
 - 8. Any development or redevelopment for which this Code requires a special permit, including planned development approval.
- D. Parties Entitled to Seek Design Review Permits. An application for a Design Review Permit may be filed by the owner of, or any person having a contractual interest in, the subject property.
- E. Procedure.

1. Application. Applications for a Design Review Permits will be filed in accordance with the requirements of Section 1-301 of this Code. Applications will be forwarded to the Planning and Zoning Commission.
2. Other approvals required prior to approval. In any case where the proposed work requires the issuance of a special use permit, variation, or other approval, no Design Review Permit will be granted unless and until such special use permit, variation, or other approval has been issued. The issuance of any such other approval will not be deemed to establish any right to the issuance of a Design Review Permit.
3. Public meeting. A public meeting will be set, noticed, and conducted by the Planning and Zoning Commission pursuant to Subparagraph 1-303B3(a) of this Code.
4. Action by Planning and Zoning Commission. Within 35 days following the conclusion of the public meeting provided in Subsection E3 of this Section, the Planning and Zoning Commission will, in writing, recommend to the Board of Trustees to grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. In reaching its recommendation, the Planning and Zoning Commission will be guided by the particular standards and considerations set forth in Subsection F of this Section. The failure of the Planning and Zoning Commission to act within 35 days, or such longer period of time as may be agreed to by the applicant, will be deemed a recommendation to deny the Design Review Permit.
5. Action by Board of Trustees. Within 35 days after receiving the recommendation of the Planning and Zoning Commission or if the Planning and Zoning Commission fails to act within 35 days following the conclusion of the public meeting provided in Subsection E3 of this Section, within seventy (70) days following the conclusion of such public meeting, the Board of Trustees will, by ordinance duly adopted, grant the Design Review Permit without modification, grant the Design Review Permit with modifications or subject to conditions, or deny the Design Review Permit. The failure of the Board of Trustees to act within the time limits set in this Subsection, or such longer period of time as may be agreed to by the applicant, will be deemed a denial of the Design Review Permit. In reaching its decision, the Board of Trustees will be guided by the particular standards and considerations set forth in Subsection E of this Section.
6. Issuance of certificate. If a Design Review Permit is granted pursuant to this Section, the Community Development Director, within seven days following the passage of the ordinance by the Board of Trustees pursuant to Subsection E5 of this Section, will issue the Design Review Permit, noting thereon any modifications or conditions imposed by the Board of Trustees. Each Design Review Permit will state on its face, in bold type, that:

THIS PERMIT DOES NOT SIGNIFY ZONING, BUILDING CODE, OR SUBDIVISION REVIEW OR APPROVAL AND HOLDER IS NOT AUTHORIZED TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE REQUIRED.

F. Standards and Considerations for Design Review Permit. In passing upon applications for Design Review Permits, the Planning and Zoning Commission and the Board of Trustees will consider and

evaluate the property of issuing the Design Review Permit all in as expeditious a manner as possible. In addition, the Planning and Zoning Commission and the Board of Trustees will be guided by the following standards and considerations:

1. General Building Design and Relation to Street and Pedestrians: All building designs will be evaluated under the following guidelines, as well as the way in which the design relates to the street on which the subject building is, or is proposed to be, located:
 - (a) Height, Bulk, Scale and Massing: Overall height and massing of proposed buildings and structures will be modulated to reduce the appearance of height and bulk.
 - (b) Roof-lines: Roof-lines will be designed to generate visual interest.
 - (c) Façade: Architectural details in building facades will provide visual interest and be generally compatible with surrounding buildings and properties.
 - (d) Proportion of openings: The size and number of openings (windows, doors, etc.) will be proportionate to the overall façade.
 - (e) Rhythm of entrance porch and other projections. The scale of entrances and other projections will be designed to relate proportionately to sidewalks and pedestrians.
 - (f) Open spaces. The quality and location of the open spaces between buildings and in setback spaces between the street and façade will be suitably located in relation to the street, other open spaces and pedestrian ways.
2. Visual compatibility. Visual compatibility will be considered and reviewed in terms of the following guidelines.
 - (a) Height. The height of proposed buildings and structures as it relates to adjacent buildings.
 - (b) Materials. The quality of materials and their relationship to those in existing adjacent structures.
 - (c) Proportion of front façade. The relationship of the width to the height of the front elevation will be visually compatible with buildings, public ways, and places to which it is visually related.
 - (d) Proportion of openings. The relationship of the width to the height of windows will be visually compatible with buildings, public ways, and places to which the building is visually related.
 - (e) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front façade of a building will be visually compatible with buildings, public ways, and places to which it is visually related.

- (f) Rhythm of spacing and buildings on streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures will be visually compatible with the buildings, public ways, and places to which it is visually related.
- (g) Relationship of materials and texture. The relationship of the materials and texture of the façade will be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.
- (h) Roof shapes. The roof shape of a building will be visually compatible with the buildings to which it is visually related.
- (i) Walls of continuity. Building facades and appurtenances such as walls, fences, and landscape masses will, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.
- (j) Scale of building. The size and mass of building and structures in relation to open spaces, windows, door openings, porches, and balconies will be visually compatible with the buildings, public ways, and places to which they are visually related.

3. Overall Site Design and Landscaping. The overall site design will be reviewed in terms of the quality of the following elements:

- (a) Landscaping and screening: Parking lots, unsightly equipment and service areas will be screened from public view by means of landscaping, fencing, and/or other means of screening.
- (b) Lighting: Exterior lighting will be architecturally integrated with building style, material and color, and will not be directed off site.
- (c) Parking: Automobile access, servicing of the property, and impact on vehicular traffic patterns and conditions on-site and in the vicinity of the site, and the retention of trees and shrubs to the maximum extent possible will also be reviewed.

4. Special considerations for existing buildings. For existing buildings, the Planning and Zoning Commission, Architectural Control Commission, and the Board of Trustees will consider the availability of materials, technology, and craftsmanship to duplicate existing styles, patterns, textures, and overall detailing.

5. Manuals and guidelines. The Planning and Zoning Commission or Architectural Control Commission may, from time to time, provide for specific manuals or guidelines for architectural styles or common-occurring buildings or site features and elements to assist applicants for Design Review Permits. Such manuals or guidelines will be advisory only and will bind neither the applicant nor the Planning and Zoning Commission, Architectural Control Commission, or the Board of Trustees with respect to any specific case.

6. Design criteria for signs.

- (a) Visual compatibility. The proposed sign will be visually compatible with the building on which the sign is proposed to be located, as well as with surrounding buildings and structures in terms of height, size, proportion, scale, materials, texture, colors, and shapes.
- (b) Quality of design and construction. The proposed sign will be constructed and maintained with a design and materials of high quality and good relationship with the design and character of the neighborhood.
- (c) Appropriateness to activity. The proposed sign will be appropriate to, and necessary for, the activity to which it pertains.
- (d) Appropriateness to site. The proposed sign will be appropriate to its location in terms of design, landscaping, and orientation on the site, and will not create a hazard to pedestrian or vehicular traffic, detract from the value or enjoyment of neighboring properties, or unduly increase the number of signs in the area.

G. Modifications and Conditions. In approving an application for a Design Review Permit, the Board of Trustees may, by resolution duly adopted, authorize the issuance of the Design Review Permit for plans as submitted, or on condition that specified modifications in such plans be made, or on any other condition deemed necessary to achieving the purposes and objectives of this Section. Such conditions and modifications will be set forth in the resolution granting approval and in the Design Review Permit. The violation of any such condition or modification will be a violation of this Code.

Limitation on Permits. A Design Review Permit will become null and void 12 months after the date on which it was issued unless, within such period, the work authorized by such permit is commenced. A Design Review Permit will relate solely to the work shown on plans approved by the issuance of such permit and it will be unlawful for any person to deviate from such plans without obtaining an amended permit in the same manner as herein provided for obtaining original permits.

Chapter 4. GENERAL ZONING PROVISIONS

PART I – HOME OCCUPATION REGULATIONS

1-101: Purpose: This Section is intended to allow as home occupations only those uses that conform with this Section's standards. A home occupation is an accessory use located and conducted in such a manner that the average neighbor would not be aware of its existence. The home occupation standards are intended to ensure compatibility with surrounding permitted uses, promote and protect the residential character of the neighborhood, and maintain the subordinate and incidental status of the home occupation.

1-102: Location: A home occupation shall be conducted completely within a dwelling unit or within a building or structure accessory to the dwelling unit.

1-103: Standards: The following standards apply to home occupations:

- A. The dwelling unit in which the home occupation is located shall comply with the regulations of the zoning district in which it is located and all other Village codes, ordinances, rules, and regulations, as amended.
- B. At least one (1) employee of the home occupation shall reside at the residence where the home occupation is located.
- C. Home occupation activities shall be conducted entirely within the dwelling unit or within an accessory building or structure. Outdoor activities in furtherance of the home occupation including, but not limited to the following activities, are prohibited on the premises on which the home occupation is located:
 - (1) Outdoor placement or storage of trucks in excess of 8,000 pounds of curb weight;
 - (2) Outdoor placement, storage, delivery, or distribution of goods or other equipment, excluding deliveries customarily associated with residential households, such as parcel or letter carriers;
 - (3) Conducting business activities outdoors;
 - (4) Outdoor assembly of persons on or adjacent to the lot on which the home occupation is located for the purpose of conducting or participating in the home occupation;
 - (5) Preparation of materials, equipment, goods, and other objects for off-site work;
 - (6) Parking on public streets or rights of way.
- D. The home occupation shall be subordinate and incidental to the principal use of the building or structure for residential purposes and shall not exceed twenty five (25%) percent of the gross

floor area of the dwelling unit and accessory buildings or structures on the premises on which the home occupation is located.

- E. The home occupation shall comply with the off-street parking regulations set forth in Chapter 10.
- F. Home occupations that offer or include general retail, pet care, eating and drinking, funeral or undertaking services, and/or impose adverse external impacts on a neighborhood's residential character are prohibited.
- G. The community development director is authorized to evaluate and determine whether a proposed home occupation is consistent with this Section.

1-104: Permitted Uses:

- A. Barbershops and beauty salons, limited to two (2) operators
- B. Babysitting services
- C. Instruction in music, dance, home crafts and art, provided that the total class size does not exceed four (4) students at any time
- D. Offices of dental practitioners, medical practitioners, ministers, priests, rabbis, architects, brokers, engineers, insurance agents, lawyers, real estate agents, and offices for professions determined by the community development director to be consistent with the foregoing offices
- E. Offices of salesman, sales representatives, or manufacturers' representatives, provided that no retail transactions shall be made on the premises except through telephone, mail, or electronic or wireless communication
- F. Repair services, but not including retail sales
- G. Studios of artists, authors, composers, photographers, and sculptors
- H. Workrooms of dressmakers, seamstresses, and tailors

PART II – ACCESSORY BUILDINGS AND USES

1-201: Location: No accessory building or structure shall be erected or altered at, nor be moved to, a location within ten (10') feet of the nearest wall of the principal building. Except as otherwise provided herein, no accessory building shall be erected, altered, or moved to a location within the required front yard, side yard, or corner side yard. In residential districts, an accessory building may be located in a rear or side yard if such accessory structure is at least five (5') feet from any lot line.

1-202: Height: All accessory buildings and structures shall comply with the height limitations of the zoning district in which the accessory building or structure is located, provided that no accessory building or structure shall exceed the height of the principal building or structure located on the lot. In residential districts, the height of accessory buildings or structures shall not exceed fifteen (15') feet, as measured from grade at the base of the structure to the highest point of the roof.

1-203: Bulk: No accessory structure's footprint shall exceed the footprint of the principal structure.

1-204: Percentage of Required Yard Occupied: In residential districts, detached accessory structures shall not occupy more than twenty five (25%) percent of a required rear or interior side yard or four hundred and eighty (480) square feet, whichever is greater.

1-205: Time of Construction: No accessory building or structure shall be constructed or established prior to the time of construction or establishment of the principal building to which it is accessory.

1-206: Modular Storage Units:

- A. Definitions: A "modular storage unit" is a prefabricated accessory storage structure not exceeding eleven (11') feet in height and two hundred (200) square feet in area that is located on at least four (4") inches of compacted gravel and possesses a rodent and bug proof floor.
- B. Permitted: Modular storage units are permitted without a permit subject to compliance with the provisions of Chapter 4, Part II, Sections 1-201 – 1-206.

PART III – PERMITTED OBSTRUCTIONS IN YARDS

1-301: All required yards shall be unobstructed from the ground level to the sky, except for the following:

- A. In all required yards, chimneys, eaves, cornices, air conditioners, steps, walkways, heating, and ventilation equipment, ornamental features, and bay windows may extend three (3) feet into the required yard.
- B. Patios, decks, and porches may extend five (5) feet into the required front yard or corner side yard and ten (10) feet into the required rear yard.
- C. Accessory structures permitted to encroach into a required setback as set forth in Section 1-201 of this Chapter.

PART IV – OUTDOOR SALES AND STORAGE

1-401: Sales and Storage Permitted: The outside sale and storage of merchandise at retail shall be permitted only under the following terms, conditions, restrictions, and regulations in the B-1 and TCR Zoning Districts:

1-402: Definitions: As used in this Section, the following terms shall have the following meanings:

- A. Pedestrian Walkway – The paved area located solely on private property adjacent to the building used by patrons to walk to the entrance of the commercial establishments, excluding areas within the parking lot designed for vehicular travel or parking.
- B. Seasonal Merchandise – Items not normally sold throughout the year and that are typically displayed and sold only during the time of year for which they are appropriate or intended to be used.

1-403: Timing: Outdoor sales and storage at retail shall be restricted to sales of seasonal merchandise during the time of year when such items are normally used.

1-404: Location: All outdoor sales and storage of seasonal merchandise is restricted to private property, and no sales or storage shall be permitted on publicly-owned property, including, without limitation, public sidewalks. Seasonal merchandise sold or stored on pedestrian walkways shall be located in such a manner to ensure that at least five (5') feet of width of the pedestrian walkway is maintained unobstructed and free and clear at all times. Outdoor sales and storage shall not occur in any required off-street parking space.

PART V – TEMPORARY USES

1-501: Approval Required: The temporary use of property in a manner that does not conform to this Code's regulations requires village approval.

1-502: Authority: The community development director may authorize the temporary use of a building, structure, or lot in any zoning district for a building, structure, or use of land that does not conform to this Code's regulations, provided, however, that such use will not have an adverse impact on surrounding properties or threaten the public health, safety, and welfare. The community development director may only authorize a temporary use upon the concurrence of the village's other departments, including, without limitation, the administrative department, fire department, police department, and public works department. The community development director may impose any such conditions on his approval of the temporary use that he deems necessary to protect the public health, safety, and welfare.

1-503: Term: The term of a temporary use approved by the community development director may not exceed six (6) months. Upon expiration of the six (6) month term, the community development director may allow the temporary use to continue for up to one (1) additional six (6) month period.

1-504: Village Board Approval: Requests for temporary uses that exceed the timeframes set forth in Section 1-503 of this Chapter or otherwise fail to comply with the provisions of Chapter 4, Part V, require village board approval.

1-505: Board Approval Criteria: The village board shall only approve a temporary use if it finds that such use will not harm the public health, safety, and welfare. The village board may impose any such

conditions on its approval of a temporary use that it deems necessary to protect the public health, safety, and welfare.

PART VI – RECREATIONAL VEHICLES AND TRAILERS

1-601: Applicability and Definitions: These regulations apply to all trailers and recreational vehicles as defined below.

- A. **Recreational Vehicle:** Any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, as defined by the Illinois Motor Vehicle Code; as well as similar vehicles, including, without limitation, all-terrain vehicles, boats, snowmobiles, and watercraft.
- B. **Trailer:** Every vehicle without motive power in operation designed for carrying persons or property and so constructed that no part of its weight rests upon the towing vehicle, regardless of its primary use.

1-602: Location of Trailers and Recreational Vehicles: Storage and parking of trailers and recreational vehicles shall comply with the following:

- A. Only one trailer or recreational vehicle may be located outside a fully enclosed building or structure on any lot. A trailer or recreational vehicle located outside a fully enclosed building or structure shall be screened from lot lines with: i) a fence or wall measuring six (6) feet in height; or ii) landscaping or at least seventy five (75%) percent opacity and measuring at least six (6) feet at the time of planting. This Section 1-602(A) does not apply to property zoned I, Light Industrial Zoning District.
- B. Trailers and recreational vehicles may locate within a lot's rear yard or interior side yard setbacks. Except as provided in Section 6-102(E), recreational vehicles are prohibited in the required front yard and corner side yard setbacks. Trailers are prohibited in the required front yard and corner side yard setback.
- C. Trailers and recreational vehicles shall not be located closer than five (5) feet to any lot line.
- D. The wheels or any similar transporting devices of trailers or recreational vehicles shall not be removed except for repairs, nor shall any trailer or recreational vehicle be otherwise immobilized or affixed to the ground unless it is stored in a fully enclosed building or structure.
- E. Recreational vehicles may be parked on the driveway or on another surface approved by the village engineer within the required front yard or corner side yard setback, provided that:
 - (1) The recreational vehicle shall be used daily and shall be its owner's principal means of transportation; and
 - (2) The recreational vehicle shall not exceed twenty five (25) feet in length.

1-603: Temporary Storage and Parking of Trailers and Recreational Vehicles: A trailer or recreational vehicle may be temporarily parked or maintained on any lot no more than three (3) times per month for no more than forty eight (48) hours per occurrence and only for loading and unloading purposes. A trailer or recreational vehicle temporarily parked or maintained in accordance with this Section is exempt from the screening requirements set forth in Section 1-602(a). This Section 1-603 does not apply to property zoned I, Light Industrial Zoning District.

PART VII – FENCES, SCREENING, AND REFUSE AREAS

1-701: General Fence Regulations:

- A. Applicability: All fences, walls, and similar screening improvements in any zoning district shall comply with the provisions of this Section.
- B. Permits: A village building permit is required for the construction or alteration of any fence.
- C. Structural Elements: All fences must be constructed so that fence posts, structural elements, and unfinished materials are located on the side of the fence facing the lot on which the fence is constructed.
- D. Electrified and Barbed Wire Fences: Electrified and barbed wire fences are prohibited in all zoning districts.
- E. Screening of Refuse Disposal Areas: All refuse disposal and grease storage containers shall be screened on four (4) sides by a solid commercial grade fence or wall constructed of wood, masonry, or equivalent material, and measuring six (6) feet in height. The enclosure shall be used strictly to confine refuse and grease containers and shall not be used to store any other materials or equipment. Doors accessing the refuse disposal area shall be situated, to the greatest extent possible, facing away from adjacent lots, sidewalks, or streets. Single-family detached dwellings and other residential units utilizing curbside refuse service are exempt from this Section's screening requirements.

1-702: Fences in Residential Zoning Districts: Fences located on residentially-zoned lots must comply with the following:

- A. Fences measuring up to three (3) feet in height may be constructed in any required corner side yard setback.
- B. Fences measuring up to six (6) feet in height may be constructed in any required rear yard setback or interior side yard setback.
- C. No fence shall exceed six (6) feet in height on any residentially-zoned property.
- D. No fence shall be constructed in any required front yard setback.

1-703: Fences in Business Zoning Districts: Fences located on business-zoned lots must comply with the following:

- A. Fences measuring up to three (3) feet in height may be constructed in any required front yard setback or corner side yard setback.
- B. Fences measuring up to eight (8) feet in height may be constructed in any required rear yard setback or interior side yard setback.
- C. No fence shall exceed eight (8) feet in height on any business-zoned property.

1-704: Fences in Industrial Zoning Districts: Fences located on industrially-zoned lots must comply with the following:

- A. Fences measuring up to three (3) feet in height may be constructed in any required front yard setback or corner side yard setback.
- B. Fences measuring up to ten (10) feet in height may be constructed in any required rear yard setback or interior side yard setback.
- C. No fence shall exceed ten (10) feet in height on any industrially-zoned property.

