

**ZONING ORDINANCE
OF THE
VILLAGE OF OAKWOOD HILLS
ILLINOIS**

FINAL COPY

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ZONING ORDINANCE**

**OF THE
VILLAGE OF OAKWOOD HILLS**

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CHAPTER 10

ZONING ORDINANCE

Section 10-101. The Zoning Ordinance. The Zoning Ordinance of the Village of Oakwood Hills here by referred to as the Village adopted on Month .00, 2022 as amended or revised by subsequent ordinances, is hereby incorporated herein by reference and shall regulate land uses, the classification and location thereof, and nonconforming uses within the boundaries of the Village.

ZONING ORDINANCE
OF THE
VILLAGE OF OAKWOOD HILLS, ILLINOIS

BE IT ORDAINED by the President and Board of Trustees of the Village of Oakwood Hills, that this Ordinance is for the purpose of classifying lands within the Village of Oakwood Hills, Illinois into districts and regulating and restricting the use of building structure and land for trade, industries, residences, and other specified uses within the district; and to limit the height, bulk and intensity of use along with the establishment of the boundaries of said districts.

This Ordinance is enacted pursuant to powers granted to the Village of Oakwood Hills, Illinois, by the statutes of the State of Illinois.

Section 10-101. Title. This Ordinance shall be known as and referred to as the Zoning Ordinance of the Village of Oakwood Hills, Illinois.

Section 10-102. Intent and Purpose. This Ordinance is adopted to promote and protect the public health, safety, comfort, and general welfare of the people, quality of life, compatible and cohesive development that enhances land value and sustainably manages environmentally sensitive issues.

From and after the passage of this Ordinance, a permit shall be obtained from the Village of Oakwood Hills, before there may be any change, within the Village, in the use of the land, grade of the land, building of a structure, enlargement or alteration of an existing structure, or where any action shall affect the intent and purpose of this Ordinance.

Section 10-103. General Conditions.

- A. Whenever any annexation of any territory to the Village** is not made pursuant to an annexation agreement which expressly provides for the specific zoning district classification thereof, such territory shall be automatically classified in the district that will permit the parcel, or the smallest subdivided lot therein, to conform to the minimum lot area required in that district.
- B. Every building hereafter erected or structurally altered** to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided.
- C. No building shall be constructed or erected** upon a lot or parcel of land which does not abut upon a public street.
- D. No residential structure shall be erected** upon a lot or parcel with another dwelling, or upon a lot or parcel with a commercial or industrial building.
- E. Nothing in this Ordinance** shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried out and provided further that such building shall be completed within two (2) years from the date of passage of this Ordinance.

- F. Accessory Structures in Residential Districts.** Not more than one detached garage and one other accessory structure may be located on any residential zoning lot; accessory structures shall comply with the following standards:
1. All accessory structures shall be located in the rear yard.
 2. No accessory structure may be located in any easement
 3. Minimum separation of accessory structure from principal building 5 feet.
 4. A detached garage may be placed in a side yard provided it meets the principal buildings set back requirements.
 5. A detached garage shall be minimum 10 feet from principal structure.
 6. Living quarters shall not be permitted within an Accessory Structure
 7. Minimum rear set back:
 - a. Lake lot – 15 feet from high water line.
 - b. Double frontage lot – 20 feet
 - c. Other lots – 5 feet
 8. Minimum side yard set back
 - a. Corner lot same as principal building
 - b. All other lots - 3 feet
- G.** Only one principal building shall be allowed on any one lot or parcel except for a Planned Unit Development.
- H.** Vision clearance triangle. See Sec. 10-111. Table 3 [g] Landscape Strip Requirements.

Section 10-104. Definitions. For purposes of this Zoning Ordinance, the words and phrases described in this Section shall have the meaning hereafter designated in this Section, except when a particular context clearly requires a different meaning.

Accessory Use – Accessory Structures. A subordinate structure or use which is located on the lot of the main building, and the use of which is clearly incidental to the main use or the use of the main building.

Apartment. Room or suite of rooms, any multi-family structure to be used as single housekeeping unit. A permanent kitchen, bath and toilet facilities shall be included in each apartment.

Apiaries. A place where bees are kept, bee hives where bees are raised for their honey

Auto Repair- Major. Engine rebuilding or major reconditioning of worn or damaged motor vehicles, trailers, collision service, including body work, frame or fender straightening or repair; and overall painting of vehicles.

Auto Repair- Minor. Incidental repairs, replacement of parts and motor service of automobiles, but not including any operation specified under Auto Repair- Major.

Automobile Service Station. A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including gas incidental thereto, minor accessories and services for automobiles, but not including body and motor rebuilding and repair.

Basement. A portion of a building wholly or partly below the average ground elevation.

Bed and Breakfast, Air Bed and Breakfast, See Vacation Rental for definition.

Boarding House. A house in which lodgers rent one or more rooms or levels for one or more nights and sometimes for extended periods of weeks, months, or years. The common parts of the house are maintained, and some services may be provided such as meals, laundry, or cleaning.

Buildable Area of a Lot. That portion of a lot bounded by the required rear and side yards, and the building setback line.

Building. Any structure built or maintained for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Line. A line on a lot, parallel to a lot line or street right-of-way line of sufficient distance to provide the required yards, delineating the area in which structures are permitted subject to the provisions of this Ordinance.

Building Setback Line. A building line establishing the minimum allowable distance between a street right-of-way line and any structure.

Commercial School. A non-governmental, private entity that provides instruction, teaching, educational, organization and learning programs, and primarily instructs students in primary and secondary education.

Day Care – Facility. A governmental licensed facility where care is provided for more than 3 children or adults.

Day Care – Home. A governmental licensed owner occupied residence where care is provided for more than 3 children or adults.

Dwelling. A building, exclusive of mobile homes, hotels, and motels as here defined, containing as the principal use one or more dwelling units. See: Exhibit # 4 p.52

Dwelling Unit (DU) . A structure or portion thereof designed for residential purposes as a single housekeeping unit that provides independent living facilities for one or more people, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit, Attached. Dwelling unit shall be part of a larger structure joined at one or more sides by a party wall. See: Exhibit # 4

Easement. The right of use giving a Person, governmental agency, public utility company or other entity the ability to use land owned by another Person, governmental agency, public utility company or other entity for a specific purpose.

Family. One or more persons living together in a residential dwelling unit as a single housekeeping unit with permanent facilities for living, sleeping, eating, cooking and sanitation.

Fence. A structure, not part of a building forming a physical barrier, designed and intended as an enclosure, barrier, or boundary and to restrict or prevent movement across a boundary, for protection, privacy, or confinement of an area. See: Exhibit # 3

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building of structure.

Floor Area, Net. The interior floor area of all rooms excluding the thickness of all walls.

Floor Area Ratio. The floor area of a building or structure divided by the area of the zoning lot on which it is located. See: Exhibit # 5

Ground Area. That portion of a lot encompassed by the outside perimeter of the building.

Group Home. A single residential dwelling unit occupied on a relatively permanent basis by 3 or more unrelated persons living together as a single housekeeping unit.

Guest House. See **Vacation Rental** for definition.

Height of Structure. The vertical distance as measured from the highest point of its foundation to the highest point of the structure. (Reference Building Code) Chimneys, ornamental towers, elevator penthouses, cupolas, domes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected to their customary height and shall not be included in calculating building height.

High Water Mark (Line). Determined by the elevation of the center of the spillway structure (plate).

Home Occupation. Any business, profession, occupation, trade or commercial activity conducted in whole or in part in a dwelling unit, is clearly incidental, customary, secondary, and subordinate to the principal residential use of the dwelling unit. Home Occupations are subject to the requirements of this Ordinance.

Hotel. A building in which lodging is offered and provided to transient guests for compensation either with or without meals.

Junk Yard. Any land or structure used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal and discarded materials, and the collecting, dismantling, storage and salvaging of two or more unlicensed, inoperable vehicles or parts thereof which are not restored to operation within thirty (30) days of their arrival.

Lot. A single tract or parcel of land. See: Exhibit # 1 p.49

Lot Area. The area of a horizontal plane bounded by a vertical projection of the property lines of a lot excluding any street easement for street purposes, or Right-of-Way.

Lot, Buildable Area of. That portion of the lot bounded by the building lines or where the lot abuts a body of water or a water course, the dry land area above the record high water level shall constitute at least 80% of the lot area.

Lot, Corner. A lot abutting on two streets at their juncture, where the interior angle formed is less than one hundred thirty-five (135) degrees. See: Exhibit # 1 p. 49

Lot, Front of (Frontage). That part of an interior lot abutting the Right-of-Way, or that part of corner lot extending across the narrowest part of the lot abutting the Right-of-Way.

Lot, Interior. A lot other than a corner lot. See: Exhibit # 1 p.49

Lot Line. A property boundary line of a zoning lot. See: Exhibit # 1 p.49

Lot, Rear of. That part of a lot opposite the front of the lot. See: Exhibit # 2 p, 50

Lot, Recorded. A lot designed on a subdivision plat or deed, duly recorded pursuant to state in the County Recorder's Office. A recorded lot may or may not coincide with a zoning lot.