PART VIII – AUTOMOBILE DEALERS

1-801: The sale of new or used automobiles in the village shall comply with the following conditions:

- A. No vehicles shall be parked on public right of way.
- B. Concrete vehicle bumpers or a comparable barrier approved by the community development director shall be placed at least 3 feet from any lot line adjacent to public right of way.
- C. Parking spaces for vehicle display shall measure at least eight (8') feet by eighteen (18') feet.
- D. Vehicles on display may be parked in tandem, although no row of tandem parked vehicles may contain more than two (2) vehicles.
- E. At all times, at least three (3') feet of unobstructed space must surround the front and rear of each vehicle on display.
- F. Only pole lighting of a height and intensity approved by the community development director is allowed. Temporary lighting, including, without limitation, string lighting, is prohibited.
- G. Inoperable vehicles may not be stored on the premises.

- H. Outdoor vehicle repair and service is prohibited.
- I. Outdoor storage of parts and equipment, including, without limitation, tires, is prohibited.
- J. An uninterrupted drive aisle measuring at least twenty (20') feet in width shall be provided and maintained throughout the premises to allow emergency vehicle access.

PART IX – ADULT USES

1-901: Definitions: The following definitions apply throughout this Section:

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT: Any exhibition of adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

ADULT ENTERTAINMENT CABARET: A public or private establishment which features topless or nude dancers and/or waitresses, strippers, male or female impersonators and/or similar entertainers.

ADULT ENTERTAINMENT CENTER: An enclosed building with the capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT GIFT SHOP: An establishment having as a substantial or significant portion of its stock in trade pictures, photographs, drawings, diagrams, paraphernalia, apparatus or other objects which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted for the sale or display of such material.

ADULT MOVIE THEATER: An enclosed building with a capacity of fifty (50) persons or more used primarily for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT USE: An establishment that provides goods or services characterized as sexual or adult in nature, including adult bookstores, adult entertainment cabarets, adult entertainment centers, adult gift shops, and adult movie theaters.

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered human genitals, pubic region, the female breast below a point immediately above the areola to a point immediately below the areola, said opaque cover covering the entire areola.
- B. The display of the human male genitals in a discernibly turgid state, real or simulated, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Actual or simulated human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; acts or simulated acts of oral sexual conduct; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or excretory functions as part of or in connection with any activities set forth in this definition.

1-902: Special Use Permit Required: A special use permit is required to establish or operate an adult use in the village.

1-903: Special Use Permit Application: The special use application shall be made on forms provided by the village and describe with specificity the exact nature of the proposed adult use. Expansions or changes to any special use shall be processed in accordance with this Code's procedures for a new special use permit.

1-904: Special Use Restrictions and Requirements: In addition to this Code's special use requirements and procedures, the following restrictions and requirements also apply to an applicant for an adult use. No special use shall be approved for an adult use that:

- A. Is located within five hundred (500') feet of any existing school; church; day care center; cemetery, mortuary, or undertaking establishment; home for the aged or indigent persons, veterans, or their spouses or children; establishments licensed to sell alcoholic liquor; township, municipal, or other governmental facility; park; forest preserve; recreation facility; teen or youth center; or residence;
- B. Sells, serves, and/or allows the consumption of alcoholic liquor;
- C. Is located within one thousand (1,000') feet of another adult use;
- E. Is located within two hundred (200') feet of the centerline of Sauk Trail or is located within two hundred (200') feet of the centerline of Chicago Road;
- D. Has more than one outdoor sign advertising its existence or location;
- E. Has an outdoor sign exceeding ten feet (10') in length or three feet (3') in width;

- F. Displays the stock in trade of adult entertainment establishments to the public view from outside the establishment, including graphics, decorations, displays, pictorial depictions, photographs, silhouettes, flashing lights, or drawings of materials and services offered;
- G. Fails to post a notice at the door that entry by persons under age twenty one (21) is forbidden;
- H. Paints the exterior of the premises any color other than a single achromatic color;
- I. Is located on a lot zoned anything other than I, Light Industrial Zoning District; or
- K. Maintains less than a five foot (5') buffer zone between any and all topless or nude dancers, strippers, male or female impersonators, or other similar live entertainers, and the nearest customer.

For the purposes of this Section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the lot line of the lot containing the adult use to the lot line of the lot containing the nearest adult use; school; church; day care center; cemetery, mortuary, or undertaking establishment; home for the aged or indigent persons, veterans, or their spouses or children; establishments licensed to sell alcoholic liquor; township, municipal, or other governmental facility; park; forest preserve; recreation facility; teen or youth center; or residence.

1-905: Registration: The owner of the lot on which an adult use is located and the adult use's agent shall complete and submit to the village clerk, on a form provided by the village clerk, a registration form containing the following information:

- A. Owner's and agent's full legal names;
- B. Telephone numbers for use during and after business hours;
- C. Proof of age indicating that the applicant is over twenty one (21) years of age;
- D. Address of adult use;
- E. Description of all goods, services, and activities offered and/or associated with the adult use; and
- F. Executed affidavit stating that the adult use does and will comply with all village codes, rules and regulations, including, without limitation, codes, rules, and regulations concerning health, safety, and inspection, and acknowledgement that failure to do so may result in the village revoking the adult use's special use approval.

The owner of the lot and adult use's agent shall immediately submit to the village clerk a revised registration form if the information identified above changes in any way.

1-906: Prohibited Acts and Penalties:

- A. It shall be deemed a violation of this chapter to do any of following:
 - (1) Violate any provisions of this Section;
 - (2) Engage in or permit the occurrence of human masturbation, sexual intercourse, oral sex, sodomy, or other contact stimulation of the genitalia or engage in or permit the occurrence of any act constituting the offense of obscenity under the Illinois criminal code on property subject to the special use;
 - (3) Allow, permit, or authorize the physical contact between any employee, entertainer, or agent of the establishment and a customer; or
 - (4) Violate any terms and conditions contained in the adult use's special use ordinance.
- B. Any person found guilty of violating any of the provisions of this Section shall be fined not less than one hundred (\$100.00) dollars nor more than seven hundred fifty (\$750.00) dollars per violation, and each day a violation exists shall constitute a separate offense. Nothing in this Section shall prohibit the village or any person or entity from pursuing any other claims at law or in equity against any entity or person that violates this Section or any village ordinance, rule, or regulation, including, without limitation revocation of an adult use's special use approval.

1-907: Responsibility of Registered Party: Every act or omission constituting a violation of the Village Code by any owner, operator, employee of an operator, entertainer, agent, customer, or patron of an adult use shall be deemed to be an act or omission of the person(s) registered pursuant to Section 1-905, and such person(s) shall be liable under the terms of Section 1-906.

1-908: Hours of Operation: Adult uses that include adult entertainment may remain open between the hours of noon and midnight. It is unlawful for an adult use that offers adult entertainment to remain open for business, to admit the public, or permit patrons to remain on the premises other than between the hours of noon and midnight, except that employees performing cleaning or maintenance activities necessary for the premises' operation may be present on site at other times.

1-909: Survival: If any part, subsection or clause of this Section shall be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses shall not be affected thereby.

PART X – BUILDING HEIGHT LIMITATIONS

1-1001: Height Limitations: Height limitations shall be as set forth under each zoning district for all buildings, structures and uses of land.

1-1002: Exceptions: Roof structures for the housing of stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, of structures deemed to be similar by the Community Development

Director may be erected above the height limitations imposed by this Title. No such structure may be erected to exceed by more than twenty five (25) feet the height limits of the zoning district in which it is located.

PART XI – BUILDINGS ON A LOT

1-1101: Every building hereafter erected or structurally altered to provide one or more dwelling units shall be located on a lot herein defined and in no case shall there be more than one such building on a lot unless otherwise provided in this Title.

1-1102: Every building shall face upon a public street or a permanent easement of access to a public street.

PART XII – USES

1-1201: Permitted: Permitted uses of buildings, structures or parcels of land shall be allowed in the zoning districts indicated under the conditions specified. No buildings, structures or parcels of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or parcel of land shall be located, with the exception of the following:

- A. Uses lawfully established on the effective date hereof in accordance with the provisions of Chapter 10 of this Title.
- B. Special uses allowed in accordance with the provisions of Chapter 3 of this Code.

1-1202: Special: Special uses of buildings, structures or parcels of land, as hereinafter listed, shall be allowed in the zoning districts indicated under the conditions specified in accordance with the provisions of Chapter 3.

PART XIII – AREA AND LOT WIDTH

1-1301: Minimum Area: Every lot created subsequent to the effective date hereof, or any amendment hereto, shall meet the minimum area requirements of the zoning district within which it is located. In

1-1302: Minimum Lot Width: Every lot created subsequent to the effective date hereof, or any amendment hereto, shall meet the minimum lot width requirements of the zoning district within which it is located.

PART XIV – YARD REQUIREMENTS

1-1401: Location Of Required Yards: Yard requirements shall be as set forth under each zoning district for all buildings, structures and uses of land. All required yards shall be located on the same lot as the building, structure or use of land for which such yard is required. The right-of-way of any public roadway, public alley or public accessway which exists by dedication, recorded easement or prescription and which is located on the lot shall not be included as part of the required yard.

1-1402: Required Yards For Existing Buildings: No yards, now or hereafter provided, for a building, structure or use existing on the effective date hereof, or any amendment hereto, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Title for equivalent new construction.

4817-3806-5965, v. 1

Chapter 5. NONCONFORMING USES AND STRUCTURES

PART I – PURPOSE AND INTENT

1-101: This Chapter regulates uses and structures that do not conform to the regulations of this Code and specifies the terms and conditions under which such nonconforming uses and structures lawfully existing upon the adoption of this Code may be permitted to continue. The continuation of nonconforming uses and structures can substantially and adversely impact the orderly development of the village, property values, and the community's character. Accordingly, imposing reasonable conditions on the existence and continued operation of nonconforming uses and structures is necessary.

PART II – AUTHORITY TO CONTINUE LEGAL NONCONFORMING USES

1-201: Any use lawfully existing upon the adoption of this Code or any amendment hereto can continue, provided that: 1) if the use is located in a principal building or structure, the use may be continued during the remainder of the building or structure's normal life or until the building or structure has deteriorated to the extent that it is no longer safe or habitable; or 2) if the use does not involve a principal building or structure, it may be continued as long as no new principal or accessory building or structure is erected.

1-202: The continuance of all nonconforming uses shall be subject to compliance with the regulations of this Chapter 5.

1-203: No use that was not lawfully existing at the time of the adoption of this Code or any amendment hereto shall become or be made lawful solely by the adoption of this Code or its amendment.

PART III – RESTRICTIONS ON LEGAL NONCONFORMING USES AND STRUCTURES

1-301: Repairs and Alterations:

- A. No repairs or alterations to a nonconforming structure shall be made to increase the bulk, floor area, or intensity of the structure, unless such repairs or alterations are intended to accommodate a permitted use and such repairs and alterations comply with all village codes, ordinances, rules, and regulations, as amended.
- B. Nothing in this Chapter shall prevent reconstructing, repairing, or rebuilding a structure containing a nonconforming use rendered necessary by wear, tear, or deterioration provided that the cost of such work shall not exceed fifty (50%) percent of the replacement cost of such structure at the time such work is completed.
- C. If a structure containing a nonconforming use is damaged by fire, collapse, explosion, or other casualty or act of god to the extent that the cost of restoring the structure to its condition immediately preceding the occurrence exceeds fifty (50%) percent of the replacement cost of the building or structure at the time immediately preceding the occurrence, as determined by the community development director, the nonconforming use must cease and any reconstruction, construction, rebuilding, repairs, and use must comply with all village codes,

ordinances, rules, and regulations, as amended, including the use regulations of the zoning district in which the structure is located.

- D. If damage to a structure is fifty (50%) percent or less of the cost of replacing the structure to its condition immediately preceding the occurrence causing the damage, as determined by the community development director, the nonconforming use shall not be reestablished if the nonconforming use is discontinued for six (6) months or longer.

1-302: Expansion of Legal Nonconforming Use: A nonconforming use shall not be expanded or extended into any portion of the building, structure, or lot that was not occupied by the nonconforming use when this Code was adopted.

1-303: Discontinuance of Legal Nonconforming Use: If a nonconforming use is discontinued for a period of six (6) months, it shall not be reestablished and any subsequent use of the building, structure, or lot shall conform to the use regulations of the zoning district in which such building, structure, or lot is located.

1-304: Change of Legal Nonconforming Uses: A nonconforming use may be changed to a new use only if the new use conforms to the use regulations of the zoning district in which the building, structure, or lot is located.

1-305: Relocation: No building or structure containing a nonconforming use shall be moved in whole or in part to any other location on the same or any other lot unless the use conforms to the use regulations of the zoning district in which the building or structure is to be located.

Chapter 6. USE REGULATIONS

PART I – USE REGULATIONS AND INTERPRETATION

1-101: The uses identified in Section 1-201 are those uses allowed in the village's zoning districts.

1-102: Permitted uses are identified in Section 1-201 with a "P" in the row corresponding to the use in question. Special permit uses are identified in Section 1-201 with a "S" in the row corresponding to the use in question. Conditions applicable to a specific use are denoted with a "["*]" in Section 1-201 and explained at the conclusion of Section 1-201.

1-103: Uses identified in Section 1-201 with a “-” or otherwise not listed in Section 1-201 are prohibited.

1-104: Uses identified in Section 1-201 that are not defined in Chapter 2 shall be defined in accordance with the 2012 North American Industry Classification System (NAICS) section references provided in the first column of Section 2-101, as amended.

PART II – PERMITTED AND SPECIAL USES

1-201: The following uses are allowed in the village's zoning districts:

NAIC Code	Use	R-1	R-2	R-3	B-1	TCR	I
RESIDENTIAL USES							
-	Single-family detached dwelling	P	P	P	-	-	-
-	Two-family dwelling	-	P	P	-	-	-
-	Multiple-family dwelling	-	-	P	S	P	-
-	Residential care facility	P	P	P	-	-	-
COMMERCIAL USES							
-	Adult use	-	-	-	-	-	S(1)*
Animal services							
541940	Animal hospital	-	-	-	S	-	S
812910	Pet care sales and service (excluding veterinary)	-	-	-	P	-	-
711510	Artist studio	-	-	-	P	P	-
311811	Bakery	-	-	-	P	P	-
522110	Bank, commercial; credit union; savings institution	-	-	-	P	P	-
-	Drive-through facility	-	-	-	S	-	-
-	Dry cleaning facility	-	-	-	P	-	-
Eating and drinking							
722511	Restaurant, full service	-	-	-	P	P	-
722513	Restaurant, limited service	-	-	-	P	P	-
722410	Drinking places	-	-	-	P	P	-
Entertainment and recreation							

713120	Amusement arcade	-	-	-	P	P	-
-	Billiard hall	-	-	-	P	P	-
713950	Bowling center	-	-	-	P	-	-
813410	Club; lodge	-	-	-	S	S	-
713940	Fitness and recreation sports center	-	-	-	P	-	-
512131	Theater	-	-	-	S	-	-
-	Firearm Sales	-	-	-	-	-	S
	Funeral and interment services						
812220	Cemetery	-	-	-	S	-	-
812220	Crematorium	-	-	-	-	-	S
812220	Funeral home (excluding crematorium)	-	-	-	P	-	-
444220	Garden center	-	-	-	P	-	S
-	Home occupations	P(2)*	P(2)*	P(2)*	-	-	-
	Lodging						
721110	Hotel	-	-	-	P	P	-
721110	Motel	-	-	-	P	-	-
	Office (except as otherwise specified herein)						
-	Contractor	-	-	-	P	-	P
621112	Medical / dental	-	-	-	P	-	-
-	Professional	-	-	-	P	P	S
-	Outdoor sales display	-	-	-	(3)*	(3)*	(3)*
	Parking						
812930	Principal use	-	-	-	S	-	S
812930	Accessory use	P	P	P	P	P	P
	Personal services						
812111	Barbershop	-	-	-	P	-	-
812112	Beauty salon	-	-	-	P	-	-
812113	Nail salon	-	-	-	P	-	-
812199	Tanning salon (excluding tattoo parlors)	-	-	-	P	-	-
-	Retail sales and service (except as otherwise specified herein)	-	-	-	P	P	-
	Service uses						
811430	Footwear and leather goods repair	-	-	-	P	-	-
812310	Laundromat	-	-	-	P	-	-
-	Repair, rental, or servicing of any article, the sale of which is permitted in the zoning district (unless otherwise specified herein)	-	-	-	P	P	P
811490	Tailor shop	-	-	-	P	-	-
	Vehicle service and sales						
441110	Automobile dealers, new or used	-	-	-	S(4)*	-	-
441310	Automobile parts and accessory store	-	-	-	P	-	-
532111	Automobile rental	-	-	-	P	-	-
-	Car wash	-	-	-	S	-	-
447110	Gasoline station, with or without convenience	-	-	-	P	-	-

447190	store						
811111	General automotive repair	-	-	-	S	-	P
-	Vehicle storage	-	-	-	S	-	S
INDUSTRIAL USES							
-	Building and material storage yard	-	-	-	-	-	P
-	Contractor storage yard	-	-	-	-	-	P
-	Hazardous material storage	-	-	-	-	-	S
444190	Lumber yard	-	-	-	-	-	P
Warehouse, storage, and freight transportation							
488490	Freight terminal, truck	-	-	-	-	-	P
488210	Freight terminal, rail or intermodal	-	-	-	-	-	P
484210	Moving and storage	-	-	-	-	-	P
531130	Self storage facilities	-	-	-	-	-	P
-	Warehouse (except as otherwise specified herein)	-	-	-	-	-	P
MISCELLANEOUS USES							
Civic uses							
-	Community center	S	S	S	S	-	S
-	Emergency services	-	-	-	P	-	P
921190	Government office	-	-	-	P	-	P
-	Library	-	-	-	P	-	-
-	Post office	-	-	-	P	-	-
Cannabis uses							
-	Cultivation facility	-	-	-	-	-	S
-	Dispensary	-	-	-	-	-	S
Child care facility							
624410	Daycare	S	S	S	-	S	-
624410	Preschool	S	S	S	-		-
Educational facility							
611310	College / university	S	S	S	-	-	S
611110	School, kindergarten through high school	S	S	S	-	-	-
611610	Trade school, music school, dance school	S	S	S	-	-	-
713910	Golf courses, excluding driving ranges and miniature golf courses	S	S	S	-	-	-
622110	Hospital	S	S	S	-	-	S
-	Other uses determined by the Community Development Director to be similar in nature to the uses listed herein	S	S	S	S	S	S
-	Parks / playgrounds	P	P	P	-	-	-
-	Personal Wireless Service Facilities	S	S	S	S	S	P
-	Planned unit development	S	S	S	S	S	S
Religious uses							
-	Religious assembly	S	S	S	S	S	S

-	Religious institution	S	S	S	S	S	S
	Renewable energy system	(5)*	(5)*	(5)*	(5)*	(5)*	(5)*

(1)* - see Chapter 4, Adult Uses

(2)* - see Chapter 4, Home Occupation Regulations

(3)* - see Chapter 4, Outdoor Sales Display Regulations

(4)* - see Chapter 4, Automobile Dealers

(5)* - see Chapter 13, Wind and Solar Renewable Energy Systems

4840-3131-9335, v. 1

Chapter 7. Residential Districts

PART I – GENERAL REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS

1-101: Unless otherwise stated in this Chapter, all residentially-zoned lots shall comply with the following regulations:

- A. All home occupations shall be conducted in accordance with Chapter 4.
- B. All rooftop mechanical units shall be screened to their full height on all four (4) sides by a parapet wall.

PART II – RESIDENTIAL ZONING DISTRICT REGULATIONS

1-201: R-1 Single-Family Residential Zoning District

- A. Intent. The R-1 District is intended to accommodate low density housing options in a traditional suburban neighborhood setting and a variety of compatible, low intensity uses.
- B. Permitted uses. The uses designated as permitted uses in the R-1 Zoning District in Chapter 6 are permitted in the R-1 Zoning District.
- C. Special uses. The uses designated as special uses in the R-1 Zoning District in Chapter 6 are allowed as special uses in the R-1 Zoning District
- D. Yard, lot, and building regulations. The yard, lot, and building regulations set forth in Table 1 below apply to all principal uses and structures in the R-1 Zoning District. Additional yard, lot, and building regulations governing accessory uses and structures can be found in Chapter 4, Part II.

Table 1: R-1 Zoning District Yard, Lot, and Building Regulations

R-1 Zoning District	
YARDS	
Front yard setback (minimum)	20 feet
Side yard setbacks (minimum)	<ul style="list-style-type: none">a) Permitted use on lots for which subdivisions were approved after December 31, 1979: At least 5 feet, and a total of at least 15 feetb) Permitted use on lots for which subdivisions were approved on or before December 31, 1979: At least 5 feet, and a total of at least 10 feetc) Special use: 15 feet
Rear yard setback (minimum)	20% of lot depth, but no less than 15 feet and no more than 25 feet
Corner side yard setback (minimum)	20 feet, except if a 27 foot buildable width cannot be maintained, then the corner side yard setback may be reduced by an amount sufficient to achieve a 27 foot

buildable width, provided that the corner side yard shall not be less than 5 feet	
LOTS	
Lot area (minimum)	a) Permitted uses: 1) Subdivisions for which final plats were approved after December 31, 1979: 7,000 square feet 2) Subdivisions for which final plats were approved on or before December 31, 1979: 2,750 square feet b) Special uses: 1 acre
Lot width (minimum)	a) Subdivisions for which final plats were approved after December 31, 1979 : 50 feet b) Subdivisions for which final plats were approved on or before December 31, 1979: 27 feet c) Subdivisions for which final plats were approved after December 31, 1979 and the resulting lot contains 10,000 square feet or more: 45 feet
DWELLING UNITS	
Floor area per dwelling unit (minimum)	a) Dwelling units constructed on lots for which subdivisions were approved after December 31, 1979: 1,500 square feet b) Dwelling units constructed on lots which subdivisions were approved on or before December 31, 1979: 800 square feet
BUILDINGS	
Height (maximum)	25 feet

1-202: R-2 Two-Family Residential Zoning District

- A. Intent. The R-2 District is intended to foster low to moderate density residential character and support low intensity uses that are consistent with and support a predominant residential neighborhood.
- B. Permitted uses. The uses designated as permitted uses in the R-2 Zoning District in Chapter 6 are permitted in the R-2 Zoning District.
- C. Special uses. The uses designated as special uses in the R-2 Zoning District in Chapter 6 are allowed as special uses in the R-2 Zoning District
- D. Yard, lot, and building regulations. The yard, lot, and building regulations set forth in Table 1 below apply to all principal uses and structures in the R-2 Zoning District. Additional yard, lot, and building regulations governing accessory uses and structures can be found in Chapter 4, Part II.

Table 1: R-2 Zoning District Yard, Lot, and Building Regulations

R-2 Zoning District	
YARDS	
Front yard setback (minimum)	20 feet
Side yard setbacks (minimum)	<ul style="list-style-type: none"> a) Permitted use on lots for which subdivisions were approved after December 31, 1979: At least 5 feet, and a total of at least 15 feet b) Permitted use on lots for which subdivisions were approved on or before December 31, 1979: At least 5 feet, and a total of at least 10 feet a) Special use: 15 feet
Rear yard setback (minimum)	20% of lot depth, but no less than 15 feet and no more than 25 feet
Corner side yard setback (minimum)	20 feet, except if a 27 foot buildable width cannot be maintained, then the corner side yard setback may be reduced by an amount sufficient to achieve a 27 foot buildable width, provided that the corner side yard shall not be less than 5 feet
LOTS	
Lot area (minimum)	<ul style="list-style-type: none"> a) Permitted uses other than two-family dwellings: <ul style="list-style-type: none"> 1) Subdivisions for which final plats were approved after December 31, 1979: 7,000 square feet 2) Subdivisions for which final plats were approved on or before December 31, 1979: 2,750 square feet b) Two-family dwellings: <ul style="list-style-type: none"> 1) Subdivisions for which final plats were approved after December 31, 1979: 3,500 square feet per dwelling 2) Subdivisions for which final plats were approved on or before December 31, 1979: 2,750 square feet per dwelling c) Special uses: 1 acre
Lot width (minimum)	<ul style="list-style-type: none"> a) Subdivisions for which final plats were approved after December 31, 1979: 50 feet b) Subdivisions for which final plats were approved on or before December 31, 1979: 27 feet c) Subdivisions for which final plats were approved after December 31, 1979 and the resulting lot contains 10,000 square feet or more: 45 feet
DWELLING UNITS	
Floor area per dwelling unit (minimum)	Two-family dwellings: 500 square feet per dwelling unit
BUILDINGS	

Height (maximum)	35 feet or 3 stories, whichever is less
------------------	---

1-203: R-3 General Residential Zoning District

- A. Intent. The R-3 District is intended to accommodate multiple-family areas at a comparably higher density than other residential districts. The R-3 District allows a variety of housing types and compatible uses. R-3 properties should be adjacent to higher traffic areas and properties possessing higher use intensity, like commercial centers.
- B. Permitted uses. The uses designated as permitted uses in the R-3 Zoning District in Chapter 6 are permitted in the R-3 Zoning District.
- C. Special uses. The uses designated as special uses in the R-3 Zoning District in Chapter 6 are allowed as special uses in the R-3 Zoning District.
- D. Yard, lot, and building regulations. The yard, lot, and building regulations set forth in Table 1 below apply to all principal uses and structures in the R-3 Zoning District. Additional yard, lot, and building regulations governing accessory uses and structures can be found in Chapter 4, Part II.

Table 1: R-3 Zoning District Yard, Lot, and Building Regulations

R-3 Zoning District	
YARDS	
Front yard setback (minimum)	30 feet
Side yard setbacks (minimum)	<ul style="list-style-type: none"> a) Permitted use: 10% of lot width or 5 feet per yard, whichever is greater b) Special use: 15 feet
Rear yard setback (minimum)	20% of lot depth, but no less than 15 feet and no more than 25 feet
Corner side yard setback (minimum)	20 feet, except if a 27 foot buildable width cannot be maintained, then the corner side yard setback may be reduced by an amount sufficient to achieve a 27 foot buildable width, provided that the corner side yard shall not be less than 5 feet
LOTS	
Lot area (minimum)	<ul style="list-style-type: none"> a) Permitted uses other than two-family dwellings and multiple-family dwellings: <ul style="list-style-type: none"> 1) Subdivisions for which final plats were approved after December 31, 1979: 7,000 square feet 2) Subdivisions for which final plats were approved on or before December 31, 1979: 2,750 square feet b) Two-family dwellings: <ul style="list-style-type: none"> 1) Subdivisions for which final plats were approved after December 31, 1979: 3,500 square feet per dwelling 2) Subdivisions for which final plats were approved

	on or before December 31, 1979: 2,750 square feet per dwelling c) Multiple-family dwellings: 1) 1,500 square feet per each efficiency unit 2) 2,000 square feet per each one-bedroom unit 3) 2,500 square feet per each two-bedroom unit 4) 3,500 square feet per each three-bedroom unit 5) 4,500 square feet per each unit with four or more bedrooms d) Special uses: 1 acre
Lot width (minimum)	50 feet
DWELLING UNITS	
Floor area per dwelling unit (minimum)	a) Single-family dwellings: 800 square feet per dwelling unit b) Two-family dwellings and multiple-dwellings, excluding efficiency units: 500 square feet per dwelling unit c) Efficiency units: 350 square feet per dwelling unit
BUILDINGS	
Height (maximum)	35 feet or 3 stories, whichever is less

4811-8690-7949, v. 1

Chapter 8. Business Districts

PART I – GENERAL REQUIREMENTS FOR ALL BUSINESS DISTRICTS

1-101: Unless otherwise stated in this Chapter, all businesses shall comply with the following regulations:

- A. All business, service, storage, merchandise, display, and, where permitted, repair and processing activities shall be conducted wholly within a completely enclosed building, except for off-street parking, off-street loading, outdoor seating, and eating and drinking establishments. Outdoor storage and sale at retail of seasonal merchandise shall comply with the provisions of Chapter 4, Part IV of this Code. The village board may waive this provision by designating certain days on which businesses may conduct their businesses outside of the building or structure.
- B. All outdoor refuse areas shall be screened in accordance with Chapter 4, Part VI of this Code.
- C. Except as otherwise provided in Chapter 6, manufacturing, compounding, processing, or treatment of products is not permitted.
- D. All business, service, storage, merchandise, display, and, where permitted, repair and processing shall be comply with all village standards regarding noise, light, debris, vibration, and any other regulations intended to protect or promote the public health, safety, and welfare.
- E. Dwelling units are not permitted below the second floor of any building or structure.
- F. All rooftop mechanical units shall be screened to their full height on all four (4) sides by a parapet wall.

PART II – BUSINESS DISTRICT ZONING REGULATIONS

1-201: B-1 Downtown Zoning District

- A. Conditions applicable in the B-1 District:
 - (1) Where dwelling units are constructed as part of any building or structure, the dwelling shall comply with Chapter 7, Section 1-203.
- B. Permitted uses. The uses designated as permitted uses in the B-1 Zoning District in Chapter 6 are permitted in the B-1 Zoning District.
- C. Special uses. The uses designated as special uses in the B-1 Zoning District in Chapter 6 are allowed as special uses in the B-1 Zoning District.

D. Yard, lot, and building regulations. The yard, lot, and building regulations set forth in Table 1 below apply to all principal uses and structures in the B-1 Zoning District. Additional yard, lot, and building regulations governing accessory uses and structures can be found in Chapter 4, Part II.

Table 1: B-1 Zoning District Yard, Lot, and Building Regulations

B-1 Zoning District	
YARDS	
Front yard setback (minimum)	0 feet
Side yard setbacks (minimum)	0 feet, unless adjoining a residence district, then 5 feet
Rear yard setback (minimum)	20 feet
Corner side yard setback (minimum)	0 feet
LOTS	
Lot area (minimum)	0 square feet
Lot width (minimum)	0 feet
DWELLING UNITS	
Floor area per dwelling unit (minimum)	500 square feet
Lot area per dwelling unit (minimum)	3,500 square feet
BUILDINGS	
Height (maximum)	35 feet

1-202: Town Center Redevelopment Zoning District

A. Findings and purpose. The Village's 2009 Station Area Master Plan envisions a vibrant, pedestrian friendly, mixed-use community emanating from the intersection of Sauk Trail Road and the Union Pacific Railway. The area's exact boundaries are reflected on the zoning map. This area currently contains a variety of business, industrial and residential uses, but its strategic location near the village's primary intersection (Chicago Road and Sauk Trail Road), the size of the lots, and the need for reinvestment that distinguish this area and present unique opportunities for redevelopment. To ensure that the Town Center reaches its full development potential in a manner that complements and supports the rest of the village, the Town Center Redevelopment Zoning District ("TCR") is established to:

- (1) Promote redevelopment of the Town Center in a manner that supports and does not harm the village's existing business, including those located in the Chicago Road corridor;
- (2) Encourage mixed use development to increase the client base for local businesses;

- (3) Develop a pedestrian-friendly atmosphere with smaller-scale businesses that do not rely solely on automobile traffic;
- (4) Ensure adequate buffering and separation between dissimilar uses;
- (5) Encourage the consolidation of curb cuts and cross access between lots to reduce reliance on public streets and enhance vehicle and pedestrian safety;
- (6) Allow increased residential density to support the desired pedestrian-friendly character; and
- (7) Facilitate the redevelopment of the Town Center with aesthetically pleasing structures, sites, signage, landscaping, and streetscapes.

B. Designation of the Town Center Redevelopment Zoning District; applicability. The Town Center Redevelopment Zoning District ("TCR") appears on the zoning map as TCR. Redevelopment of any lot zoned TCR must comply with the regulations of this section.

C. Planned unit development; special uses; additional submittals.

- (1) Planned unit development. All properties in the TCR District will be developed or redeveloped as a planned unit development and processed in accordance with Chapter 3, Section 1-603.
- (2) Permitted uses. The uses designated as permitted uses in the TCR District in Chapter 6 are permitted in the TCR District.
- (3) Special uses. The uses designated as special uses in the TCR District in Chapter 6 are allowed as special uses in the TCR District.

D. Additional submittals. In addition to the submittal requirements set forth in this code, the following submittals are required for any application submitted under this Section:

- (1) Detailed architectural plans of all structures, including exterior construction materials and samples;
- (2) Detailed landscape plan detailing the location, name, species, and size (measured at diameter breast height for deciduous trees and height for coniferous trees) of all proposed plantings;
- (3) Signage plan, including the location, size, and height of each proposed sign and elevations for all proposed signs that demonstrate compatibility with the exterior elevations of the structures.

E. Limitation of TCR District regulations. The TCR District regulations do not apply to routine maintenance activities in the TCR District.

F. Specific design elements and standards.

(1) *Site design:* Properties in the TCR District will satisfy the following criteria:

- (a) Buildings shall be designed to encourage pedestrian access and engagement with all building sides. Entry points on multiple facades, awnings, courtyards, and outdoor benches and seating areas shall be provided.
- (b) Lots will be designed to encourage active, pedestrian-scale use. Pedestrian connections and safety shall be addressed in all plans, including sidewalks, pathways, and lighting.
- (c) Parking lot visibility shall be minimized within the TCR District. Parking lots should not be the primary focus of any lot and should be screened from public rights of way by structures and landscaping to the greatest extent possible.

(2) *Landscaping:* Properties in the TCR District will provide landscaping to both beautify the lot and screen it from incompatible adjacent uses. Landscaping shall be provided along public rights of way and adjacent to building foundations, including landscaping provided in planter boxes. In addition, the following standards shall be met:

- (a) Deciduous trees of a species approved by the Village and spaced no more than twenty five (25') feet apart shall be planted across the lot's frontage. All deciduous trees shall measure at least two and one half (2½") inches in caliper at breast height.
- (b) Deciduous trees of a species approved by the Village and spaced no more than forty (40') feet apart shall be planted along all lot lines that are not adjacent to public right of way. All deciduous trees shall measure at least two and one half (2½") inches in caliper at breast height.
- (c) Parking lots shall be separated from the right of way by a continuous landscape buffer measuring at least ten (10') feet in width.

(3) *Screening:*

- (a) All lots that border a lot located in an Industrial Zoning District shall be screened along the full length of the border with the industrially-zoned lot by a wall or privacy fence measuring at least six (6') feet in height. All walls and privacy fences shall be constructed of materials consistent with and complimentary to the materials used on the lot's principal structure.

- (b) All trash receptacles shall be screened to their full height on all four sides by a wall or privacy fence constructed of materials that are consistent with and complimentary to the materials used on the lot's principal structure.
- (4) *Site signage:* Site signage will be designed to complement new buildings, including using materials that are consistent with the materials used on the principal structure. All signage shall be designed as monument or wall signage. Braces, single poles, or multiple pole designs are prohibited.
- (5) *Building materials:* All structures will be primarily constructed of high quality materials, including brick, natural or architectural cast stone, textured concrete masonry units, tilt-up concrete panels designed with brick veneer, non-reflective glass, or other materials approved by the Planning and Zoning Commission. Smooth-faced masonry units, painted masonry units, Exterior Insulated Finishing Systems (EIFS), vinyl siding, and non-textured tilt-up concrete panels shall be prohibited
- (6) *Building height:* Buildings shall primarily be 2-5 stories in height to encourage residential uses on the upper stories.
- (7) *Parking:* Residential uses in the TCR shall provide 1 parking space per dwelling unit. Nonresidential uses shall provide 2 parking spaces per each 1,000 square feet of gross building area dedicated to nonresidential use.

G. Exterior appearance review – General provisions.

- (1) *Authority:* The board of trustees, in accordance with the procedures and standards set out in this Section, may grant exterior appearance approval.
- (2) *Purpose:* The exterior appearance review process is intended to promote compatible and high quality architectural design in the TCR District.
- (3) *Applicability:* Any planned unit development application filed under this Section must be accompanied by an application for exterior appearance review and approval in accordance with this Section's provisions.

H. Exterior appearance review – Procedures. Applications for exterior appearance approval shall be filed with the community development director at the same time the planned unit development application is filed. Applications for exterior appearance approval shall include written statement detailing how the proposal meets the applicable standards for exterior appearance review.

I. Exterior appearance review. Standards and considerations: When considering applications for exterior appearance review, the planning and zoning commission and board of trustees will be guided by 1) the provisions of Chapter 4, Section 1-605; and 2) the following:

- (1) *General quality of design and site development:* New and existing structures and appurtenances thereof will be evaluated under the following quality of design and site development guidelines:
 - (a) Open spaces: The quality of open spaces between structures and in setbacks between public rights of way and buildings.
 - (b) Materials: The quality of materials and their relationship to those in existing adjacent structures.
 - (c) General design: The quality of the design in general and its relationship to the overall character of the surrounding properties.
 - (d) General site development: The quality of the site development in terms of landscaping, pedestrian access, automobile access, parking, and service areas.
- (2) *General standards for visual compatibility:* New and existing structures, and appurtenances thereof will be evaluated for visual compatibility using the following guidelines:
 - (a) Height: The height of the proposed structure shall be visually compatible with adjacent structures.
 - (b) Proportion of front facade: The relationship of the width to the height of the front elevation of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 - (c) Proportion of openings: The relationship of the width to height of windows of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 - (d) Rhythm of solids to voids in front facades: The relationship of solids to voids in the front facade of a proposed structure shall be visually compatible with structures, public ways, and places to which it is visually related.
 - (e) Rhythm of space and building on streets: The relationship of a proposed structure to the open space between it and adjoining structures shall be visually compatible with the structures, public ways, and places to which it is visually related.
 - (f) Rhythm of entrance, porch, and other projections: The relationship of entrances and other projections of a proposed structure to sidewalks shall be visually compatible with the structures, public ways, and places to which it is visually related.

- (g) Relationship of materials and texture: The relationship of the materials and texture of the facade of a proposed structure shall be visually compatible with the predominant materials used in the structures to which it is visually related.
- (h) Roof shapes: The roof shape of a proposed structure shall be visually compatible with the structures to which it is visually related.
- (i) Walls of continuity: The facades and appurtenances of proposed structures such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.
- (j) Scale of building: The size and mass of proposed structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.
- (k) Directional expression of front elevation: A proposed structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

Chapter 9. Industrial Districts

PART I – INDUSTRIAL DISTRICT ZONING REGULATIONS

1-101: I Light Industrial Zoning District

A. Conditions applicable in the I District:

- (1) Uses and activities in the I District shall not be injurious or offensive to the surrounding neighborhood or village by reason of emissions, noise, vibration, smoke, dust or other particular matter, toxic or noxious matter, odors, glare, heat, fire, or explosion hazards. The community development director is authorized to evaluate proposed uses for compliance with all village codes, rules, and regulations, as amended, and to require applicants to provide documents, data, and information concerning the nature of the proposed use.
- (2) All outdoor storage of goods and materials shall be screened in accordance with Chapter 4, Part VII.
- (3) All exterior lighting shall be directed away from surrounding lots and rights of way.
- (4) All rooftop mechanical units shall be screened to their full height on all four (4) sides by a parapet wall.
- (5) All outdoor refuse areas shall be screened in accordance with Chapter 4, Part VII.
- (6) Uses and activities involving manufacturing, fabricating, assembly, disassembly, repairing, cleaning, servicing, and testing of goods, wares and merchandise shall only occur within completely enclosed buildings.
- (7) No building or structure used for manufacturing, fabricating, assembly, disassembly, repairing, cleaning, servicing, and testing of goods, wares and merchandise shall be located within thirty (30) feet of any residentially-zoned lots.
- (8) Where the I District abuts or is across an existing or proposed right-of-way from property located in a residence district, screening by fences or landscaping of at least seventy-five percent (75%) opacity shall be provided.
- (9) Residential uses are prohibited in the I District, excluding one dwelling unit for a caretaker or watchman that resides on the premises. The caretaker's dwelling unit shall be located within the principal structure.

B. Permitted uses. The uses designated as permitted uses in the I Zoning District in Chapter 6 are permitted in the I Zoning District.

- C. Special uses. The uses designated as special uses in the I Zoning District in Chapter 6 are allowed as special uses in the I Zoning District.
- D. Yard, lot, and building regulations. The yard, lot, and building regulations set forth in Table 1 below apply to all principal uses and structures in the I Zoning District. Additional yard, lot, and building regulations governing accessory uses and structures can be found in Chapter 4, Part II.