Lot, Zoning. A parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory structures or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

Motel. A building designed for transient occupancy containing rooms or suites with separate entrances, providing living, sleeping, and toilet facilities.

Non-Conforming Use or Structure. Any building, structure or land use lawfully occupied by a use or lawfully situated at the time of the passage of this Ordinance or amendments thereto, which does not conform after the passage of this Ordinance or amendments thereto with the regulations established therein.

Nursing and Personal Care Facility A non-hospital facility that provides sleeping accommodations and supportive care to the aged or chronically ill.

Nursery School. A school or other instruction facility for pre-school or kindergarten children that is not a part of an elementary school.

Plan Commission. A Village appointed Committee tasked with overseeing the Comprehensive Plan of the Village

Principal Building. The main building upon a lot or a building which houses the principal use of the premises.

Principal Use. The specific primary purpose for which land is used.

Recreational Vehicle. Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

Residence-Single Unit. A dwelling that contains one dwelling unit, which is not attached to any other dwelling units.

Residence-Two Unit. (Duplex). A dwelling that contains two dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors.

Residence-Multiple Units. A dwelling that contains three or more dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors.

Right-of-Way. Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, sidewalk, parkway, trail, water line, sanitary sewer and/or other public utilities or facilities.

Rooming House. A house or dwelling with multiple rooms rented out individually in which individuals share bathroom and kitchen facilities.

Shopping Center. An area or complex of stores with parking provided on the property.

Story. That portion of a building or structure included between the surface of any floor and the floor or ceiling next above it. A minimum ceiling height of seven (7) feet shall be required to be considered a story. A basement shall be counted as a story if the floor next above it is more than five (5) feet above the average ground elevation as measured from building corner to corner on the front yard elevations and corner side yard elevation.

Story, Half. That portion of a building or structure under only gable, hip, or gambrel roofs, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor.

Street, Minor. A publicly dedicated Right-of-Way, designated, for vehicular travel which affords principal means of access to abutting property.

Street, Collector. A publicly dedicated Right-of-Way, which carries traffic from a minor street to a major street.

Street, Major. A publicly dedicated Right-of-Way, except an expressway or a limited access highway serving as a traffic artery for communication between areas of concentrated development.

Structure. Anything constructed, erected, or placed, which required location is in or on the ground or is attached to something having a location on the ground.

Townhouse. A dwelling containing more than two (2) dwelling units joined together with party walls forming a row of dwelling units each having its own individual yard or court and a completely separate entrance at ground level.

Trade School. A secondary school, also known as a technical or vocational school, which is a teaching unit organized by an industry or large company to provide teachings, apprentice education, and related courses.

Use. The purpose or activity for which land, or any structure thereon, is designed, arranged, or intended for which it is occupied or maintained.

Vacation Rental. A furnished dwelling unit or portion thereof, that is rented or offered for rent to guests on a nightly, daily, weekly, or any other occupancy period of less than 30 consecutive days regardless of whether or not the dwelling unit is occupied as a full time residence or whether or not the full time resident remains on the premises during the time the dwelling unit is utilized by guests.

Yard. The open space between a lot line and a building line in which no structure may be located except as otherwise provided in this Ordinance. See; Exhibit # 2 p.50

Yard, Corner Side. A yard extending between a corner side lot line and a line drawn parallel thereto at a distance there from equal to that established by the corner side yard requirements of this Ordinance and also extending the full depth of the lot but excluding any area included in a front yard. (See; Exhibit # 2 p.50)

Yard, Front. A yard extending the full width of the front of a zoning lot between a street right of way and the building set back line. For Corner Lots, the shortest lot line adjoining a street is to be considered the front yard. (See; Exhibit # 2 p.50)

Yard, Rear. A yard extending the full width of the rear of a zoning lot between the rear lot line and a building line. (See; Exhibit #2 p.50)

Yard, Side. A yard located on either side of a zoning lot extending from the front yard to the rear yard between a building line and a lot line. See; Exhibit #2 p.50

Zone. An area of the Village delineated on the Zoning Map and subject to a specific set of regulations established in this Ordinance.

Zoning Enforcement Officer. The person appointed by the Village President to administer and enforce the Zoning Ordinance, who may sometimes be referred to in this Ordinance as “Enforcing Officer” or “ZEO”.

Section 10-105 Zoning District Classifications. For the purpose of this Ordinance, all land and water area within the Village of Oakwood Hills are hereby classified and divided into the zoning districts located in this section. The boundaries of all zoning districts are shown in the zoning map of the Village of Oakwood Hills, filed an amended from time to time as by statute provided.

Section 10-105.1 E-1, R-1, R-2, R-3, R-4,- Residential Districts

- A. **Purpose.** Residential Districts shall provide areas for residential development. Permitted uses in the Residential District shall preserve the single family character of the neighborhoods and protect the health, safety, and comfort of the Village.
- B. **Permitted Uses.** The following uses are permitted in the E-1, R-1 Zoning District, single family detached residences, permitted accessory uses, public recreation areas and publically owned and operated Village facilities, Home Occupations, Conditional Uses, and Planned Unit Developments are permitted subject to the standards in their respective sections of this ordinance.
- C. **Permitted Uses.** The following uses are permitted in an R-2 Residential Zoning District, two- residence (duplex) not to exceed 2 attached dwelling units, permitted accessory uses, public recreation areas and publically owned and operated Village facilities. Home Occupations, Conditional Uses, and Planned Unit Developments are permitted subject to the standards in their respective sections of this Ordinance
- D. **Permitted Uses.** The following uses are permitted in an R-3 Residential Zoning District, single detached residence, public recreation areas, and publically owned and operated Village facilities. Home Occupations, Conditional Uses, and Planned Unit Developments are permitted subject to the standards in their respective sections of this Ordinance.
- E. **Permitted Uses.** The following uses are permitted in an R-4 Residential Zoning District. Multiple attached dwellings exceeding 2 dwelling units in the R-4 District shall be developed as a Planned Unit Development.

Section 10-105.2 R-D PUD. Residential District.

For specific requirements for PUD_reference the approved PUD Ordinance
Permitted uses and lot and bulk requirements for this district are to be developed per
the requirements in the planned unit development section of this Ordinance and any approved
PUD Ordinance.

Section 10-105.3 Residential Districts Lot Requirements Bulk Chart

Principal Structure	E-1	R-1	R-2	R-3	R-4
Min. lot area	1 ac.	½ ac.	10,890 sf. per du.	7,200 sf.	1 ac.
Frontage	150 ft.	100 ft.	90 ft.	60 ft.	150 ft.
Front yard setback	30 ft. *	30 ft.	30 ft.	20 ft.	50 ft.
Side yard setback	15 feet or 10% of lot width whichever is greater	30 ft. combined Min. 10ft. on either side	30 ft. combined Min. 10 ft. on either side	7 ft.	25 ft.
Corner side yard setback	30 ft.	30 ft.	30 ft.	20 ft. **	50 ft.
Permitted Front and Side yard Encroachments		Eaves, fireplaces, bay windows 2 ft. max. Stoops, stairs 4 ft. max.	Eaves, fireplaces, bay windows 2 ft. max. Stoops, stairs 4 ft. max.	Eaves, fireplaces, bay windows 2 ft. max. Stoops, stairs 4 ft. max.	Eaves fireplaces, bay windows 2 ft. max. Stoops, stairs 4 ft. max.
Rear yard setback	40 ft.	30 ft.	25 ft. except on lake lots min. 50 ft. from high water line	25 ft. except on lake lots min. 50 ft. from high water line	50 ft.
Max. Lot coverage	30%	30%	30% ***		30% **
Max. Height	35 ft.	35 ft.	30 ft. but not more than 2 ½ stories	30 ft. but not more than 2 ½ stories	35 ft.
Accessory Structures					
Max. Height	16 ft.	16 ft.	garage 16 ft. other 12 ft.	garage 16 ft. other 12 ft.	16 ft.
Max. Height within 50 ft. of high water line			10 ft.	10 ft.	
Max. size			garage 850 sf. other 150 sf.	garage 850 sf. others 150 sf.	
Max. size within 50 ft. of high water line			56 sf.	65 sf.	
Density					
Max. dwelling units					4 du. Per ac.

* Fawn Ridge shall be measured at the property line.

** Lots where the side yard adjoins the lake the side yard requirements shall be 25 feet from the high water line

*** Principal and accessory structures

Section 10-105.4 Business District.

- A. Purpose.** The purpose of the B - Business District is to provide areas for business uses that will provide convenient shopping and services, and to predominantly serve the community. Such uses shall be compatible with the surrounding residential character and protect the health, safety, and comfort of the Village. Business uses shall not create excessive noise, odors, unsightliness, hazards, or generate excessive traffic.

Section 10-105.5 Industrial District.

- A. Purpose.** The purpose of the Industrial District is to provide areas for low nuisance high quality industrial uses. Such uses shall be sensitive and compatible to the overall desired residential nature of the Village and have no negative impact on the adjacent properties. Industrial uses shall protect the health, safety, and comfort of the Village. Uses in this district shall not create unsightliness, hazards, or generate excessive traffic.