Table 1: I Zoning District Yard, Lot, and Building Regulations

	I Zoning District
YARDS	
Front yard setback (minimum)	15 feet
Side yard setbacks (minimum)	15 feet, unless adjoining a residence district, 30 feet
Rear yard setback (minimum)	20 feet, unless adjoining a residence district, 30 feet
Corner side yard setback (minimum)	15 feet
LOTS	
Lot area (minimum)	20,000 square feet
Lot width (minimum)	100 feet
BUILDINGS	
Height (maximum)	35 feet

4842-4800-1582, v. 1

Chapter 10. OFF-STREET PARKING AND LOADING

PART I – OFF-STREET PARKING REQUIREMENTS

1-101: Purpose: The regulations of this Chapter are intended to provide off-street vehicle parking facilities in rough proportion to the parking demands of different land uses. The following regulations are designed to minimize negative impacts associated with spillover parking into adjacent areas while simultaneously avoiding negative environmental and visual impacts that can result from needlessly large parking and vehicular areas. The provisions of this Chapter are also intended to protect the public health, safety, and welfare by providing flexible methods of responding to the transportation and access demands of various land uses in the village.

1-102: Applicability: The regulations of this Chapter apply to all zoning districts and uses.

1-103: New Uses and Development: The regulations of this Chapter apply to all new buildings constructed after the effective date of this code and all new uses established after the effective date of this code.

1-104: Enlargements and Expansions:

- A. The parking regulations of this Chapter 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 in this Chapter to establish off-street parking requirements.
- B. If an enlargement or expansion requires the construction of additional parking, additional parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.

1-105: Change of Use: When use or occupancy 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 by this code for the use that most recently occupied the lot.

1-106: Existing Facilities: Existing off-street parking and loading areas shall not be eliminated, reduced, or modified below the minimum requirements of this Chapter.

1-107: Schedule of Off-Street Parking Requirements: Off-street parking spaces must be provided in accordance with this section:

USE	MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES
TCR ZONING DISTRICT	
Residential uses	1 space per dwelling unit
Non-residential uses	2 spaces per each 1,000 square feet
RESIDENTIAL USES	

Single-family detached dwelling	2 spaces per dwelling unit
Two-family dwelling	2 spaces per dwelling unit
Multiple-family dwelling	2 spaces per dwelling unit
Residential care facility	0.5 spaces per bed
COMMERCIAL USES	
Adult use	Per Section 1-201(F)
Animal services	
Animal hospital	3.5 spaces per each 1,000 square feet
Pet care sales and service (excluding veterinary)	3.5 spaces per each 1,000 square feet
Bakery	3.5 spaces per each 1,000 square feet
Bank, commercial; credit union; savings institution	3.5 spaces per each 1,000 square feet
Eating and drinking	
Restaurant, full service	12.5 spaces per each 1,000 square feet or 1 space per 4 seats, whichever is greater
Restaurant, limited service	15 spaces per each 1,000 square feet
Drinking places	10 spaces per each 1,000 square feet
Entertainment and recreation	
Amusement arcade	1 space per 3 occupants based on rated design capacity
Billiard hall	1 space per 3 occupants based on rated design capacity
Bowling center	4 spaces per lane plus parking required by this Section for accessory uses
Club; lodge	4 spaces per each 1,000 square feet
Fitness and recreation sports center	5 spaces per each 1,000 square feet
Theater	1 space per 3 occupants based on rated design capacity
Funeral and interment services	
Crematorium	3.5 spaces per each 1,000 square feet
Funeral home (excluding crematorium)	12.5 spaces per each 1,000 square feet
Garden center	4.5 spaces per each 1,000 square feet
Lodging	
Hotel or motel	1.25 spaces per room plus parking required by this Section for accessory uses
Office	
Contractor	3 spaces per each 1,000 square feet
Medical / dental	4.5 spaces per each 1,000 square feet
Professional	3 spaces per each 1,000 square feet
Personal services	
Barbershop, beauty salon, nail salon	3 spaces per chair / treatment station
Tanning salon	3.5 spaces per each 1,000 square feet
Retail sales, general (except as otherwise specified herein)	3.5 spaces per each 1,000 square feet
Service uses	

Services, general (except as otherwise specified herein)	3.5 spaces per each 1,000 square feet
Vehicle service and sales	
Automobile dealers, new or used	2 spaces per each 1,000 square feet of indoor space, plus 0.4 spaces per each 1,000 square feet of outdoor display, plus 2 spaces per service bay
Automobile parts and accessory store	3.5 spaces per each 1,000 square feet
Automobile rental	1 space per each 1,000 square feet plus 0.4 spaces per each 1,000 square feet of outdoor display
Car wash	2 spaces plus 0.5 spaces per employee
Gasoline station, with or without convenience store	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per each 1,000 square feet of retail sales area
General automotive repair	1 space per service bay
INDUSTRIAL USES	
Industrial and warehouse uses (except as otherwise specified herein)	1.5 spaces per each 1,000 square feet
Warehouse, storage, and freight transportation	
Self storage facilities	0.2 spaces per each 1,000 square feet
Warehouse	1.0 spaces per each 1,000 square feet
MISCELLANEOUS USES	
Civic uses	
Community center	1 space per 4 occupants based on rated design capacity
Government office	3 spaces per each 1,000 square feet
Library	5 spaces per each 1,000 square feet
Post office	Per Section 1-201(F)
Cannabis uses	
Cultivation facility	Per Section 1-201(F)
Dispensary	4.5 spaces per each 1,000 square feet
Child care facility	
Daycare	2 spaces per 1,000 square feet
Preschool	2 spaces per 1,000 square feet
Educational facility	
College / university	Per Section 1-201(F)
School, kindergarten through middle school	0.10 spaces per student
School, high school	0.30 spaces per student
Trade school, music school, dance school	1 space per employee plus 0.33 spaces per student
Golf courses, excluding driving ranges and miniature golf courses	60 spaces per each 9 holes, plus 1 parking space per each 2 employees, plus parking required by this Section for accessory uses
Hospital	Per Section 1-201(F)

Parks / playgrounds	5 spaces per acre
Religious uses	
Religious assembly	1 space per 4 occupants based on rated design capacity
Religious institution	1 space per 4 occupants based on rated design capacity
Uses not listed in this Section 1-107	Per Section 1-201(E)

PART II – CALCULATING OFF-STREET PARKING REQUIREMENTS

1-201: The following rules apply when calculating the required number of off-street parking spaces:

- A. Multiple Uses: Except as otherwise provided in Section 1-301, a lot containing more than one use must provide parking sufficient to accommodate all uses located on the lot.
- B. Fractions: When calculating the number of required parking spaces results in a fractional number, any fraction less than 0.5 is rounded down to the next whole number, and any fraction 0.5 or greater rounded up to the next whole number.
- C. Measurements: Except as otherwise stated, all square footage references contained in Section 1-107 refer to gross floor area, as that term is defined in Chapter 2 of this Code.
- D. Capacity or Occupancy Standards: Except as otherwise stated, all references to employees, students, occupants, and rated design capacity shall be calculated in accordance with the village's building codes.
- E. Uses Not Listed: Upon receiving an application for a use not listed in Section 1-107, the community development director is authorized, using his sole discretion, to: 1) apply the off-street parking ratio for a use listed in Section 1-107 that the community development director deems to be most similar to the proposed use; 2) establish an off-street parking ratio in accordance with Section 1-201(F); or 3) require the applicant to seek approval of an amendment to this code to establish an appropriate parking ratio.
- F. Establishment of Other Parking Ratios: The community development director is authorized to establish parking ratios for uses not listed in Section 1-107 by reviewing parking data provided by the applicant, information from industry sources, including, without limitation, the Institute of Traffic Engineers ("I.T.E.") and American Planning Association, and parking ratios for similar uses listed in Section 1-107. When determining if a use not listed in Section 1-107 is similar to a use listed in Section 1-107, the community development director shall consider the use's and property's location, density, scale, bulk, surroundings, and any other factors the community development director deems relevant.

PART III – OFF-STREET PARKING DESIGN, LOCATION, AND USE STANDARDS

1-301: General Location of Parking Facilities: All off-street parking spaces shall be located on the same lot as the building, structure, or use of land served. Off-street parking spaces may also be located on a lot adjacent to the lot on which the building, structure or use of land served is located, provided that said spaces are also within seven hundred fifty (750) feet of such building, structure, or use of land. All off-street parking spaces shall be located in the same zoning district as the building, structure or use of land served. All off-street parking spaces required to serve single-family and two-family residences shall be located on the same lot as the residence.

1-302: Location of Parking Facilities and Setbacks: Single-family homes and duplexes may utilize as a required parking space driveways that lead directly from the street to a garage or parking space located behind the front yard setback. All other parking facilities shall comply with principal building setbacks for the zoning district in which the parking facility is located.

1-303: Size of Parking Spaces: All off-street parking facilities shall measure at least nine (9) feet wide and eighteen (18) feet deep, shall be clearly designated with paint or other material approved by the community development director, and shall provide direct access onto a vehicle drive aisle or public right of way.

1-304: Parking Facility Construction Materials: All parking facilities, including, without limitation, parking spaces, vehicle access drives, and driveways, shall be dust-free and constructed of a hard surface approved by the community development director.

1-305: Parking Facility Lighting: Any parking facility lighting shall be arranged and maintained so that it does not shine directly upon any adjacent lot or right of way and does not produce excessive glare.

1-306: Use of Parking Facilities

- A. Off-street parking facilities may only be used for the temporary parking of licensed passenger motor vehicles by residents, tenants, patrons, employees or guests of a principal or accessory use. All off-street parking facilities shall be operated and maintained in accordance with all village ordinances, rules, and regulations throughout their use as off-street parking facilities.
- B. Off-street parking spaces may not be leased or rented to uses not located on the lot, including, without limitation, temporary storage containers or truck parking.
- C. Off-street parking facilities may only be used to display vehicles for sale, rent, or lease on properties whose principal use is the sale, rent, or lease of automobiles. This Section shall not prohibit the owner or occupant of a residentially-zoned lot from displaying a vehicle for sale on the lot if the vehicle is owned by the owner or occupant of the lot.
- D. No vehicle repair or service of any kind is permitted on off-street parking facilities, excluding minor vehicle service conducted on residentially-zoned lot if the vehicle is owned by the owner or occupant of the residentially-zoned lot.

- E. No vehicle with a gross weight exceeding 8,000 pounds may be stored overnight on a lot in a non-residential zoning district unless the vehicle is being used in connection with the lot's principal use.

PART IV – OFF-STREET LOADING

1-401: Schedule of Off-Street Loading Requirements: Off-street loading spaces must be provided in accordance with this section:

USE	MINIMUM NUMBER OF REQUIRED OFF-STREET LOADING SPACES
MULTI-FAMILY RESIDENTIAL USES	
Developments with fewer than 50 units	None
Developments with 50 units or more	1 space per each 50 units
NON-RESIDENTIAL USES	
Developments smaller than 20,000 square feet	None
Developments between 20,000 square feet and 100,000 square feet	1
Developments larger than 100,000 square feet	1 space per each 100,000 square feet

1-402: Design and Location of Off-Street Loading Spaces

- A. Off-street loading spaces must be at least 12 feet wide, 35 feet long, and possess 14 feet of vertical clearance.
- B. All off-street loading spaces must be located on the lot they serve and include sufficient maneuvering space to prevent interference with pedestrian or vehicular traffic, as determined solely by the community development director.
- C. All off-street loading spaces must be set back at least 25 feet from lot zoned for residential use.
- D. All off-street loading spaces shall be dust-free and constructed of a hard surface approved by the community development director.
- E. Off-street loading spaces may not be used to satisfy off-street parking requirements.
- F. Off-street loading spaces may not be used for vehicle repair or service purposes of any kind.
- G. When calculating the number of required off-street loading spaces results in a fractional number, any fraction less than 0.5 is rounded down to the next whole number, and any fraction 0.5 or greater rounded up to the next whole number.

Chapter 11. STREET GRAPHICS CODE

PART I – PURPOSE AND APPLICATION

1-101: Purpose: The purpose of this Chapter is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression.

1-102: Scope: This Chapter's regulations shall provide a balanced and fair legal framework for design, construction, and placement of signs that:

- A. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - (1) collapsing, catching fire, or otherwise decaying;
 - (2) confusing or distracting motorists; or
 - (3) impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and
- B. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - (1) are not overwhelmed by the number of messages presented; and
 - (2) are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose; and
- C. Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
- D. Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
- E. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the objectives related to the quality and character of development set forth in the Village's Comprehensive Plan;
- F. Enhances property values and business opportunities;

- G. Assists in wayfinding; and
- H. Provides fair and consistent permitting and enforcement.

1-103: Authority: The Board of Trustees finds that:

- A. The Village has the authority to regulate signs under the United States Constitution, the Constitution of the State of Illinois, and the Zoning Division of the Illinois Municipal Code;
- B. This Chapter advances important and substantial governmental interests;
- C. The regulations set out in this Chapter are unrelated to the suppression of constitutionally-protected free expression and do not involve the content of protected messages which may be displayed on signs, nor do they involve the viewpoint of individual speakers;
- D. The incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this Chapter; and
- E. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors.

1-104: General Findings of Fact: The Board of Trustees finds that:

- A. The ability to display signs of reasonable size and dimensions is vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional component of the freedom of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the expression itself;
- B. The Village has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists), because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages displayed along the Village's streets by creating visual confusion and aesthetic blight;
- C. Sign clutter can be prevented by regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the

comparable needs of adjacent and nearby property owners and the interest of the community as a whole in providing for a high quality community character;

- D. Temporary signs that are not constructed of weather-resistant materials are often damaged or destroyed by wind, rain, and sun, and after such damage or destruction, degrade the aesthetics of the Village's streets if they are not removed;
- E. The Village has an important and substantial interest in keeping its rights-of-way clear of obstructions and litter;
- F. The Village has an important and substantial interest in protecting the health of its tree canopy, which contributes to the character and value of the community; and
- G. The uncontrolled use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination and demand for attention can be injurious to the purposes of this Chapter, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable.

1-105: Application of this Chapter:

- A. Generally. Hereinafter, all construction, relocation, enlargement, alteration, and modification of signs within the Village shall conform to the requirements of this Chapter, all State and Federal regulations concerning signs and advertising, and applicable building codes. Generally, signs are approved by issuance of a sign permit. However, there are some signs that do not require a permit. These signs are listed in subsection C, below.
- B. Signs Requiring a Permit. A sign permit shall be required for all permitted signs exceeding six square feet in area, unless otherwise exempted by subsection C, below. In addition, a sign permit shall be required at any time the sign area is increased, if the increase is allowable within the zoning district in which the sign is located. This subsection shall not be interpreted so as to grant permission for prohibited signs with sign areas less than six square feet.
- C. Signs that Do Not Require a Sign Permit. The following signs do not require a sign permit, but may require a building permit or other related permit (if subject to building or electrical codes). Temporary signs that do not require permits shall still comply with the standards of Part V, *Temporary Signs*, and Part III, *General Design and Maintenance Standards*, or the applicable standards of this subsection.

- (1) *Official and Legal Notice.* Official and legal notice signs that are issued by any court, public body, person, or officer in performance of a public duty, or in giving any legal notice;
- (2) *Signs with De Minimus Area.* Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets;
- (3) *Flags.* Flags that are not larger than 30 square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent);
- (4) *Decorative Signs.* Clearly incidental, customary, and commonly associated with a holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 60 total days in any one year;
- (5) *Carried Signs.* Signs that are being carried by people (however, such signs are not exempt if they are set down or propped on objects);
- (6) *Bumper Stickers.* Bumper stickers on vehicles;
- (7) *Interior Signs.* Signs that are not visible from residential lots, abutting property or public rights of way;
- (8) *Traffic Control Signs.* Traffic control signs and other signs related to public safety that the Village or another jurisdiction installs or requires a developer to install;
- (9) *Holiday Decorations.* Holiday decorations that are displayed for not more than two months per year.

1-106: Exemption for Addressing: The Board of Trustees finds that the posting of the addresses of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services. The efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the Village requires that street addresses shall be posted as follows:

- A. *Nonresidential and Mixed-Use Districts.* In nonresidential districts, street

addresses shall be posted at:

- (1) all primary building entrances; and
- (2) on detached signage if the address on the building is not visible from the street.

B. *Residential Districts.* In residential districts, street addresses shall be posted:

- (1) on the facade of the building that faces the street from which the address is taken; and
- (2) on the mailbox or mailbox support, if the mailbox is detached from the building.

C. *Exclusion from Sign Area Calculation.* Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than 14 inches in height.

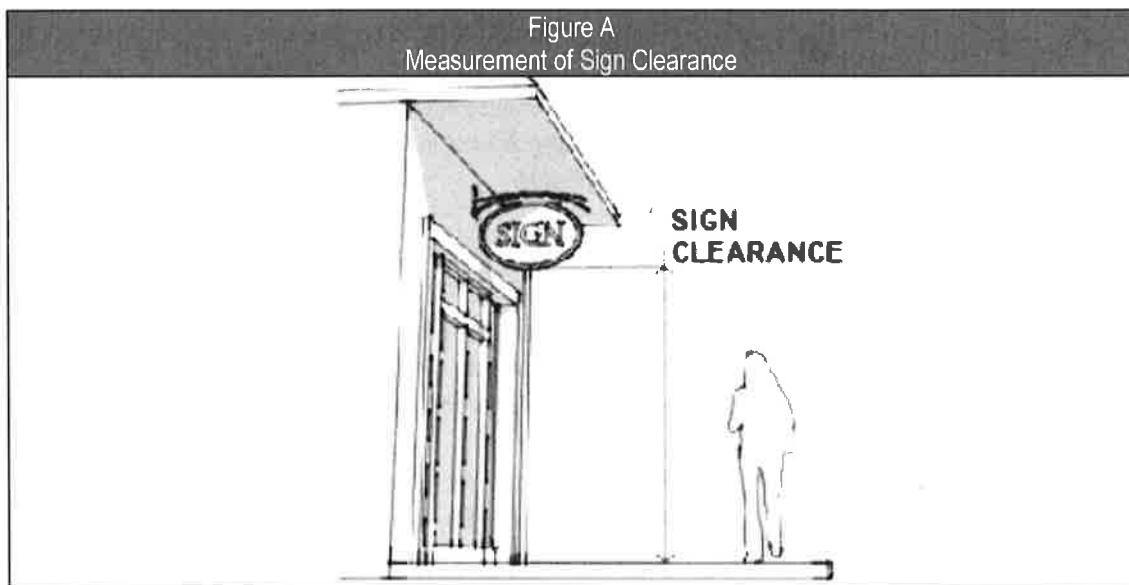
1-107: Signs Permitted Before Effective Date: If a permit for a sign has been issued in accordance with all Village ordinances in effect prior to the effective date of this Chapter, and provided that construction is begun within six months of the effective date of this Chapter and diligently pursued to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued, subject thereafter, if applicable, to the provisions of this Code regarding nonconforming signs.

1-108: Relationship to Other Regulations: These regulations recognize other regulations pertaining to signage. Where any provision of this Chapter covers the same subject matter as other regulations, the more restrictive regulation shall apply.

PART II – MEASUREMENTS AND CALCULATIONS

1-201: Measurements:

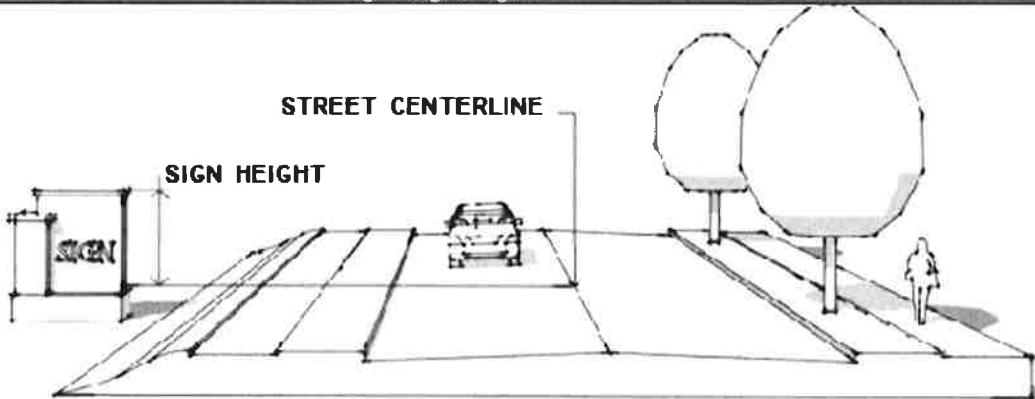
- A. Generally. The regulations of this Chapter shall be applied using the measurements set out in this Section.
- B. Sign Clearance. Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the surface under it. See Figure A, Measurement of Sign Clearance.