Section 10-105.6 Business (B), Industrial (I) Districts Lot Requirements Bulk Chart

Principal Structure	B	I
Min lot area	½ ac.	1 ac.
Lot width / frontage	100 ft.	150 ft.
Front yard setback	50 ft.	40 ft.
Side yard setback	15 ft.	10 ft.
Interior side yard setback	0 ft.	
Side yard setback to adjacent residential districts	35 ft.	35 ft.
Side yard setback to adjacent industrial districts	15 ft.	N/A
Corner yard setback	50 ft.	40 ft.
Rear yard setback	35 ft.	15 ft.
Rear yard setback adjacent to residential districts		50 ft.
Rear yard setback adjacent to industrial district	15 ft.	N/A
Max height	30 ft.	35 ft.
Max Far.		.75

Section 10-105.7 Home Occupation Limitations and Uses.

A. Operational Limitations

1. Every home occupation shall be conducted wholly within the principal dwelling, however this shall not prohibit the use of an accessory structure for storage purposes for the home occupation, nor shall it apply to playgrounds for a daycare home operated as a home occupation.
2. The home occupation must be operated with all applicable State, Federal, County, or Local permit and licenses required for the operation of such occupation.

3. No stock in trade or outside storage shall be displayed on the exterior of the premises of any home occupation.
4. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit that is greater or more frequent than typical of equipment used in connection with a residential occupancy shall be used in connection with any home occupation. No home occupation shall be noxious, offensive or hazardous. The nuisance shall be measured at the property line of the premises, or exterior to party wall in attached single family or multi family dwelling units and shall not be in such quantities to be readily detectable at any point along a lot line.
5. No refuse or trash in excess of the amount for regular residential pick up shall be generated by any home occupation.
6. The size of a home occupation in a home set aside, arranged, designed, or set apart for a home occupation shall not exceed 50% of the floor area of the dwelling.
7. The home occupation may not require or use outside storage or involve conducting business activity outdoors. This shall not apply to day care homes.
8. Home occupation shall not render a garage unusable for the number of vehicles intended or stored in a garage.
9. Direct sales of products or merchandise from a dwelling unit are prohibited, but a person may pick up an order placed earlier.
10. No display of materials, merchandise, or goods are visible from the exterior of the dwelling unit.
11. No visitor in conjunction with a home occupation, clients, patrons, sales persons, etc. shall be permitted between the hours of 9 PM. thru 7 AM.
12. No display signage other than non-illuminated identification sign shall not exceed 2 square feet.
13. No more than 2 persons not residing in the house shall be employed by the home occupation and parking shall be provided for the employees.

F. Permitted Uses. Home Occupation permitted uses include but are not limited to the following.

1. Offices offering professional services including but not limited to architects, engineers, brokers, insurance agents, lawyers, real estate agents, accountants, consultants, stockbrokers, financial planners, planners, therapists, etc.
2. Offices of salesperson, contractors, sales representatives, or manufactures provided that no retail transactions shall take place on the premises, except through, telephone, internet, facsimile, telegraph, or mail communications or, electronic, or wireless communication.
3. Artist studios.
4. Workrooms of dressmakers, seamstresses, and tailors.
5. Workrooms for model makers, home crafts, crafts and trades people, including but not limited to model making, rug weaving, lapidary work or cabinet making.
6. Individual instruction in singing, dance or musical instrument shall be limited to no more than a single pupil at a time and shall be permitted in a single family detached dwelling.
7. The attendance of up to 4 persons at a time may be allowed for the purpose of instruction or training in any subject or skill, arts, or home crafts, tutoring except singing, dance, or musical instrument.
8. Office of home based call center agent, telephone answering service and office services including typing, bookkeeping, transcribing and data entry.
9. Beauty, barbershop, electrolysis, cosmetology, massage therapy are limited to 2 operators.
10. Day-Care—Home.
11. See Section 10-109 Conditional Use section for Home Occupations that require a Conditional Use Permit.

G. Prohibited Uses. Prohibited home occupation uses shall include, but are not limited to the following.

1. Human or animal care facilities, such as hospitals, clinics, stables, veterinary clinics, and kennels.
2. Repair shop, except for personal or small household goods or repair, such as clock repair, watch repair, cutlery sharpening, etc.
3. Rooming / boarding house.
4. Rental outlets, including but not limited to rental of mobile homes, trailers, or any form of recreational vehicles, construction equipment, household items, etc.
5. Contractor storage yards.
6. Scrap / salvage services.
7. Motor vehicle repair shop / services or vehicle sales, vehicle detailing or painting.
8. Eating or drinking establishments.
9. General retail uses.
10. Religious worship facility.
11. Other occupations or services deemed a nuisance or offensive to the community

H. Traffic Limitations.

1. No home occupation shall generate more vehicular or pedestrian traffic that is typical of a residence in the area
2. No more than 2 vehicles identified or advertised as a commerce vehicle shall be permitted in connection with any home occupation subject to the requirements of other sections of this Ordinance.
3. The home occupation must be conducted so as not create parking, traffic congestion, or interference or unreasonably interfere with the normal traffic of surrounding residence.
4. The delivery, shipment and pick up of goods, material, merchandise, or equipment shall only be by vehicles between the hours of 7 AM.—7 PM. The delivery vehicles include passenger vehicles, vans, and parcel vehicles except not tractor trailers.

I. Employment Limitations

1. The business owner of every home occupation shall reside in the dwelling unit where such occupation is conducted.

J. Structural / Building Limitations.

1. No alteration may be made which changes the exterior residential character or appearance of the dwelling, or physically separate the dwelling unit from the area in which the home occupation is conducted. This prohibition does not apply to modifications required to comply with any accessibility requirements.
2. Any enlargement of public utility service beyond customary required for a residential use is prohibited.

Section 10- 106 Performance Standards

Section 10-106.1 Purpose.

- A.** The requirements herein are intended to provide a basis for determining the compatibility of land uses that may produce measurable adverse environmental effects on their surroundings. These standards are established to protect the public health, safety, comfort, convenience and general welfare of the Village and to promote a more desirable environment in which to live and work

within the Village. All uses shall be so operated as to comply with the performance standards outlined in this Section. In addition to these performance standards, all uses shall be constructed, maintained, and operated as not to be injurious to the use and occupation of the adjacent premises or property by reasons of emission or creation of noise, vibration, air quality, odor, fire or explosive hazard or other hazards, glare and heat, radiation, electromagnetic or electronic disturbance or interference, noxious material or water pollution shall conform to all current local, state and federal laws whichever is most stringent. Nothing in this section may be constructed to alter, change, modify or abrogate any authority granted exclusively to, and enforced by any local, state or federal regulations.

- B.** All information and evidence submitted with applications indicating conformance with these performance standards shall constitute certification and agreement on part of the applicant that the proposed use can and will conform to the performance standards at all times.
- C.** These standards shall apply to all zoning districts.

Section 10-106.2 Noise.

- A.** No activity or use may be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by any state or federal regulations as may be amended from time to time, including but not limited to Illinois Environmental Protection Agency, or the U.S. Environmental Protection Agency whichever is more stringent. These limits do not apply to the following.
 - 1. Noise of construction or maintenance activities on all days except Sundays and National Holidays from 7:00 AM – 7:00 PM. or emergency situations and subject to applicable requirement of the Municipal Code.
 - 2. Noise of safety signals, warning devices, and emergency pressure relief valves.
 - 3. Transient noises of moving sources such as transportation vehicles.
 - 4. Noise associated with snow plowing, street sweeping or mosquito abatement.
 - 5. Church bells, chimes and carillons.
 - 6. Yard maintenance activities from 7:00 AM to dusk.

Section 10-106.3 Vibration.

- A.** No use shall generate any ground transmitted vibration in a district that is perceptible to the human sense of touch measured at the lot line, or where the enterprise is not the only one located on the lot or parcel, at outside boundary of the immediate space occupied by the enterprise generating the vibration.
- B.** Vibrations resulting from temporary construction activity shall be exempt from the requirements, provided they occur during the hours permitted for construction as prescribed in the Municipal Code.

Section 10-106.4 Air Quality.

Emissions of particulate matter, smoke, air borne matter, and other atmospheric pollutants, except odor, shall not exceed the latest primary or secondary air quality standards promulgated by the Illinois or U.S. Environmental Protection Agency Air Pollution Regulations whichever is more stringent.

Section 10-106.5 Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or which interferes unreasonably with the comfort of the public, are not permitted and shall be removed, stopped, or modified so as to remove the odor.

Section 10-106.6 Fire and Explosion Hazards.

- A.** Material that present a potential fire and or explosion hazards shall be transported, stored, manufactured, and used only in conformance with all Local, State and Federal regulations. Materials regulated by this section include, but are not limited to, detonable materials, flammable solid material, and flammable liquids and gasses. Material may be used and stored by residents in quantities customarily found in a residence.
- B.** The applicable provisions of the Illinois Compiled Statutes shall be complied with, and no explosives shall be stored or used, without first submitting to the Zoning Enforcement Officer a certificate of compliance from the Illinois Department of Mines and Minerals and any Federal agency that regulates the material.
- C.** No gasoline, or inflammables or explosives shall be stored unless the locations, plans and construction conform to the laws and regulations of the State of Illinois and have the approval of the State Division or Fire Protection, local fire department and the Village.

Section 10-106.7 Glare and Heat.

- A.** Every use and activity shall be so operated that it does not emit or reflect heat or heated air beyond the boundary of the lot on which it is located. No direct or sky-reflected glare shall emanate from any use or activity so as to be visible at any point on or beyond the boundary of the lot or parcel on which such use or activity is located. The restrictions shall not apply to signs otherwise permitted by the provisions of applicable ordinances, nor to activities of a temporary or emergency nature.
- B.** Night lighting necessary for safety and the protection of property shall not illuminate or otherwise shine directly upon any neighboring residential property or property line. Any source of light which is injurious to humans, animals, or plants is prohibited.
- C.** Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

Section 10- 106.8 Radiation.

- A.** No operation shall be permitted that causes an individual outside the lot lines to be exposed to any radiation exceeding to lowest concentration permitted for the general population by Federal and State laws and regulations for issuance of a Certificate of Occupancy.
- B.** The handling, transportation, storage, and use, and discharge of radioactive materials, including the discharge of such materials into the air, water, the disposal of radioactive wastes shall be in conformance with the following
 1. The applicable regulations of the Nuclear Energy Commission: and
 2. The applicable regulations of any instrumentality of the State of Illinois.
 3. Any radioactive material moved into or through the Village shall be prohibited unless a Village license is approved and granted.

Section 10- 106.9 Electromagnetic or Electrical Disturbance or Interference:

- A. No use may create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or otherwise causes, creates, or contributes to the interference with electronic signals to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected, or that does not conform to the regulations of the Federal Communications System.

Section 10 -106.10 Water Pollution Regulations.

- A. The Village adopts the Illinois Environmental Protection Agency regulations and the Federal Clean Water Act, whichever is more stringent.

Section 10-106.11 Drinking Water and Storm Water Regulations.

- A. The Village adopts the Federal, State and County regulations on drinking water and on storm water, whichever is more stringent.

Section 10-106.12 Penalties and Fines.

- A. Failure to comply with the performance standards shall result in fines and or penalties issued by the appropriate regulatory body.

Section 10-106.13 Administration.. The procedures herein are intended to enforce the Performance Standards herein.

- A. The Zoning Enforcing Officer may also require such certification for a land use in any other zoning district when in his or her judgment the use has potential to exceed any Performance Standards herein. Such certification may include all Performance Standards or only individual Standards specified by the Zoning Enforcing Officer.

- B. **New Uses.** An application for a Conditional Use Permit, Building Permit or Occupancy Permit for an industrial use within the Industrial District shall include a certification by a licensed engineer, licensed architect, or scientific laboratory that the use involved in the application is able to meet all applicable Federal, State, County and Local Performance Standards including the Federal Clean Water Act and Water Pollution Regulations.

This certification shall be accompanied by copies of all data or information supplied by the applicant and used as the basis of the certification. The Zoning Enforcing Officer may refer the certification and data to the Village Engineer for review.

- C. Existing Uses.** In enforcing Performance Standards on existing uses, the Zoning Enforcing Officer may issue Notice of Violation to an alleged violator.
- 1) The Zoning Enforcing Officer shall, before issuing such Notice, make technical determination of violation when such determinations can be made using equipment and trained personnel normally available to the Village or obtainable without extraordinary expense.
 - 2) In other cases, however, technical complexity or extraordinary expense may make it unreasonable for the village to maintain personnel or equipment for making determinations of violation prior to issuing a Notice of Violation. In such cases, a Notice of Violation may be issued when the Zoning Enforcing Officer has other reason to believe there is probable violation.
 - 3) The Zoning Enforcing Officer shall give Notice of Violation by any means that ensures a signed receipt for such notice to the party responsible for the alleged violation.
 - 4) The Notice shall describe the alleged violation and the results of technical determinations or the other reasons why the Zoning Enforcing Officer believes there is a violation. The notice shall require either an answer or correction of the alleged violation to the satisfaction of the Zoning Enforcing Officer and within a time limit he or she shall specify in the Notice.
 - 5) The Notice shall also state that failure to provide an answer or correct the alleged violation within this time limit shall constitute admission of a violation.
 - 6) The Notice shall further state that, if technical determinations have not already been made, upon request of the alleged violator such determination will be made. If a violation is found as a result of such determinations, the cost of the determinations will be assessed against the properties or parties responsible in addition to any other penalties provided for. If no violation is found, the Village will pay the cost of the determinations

Section 10-107 Off - Street Parking and Loading. Note: See Exhibit # 6 p.54

Section 10-107.1 Off -Street Parking.

- A. Required spaces in E-1, R-1, and R-3 Districts.** A minimum of 2 parking spaces per dwelling unit shall be provided off-street.
- B. Required spaces in R-2 District.** A minimum of 2 parking spaces per dwelling unit shall be provided off street.
- C. Required spaces in R-4 District.** A minimum of 2 spaces per dwelling unit shall be provided off street and be a minimum of 25 feet from a lot line of a E-1, R-1 or R-3 District.
- D. Parking Restrictions in Residential Districts.** . No vehicle exceeding 10,000 pounds, as defined in the Illinois Vehicle Code, shall be stored or parked in residential district.
- E. Required Spaces in B and I -Districts.** As provided in Table 1. No more than 60% of the front yard may be covered by parking. If the business or industrial use abuts a residentially zoned lot, parking must be screened from the residence and be a minimum of 35 feet from a lot line.
- F. In every case, required parking areas shall be an integral part of the total tract** and no conveyance of any portion of the tract shall be made which will result in a reduction of the minimum parking area requirements for such tract. Such retention of parking area shall be a condition in permitting the use desired.

- G. The minimum size of parking stalls shall be 9 x19 feet.**
- H. Accessible parking stall shall be provided** in accordance with State of Illinois and Federal accessibility code.
- I. Bicycle Parking shall be provided** for any use which requires 20 or more parking spaces. Sufficient space and facilities shall be located on a hard surface and shall be located so as to minimize conflict with pedestrian and motor vehicles.

Section 10-107.2 Off-Street Loading Business and Industrial Districts.

- A. Minimum off-street loading** shall be located off street within the subject tract. Off-street loading spaces shall be a minimum of 12 feet in width and 60 feet in length, plus allocation for aisles and maneuvering space. All such off-street loading spaces and allocations for aisles and maneuvering space shall be in addition to those spaces which are required for off-street parking.
- B. Minimum number of off-street loading spaces** shall be at least:
 - One (1) space per building with areas more than 3,000 sq. ft. and less than 15,000 sq. ft.
 - Two (2) spaces per building with areas more than 15,000 sq. ft. and less than 30,000 sq. ft.
 - Three (3) spaces per building with areas more than 30,000 sq. ft.

Section 10-107.3 Submission of Site Plan. A Site Plan showing off-street parking and loading facilities shall accompany an application for any of the following for any use required to provide over four (4) off-street parking spaces or one or more off-street loading spaces:

1. Building Permit or Certificate of Occupancy.
2. Conditional Use Permit.
3. Preliminary or Final Plat approval as provided in the Subdivision Control Ordinance.
4. Variance from off-street parking or loading requirements.
5. Planned Unit Development Preliminary or Final Plan.

The Zoning Enforcement Officer may defer this requirement in any instance in which the specific use of the premises, and therefore, the specific parking and loading requirements applicable, are not yet determined. The deferral shall be approved by the Village Board

Section 10-107.4 Storage and Repair. Unless otherwise specified elsewhere in this code, no storage of any kind, nor motor vehicle repair work except for emergency services, is permitted in an open off-street parking or loading area except those provided for single family detached dwelling.

Section 10-107.5 Access.

- A. Each required off-street parking space** and loading space shall open directly upon an aisle or driveway of such width and design as to provide a safe and efficient means of vehicular access, and shall have vehicular access to a public thoroughfare in a manner that will least interfere with traffic movement thereupon. Dimensions of aisles and driveways shall be as follows:

B. Minimum Aisle width in feet: (see exhibits)

Angle of Parking spaces:	
0 degrees*	12
45 degrees	14
60 degrees	16
90 degrees	24

*Zero degree parking refers to parallel parking.

C. DRIVEWAY WIDTH in feet (At property line):

Residential Districts	
Minimum	9
Maximum	24
All Other Districts	
Minimum	12
Maximum	35

Section 10-107.6 Grading. All parking and loading areas shall be graded for effective drainage, and the volume of storm water runoff that exceeds that existing prior to the installation of such areas shall discharge into an approved drainage system or detained, retained on site as per McHenry County Storm Water Management Ordinance.

Section 10-107.7 Maintenance. All parking, loading areas shall be maintained free of trash and debris. The surfacing, curbing, lighting fixtures, signage, landscaped areas, and related appurtenances shall be maintained in good condition so long as such areas are used for parking or loading purposes.

Section 10-107.8 Landscaping and Screening. All parking and loading areas shall be landscaped and screened as provided in the Landscaping and Screening Section 10-111 of this Ordinance. Note : See Exhibit # 7

Section 10-107.9 Use of Parking Spaces. Except as otherwise provided herein, required off-street parking shall be used solely for parking for patrons, occupants, guests, visitors, or employees of the premises on the same lot.