- C. Sign Height. For detached signs (temporary and permanent), sign height is:

- (1) Where the natural grade of the ground where the sign is to be located is lower than the street centerline, the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the centerline of the adjacent street. See Figure B, Measurement of Sign Height, Sign Base Lower than Street Centerline.

Figure B
Measurement of Sign Height, Sign Base Lower than Street Centerline

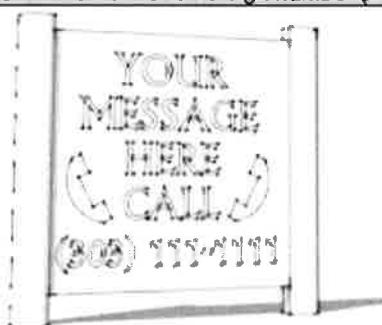


(2) Where the natural grade of the ground where the sign is to be located is higher than the street centerline, the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade around the base of the sign.

D. Items of Information. An item of information is a word, logo, abbreviation, symbol, geometric shape, image, or number with 10 or fewer digits (punctuation of numbers does not increase the number of items of information). See Figure C, Items of Information.

Figure C
Items of Information

The sign below has 7 items of information: 4 words + one 10-digit number (with punctuation) + 2 symbols

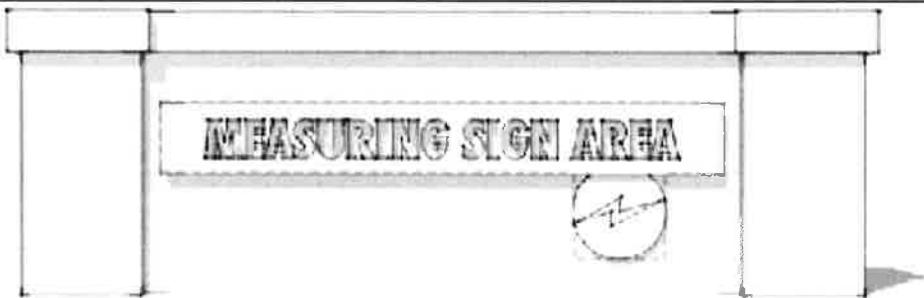


1-202: Calculations:

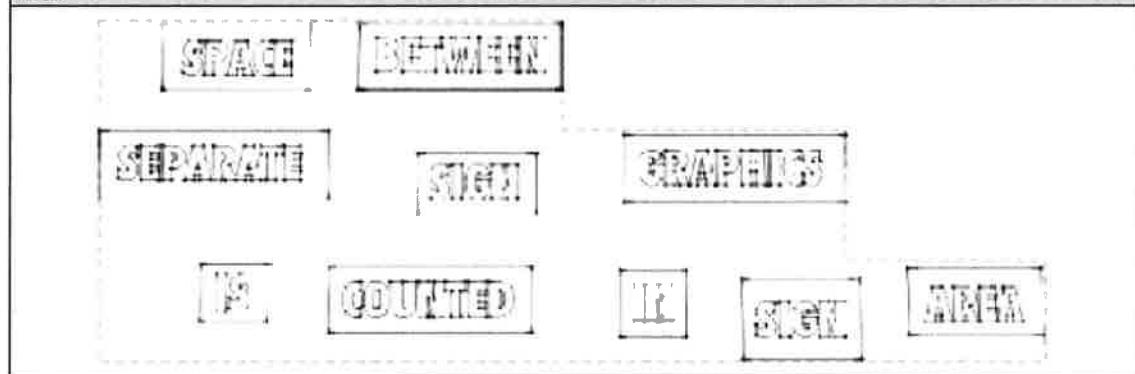
- A. Generally. The calculations required by the regulations of this Chapter shall be according to the methodologies of this Section.
- B. Sign Area.
 - (1) Generally. Sign area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. See Figure D, Sign Area, Generally.

Figure D
Sign Area, Generally

The sign area of the illustrative monument sign below is calculated as the area within the smallest eight-sided polygon that encloses all of the text and graphics and framing of the message and graphics of the sign.



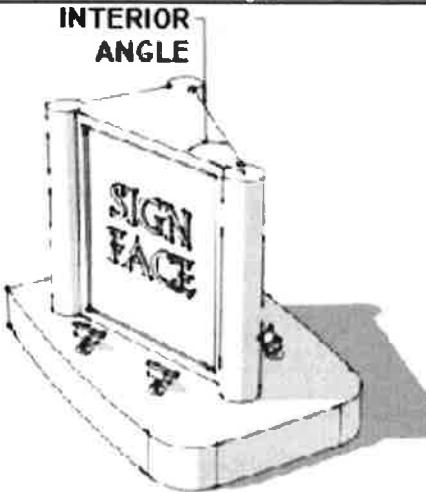
The sign area of the illustrative collection of wall signs below is measured as the area within the smallest eight-sided polygon that encloses all of the text and graphics and framing that differentiates them from the wall.



(2) *Double-Faced Signs.* For projecting, suspended, or other double-faced signs:

- (a) Only one display face is measured if the sign faces are parallel or form an interior angle of less than 45 degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.
- (b) Both display faces are measured if:
 - (i) the interior angle is greater than 45 degrees; or
 - (ii) the sign faces are mounted on different structures.

Figure E
Double-Faced Signs



C. Signable Area. Signable area is calculated as follows:

- (1) *Wall Signs*. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
- (2) *Window Signs*. The area of glass within a window frame.
- (3) *Other Signs*. The area of the face of the sign which is designed to be used for text and graphics (the signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics).

D. Signable Area Ratio. Signable area ratio is the sign area divided by the signable area. It is expressed as a percentage.

E. Relationship Between Maximum Sign Area and Maximum Signable Area Ratio. Where both a maximum sign area and a maximum signable area ratio are set out, the standard that results in polygram that encloses all of the text and graphics and framing that differentiates them from the wall.

PART III – GENERAL DESIGN AND MAINTENANCE STANDARDS

1-301: Prohibited Signs and Design Elements:

- A. Generally. This Section identifies signs and sign elements that are not allowed anywhere in the Village.
- B. Prohibited Signs.
 - (1) The following signs are prohibited in all areas of the Village:
 - (a) signs with more than two sign faces;
 - (b) signs that are a traffic hazard because they simulate or imitate (in size, color, lettering, or design) any traffic sign or signal;
 - (c) animated or moving signs that are visible from public rights-of-way, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light (except as allowed in Section 1-305, *Message Centers*);
 - (d) vehicle signs;
 - (e) portable Signs, except as specifically permitted in Part V, *Temporary Signs*;
 - (f) inflatable signs and signs otherwise animated or supported by manufactured air pressure; and
 - (g) billboards.
 - (2) Other signs may be prohibited in certain districts. See Part IV, *Permanent Signs*, and Part V, *Temporary Signs*, for requirements.
- C. Prohibited Design Elements.
 - (1) The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent:
 - (a) sound, smoke, or odor emitters;
 - (b) awnings that are back lit and / or made of plastic;
 - (c) stacked products (e.g., tires, soft drink cases, bagged soil or mulch); and
 - (d) unfinished wood support structures, except that stake signs may use unfinished stakes.
 - (2) The following elements shall not be used as an element of signs or sign structures, whether temporary or permanent, which are visible from public rights-of-way:

- (a) flags, banners, or comparable elements that are designed to move in the wind that are not affixed to permanent flagpoles or flagpoles that are mounted to buildings;
- (b) spinning or moving parts;
- (c) bare light bulbs, except on holiday displays which are exempted from regulation by Section 1-105, *Application of this Chapter*;
- (d) flashing lights, except on holiday displays which are exempted from regulation by Section 1-105, *Application of this Chapter*;
- (e) motor vehicles, unless:
 - (i) the vehicles are functional, used as motor vehicles, and have current registration and tags;
 - (ii) the display of signage is incidental to the motor vehicle use; and
 - (iii) the motor vehicle is properly parked in a marked parking space or is parked behind the principal building.
- (f) semi-trailers, shipping containers, or portable storage units, unless:
 - (i) the trailers, containers, or portable storage units are functional, used for their primary storage purpose, and, if subject to registration, have current registration and tags;
 - (ii) the display of signage is incidental to the use for temporary storage, pick-up, or delivery; and
 - (iii) the semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.

D. Prohibited Content.

- (1) The following content is prohibited without reference to the viewpoint of the individual speaker:
 - (a) text or graphics of an indecent or immoral nature and harmful to minors;
 - (b) text or graphics that advertise unlawful activity;
 - (c) text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats; or
 - (d) text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
- (2) The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Illinois Constitutions, or are offered

limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the Board of Trustees that each paragraph of this subsection (e.g., subsection 1-301(D)(1)(a) – (d)) be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Illinois Constitutions.

1-302: Prohibited Sign Locations:

- A. Generally. Attached signs shall be installed on signable areas of buildings, as defined by Part II, *Measurements and Calculations*. Detached signs shall be set back as required by Section 1-402, *Detached Signs*. Signs that are in violation of this Section are subject to immediate removal.
- B. Prohibited Obstructions. In no event shall a sign, whether temporary or permanent, obstruct:
 - (1) building ingress or egress, including doors, egress windows, and fire escapes;
 - (2) features of the building or site that are necessary for public safety, including standpipes and fire hydrants; or
 - (3) within any vision clearance triangle, as defined by Part VI, *Definitions*.
- C. Prohibited Mounts. No sign, whether temporary or permanent, shall be posted, installed, or mounted on any of the following locations:
 - (1) on trees; or
 - (2) on utility poles, light poles, or on utility cabinets, except signs posted by the Village or the utility that are necessary for public safety or identification of the facility by the utility provider.
- D. Prohibited Locations. In addition to the setback requirements of this Chapter, and the other restrictions of this Section, no sign shall be located in any of the following locations:
 - (1) In or over public rights-of-way (which, in addition to streets, may include other elements, such as sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within the public right-of-way), except:

- (a) traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity (e.g., permanent traffic control devices such as stop, yield, and speed limit signs, as well as temporary signs related to street construction or repair);
- (b) signs posted by governmental entities that support emergency management, such as wayfinding to disaster relief locations;
- (c) banners posted by the Village on utility or light poles according to the standards of Section 1-302(c);
- (d) signs constructed by the Village or another governmental or quasi-governmental entity pursuant to terms and conditions set forth in an approved intergovernmental agreement with the Village; and
- (e) signs authorized by agreement with the village board.

- (2) In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of Illinois and the regulations duly promulgated by agencies thereof.
- (3) Within easements for overhead utilities (placement in other utility easement areas is allowed only if approved by the utility service provider and if the other applicable requirements of this Code are met).

1-303: Items of Information: No sign face shall contain more than 20 items of information. Items of information are measured as provided in Section 1-201, *Measurements*.

1-304: Illumination of Signs:

- A. Generally. Signs shall be internally illuminated or, if external illumination is used, the source of illumination shall be shielded.
- B. Hours of Illumination. Signs shall be turned off each day by the later of 10:00 PM or upon closing of the associated land use (signs may be turned back on at 5:00 AM).
- C. Sign Illumination. Signs shall not exceed the following illumination levels:

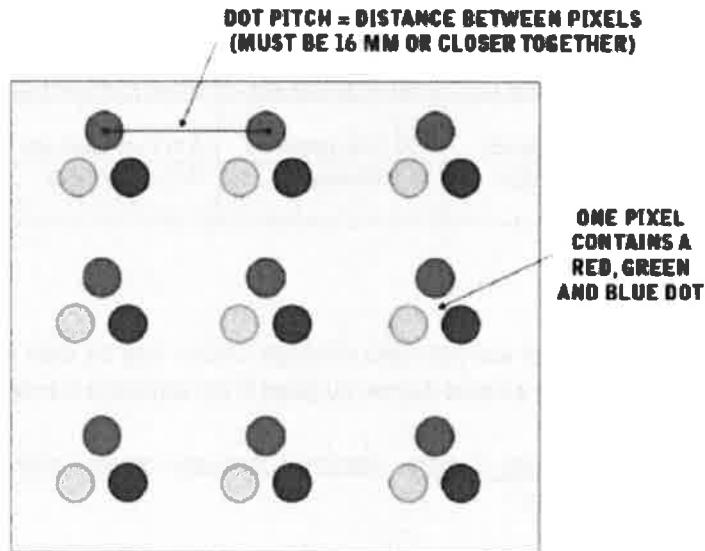
Table I
Maximum Sign Illumination Standards

Type of Illumination	Distance from Sign to R-1, R-2, or R-3 District			Not Visible from R-1, R-2, or R-3 District
	Less than 200 ft.	200 ft. to 500 ft.	More than 500 ft.	
Direct, Internal, or Backlit	90 foot-lamberts	150 foot-lamberts	250 foot-lamberts	250 foot-lamberts
Indirect or Reflected	10 foot-candles	25 foot-candles	50 foot-candles	50 foot-candles

1-305: Message Centers:

- A. Generally. Manual and electronic message centers may be used in detached signs and marquee signs to a limited degree, pursuant to the applicable standards of this Section.
- B. Electronic Message Centers. Electronic message centers may be incorporated into signage as follows:
 - (1) *Design Requirements.*
 - (a) Electronic message centers are only permitted on monument signs or marquee signs which enclose the electronic message center component on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face. The enclosure shall extend not less than six (6) inches from the electronic message center in all directions.
 - (b) Electronic message centers shall make up not more than fifty (50%) percent of the sign area of a monument sign or seventy five (75%) percent of the sign area of a marquee sign. The balance of the sign area shall utilize permanent, dimensional letters or symbols.
 - (c) No sign structure that includes a cabinet, box, or manual changeable copy sign may also include an electronic message center. See Figure F, Electronic Message Center Design Requirements.
 - (d) All electronic message center display components shall be full color with a minimum pitch resolution of 16 mm spacing or better (i.e. 10 mm, 12 mm, etc.)

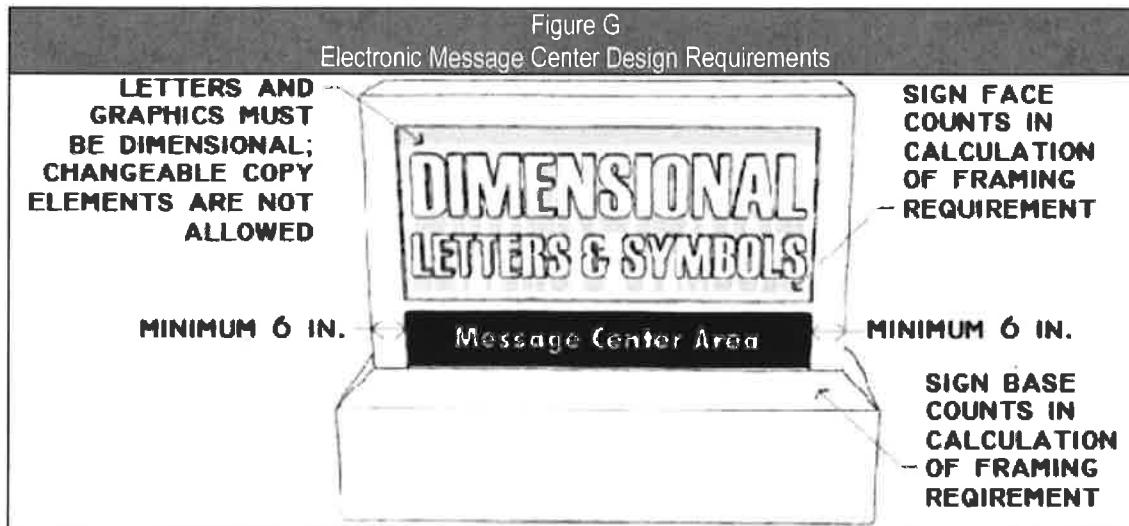
Figure F
Electronic Message Center Resolution Requirements



(2) *Operational Requirements.* Electronic message centers:

- (a) shall contain static messages only;
- (b) shall display messages for a period of not less than ten (10) seconds (multiple electronic message centers, if used on the same sign, shall be synchronized to change messages at the same time);
- (c) shall not use transitions or frame effects between messages; and
- (d) shall conform to the Illumination Standards as set forth in Subsection 1-305(B)(3).

Figure G
Electronic Message Center Design Requirements



(3) *Illumination Standards.* The illumination standards set forth in this Section shall apply to all electronic message center signs, including multi-tenant electronic message centers.

(a) *Measurement Criteria.* The illuminance of an electronic message center shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the electronic message center off, and again with the electronic message center displaying a white image for a full color-capable electronic message center, or a solid message for a single-color electronic message center. Measurements shall be taken after sunset with the site fully illuminated by installed site lighting. All measurements shall be taken perpendicular to the face of the electronic message center at the distance determined by the total square footage of the electronic message center as set forth below:

Large Sign: 98 feet

Medium Sign: 73 feet for Symmetrical and Asymmetrical sign types; 84 feet for horizontal sign type

Small Sign: 49 feet for Symmetrical and Asymmetrical sign type; 57 feet for horizontal sign type

Other Sign Sizes: Measurement Distance = $\sqrt{(\text{Area of Sign (in sq. ft.)} \times 100)}$

- (b) *Electronic Message Center Illumination Limits.* The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 foot-candles on either side of the sign. If there is a difference in measurement of illumination levels on either side of the sign, the side of the sign facing residentially zoned properties shall take precedent.
- (c) *Dimming Capabilities.* All electronic message centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

C. Multi-tenant Electronic Message Centers. Multi-tenant electronic message centers are intended to provide an opportunity for unified, multi-tenant developments to advertise on-site businesses through uniform sign designs subject to the requirements set forth in this subsection. Developments that do not meet the criteria set forth in this subsection are permitted to display electronic message center signs in accordance with Section 1-305(B).

- (1) *Development Eligibility Requirements.* Multi-tenant electronic message centers are permitted in mixed use or non-residential developments that meet all of the following criteria:
 - (a) Unified mixed use or non-residential development that meets the minimum floor area requirements as specified in Table 2, whether existing or proposed through an approved site plan, and contains at least ten (10) existing or proposed tenants, storefronts, or businesses.
 - (b) The development must be located in the B-1 or TCR Zoning Districts.
 - (c) Through the sign permit application, the development must identify tenants, storefronts, and businesses eligible for signage on the multi-tenant electronic message center sign.
- (2) *Sign Design, Location, and Requirements.* A mixed use or non-residential development that meets all of the criteria of Section 1-305(C)(1), may display multi-tenant electronic message centers on signs that meet all of the following criteria:
 - (a) The sign shall conform to the sign prototypes and criteria set forth in Table 2.

- (b) A maximum of one (1) large sized multi-tenant electronic message center sign may be displayed per eligible development meeting the criteria in Section 1-305(C)(1), except that a maximum of two (2) large sized multi-tenant electronic message center signs may be displayed if the total square footage of existing floor area for the development exceeds 400,000 square feet and is adjacent to Chicago Road or Sauk Trail.
- (c) A maximum of one (1) medium sized multi-tenant electronic message center sign may be displayed per eligible development meeting the criteria in Section 1-305(C)(1).
- (d) All electronic message center display components shall be full color with a pitch resolution of no greater than 16 mm spacing (e.g. 12 mm, 10 mm are acceptable).
- (e) The sign must meet the minimum setback requirements set forth in Table 2.
- (f) The sign must be located adjacent to the rights-of-way specified in Table 2 under "Eligible ROW Frontage."

(3) *Operational Requirements.* Multi-tenant electronic message centers:

- (a) shall contain static messages only;
- (b) shall display messages for a period of not less than ten (10) seconds;
- (c) shall not use transitions or frame effects between messages;
- (d) shall meet the illumination standards set forth in subsection 1-305(B)(3); and
- (e) no more than four (4) separate images on the electronic message center display shall be displayed at any given time.