Section 10-107.10 Surfacing of Parking Areas. All open off-street parking areas and related vehicular access drives and aisles shall be surfaced with a blacktop, brick, concrete or permeable all-weather pavement. Any expansion or extension of such areas shall be surfaced with the same materials as the original installation.

Section 10-107.11 Location of Parking Spaces.

A. On Same Lot. Required off-street parking for single dwelling unit and attached dwelling units shall be provided on the same lot as the use served. Required parking for other uses may also be provided on a separate lot that is in the same possession, by deed or lease, so long as the nearest point of the parking area thereupon is within 300 feet walking distance of the nearest entrance to the use served.

B. In Yards. Required off-street parking for single dwelling unit, two dwelling units, and townhouse dwellings may be located in front, side, and rear yards.

It may be located forward of the actual building line opposite a front or corner side lot line the front of the dwelling faces, only if the parking is located entirely on a driveway.

- C. **Required off-street parking** for non-residential use may be located in required front, side and rear yards in all Districts subject to the requirements for Parking Screening Strips in the Landscaping and Screening Section.
- D. **No off-street parking for any non-single-family residential use is permitted** within any required yard abutting property when it is adjacent to a Residential District.

Section 10-107.12 Parking of Recreational Vehicles, Boats, Snowmobiles and Trailers.

- A. **In Residential Districts.** A single recreational vehicle, per dwelling, a single boat having a length of not more than 25 feet, per dwelling, snowmobiles and boat and snowmobile trailers may be parked or stored in a Residential District provided that it is parked or stored in a location determined by the following.:
 1. the residential vehicle is at no time occupied for living or sleeping purposes unless specifically previously authorized by the Village board on a temporary basis;
 2. it is not connected to electricity, natural gas, water or septic service;
 3. it is stored in its collapsed position if it is a vehicle of the collapsible type not stored in a garage;
 4. The vehicle shall be parked in a garage, carport, or covered parking space, where one is available on the premises large enough to accommodate the vehicle;
 5. otherwise, the vehicle shall be parked to the rear of a house out of view from the street;
 6. otherwise, the vehicle shall be parked at the side of the house, provided however, that no part of said vehicle shall be closer to the lot line than 7.5 feet;
 7. otherwise, the vehicle shall be parked on an adjacent vacant lot, provided that no part of said vehicle shall be parked between the front lot line and the building line of the house;
 8. otherwise, the vehicle shall be parked in the driveway to the rear of the actual building line of the principal building that is opposite the street to which the driveway has access where it is possible to do;
 9. otherwise, the vehicle shall be parked in the driveway ahead of said building line but not encroaching upon any road right-of-way.
- B. **Business and Industrial Districts.** There shall be no restrictions on parking of recreational vehicles in non-residential districts, other than those concerning outdoor storage.

Section 10-107.13 Parking of Commercial and Industrial Vehicles.

- A. **In Residential Districts.** No truck (except pick-up trucks and step vans), bus, commercial van, tractor, semi-trailer, farm tractor having a motor exceeding 20 horsepower, or earth-moving equipment may be parked or stored in a Residential District except for the purpose of loading or unloading household furniture, furnishings and belongings or for performing deliveries, repairs, construction, maintenance, or service calls at such residence between the hours of 6:00 AM and 10:00 PM.

B. In Business Districts. No truck (except pick-up trucks and step vans), bus, bus used as recreational vehicle, commercial van, tractor, semi-trailer, motorized farm vehicle or earth-moving equipment may be parked or stored in a Business District other than in a completely enclosed garage unless it is used in a business located on the same premises or is being parked temporarily by a customer, supplier, contractor, or visitor, or for loading, unloading, moving, or construction, maintenance, or repair of the premises.

Section 10-107.14 Location of Off-Street Loading Spaces.

A. All required off-street loading spaces shall be located:

1. on the same lot as the use to be served,
2. 25 feet or more from the right-of-way lines of the nearest point of intersection of any streets,
3. outside of required front and side yards,
4. in such a manner that no portion of a vehicle shall project into a street right-of-way.

B. Surfacing of Loading Areas. All open off-street loading spaces and related vehicular access drives and aisles shall be surfaced with a blacktop, brick, concrete or all-weather permeable pavement capable of bearing a live load of 200 pounds per square foot.

**TABLE 1: REQUIRED OFF STREET PARKING SPACES
FOR NON-RESIDENTIAL USES**

<u>Minimum Number of Spaces Required [a]</u>			
<u>Facility</u>	<u>Per Employee [b]</u>	<u>Per 1,000 Square Feet Floor Area</u>	<u>Per Person Design Capacity [c]</u>
Office Buildings		3.5	
General Retail Service		3.5	
Taverns		20	
Medical Health Services		4	
Restaurants			
Carry Out Only		8	
Drive Thru and Eat In		20	[d]
Eat In only		20	

TABLE 1: Cont'

ALL OTHER BUSINESS / INDUSTRIAL DISTRICT USES NOT SPECIFIED IN THE ABOVE TABLE			
<u>Facility</u>	<u>Per Employee [b]</u>	<u>Per 1,000 Square Feet Floor Area</u>	<u>Per Person Design Capacity [c]</u>
Cartage & Express Firms	1	4.5	[d]
Warehousing & Wholesaling	1	.5	[e]
Radio & TV Station or Studio	1		
Manufacturing, Research, Testing	1	1.5	[e]
Assembly	1		[c]
All other industrial uses	1		

Floor Area shall be as Floor Area, Net (see definitions)

- a. [a] One space for each truck or business vehicle employed by an establishment on the premises shall be provided in addition to the number of spaces specified in this table.
- b. [b] Maximum number of full – and part time – employees on duty on the premises at any one time.
- c. [c] Per seat in main auditorium or meeting room or per person of design capacity of the facility shall be at 50% of the square foot of the space as seating for purposes of this requirement where individual seats are not discernable.
- d. [d] Plus five (5) stacking spaces per drive-in window.
- e. [e] Use employment standard or floor space standard, whichever is greater. If employment is not known when plans are drawn, floor space standard may be used. If upon occupancy, the employment standard yields a greater number of required spaces, the Board of Trustees may require the provisions of additional parking before granting a Certificate of Occupancy.

Section 10.108 Planned Unit Development.

Section 10-108.1 Purpose.

- A.** Adequate space, light, air and other objectives of this Ordinance relating to the public health, safety, welfare, and character of the Village can be achieved without the literal application of the detailed zoning and subdivision requirements otherwise applicable; and
- B.** Special amenities and benefits to the community beyond those required by this and other Village Ordinances can be achieved by allowing more flexible design than is otherwise permitted by village zoning and subdivision regulations.

These objectives can be achieved where a substantial area of land is planned for development as an integrated unit and where its design is subject to more detailed review and approval by the Village than is normally required.

The objective of Planned Unit Development (PUD) is therefore not simply to allow exceptions to otherwise applicable regulations. It is instead to encourage a higher level of design and amenity than it is possible to achieve under the usual development requirements.

It is, therefore, the intent of the Village to suspend the application of detailed zoning and subdivision standards as provided herein only where such special amenity is achieved. In this way, the Village may grant the creative developer a desirable flexibility and at the same time, not only protect, but enhance the welfare of the residents and other users of a development as well as the rest of the community.

Section 10-108.2 Qualifications for Filing as a Planned Unit Development (PUD).

A. No development shall be filed as a PUD unless the lot or parcel:

1. Is at least five (5) acres in size;
2. Contains more than one (1) principal building or more than one (1) principal building and more than one (1) accessory building, not to exceed 25% of the square feet of the principal building, and used as an accessory building in conjunction with the principal building.
3. Is initially under the same ownership or control.

B. A PUD may be residential, business, industrial, or a combination thereof. Flexibility to suspend requirements imposed elsewhere is not conferred upon the PUD applicant automatically or as a matter of right but is in all cases subject to a finding by the Village that the objectives of these provisions will be served.

Section 10-108.3 Incentives for a Planned Unit Development.

A. Variable Density and Dimensional Zoning Standards.

Standards for minimum lot area, lot width, building heights, floor area ratio, yard dimensions, off-street parking and loading, landscaping and screening, fences and signs may vary from those established elsewhere in this Ordinance.

The applicable standard for minimum lot area per dwelling unit may be reduced a maximum of 25 percent.

B. Variable Subdivision Design Standards.

Design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks and parkways, and open space dedication, may vary from those established in the Village Subdivision Control Ordinance.

Section 10-108.4 Requirements for Planned Unit Development.

A. Site Plan Review. Whether or not a land subdivision is involved, Preliminary and Final Plans for the development shall be filed and approved by the Village in conformance with the provisions of Table 6 in the Filing Procedures section of this Ordinance. Sec. 10 -113

B. Required Common Open Space. A minimum of 20 percent of the net site area (excluding street right of way areas) in residential use in each phase shall be used for permanent common open space and adequate paths to access the common space from the entire site be shown on the plans submitted

- C. **Quality of Design.** To be granted the flexibility permitted under these regulations, a Planned Unit Development must evidence each level of design and amenity exceeding that which is typical of conventional development.

Among the features that may evidence such amenity are:

1. Amount and quality of landscaping.
2. Amount, quality and interconnectedness of common open space.
3. Provision of pedestrian or bicycle paths separated from streets.
4. Preservation of drainage ways and other natural features.
5. Provision of common recreational facilities.
6. Enclosed, underground, depressed, or outstanding landscaped parking areas.
7. Varied building setbacks or other measures to reduce monotony in design, and
8. Other features as determined by the Village Board.

- D. **Underground Utilities.** All utility lines within a Planned Unit Development are required to be underground. Appurtenances to utility systems that are effectively screened may be permitted above ground if the Village Board finds they will not be detrimental to the character of the development.

- E. **Phasing of Development.** Land designated for future construction phases and other land not intended for immediate improvement shall be landscaped or otherwise maintained with a neat and orderly appearance as specified by the Village Board.

Section 10-108.5 Approval Process and Approval Criteria.

- A. **Preliminary Plans and Final Plans** for Planned Unit Developments shall be approved only in conformance with the Hearing Procedures section of this Ordinance and Approval Criteria set forth in this section. 10-112.2.H

- B. **Approval Criteria for Planned Unit Developments.** In recommending approval or conditional approval of a Preliminary or Final Plan for a Planned Unit Development (PUD), the Plan Commission shall transmit to the Board of Trustees written findings of fact that the application meets all of the criteria below, or will meet them when the board's conditions are complied with. The Board of Trustees shall not be bound by the recommendation of the Plan Commission, but in granting approval or conditional approval, the Board of Trustees shall also find that all of the following criteria are met or will be met when any conditions to which the approval is made subject are complied with:

1. **Design.** The PUD represents a creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity that could not be achieved under otherwise applicable zoning district and subdivision regulations, and that solely on this basis modifications to the use and design standards established by such regulations are warranted.
2. **Meet PUD Requirements.** The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance and that no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.
3. **Consistent with Village Plan.** The PUD is generally consistent with the objectives of the Village Comprehensive Plan as viewed in light of any changed conditions since the adoption thereof.
4. **Public Welfare.** The PUD will not be detrimental to the public health, safety, or general welfare.

5. Sensitive to Environs. Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, or reduce property values or environmental quality in the neighborhood, nor impede the development of surrounding property.
6. Natural, Cultural Features. The design of the PUD shall be consistent with the preservation of natural, cultural features of the site such as flood plains, wooded areas, natural drainage ways, or other areas of sensitive or valuable environmental, cultural character.
7. Circulation. Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading are appropriate to the planned land uses. They are adequate in location, size capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.
8. Open Spaces and Landscaping. The quality and quantity of common open spaces and landscaping provided are consistent with the high standards of design and amenity required of a PUD. The size, shape and location of a substantial portion of total common open space provided in residential areas render it useable for recreation purposes.

Open space between all buildings is adequate to allow for light and air, access by fire fighting equipment, and for privacy where walls have windows, terraces, or adjacent patios. Open space along the perimeter of the development is sufficient to protect existing and permitted future uses of adjacent property from adverse effects from the development.

9. Covenants. Where individual lots or parcels are to be sold, adequate provision shall be made in the form of deed restrictions, homeowners or condominium associations, or the like for:
 - a. The preservation and maintenance of any open spaces, thoroughfares, utilities, water and sewer, storm water retention or detention areas, or other common elements not to be dedicated to the Village or another public body.
 - b. Such control of the use and exterior design of individual structures as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownership.
10. Public Service. The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the Village, the school districts, and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.
11. Phasing. Each proposed development phase of the PUD shall together with any phases that preceded it, exist as an independent phase until it meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.

Section 10-108.6 Preliminary Plan. The Plan Commission is hereby authorized to review filings for Planned Unit Development. The Planning Commission / Zoning Board may seek technical assistance from such sources as it deems necessary.

The Plan Commission shall, within 30 days after completing its review of any filing submit to the Board of Trustees the complete filing together with a written report noting any deficiencies in compliance with the requirements herein and any recommendations for improvement of the Planned Unit Development to better reflect the objectives of these provisions. A copy of the report shall also be sent to the applicant.

Section 10-108.7 Final Plan

A. Filing of Final Plan. A Preliminary Plan for a Planned Unit Development shall become void unless the applicant submits a Final Plan substantially in conformance therewith and meeting the requirements of Table 6 in the Filing Procedures section of this Ordinance within 12 months of the date of approval of the preliminary Plan, or within any extension beyond this period granted by the Board of Trustees. The Final Plan may be filed in phases, but the Plan required within this period shall include no less than 25 percent of the land area included in the Preliminary Plan.

The Final Plan may be filed simultaneously with the Preliminary Plan. The approval process for a Final Plan shall be as provided under Approval Process in the Filing Procedures section of this Ordinance.

B. Recording of Final Plan. The Final Plan as approved by the Board of Trustees shall be filed with the County Recorder of Deeds as the Final Plat for the Planned Unit Development. No permit allowing the construction of any improvement shall be issued before the Final Plan is recorded. The applicant shall pay all recording costs.

C. Amendments to Approved Plan. Approval of an amendment shall be required for:

1. Any change or addition made to:
 - a. an approved Preliminary Plan; or
 - b. an approved Final Plan, or for
2. A Final Plan that does not conform to the Preliminary Plan approved by the Board of Trustees.

An applicant seeking approval of an amendment shall file an application therefore with the Zoning Enforcement Officer. The application shall describe the amendment sought and provide such other information as the Plan Commission may require. It shall be accompanied by 25 copies of the proposed amendment and a filing fee.

If the Plan Commission determines that the amendment sought is a substantial change as defined herein, the Approval Process set forth herein for Preliminary Plans and Final Plans shall be followed. Otherwise, the Plan Commission shall, within 60 days of receiving the application for amendment, file a written report with the Board of Trustees including findings of fact and a recommendation for action on the amendment.

A substantial change to a Planned Unit Development shall be any of the following changes from the previously approved Plan:

1. Any change in land use type or housing type
2. A change in the location of any structure, off-street parking or loading area, common open space area, or any area or right-of-way to be conveyed to or reserved for a public body, or a change in the spacing between any two structures.

3. A change of more than 10 percent in any non-locational quantitative specification of the previously approved Plan, including:
 - a. any dimension of any lot, yard, structure, or pedestrian or vehicular thoroughfare;
 - b. any residential density,
 - c. amount of common open space acreage,
 - d. amount of floor area of non-residential development,
 - e. amount of land to be conveyed to or reserved for any public body.
 - f. size of capacity of any off-street parking or loading area.
 - g. amount or dimensions of existing or proposed tree or ground cover, landscaping, or screening.
4. Any other change that causes the development to fall short of meeting the requirements of any applicable zoning district to any greater degree than already provided on the previously approved Plan.

The Board of Trustees shall approve, conditionally approve, or disapprove the amendment. An amended Final Plan shall be recorded in accordance with the provisions herein governing recording of a Final Plan.

D. Revocation of Approval of a Plan. The Board of Trustees may revoke its approval of a Final Plan for a Planned Unit Development or any phase thereof in any of the following circumstances:

1. If construction does not begin within one year after approval of the Plan.
2. If construction is not completed within the time specified in the approved construction schedule or any extension thereof granted by the Board of Trustees.
3. If applicable provisions of this Ordinance or the final plan are not complied with.

In any such instance, the Board of Trustees shall give the applicant 15 days notice to appear before the Board of Trustees to answer any charge of non-compliance.

Section 10-109 Conditional Use.

Section 10-109.1 Allowable Conditional Uses. It is recognized that there are uses (hereafter referred to as conditional uses) which, because of their unique characteristics cannot be properly permitted in any particular district without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Conditional uses may be allowed under special conditions and are therefore subject to the prior approval of an application for a conditional use permit following a public hearing. Such conditional uses are uses whether municipally operated, or operated by publicly regulated utilities, or private ownership uses traditionally affected with a community or public interest, and any other use that by its specific nature has a discernable effect upon the entire municipality shall be considered a Conditional Use.

Section 10-109.2 Permitted and Conditional Land Uses Chart

(P = Permitted C = Conditional)

Use	E-1	R-1	R-2	R-3	R-4	B	I
Residential							
Single dwelling unit detached	P	P		P			
Two dwelling unit (duplex)			P				
Multi dwelling units					P		
Apiaries (bee- keeping)	C	C	C	C	C		
Bed and Breakfast, Air B&B Establishments. Guest House, Vacation Rentals	C	C	C	C	C		
Boarding House, and Rooming House	C	C	C	C	C		
BUSINESS							
General Retail services						P	
General Professional office space						P	
Banks and Financial Institutions						P	
Personal Services: Beauty shop, barber, nail salon spas. tanning salon, pet care and grooming, health club, and yoga studio, Health food stores						P	
Professional Offices of licensed Medical and Professional services (Engineering, Architecaial, Surveyors)						P	
Commercial, Trade schools, and nursery schools						P	
Laundry mats Services						P	
Grocery stores, mini-marts, and food markets						P	
Restaurant, café or coffee shops except drive thru or drive in type						P	
Radio and television stations and studios Recording studios						P	

Use	E-1	R-1	R-2	R-3	R-4	B	I
INDUSTRIAL							
Auto repair minor							P
Contractor and construction offices							P
Commercial laundries							P
Laboratories for medical, and dental testing							P
Printing and publishing establishments							P
Warehousing, storage, and distribution facilities							P
Also any permitted uses in the Business District							P
INSTITIONAL							
Public recreation	P	P	P	P	P		
Village facilities	P	P	P	P	P		
OTHER USES							
P.U.D.	P	P	P	P	P		

Section 10-109.3 Application for Conditional Use Permit. Applications for Conditional Use Permits shall be addressed to the Zoning Board of Appeals and shall contain, at a minimum, the information specified in Table 6 and shall comply with the Zoning Board hearing procedures of this ordinance.