Table 2
Multi-tenant EMC Requirements

Sign Prototype	Symmetrical			Asymmetrical			Horizontal	
Sign Size	Large	Medium	Small	Large	Medium	Small	Medium	Small
Maximum Sign Height	25 ft.	18 ft.	12 ft.	25 ft.	18 ft.	12 ft.	14 ft.	10 ft.
Maximum EMC Component Size	8'x12"	6'x9"	4'x6"	8'x12"	6'x9"	4'x6"	6'x12"	4'x8"
Minimum Total Floor Area	200,000 sf.	75,000 sf.	15,000 sf.	200,000 sf.	75,000 sf.	15,000 sf.	75,000 sf.	15,000 sf.
Eligible ROW Frontage	Chicago Road or Sauk Trail			Chicago Road or Sauk Trail			Chicago Road or Sauk Trail	
Required Setback from Residentially Zoned Properties	500 ft.	250 ft.	100 ft.	500 ft.	250 ft.	100 ft.	250 ft.	100 ft.
Required Setback from Other Property Lines	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.

D. Manual Changeable Copy Message Centers. Manual changeable copy signs may be incorporated into signage as follows:

- (1) Manual changeable copy message centers are only permitted on monument signs or marquee signs which enclose the message center component on all sides with a finish of brick, stone, stucco, powder coated or comparably finished metal, or sign face that extends not less than six inches from the message center in all directions. Gaps between the message center and the finish are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.
- (2) Manual changeable copy message centers, including their frames, shall make up not more than 50 percent of the sign area. The balance of the sign area shall utilize permanently affixed letters or symbols. See Figure H, Manual Changeable Copy Centers.
- (3) Manual changeable copy message centers shall not be internally lit unless:
 - (a) they use opaque inserts with translucent letters, numbers, or symbols (see Figure I, Changeable Copy Inserts);
 - (b) blank opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 - (c) the opaque portion of the letters, numbers, and symbols is the same color.

Figure H
Manual Changeable Copy Centers

The manual changeable copy message center (outlined in dashed blue line) may occupy not more than 50 percent of the sign area (outlined in dashed red line)

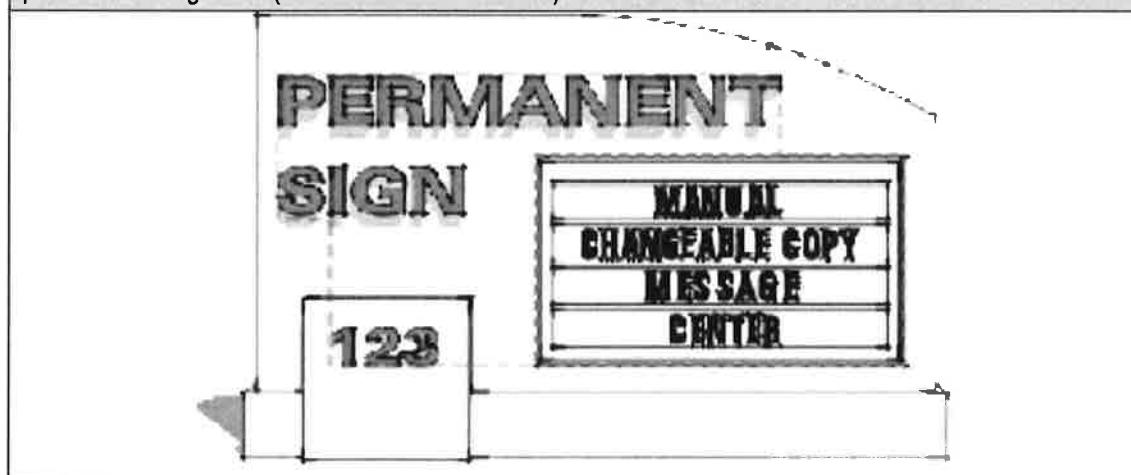


Figure I
Changeable Copy Inserts

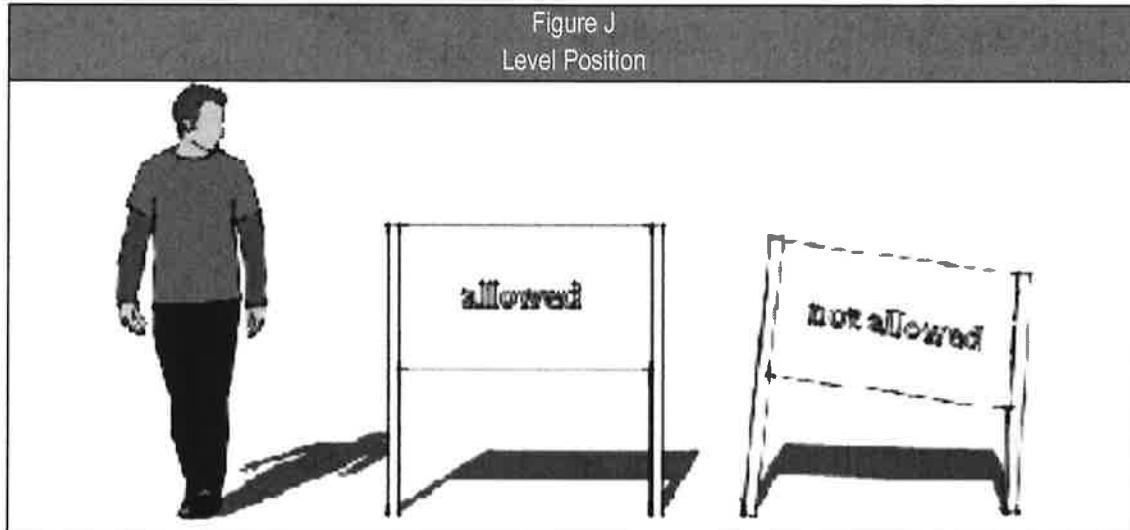
Changeable copy message centers may be internally lit if they use opaque inserts with translucent letters, numbers, or symbols (See A below), but shall not be internally lit if they use clear or translucent inserts with opaque or translucent letters, numbers, or symbols (see B below).



1-306: Sign Maintenance:

- A. Generally. Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Section.
- B. Message. Signs shall display messages. Signs that do not display a message for a period of more than 30 days are abandoned.
- C. Paint and Finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
- D. Mineral Deposits and Stains. Mineral deposits and stains shall be promptly removed.
- E. Corrosion and Rust. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
- F. Level Position. Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position. See Figure J, Level Position.

Figure J
Level Position



PART IV – PERMANENT SIGNS

1-401: Attached Signs:

- A. Generally. There are many forms of attached signs. This section sets out which forms of attached signs are allowed in each zoning district and the standards that apply to them. Attached signs that are not listed in a table are not allowed as-of-right in any of the districts set out in the Table.
- B. Residential Districts.
 - 1. The standards of Table 3, Permissible Attached Sign Types in Residential Districts, apply to multifamily and nonresidential uses in the districts that are set out in the table.
 - 2. Attached signs are not allowed for home occupations, except for required address signs

Table 3
Permissible Attached Sign Types in Residential Districts

District	R-3	R-2	R-1
Wall Sign	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per building	1 per building	1 per building
Maximum Sign Area	30 sf.	25 sf.	25 sf.
Maximum Signable Area Ratio	60%	40%	40%
Other Limitations	Not allowed if fascia or parapet sign is used	-	-
Fascia Sign or Parapet Sign	Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	1 per building	-	-
Maximum Sign Area	35 sf.	-	-
Maximum Signable Area Ratio	60%	-	-
Other Limitations	In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one of the structures will be permitted fascia signage when both face the same adjacent public right-of-way.	-	-

C. Nonresidential Districts. The standards of Table 4, Permissible Attached Sign Types in Nonresidential/Mixed-Use Districts, apply in the districts that are set out in the table.

Table 4
Permissible Attached Sign Types in Nonresidential/Mixed-Use Districts

District	I	TCR	B-1
Wall Sign - Primary	Allowed		
Number of Signs Allowed	1 per façade	1 per façade	1 per façade
Maximum Sign Area	Aggregate (total) sign area of 0.5 sf. per linear ft of façade width	Aggregate (total) sign area of 0.5 sf. per linear ft of façade width	Aggregate (total) sign area of 0.5 sf. per linear ft of façade width
Maximum Signable Limitations	50%	50%	50%
Other Allowances	No primary wall sign shall exceed 200 square feet. In cases where a tenant has two structures, one of which is accessory, whether attached or not, only one of the structures will be permitted primary wall signage when both face the same adjacent public right-of-way.		
Wall Sign - Secondary	Allowed		
Number of Signs Allowed	1 per primary building entrance (In addition to wall signage)		
Maximum Sign Area	50 sf.	45sf.	35 sf.
Maximum Signable Area Ratio	20%	20%	20%
Other Allowances	If a building is located on a through lot and is set back from the rear right-of-way less than 30 feet, then one additional sign per primary building entrance is permitted for display on the rear façade of the building, provided that no façade includes more signs than the total number of primary building entrances		
Window Sign	Allowed		
Minimum Window Transparency	50%	80%	80%
Other Limitations	-	-	-
Awning Sign	Allowed		
Number of Signs Allowed	1 per awning		
Maximum Signable Area	5 sf.		
Maximum Signable Area Ratio	90% of valence for copy and graphics on valence; 50% of other areas for copy and graphics on other areas		
Marquee Sign	Not Allowed		
Number of Signs Allowed	-		
Maximum Sign Area	-		
Other limitations	-		

Table 4
Permissible Attached Sign Types in Nonresidential/Mixed-Use Districts

District	I	TCR	B-1
Blade Sign or Shingle	Not Allowed		
Number of Signs Allowed	-		
Maximum Sign Area	-		
Maximum Clearance	-		
Maximum Heights	-		
Other Limitations	-		
Neon Sign	Not Allowed		
Number of Signs Allowed	-		
Maximum Sign Area	-		
Other limitations	-		
Roof Sign	Not Allowed		
Number of Signs Allowed	-		
Maximum Sign Area	-		
Other Limitations	-		

1-402: Detached Signs:

- A. Generally. There are many forms of detached signs. This section sets out which forms of detached signs are allowed in each zoning district, and the size and height standards that apply to them.
- B. Required Setbacks. All detached signs shall be set back at least 10 feet from all property lines. This standard may be waived if:
 - (1) The waiver would lower the elevation of the base of the sign by more than three feet and:
 - (a) the sign will be set back at least one foot from any sidewalk;
 - (b) the sign will not encroach on any utility easement;
 - (c) the sign will not obstruct a vision clearance triangle (see Part VI, *Definitions*); and
 - (d) there is at least five feet of landscaped parkway between the edge of pavement and the property line; or

(2) The sign is a wayfinding sign used to identify a residential subdivision or development and:

- the sign will be set back at least one foot from any sidewalk;
- the sign will not encroach on any utility easement;
- the sign will not be located within a vision clearance triangle (see Part VI, *Definitions*).

Table 5
Permissible Detached Sign Types in Residential Districts

District	R-3	R-2	R-1
Monument Sign, Residential	Allowed		
Maximum Number of Signs	2 signs per subdivision or development access, located on commonly owned open space		
Maximum Sign Area	32 sf.		
Maximum Sight Height	5 ft.		
Maximum Signable Area Ratio	60%		
Monument Sign, Nonresidential	Allowed		
Maximum Number of Signs	1 sign per nonresidential parcel		
Maximum Sign Area	12 sf.		
Maximum Sign Height	4 ft.		
Maximum Signable Area Ratio	60%		
Kiosk Sign	Allowed	Not Allowed	Not Allowed
Sign Location and Spacing	Set back at least 10 feet from vehicular use areas; and spaces 150 feet apart unless there is no line of sight between the signs	-	-
Maximum Sign Area	9 ft.	-	-
Maximum Sign Height	6 ft.	-	-

Table 6
Permissible Detached Sign Types in Nonresidential/Mixed-Use Districts

District	I	TCR	B-1
Monument Sign, Residential	Not Allowed	Not Allowed	Not Allowed
Maximum Number of Signs	-	-	-
Maximum Sign Area	-	-	-
Maximum Sign Height	-	-	-
Maximum Signable Area Ratio	-	-	-
Monument Sign, Nonresidential	Allowed	Allowed	Allowed
Maximum Number of Signs	1 per street frontage and 1 per ingress or egress	1 per street frontage and 1 per ingress or egress	2 signs per ingress or egress to district
Maximum Sign Area	One sign per frontage up to 48 sf. All others up to 10 sf.	One sign per frontage up to 48 sf. All others up to 10 sf.	48 sf.
Maximum Sign Height	One sign per frontage up to 10 ft. All others up to 5 ft.	One sign per frontage up to 10 ft. All others up to 5 ft.	10 ft.
Maximum Signable Area Ratio	80%	80%	70%
Multi-tenant Electronic Message Centers	Not Allowed	Allowed	
Design Criteria	-	Per Section 1-305(C)	
Kiosk Sign	Not Allowed	Allowed	
Sign Location and Spacing	-	Set back 10 feet from any vehicular use area; within two feet of a sidewalk; and spaced 150 feet apart unless there is no line of sight between signs	
Maximum Sign Area	-	12 sf.	
Maximum Sign Height	-	10 sf.	
Directional Signs, Nonresidential	Allowed	Allowed	Allowed
Maximum Number of Signs	1 per ingress or egress		
Sign Location and Spacing	No spacing or setback requirement; must leave at least 4 feet of sidewalk width for pedestrian use; must be located outside of principal pedestrian travel path.		
Maximum Sign			

Table 6
Permissible Detached Sign Types in Nonresidential/Mixed-Use Districts

District	I	TCR	B-1
Area		10 sf.	
Maximum Sign Height		5 ft.	

PART V – TEMPORARY SIGNS

1-501: General Standards for Freestanding Temporary Signs:

- A. **Generally.** There are many forms of temporary signs. This section sets out which forms of temporary signs are allowed in each zoning district, and the size and height standards that apply to them. Sign types that are not listed in Table 7, Permissible Freestanding Temporary Sign Types in Residential and Agricultural Districts, or Table 8, Permissible Freestanding Temporary Sign Types in Nonresidential/Mixed-Use Districts, are not permitted as freestanding signs.
- B. **Setbacks.** All temporary signs shall be set back at least five feet from all property lines, except as provided in Section 1-502, Prevention of Visual Clutter in Principal Corridors. Temporary signs that are not visible from public rights-of-way or abutting property are not restricted by this Section.

Table 7
Permissible Freestanding Temporary Sign Types in Residential Districts

District	R-3	R-2	R-1
Yard Sign	Allowed	Allowed	Allowed
Number of Signs Allowed	No Maximum; provided minimum size and height restrictions met		
Maximum Sign Area (per sign/total)	6 sf. / 24 sf.		
Maximum Sign Height	4 ft.		
Swing Sign	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per lot		
Maximum Sign Area	5 sf. (including up to 2 riders)		
Maximum Sign Height	1 per lot		
Sidewalk Sign	Not Allowed	Not Allowed	Not Allowed
Number of Signs Allowed	-		
Site Sign	Allowed	Allowed	Allowed
Number of Signs Allowed	1 per frontage		
Maximum Sign Area	12 sf.		
Maximum Sign Height	5 ft.		
Other requirements	Not allowed on parcels with existing residential uses		

Table 8
Permissible Freestanding Temporary Sign Types in Nonresidential/Mixed-Use Districts

District	I	TCR	B-1
Yard Sign	Not Allowed	Not Allowed	Not Allowed
Number of Signs Allowed		-	
Maximum Sign Area (per sign / total)		-	
Maximum Sign Height		-	
Sidewalk Signs	Not Allowed	Allowed	Allowed
Number of Signs Allowed	-	1 per ground floor tenant bay	
Maximum Sign Area (per sign / total)	-	8 sf.	
Other Requirements	-	Must leave at least 4 feet of sidewalk width for pedestrian use; must be located outside of principal pedestrian travel path; not allowed on sidewalks in arterial or collector rights-of-way	
Site Sign	Allowed	Allowed	Allowed
Number of Signs Allowed		1 per frontage	
Maximum Sign Area		32 sf.	
Maximum Sign Height		8 ft.	
Other Requirements		Must be set back at least five feet from all property lines; site signs are exempt from setback requirements of 8-106 U, <i>Prevention of Visual Clutter in Principal Corridors</i> .	

1-502: Prevention of Visual Clutter in Principal Corridors:

- A. Generally. The Board of Trustees finds that the proliferation of temporary signage along the principal corridors of the Village causes visual clutter that is detrimental to the character of the community, and tends to be distracting to motorists. The Board of Trustees also finds that the application of this Section does not restrict the ample alternative ways that residents and business owners may communicate their messages.
- B. Corridor Setback Requirement.
 - (1) No temporary sign shall be placed within the right-of-way (as provided in Section 1-302, Prohibited Sign Locations), or within 30 feet of the edge of pavement (whichever creates a greater setback from the edge of pavement), along the following street corridors: Chicago Road or Sauk Trail.
 - (2) The setback requirement of this Section shall not apply in the following circumstances:

- (a) Where the front yard of any lot that is used or zoned for single-family residential purposes abuts any right-of-way identified in Section 1-502(B)(1); or
- (b) Where an intervening private fence, wall, or other structure clearly delineates the boundary of private property outside of the prescribed public right-of-way, in which case the required setback shall include only the area up to and including the outside surface of such private fence, wall, or other structure.

1-503: Standards for Attached Temporary Signs:

- A. Generally. Attached temporary signs are permitted subject to the standards of this Section, for a duration as set out in Section 1-504, Duration of Temporary Signs.
- B. Banners. Banners are permitted in the TCR and B-1 Zoning Districts, provided that:
 - (1) there is only one banner per tenant per principal building;
 - (2) the banner is attached to the principal building, and complies with the standards of Section 1-302, Prohibited Sign Locations.
 - (3) the sign area on the banner is not larger than the sign area allowed for a wall sign on the building upon which the banner is attached.
- C. Sock Signs and Temporary Wall Signs. Sock signs and temporary wall signs are permitted in the TCR and B-1 Zoning Districts, and may be installed upon issuance of a building permit for a permanent sign, and may remain in place for not more than 30 days. Such signs shall have a sign area that is not more than 15 percent larger than that which is permitted for the permanent sign for which the permit application was filed.
- D. Window Signs. Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the transparency standards of Section 1-401, Attached Signs, are met.

1-504: Duration of Temporary Signs:

- A. Generally. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a parcel proposed for

development in addition to that which is permitted for permanent signs by Section 1-401, Attached Signs and Section 1-402, Detached Signs.

B. Duration of Display.

- (1) In general, temporary signs shall be removed as of the earlier of the date that:
 - (a) a commercial message is obsolete and has become misleading or off-premises (e.g., a "for lease" or "for sale" sign in front of a building that is fully occupied);
 - (b) the sign falls into disrepair (see Section 1-306, *Sign Maintenance*); or
 - (c) the number of days set out in Table 9, Duration of Detached Temporary Signs, or Table 10, Duration of Attached Temporary Signs, expires.

Table 9
Duration of Detached Temporary Signs

District	R-3	R-2	R-1	I	TCR	B-1		
Yard Sign	Allowed			Not Allowed				
Paper or Cardboard sign face	Signs must be removed within 24 hours of placement; signs may be placed not more than 90 days per year.			-				
Laminated paper; plastic-lined polyethylene bags and comparable materials	Signs may be placed for not more than 90 days per year.			-				
Wood, corrugated plastic, metal, or vinyl sign face	Signs may be placed for not more than 120 days per year.			-				
Swing Sign	Allowed			Not Allowed				
Wood, corrugated plastic, or metal sign face and finished wood or metal structure	Signs may be placed for not more than 9 months per year.			-				
Sidewalk Sign	Not Allowed			Not Allowed	Allowed			
All Sidewalk Signs	-			-	Must be removed from sidewalk at close of business.			
Site Sign	Allowed							
Vinyl Sign Face	Signs may be placed for not more than 30 days per year.							
Corrugated Plastic Sign Face	Signs may be placed for not more than 6 months per year.							
Plywood Sign Face	Signs may be placed for not more than 10 months per year.							
Metal; Plywood with bonded aluminum sign face	Signs may be placed for not more than 10 months per year or 14 months per 2 year period.			Signs may be placed for not more than 10 months per year or 16 months per 2 year period.				

Table 10
Duration of Attached Temporary Signs

District	R-3	R-2	R-1	I	TCR	B-1
Banners		Not Allowed			Allowed	
Cloth, Canvas, or Comparable Material		-				
Vinyl or Comparable Material		-				
Sock Signs		Not Allowed			Allowed	
Vinyl or Comparable Material		-				
Temporary Wall or Fascia Signs		Not Allowed			Allowed	
All Materials		-				
Window Signs		Not Allowed			Allowed	
Inside Window (all materials)		-				
Outside Window (all materials)		-				

C. Administrative Interpretations. The Board of Trustees finds that materials technology is a rapidly evolving field of study, and that materials for signage that are not listed in Table 9, Duration of Detached Temporary Signs, or Table 10, Duration of Attached Temporary Signs, may be introduced into the market. When an unlisted material is proposed, the community development director shall determine to which class of materials the new material is comparable, based on the new material's appearance, durability, and colorfastness. No sign displays shall be longer in duration than the longest permitted display in Table 9, Duration of Detached Temporary Signs, or Table 10, Duration of Attached Temporary Signs, regardless of the material.

1-505: Exception for Outdoor Political Campaign Signs on Residential Property: Other than regulations as to size, nothing in this Section prohibits the display of outdoor political campaign signs on residential property.

PART VI – DEFINITIONS

1-601: Application: When used in this Chapter, the following terms shall have the meanings herein ascribed to them:

Billboard means a sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Additionally, billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.

Facade means the exterior walls of a building exposed to public view or that will be viewed by persons not within the building.

Footcandle (fc) means the unit of illuminance equal to one lumen per square foot.

Illuminance means a measure of how much light is falling onto a surface, typically measured in footcandles.

Logo means a distinctive symbol which identifies a business.

Luminance means the brightness or the amount of light coming off a surface in a given direction, typically measured in candela per square meter (abbreviated as cd/m²).

Normal Viewing Angles mean the view of the surroundings obtained by eyes located at 5 feet (1.5 m) above grade looking horizontally in any direction.

Shielded means a light fixture in which the lamp is not in sight from normal viewing angles. All fully shielded and full cut-off fixtures are considered to be shielded.

Sign means any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service.

Sign, Animated means any sign, or any part thereof which changes physical position by means of movement, rotation or change in illumination to depict movement.

Sign, Awning means a sign that is mounted, painted, or attached to an awning or other window or door canopy. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface

Sign, Blade or Shingle means a sign which projects from a vertically oriented wall.

Sign, Banner means a temporary advertising sign which is not attached to a permanently mounted backing.

Sign, Directional means any sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

Sign, Electronic Message means a sign which exhibits changing and/or illuminated messages.

Sign, Kiosk means a freestanding sign structure used for posting other signs or information.

Sign, Marquee means any sign made a part of marquee and designed to have changeable copy letters, either manually or electronically.

Sign Message means the thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.

Sign, Monument means a freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground.

Sign, Neon means a sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminated by neon or a similar gas through which an electrical voltage is discharged.

Sign, Off-Premise means a sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.

Sign, Parapet means a sign placed upon a low wall or protective railing along the edge of a roof, balcony or terrace.

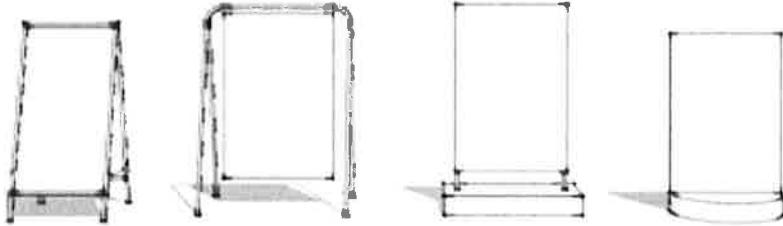
Sign, Permanent means a sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

Sign, Portable means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor mounted in the ground. Portable signs include signs mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Sign, Roof means a sign upon or above the roofline or parapet of the building or structure.

Sign, Sidewalk means a type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs. See *Illustrative Sidewalk Signs*, below.

Illustrative Sidewalk Signs



Sign, Site means a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a short period of time.

Sign, Sock means a temporary sign constructed of flexible material, designed to fit over a permanent sign face or mount. Sock signs are typically installed while a new permanent sign is being designed and fabricated.

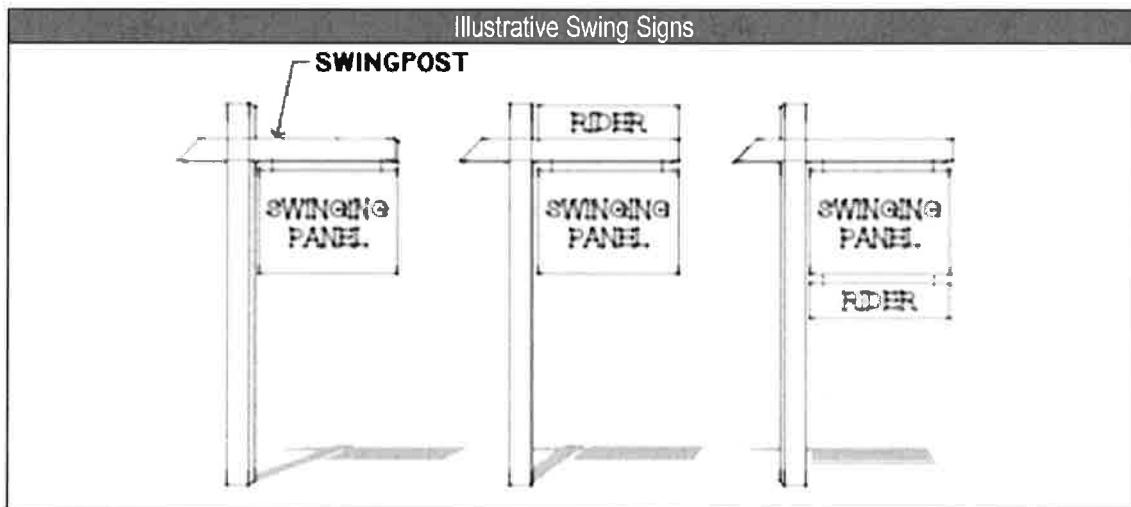
Sock Sign

The sock sign below is not shown fully installed in order to illustrate how it will cover up the old sign when installation is complete.



Sign Structure means a sign structure shall include, but not be limited to, the supports, uprights, braces, backing, sign board, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign.

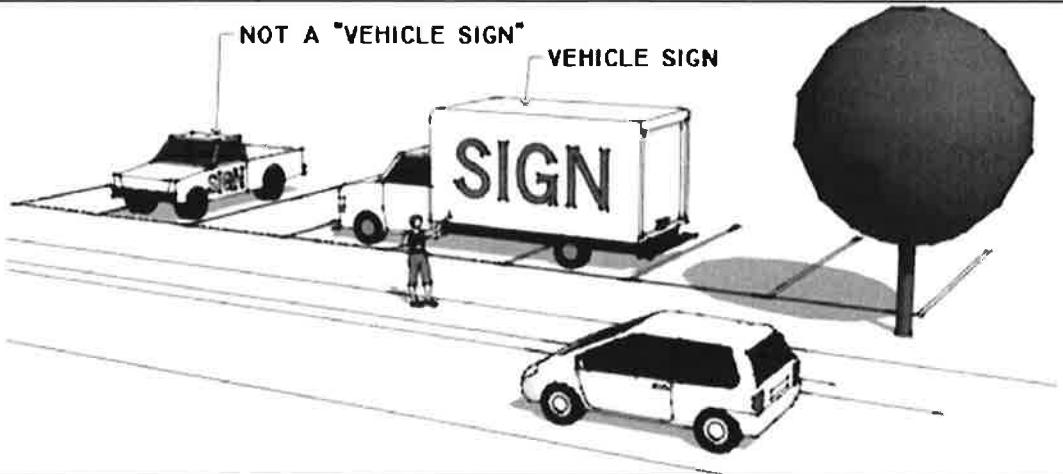
Sign, Swing means a sign that is suspended from a horizontal support (a swingpost) that is attached to a vertical support mounted in the ground. A swing sign may also include riders. See *Illustrative Swing Signs*, below.



Sign, Vehicle means a sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal operations of the business and it is properly parking in a designated parking space. Signs attached to trailers or inoperable vehicles are presumed to be vehicle signs if they are parked in plain view from the right-of-way. Bumper stickers are not vehicle signs.

Vehicle Sign

In the illustration below, the sign on the pickup truck is not a "vehicle sign," because the pickup truck is in operable and properly parked in a parking space. The sign on the delivery truck is a "vehicle sign" because the truck is parked across parking spaces adjacent to the right-of-way, and the intent to use the position of the truck to display the sign is presumed.



Sign, Wall means a sign attached to, painted on, or erected against a wall of a building, whose display surface is parallel to the face of the building, structure, or fence, and whose height does not exceed the height of the wall, structure, or fence to which said sign is attached, painted upon, or against which said sign is erected.

Sign, Window means a sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1') of the interior of a window, which can be seen through the window from the exterior of the structure.

Sign Without Backing means any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display area.

Sign, Yard means a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.

4811-9451-2430, v. 1

Chapter 12. PERSONAL WIRELESS SERVICE FACILITIES

PART I – PURPOSE

1-101: The purpose of this Chapter is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Village Board finds that these regulations are necessary to:

- A. Facilitate the efficient provision of personal wireless services to the residents of the Village, as well as to other persons, firms, and/or corporations in the vicinity of the Village;
- B. Minimize adverse visual effects of personal wireless service facilities, through careful design, siting, screening, and landscape buffering standards;
- C. Minimize the impacts of personal wireless service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of historic structures and districts designated by the Federal, State and local governments;
- D. Minimize the impacts of personal wireless service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of the Village's principal commercial and tourist areas;
- D. Avoid potential damage to adjacent properties from falling ice and tower failure through structural standards and setback requirements;
- E. Promote, encourage and maximize the shared use of existing and approved Towers and Base Stations to accommodate new personal wireless service facilities in order to reduce the number of Towers needed to serve the community; and
- F. Promote, encourage and maximize the use of existing tall structures that have been established within the community for the collocation of new personal wireless service facilities.

PART II – INTERPRETATION

1-201: The provisions of this Chapter are not intended to and shall not be interpreted or applied so as to prohibit or have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Chapter be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Chapter are inconsistent or in conflict with any provision of this Title, the provisions of this Chapter shall be deemed to control.

1-202: In the course of reviewing any request for any approval required under this Chapter made by an applicant to provide personal wireless service or to install personal wireless service facilities, the Village

Board shall act within a reasonable period of time after a complete request is duly filed with the Village, taking into account the nature and scope of the request. There shall be a rebuttable presumption that a reasonable period of time to take final action on applications for collocated facilities is 90 days and for new facilities 150 days; provided that such period shall be tolled during any time the applicant needs to respond to reasonable requests for additional information. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

1-203: No decision to deny an application for a special use permit or a zoning variation for the construction or installation of a personal wireless service facility may be based on the environmental effects of radio frequency emissions to the extent that such facility complies with the FCC's regulations concerning such emissions.

1-204: Nothing herein shall be construed to release any applicant from compliance with all applicable Federal, State and local building, electrical and occupational safety laws, regulations, codes and rules.

PART III – DEFINITIONS

1-301: The following definitions apply throughout this Chapter:

BASE STATION includes other structures, excluding Towers, that support or house a personal wireless service facility as of the effective date of this Ordinance or on which new personal wireless service facilities are granted permission to be erected.

DISTRIBUTED ANTENNA SYSTEM means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

ESTABLISHED HEIGHT means the elevation from the established grade on the subject property of the highest structural component of a Tower, excluding transmission equipment and other appurtenances, at the time that Tower is constructed or on the effective date of this Code, whichever is later.

PERSONAL WIRELESS SERVICE and **PERSONAL WIRELESS SERVICE FACILITIES**, as used in this Chapter, shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as amended now or in the future. Generally, these terms refer to licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public. For the purpose of this Chapter the term "personal wireless service facilities" includes each of its component parts, including ground-mounted support equipment, screening, landscaping, towers and/or or antennae, as deemed appropriate in the context, and any other appurtenant improvements required as a condition of authority to construct such facilities.

TOWER includes any structure built for the sole or primary purpose of supporting a personal wireless service facility.

PART IV – GENERAL LOCATION REGULATIONS

1-401: Personal wireless service facilities shall be considered a permitted use:

- A. in the I Light Industrial District;
- B. only for antennas attached to or otherwise closely integrated with structures established for public utility purposes in any zoning district;
- C. as part of a neutral-host distributed antenna system¹;
- D. only for antennas attached to the outside of non-utility buildings and structures in any zoning district; and
- E. only for antennas located wholly inside or incorporated within existing non-utility buildings and structures in any zoning district, provided no structural modifications to such building are required by the placement of such antennas.

1-402: Except as otherwise provided in this Chapter, all other personal wireless service facilities, including related transmission equipment, shall require a special use permit.

1-403: Height:

- A. Any new personal wireless service facility considered a special use shall require a variation for any portion of the height of the personal wireless service facility in excess of the maximum height requirements of the applicable District.
- B. A personal wireless service facility considered a permitted use or collocated on a Tower or Base Station shall be permitted above: (a) the Established Height of the Tower, or (b) the applicable maximum height for the district where it is located; up to 20 feet, or 10% of the otherwise applicable limitation, whichever is greater.

1-404: Setbacks: A personal wireless service facility that is not collocated on an existing Tower or Base Station shall:

- A. Not be located between the front lot line and the principal building, if any, on the property.
- B. Setbacks:

¹ See FCC 14-153, Report and Order dated October 17, 2014, pgs. 3-4 ("We likewise facilitate sharing of transmission equipment by, for example, using "neutral-host" DAS that can support multiple providers simultaneously. Promoting shared use in this manner advances several important policy goals while creating little or no potential for competitive harm and, indeed, promoting opportunities for increased competition... Finally, sharing resources—rather than relying on new builds—safeguards environmental, aesthetic, historic, and local land-use values.").

- (1) Residential Zones. Be setback from all lot lines a distance equal to the height of the personal wireless service facility, except where it is attached to an existing building or structure;
- (2) Non-Residential Zones. Be setback from all lot lines a distance equal to the height of the location on the Tower where it is designed to fail (as described in the information required by Section 1-1202(E), or the applicable zoning district setback, whichever is greater.

1-405: Dispersion:

- A. Permitted Uses. Where a personal wireless service facility is a permitted use, no dispersion from existing personal wireless facilities shall be required.
- B. Special Uses. Where a personal wireless service facility is a special use, it shall be separated from other existing personal wireless service facilities by at least one thousand (1,000) feet.

PART V – TOWER AND ANTENNA DESIGN REQUIREMENTS

1-501: All designs for personal wireless service facilities, as well as designs for associated transmission equipment, shall be approved by the Village Board as part of an application for a special use permit, by reference to the standards described in this section. Personal wireless service facilities that are permitted uses, as well as designs for associated transmission equipment, shall substantially comply with the following standards, which shall be enforced as a condition of the building permit for such facilities.

- A. Personal wireless service facilities shall be of a monopole design unless the Village Board determines that an alternate design would better blend into the surrounding environment.
- B. Towers and transmission equipment shall be designed to blend into the surrounding environment as closely as possible through the use of color, camouflaging and/or architectural treatment, where possible. A tower shall be painted a single, neutral color, the color of which shall be approved by the Village Board. Personal wireless service facilities shall be well maintained at all times.
- C. Personal wireless service facilities shall not be illuminated by artificial means and shall not display lights unless such lights are specifically required by a Federal or State authority. Lights are permitted to be operated during on-going maintenance activities.
- D. Site location and development shall preserve the existing character of the building or property as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized.
- E. Personal wireless services facilities erected on property where there are structures composed of masonry materials and having gabled or other peaked-roof type features are

required to enclose ground-mounted facilities and equipment within a structure using the same building materials unless the Village Board determines that an alternate design would better blend into the surrounding environment. All other facilities shall be enclosed within a solid six (6') foot high wooden board-on-board style fence. Equipment enclosures may be required to be sized to accommodate co-location of additional facilities as part of a special use permit approval.

- F. Landscaping screening a minimum of five foot (5') in height at installation shall be required and maintained so as to screen any proposed ground-mounted structure or transmission equipment and to discourage vandalism.
- G. Transmission equipment attached to existing buildings or Base Stations may extend not more than six (6) feet from the exterior of any wall of the building to which it is attached. Transmission equipment attached to a Tower may not protrude from the edge of the Tower more than twenty (20) feet.

PART VI – VILLAGE-OWNED LAND

1-601: Exemption: Notwithstanding anything herein to the contrary, any application for placement, construction and modification of personal wireless service facilities on Village-owned real property (e.g., water towers, municipal utility facilities) shall be exempt from the requirement to obtain either a special use or variance, it being hereby declared to be the policy and intent of the Village that personal wireless service facilities are to be considered permitted uses on Village-owned real property, subject to the order of priority described in Section 1-602 of this Section and the provisions of Section 1-603 of this Section.

1-602: Priority of Users: For wireless telecommunication antennas and towers, priority for the use of Village-owned land will be given to the following entities and purposes in descending order:

- A. Village of South Chicago Heights;
- B. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the Village, and private entities with a public safety agreement with the Village;
- C. Other governmental agencies, for uses which are not related to public safety;
- D. Entities providing licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that are marketed to the general public; and
- E. Entities providing unlicensed commercial wireless information services.

1-603: Reservation of Rights: The Village Board, acting in its capacity as and exercising the commercial rights of a property owner, reserves the right to deny, for any reason or no reason, the use of any or all Village-owned property by any one or all applicants.

PART VII – PREFERENCE FOR SHARED USE

1-701: The shared use of Towers, Base Stations and Distributed Antenna Systems ("Collocation") shall be preferred to the construction of new personal wireless service facilities. Provided that Collocation is accomplished in a manner consistent with the terms of this Chapter, then applications for collocation facilities may be approved administratively without any new or additional special use permit approval. Proper plans must be submitted and permits obtained for such collocation facilities as required by the terms of this Title.

1-702: An applicant for a special use permit for a new personal wireless service facility shall submit a report inventorying existing Towers, Base Stations and Distributed Antenna System within a reasonable distance from the proposed site (not less than a 1,000 foot radius) outlining opportunities for Collocation as an alternative to the proposed use. The applicant must demonstrate that the proposed personal wireless service facility cannot be accommodated on existing Towers, Base Stations and Distributed Antenna Systems due to one or more of the following reasons:

- A. Refusal of the owner to permit the Collocation;
- B. The planned equipment would exceed the structural or service capacity of existing and approved Towers, Base Stations and Distributed Antenna Systems, considering existing and approved uses for those facilities;
- C. The planned equipment would cause interference with other existing or approved equipment, which cannot reasonably be prevented; or
- D. Existing or approved Towers, Base Stations and Distributed Antenna Systems do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

1-703: The Village Board may consider existing Towers and Base Station sites located within one and one half miles of Village boundaries that are capable of serving territory within the Village when examining an application for an additional new facility.

PART VIII – CONDITIONS

1-801: Except as otherwise provided in this Section, the personal wireless service facility shall conform to all applicable Federal laws and regulations concerning its use and operation, and shall also conform to all applicable provisions of this Title and all other Village of South Chicago Heights codes, rules, and regulations, as amended.

1-802: Preferences: When Collocation is not possible for the reasons described in Section 1-702, and more than one location is capable of providing roughly equivalent service to close a significant gap in coverage, the Village may direct the location of the new personal wireless service facility in the following order of preference:

- A. Industrial district;
- B. Business district;
- C. Residential district.

1-803: In considering a request for approval of a special use to permit the installation of personal wireless service facilities the Village Board shall, in addition to other relevant standards for approval described in this Code, also give due consideration and weight to:

- A. whether the applicant has sought and been denied the opportunity for Collocation, as described in Part VIII of this Chapter.
- B. whether the applicant has sought and been denied the opportunity to locate its personal wireless service facility on a site with a higher preference according to Section 1-702 of this Chapter.
- C. whether a significant gap in coverage exists in each applicant's coverage area for the provision of personal wireless service. A "gap in coverage" exists when a remote user of such services is unable to either connect with the land-based national telephone network or to maintain a connection capable of supporting a reasonably uninterrupted communication. This standard shall be applied separately to each personal wireless service provider.
- D. whether the means chosen to fill a significant gap in coverage are the least intrusive on the conditions set forth in this Chapter.
- E. whether there are specific and unique aesthetic, visual and safety objections relative to such application and/or the subject property, either in isolation or cumulatively, that are distinct from those generalized concerns otherwise addressed in this Chapter.
- F. whether the proposed site would encroach on a building or district with historical, architectural or economic significance.