Section 10-109.4. Standards for Board of Trustees' Action. The Village Board of Trustees upon the written report and recommendation of the Zoning Board, and without further public hearing, may grant or deny any proposed conditional use, or may refer it back to the Zoning Board for further consideration provided hereunder that no conditional use shall be approved unless the board of Trustees shall expressly find that:

- A. The Conditional Use will not reduce** the value of other property in the neighborhood in which it is to be allowed.
- B. The location and size of the Conditional Use,** the nature and intensity of the operation involved in or conducted in connection with it, the size of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is be located.
- C. The location, nature and height of buildings,** walls, and fences and the nature and extent of the landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or will not impair the value thereof.
- D. Parking areas shall be of adequate size** for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.

Section 10-109.5. Conditions. The Zoning Board of Appeals may recommend and the Village Board may provide such conditions or restrictions upon the construction, location. and operation of a conditional uses as shall be deemed necessary to secure the general objectives of this ordinance.

Section 10-110 Non-Conforming Use and Structures.

Section 10-110.1 Non-Conforming Use and Structure Regulations. Any building or structure containing a non-conforming use or any non-conforming structure, shall be subjected to the following regulations:

- A. If any building or structure is destroyed** by any means, or any extent of more than sixty-five percent (65%) of the replacement cost of that portion of the principal and accessory buildings which are above the average ground elevation, such building or structure shall not be rebuilt or reoccupied for any use except in accordance with the zone regulations of the zone in which it is located, unless undue hardship is shown and in such case the Village Board may allow replacement if such does not endanger public health and safety.
- B. Damage** to any extent less than that of paragraph A above shall be repaired in a manner as nearly conforming as possible.
- C. Normal maintenance and repairs** shall be permitted.
- D. Enlargements or alterations** of an existing non-conforming structure or use of land shall not be permitted except where such changes result in bringing the non-conformance into compliance with the requirements of this ordinance. Non-conforming uses shall not be changed to any use other than one permitted in the zone in which it is located.
- E. Discontinuation of a non-conforming use** of land or of a structure for a period of twelve (12) months shall be considered abandonment of that use. Such use shall not be re-established, and any subsequent use of the land or structure shall conform to the regulations of the zone in which it is located.

Section 10-111 Landscaping and Screening Note : See Exhibit # 7 p.55

Section 10-111.1 Purpose. The purpose of the landscaping and screening requirements in this section is to provide for appropriate landscaping and screening of parking and other outdoor areas that will:

- A. Protect residential environments** from effects of more intensive adjacent uses.
- B. Protect users of parking areas** from excessive wind, glare, and temperature extremes.
- C. Reduce the adverse effects** on public streets and adjacent properties of noise, blowing dust and debris, and motor vehicle headlight glare.
- D. Discourage unsafe access** to and circulation within off-street parking areas.
- E. Contribute to improved community appearance** and maintenance of property values.

Section 10.111.2 Required Landscaping and Screening.

- A. Residential Screening Strip** (Adjacent to Residentially zoned Property). A landscaped strip or landscape screen located along the length of all lot lines (excluding the width of access ways) that abut an adjacent residentially zoned parcel on a parcel devoted to a more intensive residential, business, or industrial land use, whether or not an off-street parking, loading or refuse area is present.

- B. Parking Screening Strip** (On Perimeter of Parking Lot). A landscaped strip which shall include a landscape screen and which is located along the length of front and corner side lot lines (excluding the width of access ways) in front or corner side yards that accommodate parking areas.
- C. Parking Island Strip** (In Interior of Parking Lot). A landscaped strip in the interior of an off-street parking area.
- D. Screen** (Around Other Open Uses). A solid fence, wall, berm, hedge, or landscape screen of sufficient height to conceal a use from view from the ground floor level on adjoining properties when viewed horizontally from grade level to the top of the Screen.

Section 10-111.3 Landscaping or Screening Shall be required as described in Tables 2, 3, and 4 of this section. Note : See Exhibit # 7

Section 10-111.4 Landscape Plan Required. For any use required to provide any screening strip or island strip, a Landscape Plan shall be filed with an application for:

- A. Rezoning.**
- B. Conditional Use Permit.**
- C. Any variance** from landscaping or screening requirements.
- D. Planned Unit Development** Preliminary or Final Plan approval.
- E. Preliminary or Final Plat approval** as provided in the Subdivision Control Ordinance.
- F. Building Permit or Certificate of Occupancy.** The Village Board may waive or defer this requirement in any instance in which the specific use of the premises, and therefore, the specific landscaping and screening requirements applicable, are not yet determined, such as in the case of a rezoning of an industrial subdivision.

The Landscape Plan shall conform to the requirements set by the Village Board. No Plan shall be required for uses required to provide only a Screen as provided in Table 2. The applicant shall, however, describe the dimensions, materials, and location of the Screen.

Section 10-111.5 Types of Landscaping Materials Permitted. Varieties of living landscape materials used shall be healthy, hardy, and drought-resistant; be suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and be compatible with the slope of the site, with existing vegetation to be preserved, and with utilities above or below ground level. Where appropriate, landscape materials shall be protected from damage from pedestrian or vehicular traffic by tree grates, pavers, or other measures.

Section 10-111.6 Ground Cover in Landscaped Strips. Grass or other ground cover shall be planted over all landscaped strips including berms, except in areas planted in flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three months after planting. Non-living landscaping materials such as sand, stone, rocks or barks may be substituted for living cover over a maximum of 30 percent (30%) of the landscaped area.

Section 10-111.17 Installation Procedures. All living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen.

Section 10-111.8 Berming. For optimum screening effectiveness and improved landscape design, Parking Screening Strips shall be bermed so as to largely conceal parked cars from view of the street except where in the judgment of the Village board the size, configuration, or existing or proposed topography of the lot makes this infeasible or unnecessary or where erosion, drainage, or maintenance problems might result. Berms where installed shall be a minimum of two (2) feet high at all points.

Section 10-111.9 Existing Trees. The Village board may reduce the number of new trees required by Table 3 in response to voluntary preservation by a developer of any existing trees on the site as follows:

<u>Trunk Diameter of Existing Tree to be Preserved *</u>	<u>Reduction in Number of New Trees Required</u>
4 – 10 inches	1 tree
11 – 20 inches	2 trees
Over 20 inches	4 trees

*Measured at four (4) feet above grade level at base of tree.

To ensure that all existing trees are not damaged during development:

- A. **Protective physical barriers** shall be maintained around such trees that prevent the passage of heavy machinery under the drip line.
- B. **No equipment materials, fill or debris** shall be stored under the drip line except as many be necessary for a reasonable time if no other storage area is available.

Section 10-111.10 Maintenance of Landscaping. The owner, occupant, tenant, and the respective agent of each, if any, shall be jointed and severally responsible for the maintenance, repair, and replacement of all landscaping and screening so as to preserve at least the same quantity and quality as initially approved.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to represent a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. Any dead vegetation shall be promptly replaced with healthy living plantings.

Section 10-111.11 Conditional Uses. Because of their special characteristics, certain Conditional uses may be required to provide landscaping or screening that exceeds the requirements of this section.

Section 10-111.112 Curbing. All Parking Island Strips and Parking Screening Strips shall be separated on all sides from the parking surface by curbing.

TABLE 2: USES REQUIRING LANDSCAPING OR SCREENING

(X= Required --- = Not Applicable)

	New uses providing	<u>Parking Screening Strip [a]</u>	<u>Parking Island Strip [a]</u>	<u>Screen [a][c]</u>
1.	Over 5 open off-street parking spaces [b].	X	---	---
2.	Over 45 open off-street parking spaces [b].	X	X	---
3.	Outdoor storage, where permitted.	---	---	X
4.	Open service and refuse disposal areas.	---	---	X
5.	Electrical and mechanical equipment such as transformers, heat pumps, and air conditioners installed in the open on the ground but protruding above grade.	---	---	X

[a] See definition in section – 10-111.2.b

[b] A minimum of five percent (5%) of the parking area in Industrial Districts and ten percent (10%) in all other districts shall consist of landscaping. Any landscaped strip required hereunder may be credited toward this requirement. Open sales lots for motor vehicles shall not be considered as parking spaces.