PART IX - NONCONFORMITIES

1-901: A personal wireless service facility erected prior to September 1, 2016 which would be prohibited under this Chapter shall be considered to be a legal nonconforming use and/or legal nonconforming structure, as the case may be, and shall be subject to the rules on nonconforming uses and structures as provided by Chapter 5.

PART X – ABANDONED OR UNUSED TOWERS OR ANTENNAS; ENFORCEMENT; LIEN

1-1001: A Tower or transmission equipment shall be deemed abandoned if, for reasons within the reasonable control of the owner, it remains unused or unoperated for a period of twelve (12) consecutive months, unless a shorter abandonment period is provided in the applicable lease, in which event, the abandonment period specified in the applicable lease shall govern, and such abandonment shall be as determined by the Village Board. All or any portion of a personal wireless service facility deemed abandoned or unused under this Article shall be removed according to the Decommissioning and Restoration Plan described in this Section.

1-1002: All abandoned or unused portions of a personal wireless service facility shall be removed within six (6) months of the Board's determination that such facilities are abandoned, unless a time extension is approved by the Village Board. Before the Board makes a finding or issues an order for removal of the Facility resulting from its abandonment, the applicant and the owner shall be given an opportunity for a pre-deprivation hearing in the manner described below:

- A. When the Village believes all or any part of a facility has been abandoned, the Community Development Director shall cause a Notice of Facility Abandonment to be sent via first class mail to the owner of the facility. The Notice of Facility Abandonment shall state the name and address of the owner, the name and address of the property owner, a summary of the grounds for the Village's determination and describe the opportunity for a hearing.
- B. Failure to request a hearing within 21 days from the date of the notice will result in the Village Board making its determination solely on the basis of evidence presented by Village staff.
- C. A person may challenge the validity of the Notice of Facility Abandonment by requesting a hearing and appearing in person to submit evidence which would disprove abandonment, or the term for which the Facility has not been used or operated is less than twelve (12) months. Upon a request for a hearing, the Community Development Director shall schedule the hearing for a regular or special Village Board meeting.
- D. All parties shall be given a reasonable opportunity to present testimony and evidence at the hearing. A request for a continuance of the hearing date must be made in person before the Village Board and may be granted upon a showing of good cause. The formal rules of evidence will not apply at the hearing.

1-1003: Written notice of the Board's determination of abandonment shall be sent via regular mail, and via certified mail, return receipt requested, to the owner of the personal wireless service facilities and the owner of the property, as determined by reference to the records of the Chief County Assessment Officer.

1-1004: Decommissioning and Restoration Plan. Prior to receiving a building permit and/or special use permit for the construction of a personal wireless service facility, the owner and/or operator must include a Decommissioning and Restoration Plan with the application to ensure such facility and all related

equipment is properly decommissioned. The owner of the facility and the underlying property owner(s) shall be jointly liable for the removal of all equipment associated with the facility at the expiration of the special use permit, if any, the end of the useful life of the facility, or when the facility is abandoned as herein described. The Decommissioning and Restoration Plan shall contain:

- A. Provisions for removal of the facility and all related equipment, including those below the soil surface.
- B. Provisions for the restoration of the property and improvements upon completion of the decommissioning of the facility and all related equipment.
- C. An estimated cost of decommissioning certified by an authorized agent of the applicant and the financial resources to be used to accomplish decommissioning.
- D. A right of entry onto the site granted to the Village, pursuant to reasonable notice to effect or complete decommissioning and/or restoration.

1-1005: Any facility which remains erected more than six (6) months after the expiration of the special use permit, if any, the end of the useful life of the facility, or the facility is determined to be abandoned shall be deemed a nuisance.

1-1006: Lien on Costs of Enforcement or Removal:

- A. If the Village incurs any costs to abate the nuisance caused by the owner and petitioner's failure to perform the Applicant's Decommissioning and Restoration Plan in a timely manner, that cost is a lien upon that underlying parcel. If, for any one parcel, the Village engaged in any enforcement activity or performed Plan activities on more than one occasion during the course of one year, then the Village may combine any or all of the costs of each of those activities into a single lien.
- B. To perfect a lien under this section, the Village must, within one year after the cost is incurred, file notice of lien in the Office of the Cook County Recorder. The notice must consist of a sworn statement setting out:
 - (1) a description of the underlying parcel that sufficiently identifies the parcel;
 - (2) the amount of the enforcement or removal cost; and
 - (3) the date or dates when the enforcement or removal cost was incurred by the Village.
- C. The removal cost is not a lien on the underlying parcel unless a notice is personally served on, or sent by certified mail, to the Applicant and the person to whom the tax bill for the general taxes on the property for the taxable year was

sent, not less than ten (10) days preceding the removal activities. The notice must (i) state the substance of this section; (ii) identify the underlying parcel, by common description; and (iii) describe the Village's proposed activity.

- D. A lien under this section may be enforced by proceedings to foreclose as in case of mortgages. An action to foreclose a lien under this section must be commenced within 2 years after the date of filing notice of lien. Failure to file a foreclosure action does not, in any way, affect the validity of the lien against the underlying parcel.
- E. Upon payment of the lien cost by the Applicant or owner of the underlying parcel after notice of lien has been filed, the Village shall release the lien, and the release may be filed of record by the owner at his or her sole expense as in the case of filing notice of lien.

PART XI – INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS

1-1101: No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an inter-modulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems related to other telecommunications facilities operating on the same facility or adjacent property. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Village at least ten (10) calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process. If at any time it is determined by the Village Board, or its designee, that public safety communications experience interference from the new, modified, or existing telecommunications service so as to jeopardize or impede emergency services to residents of the Village, the Village shall refer the issue to the appropriate judicial or administrative forum for dispute resolution, the Village's costs for which shall be borne entirely by the applicant.

PART XII – ADDITIONAL APPLICATION REQUIREMENTS

1-1201: In addition to the information required elsewhere in this Title, applications for a special use permit for a new personal wireless service facility shall include the following supplemental information:

- A. A statement of the applicant's purpose and need, including data describing whether a significant gap in coverage exists in the applicant's coverage area for the provision of personal wireless service;
- B. An inventory of existing Towers and Base Stations within a reasonable distance from the proposed site, including the estimated capacity of such sites, outlining opportunities for Collocation as an alternative to the proposed use;
- C. Demonstration from a qualified and professional radio frequency engineer that alternative locations with a higher preference, as designated by Section 1-802, are

unavailable or impractical and that the equipment cannot be mounted on an existing Tower or Base Station;

- D. A architectural site plan including tower and ground structure elevations, and landscaping; and
- E. A plan indicating how specific visual impacts created by the proposed facilities will be minimized.

1-1202: Applications for a building permit for a new personal wireless service facility shall include a report from a qualified and licensed professional engineer which includes, to the extent applicable, information that:

- A. Describes the Tower height and design including a cross section and elevation;
- B. Documents the height above grade for all potential mounting positions for co-located transmission equipment and the minimum separation distances between transmission equipment;
- C. Describes the Tower's capacity, including the number and type of transmission equipment that it can accommodate;
- D. Includes a professional engineer's stamp and registration number;
- E. Describes the wind rating of the tower and the manner in which the tower is designed to fail; and
- F. Includes any other information necessary to evaluate the request.

1-1203: For all new personal wireless service facilities, the applicant shall submit to the Village a letter of intent committing the owner and his or her successors to allow the shared use of the Tower or Base Station if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

1-1204: If the applicant is not the owner of the subject property, the applicant shall submit to the Village a copy of the lease agreement pursuant to which the applicant is granted authority to erect the proposed personal wireless service facility.

1-1205: The Village shall be given not more than thirty (30) days to review an application and provide prompt notice to the applicant of whether the application is complete. A failure to provide notice shall result in the application being deemed complete.

Chapter 13. WIND AND SOLAR RENEWABLE ENERGY SYSTEMS

PART I – PURPOSE AND INTENT

1-101: The purpose of this chapter is to:

- A. Provide zoning regulations to guide the installation and operation of small wind and solar renewable energy systems in the village.
- B. Accommodate sustainable energy production from renewable energy sources.
- C. Preserve the aesthetics of the zoning districts to protect and promote property values and the public health, safety, and welfare.

PART II – DEFINITIONS

1-201: As used in this chapter, the following terms shall have the following meanings:

LARGE WIND ENERGY SYSTEM:	A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to generate utility power at a commercial scale.
NET METERING:	An arrangement by which excess energy generated by a renewable energy system is distributed back to the electrical utility grid.
RENEWABLE ENERGY SYSTEM:	A system that generates energy from natural resources such as sunlight, wind, and geothermal heat. As used herein, the term "renewable energy system" refers to small wind energy systems and solar energy systems only.
SMALL WIND ENERGY SYSTEM:	A wind energy conversion system consisting of a wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power.
SMALL WIND ENERGY SYSTEM, GROUND-MOUNTED:	A small wind energy system that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole or other utility facility.
SMALL WIND ENERGY SYSTEM, ROOF-MOUNTED:	A small wind energy system affixed to the roof of a principal structure.
SOLAR ENERGY SYSTEM:	A system that uses the power of the sun to capture, distribute and/or store energy for on-site consumption of utility power.
SOLAR ENERGY SYSTEM, BUILDING	A solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an

INTEGRATED:	architectural or structural component of a building.
SOLAR ENERGY SYSTEM, BUILDING-MOUNTED:	A solar energy system affixed to either a principal or accessory structure.
SOLAR ENERGY SYSTEM, GROUND-MOUNTED:	A solar energy system that is not attached to another structure and is affixed to the ground, or that is attached to an antenna, light pole, or other utility facility.
TOTAL SYSTEM HEIGHT:	The total height of the tower and the wind turbine of a small wind energy system, as measured from the average grade at the base of the system to the top of the blade or rotor.

PART III – GENERAL REQUIREMENTS

1-301: The requirements set forth in this section shall govern the construction, installation, maintenance, and removal of all renewable energy systems governed by this chapter.

- A. Applicability: The provisions of this chapter are intended to establish zoning parameters by which solar and small wind energy systems may be installed in the village. Large wind energy systems are prohibited. Additional renewable energy installations not expressly addressed herein may be authorized by the community development director subject to compliance with the applicable codes and standards of the village.
- B. Use: Except as authorized by the village board for public utility purposes, a renewable energy system shall be accessory to the principal permitted use of a site.
- C. Approvals: Approval granted to an individual lot owner for a renewable energy system under the provisions of this chapter shall not be construed to prohibit owners or tenants of any adjacent or nearby lots from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said renewable energy system.
- D. Permitting and Installation:
 - (1) Unless otherwise exempted by the community development director, a village building permit is required prior to the installation of any renewable energy system.
 - (2) Renewable energy systems that do not require a building permit in accordance with Section 1-301(D)(1) shall not be subject to the requirements of this chapter.
 - (3) The owner of a renewable energy system shall ensure that it is installed and maintained in compliance with applicable building and safety codes adopted by the village and any other State or Federal agency of competent jurisdiction.

- (4) All small wind energy systems shall be equipped with manual and/or automatic controls to limit rotation of blades to a speed within the manufacturers designed limits.
- (5) All wiring associated with a renewable energy system shall be underground or contained within a raceway that complements the principal structure's building materials.

E. Interconnection with Electric Utility:

- (1) Energy produced by a renewable system shall be utilized on-site, except for net metering as authorized by the electric utility and other appropriate regulatory agencies required by law.
- (2) The interconnection of any renewable energy system to the electric distribution grid shall be in accordance with electric utility service rules and policies and the village's codes, rules and regulations, including standard practices, as amended from time to time.

F. Lighting: Illumination of a renewable energy system shall be prohibited, except to accommodate co-installation of parking lot lighting luminaries or as required by the Federal Aviation Administration (FAA) or other state or Federal agency of competent jurisdiction.

G. Signage: No commercial signage or attention-getting device is permitted on any renewable energy system, except that a sign of a plain white background with black lettering not exceeding four (4) square feet in size displaying the lot owner's or operator's emergency contact information shall be provided on each small wind energy system.

H. Screening: There shall be no required mechanical screening for renewable energy systems.

I. Maintenance and Removal of Renewable Energy Systems:

- (1) Renewable energy systems must be maintained in good repair and operable condition at all times, including in compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except during maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and the system must be promptly repaired.
- (2) If the village determines that a renewable energy system fails to comply with this code, the village shall provide written notification to the lot owner. The lot owner shall have a period of ninety (90) days from the date of notification to either restore the renewable energy system to operation or remove the system.
- (3) In the event such renewable energy system is not brought into compliance with this code within the specified time period, the village may remove or cause the removal of said facility at the lot owner's expense.

- (4) The village may pursue any and all available legal remedies to ensure that a renewable energy system that fails to comply with this code or that constitutes a danger to persons or property is brought into compliance or removed.
- (5) Any delay by the village in taking enforcement action against the owner of a renewable energy system and the owner of the lot, if such owner is different from the owner of the system, shall not waive the village's right to take any action at a later time.
- (6) The village may seek to have the renewable energy system removed regardless of the owner's or operator's intent concerning said facility, and regardless of any permits that may have been issued or granted.
- (7) After the renewable energy system is removed, the owner of the lot shall promptly restore the lot to a condition consistent with the lot's condition prior to the installation of the system.

PART IV – SMALL WIND ENERGY SYSTEMS

1-401: Authorization and Regulation of Use:

A. Roof-Mounted Small Wind Energy System:

- (1) Permitted Use: Roof-mounted small wind energy systems may be authorized administratively in all business zoning districts and industrial zoning districts in accordance with the requirements of this Title and subject to approval by the community development director.
- (2) Special Use: Roof-mounted small wind energy systems may be authorized as a special use in any residential zoning district in accordance with the village's special use procedures.

B. Ground-Mounted Small Wind Energy System:

- (1) Permitted Use: Ground-mounted small wind energy systems may be authorized administratively in industrial zoning districts up to a height of one hundred (100) feet in accordance with the requirements of this chapter and subject to approval by the community development director.
- (2) Special Use:
 - (a) A ground-mounted small wind energy system may be authorized as a special use in any residential zoning district or in any business zoning district in accordance with the village's special use procedures.

- (b) A ground-mounted small wind energy system may be authorized as a special use in an industrial zoning district when measuring greater than one hundred (100) feet in height.
- (3) Number: Only one (1) ground mounted small wind energy system or one (1) roof-mounted small wind energy system shall be permitted per lot in accordance with the provisions of this chapter.

C. Height:

- (1) Roof-Mounted Small Wind Energy System: The total height of a roof-mounted small wind energy system shall not exceed ten (10) feet above the peak roof height or ten (10) feet above the maximum permitted building height in the zoning district, whichever is less.
- (2) Ground-Mounted Small Wind Energy System:
 - (a) In all business zoning districts and for any institutional, utility or non-residential use in any residential zoning district, ground-mounted small wind energy systems shall be limited to a maximum total system height of sixty (60) feet.
 - (b) In industrial zoning districts, ground-mounted small wind energy systems shall be limited to a maximum total system height of one hundred fifty (150) feet.
 - (c) In all zoning districts, the minimum clearance between the lowest tip of the rotor or blade and the ground shall be fifteen (15) feet.
 - (d) Any small wind energy system that exceeds the height limitations defined in this section shall be required to obtain approval of a zoning variance in accordance with the provisions of this code.
- (3) Roof-mounted and ground-mounted small wind energy systems accessory to a residential use in a residential district shall have a maximum height limitation as determined through the special process in accordance with the village's special use procedures.

D. Location:

- (1) Roof-Mounted Small Wind Energy Systems:
 - (a) Roof-mounted small wind energy systems shall be affixed to the roof deck of a flat roof or to the ridge or slope of a pitched roof and may not be affixed to the parapet or chimney of any structure.
 - (b) Such systems must be set back a minimum of five (5) feet from the edge or eave of the roof.

(2) **Ground-Mounted Small Wind Energy Systems:**

- (a) Ground-mounted small wind energy systems, including all appurtenances and anchoring equipment, shall not be located within the required front yard or corner side yard or in any utility, water, sewer, or other type of public easement.
- (b) Ground-mounted small wind energy systems, including all appurtenances and anchoring equipment, shall be set back a distance equal to 1.1 times the system height, measured from the system's base to all lot lines, third party transmission lines, ground-mounted small wind energy systems, overhead electric distribution systems and communication towers.

E. **Noise:** Sound levels for any small wind energy system shall not exceed the maximum decibels allowed by village code, rule, or regulation, as amended. The village may, at its discretion, require a professional sound measurement by a third party expert at the expense of the lot owner to confirm performance of the wind energy system, in accordance with village codes, rules, and regulations, as measured from the ground level at the nearest lot line.

F. **Color:** Small wind energy systems may remain finished in the color originally applied by the manufacturer, unless otherwise authorized by the building permit. Finishes shall be non-reflective, neutral and monochromatic in color and shall minimize visual disruption to the surrounding area. Ground equipment, such as cabinets and associated facilities, shall be factory finished to match or complement the color of other structures on the lot.

G. **Unauthorized Access:** Ground-mounted small wind energy systems and all components thereof shall be protected against unauthorized access by the public. No climbing ladder, foot pegs or rungs shall be permanently attached below a height of twelve (12) feet above grade.

1-402: Special Uses:

- A. **Application:** A petition for a special use permit for a small wind energy system shall be initiated by application on village forms and in accordance with the provisions of this section, and may be issued in accordance with this section.
- B. **Issuance:** The village board may approve, approve with conditions, or deny a special use permit pursuant to the village's special use procedures set forth in this code.
- C. **Special Use Standards:**
 - (1) The village board shall determine that the application has met all of the general requirements of this chapter, except those for which a variance has been specifically granted or sought; and
 - (2) The proposed renewable energy system shall further the intent of this chapter and provide renewable energy to the lot on which it is proposed; and

- (3) The proposed renewable energy system is located in such a manner as to minimize intrusions on adjacent residential uses through siting on the lot, selection of appropriate equipment, and other applicable means; and
- (4) The proposed renewable energy system complies with the service rules and policies of the village and all electric utilities, as amended from time to time; and
- (5) The establishment of the proposed renewable energy system will not prevent the normal and orderly use, development or improvement of the adjacent lot for uses permitted in the district.

PART V – SOLAR ENERGY SYSTEMS

1-501: Authorization and Regulation of Use:

A. Permitted Use:

- (1) Building integrated solar energy systems may be authorized administratively in all zoning districts in accordance with the requirements of this chapter and subject to approval by the community development director or his designee.
- (2) Building-mounted and ground-mounted solar energy systems may be authorized administratively in all business zoning districts and all industrial zoning districts in accordance with the requirements of this chapter and subject to approval by the community development director or his designee.
- (3) Building-mounted solar energy systems may be authorized administratively in all residential zoning districts in accordance with the requirements of this chapter and subject to approval by the community development director or his designee.

B. Special Use: A ground-mounted solar energy system that is accessory to a residential use or any principal institutional, utility, or non-residential use may be authorized as a special use in any residential zoning district in accordance with this code's special use procedures.

C. Height:

- (1) **Building-Mounted Solar Energy System:** A building-mounted solar energy system may not extend above the peak roof height of the building which the solar energy systems is affixed to.
- (2) **Ground-Mounted Solar Energy System:** The maximum height of a ground-mounted solar energy system shall be six (6) feet as measured from the average grade at the base of the pole to the highest edge of the system.

D. Location:

(1) Ground-Mounted Solar Energy Systems:

(a) Ground-mounted solar energy systems shall not be located within the required front yard or corner side yard or in any utility, water, sewer, or other type of public easement.

(2) All parts of any ground-mounted solar energy system shall be set back at least five (5) feet from the interior side and rear lot lines.

1-502: Special Uses:

- A. Application: A petition for a special use permit for a solar energy system shall be initiated by application on the village's forms and in accordance with the provisions of this section, and may be issued in accordance with this section.
- B. Issuance: The village board may approve, approve with conditions, or deny a special use permit pursuant to this chapter and the procedures described in this code.
- C. Standards for Granting a Special Use: The standards for evaluating a special use request for a solar energy system are set forth in Section 1-402(C) of this code.