[c] A Screen for off-street loading abutting residential zoning district shall be a minimum of six (6) feet high.

See also, Table 4 for Uses Requiring Residential Screening Strips.

When a Residential Screening Strip (Table 4) and a portion of a Parking Screening Strip are required in the same yard, only the Residential Screening Strip shall be required in that yard.

Requirements of this table shall not apply to single-family detached dwellings, single-family attached dwellings, or townhouse dwellings except where parking or other listed uses are provided collectively for multiple dwellings.

TABLE 3: LANDSCAPED STRIP REQUIREMENTS

(X= Required --- = Not Applicable)

	REQUIREMENTS	<u>Residential</u> <u>Screening Strip [a]</u>	<u>Parking</u> <u>Screening Strip</u>	<u>Parking</u> <u>Island Strip</u>
1.	Minimum Strip WIDTH in feet.	5	5	5
2.	Minimum Strip AREA in square feet.	---	---	100
3.	HEIGHT of Screening in feet: Minimum: [b] [g].	4	3.5	---
	Maximum: [c] [g].	6	---	---
4.	TREES: a. Maximum Average Spacing in Lineal Feet of Strip [d] [e]	50	50	---
	b. Minimum number.	---	---	1
5.	Maximum number of Parking Spaces Between Strips.	---	---	15
6.	Minimum OPACITY [f] [g].	50%	50%	---

See also Table 2, 4, and 5 for additional requirements.

- [a] In interior side or rear yards landscape screening shall be required.
- [b] At time of installation.
- [c] At any time.
- [d] Excluding width of access ways through the strip. Trees are not required to be spaced uniformly at intervals indicated. Where a berm, hedge, or combination thereof meets the requirements for a Screening strip in the judgment of the Zoning Enforcement Officer, no trees shall be required therein.
- [e] See also Table 5 for dimensional requirements for trees.
- [f] Continuous opacity when viewed horizontally beginning at grade level up to required minimum height starting no later than 12 months after installation.
- [g] Height, clearance, and opacity of Strips are also subject to requirements on Vision Clearance Triangles in the Accessory Uses, Yards, and Fences section herein these shall be measured 30 feet from the edge of the road way intersection.

TABLE 4: Screening Strips Required between Residential, and Business, and/or Industrial Districts

Requirement	Location
Strip Required in Interior Side and Rear Yards between:	Residential District

See also Tables 2, 3 and 5 for additional requirements.

TABLE 5: DIMENSIONS OF REQUIRED TREES

Requirement	Dimension
Minimum TRUNK DIAMETER @ DBH (diameter at breast hgt.) in inches [a]	1.5
Minimum HEIGHT in feet [b]	6
Minimum SPREAD OF CROWN in feet [c]	8

Requirements apply to trees required in item 4 of Table 3. All dimensions apply at time of installation except where indicated.

See also Tables, 2 and 3 for additional requirements.

- [a] Measures 6 inches above grade.
- [b] Also subject to the requirements concerning Vision Clearance Triangles in the Accessory Uses, Yards, and Fences section herein.
- [c] At Maturity.

Section 10-111.13 Outside Lighting.

- A. Non-Glaring. The light for any illuminated sign or outside lighting shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets or public areas.
- B. Shall not create Traffic Hazards.

Section 10-112 Administration and Enforcement.

Section 10-112.1 Zoning Enforcement Officer.

- A. The Zoning Ordinance shall be administered and enforced by the Zoning Enforcement Officer, hereinafter referred to as “Enforcing Officer” or as “ZEO”, and such ZEO shall be appointed by the Village President by and with the consent of the Board of Trustees.
- B. The ZEO shall administer and enforce this Ordinance in conjunction with the development of any land tract, including the improvements, buildings, and accessories thereto. The ZEO shall keep the Zoning Map of the Village accurate an up to date and with sufficient detail to relate the zoning classifications in the public record.
- C. Where there is a question of interpretation, variance, or matters outside of the purview of the ZEO, the matter shall be referred to the Zoning Board or Plan Commission, by either the ZEO or a party believing itself to be aggrieved.
- D. The Zoning Enforcement Officer shall have power to make such orders, requirements, decisions and determinations as are necessary to enforce this Ordinance with the approval of the Zoning Board, Plan Commission or Village Board

Section 10-112.2 Zoning Board of Appeals.

- A. **Established:** There is hereby established a Zoning Board of Appeals, hereinafter sometimes, referred to as “ZBA”. Said Board shall consist of a Chairman and six additional Board members, all of whom shall be appointed by the Village President with the advice and consent of the Board of Trustees for a term of five years.

- B. Chairman:** The Chairman shall administer oaths and compel the attendance of witnesses.
- C. Clerk:** The Village Clerk shall act as a clerk for the Board and shall make and keep a record of all its meetings and official acts.
- D. Open Meetings:** All meetings of the ZBA shall be open to the public.
- E. Records:**
 - 1. The ZBA shall keep minutes or tapes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
 - 2. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the ZBA shall immediately be filed in the office of the Village Clerk and shall be a public record.
- F. Powers: Duties**
 - 1. The ZBA shall also have power:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Enforcing Officer.
 - b. To exercise such other powers as are or may be vested in the ZBA.
 - 2. The ZBA shall hear and decide from and review any order, requirement, decision, or determination made by the Zoning Enforcing Officer. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- G. Quorum:** The majority of the appointed and serving members of the ZBA.
- H. Hearings: Notice:** No public hearing shall be conducted by the ZBA concerning variations, amendments, PUDS, or conditional uses, less than fifteen (15) days nor more than thirty (30) days from the time notice shall have been published in the Predominate Newspaper Publication and certified mail given to abutting taxpayers of record concerning the time, place and date of such hearing.
- I. Rules of Procedures:** The ZBA shall adopt its own rules of procedure not in conflict with Statute or this Ordinance.
- J. Expenditures:** In the performance of its duties, the ZBA may incur such expenditures as may be authorized.

Section 10-112.3 Permit Required. From and after the passage of this Ordinance, a permit shall be obtained from the Village before there may be any change in the use of the land or where any action shall affect the intent and purpose of this Ordinance.

Section 10-112.4 Fees. All fees as may be established by resolution of the Village Board shall be collected by the Village Clerk.

Section 10-112.5 Amendments.

- A. No amendment of the regulations** of this Ordinance shall be made except after a hearing before the ZBA.
- B. Within thirty (30) days after the hearing**, the ZBA shall make a written report and recommendation concerning the request of the petition to the Village Board.
- C. No amendment shall be passed** except by a favorable vote of a majority of all members of the Village Board.

Section 10-112.6 Annexations. When any territory is annexed into the Municipality, such territory is automatically classified to the highest restrictive use under this Ordinance, as provided for by Chapter 65, ILCS 5/ Art.7 Section 7-1-1 thru 7-1-48 of Illinois Compiled Statutes.

Section 10-112.7 Court Reporter. The ZBA shall employ the services of a court reporter or use an electronic recording device at the hearing on all petitions.

Section 10-112.8 Variations. Where an application for a variation of any of the regulations of this Ordinance concerning the use of land, the intensity of such use or other requirements of this Ordinance is made to the Zoning Board of Appeals in which it is alleged that particular difficulties or particular hardship, not intended and not common to the owners of property in the vicinity will be imposed in carrying out the strict letter of any such regulation. The ZBA, after public hearing, may recommend that a variation of the application of such regulations may be granted by the Village Board, the ZBA shall also find that such variation will not:

- A. Impair an adequate supply of light and air** to adjacent property.
- B. Increase the hazard from fire** and other dangers to said property
- C. Unduly increase the congestion of traffic** hazards in the public streets and highways.
- D. Otherwise impair the public health**, safety, comfort, morals and general welfare of the inhabitants of said Village.

Section 10-112.8.1 Variations Rescinded. Variations that are not acted upon within 2 years from date of approval shall expire.

Section 10-112.9 Minimum Petition Contents. Any party requesting any action to which this Ordinance applies shall file a Petition which shall include as a minimum the applicable items provided in Table 6: All petitions shall be brought in the name of the record title owner, the owner or owners of the beneficial interest of any land trust or through their attorneys or authorized agents. If a contract purchaser or tenant shall be involved, either with or without a contingent right, the contract purchasers or tenant shall be revealed and become a second party to the petition, but such contract purchasers or tenant may not file without the owner. Whenever any trustee of a land trust, or any beneficiary thereof, makes an application or petition to the Zoning Board relating to any land subject to this ordinance, such trustee or beneficiary shall comply with the disclosure requirements of paragraph 405/2 of chapter 765 of Illinois Compiled Statutes. Such compliance shall be evidenced by proper affidavit.

Section 10-112.10 Petition Filing: Notice to Abutting Taxpayers of Record. Every request for zoning action which shall be made to the ZBA shall be initiated in the following manner only:

- A. There shall be delivered to the Village Clerk** twenty copies of a proper petition requesting such hearing and setting forth the facts and details as prescribed in this Ordinance.

- B. There shall be paid to the Village Clerk** the required filing fee.
- C. The petitioner, his attorney or his agent** shall also furnish the Village Clerk with the full names and addresses of the taxpayers who have last paid taxes on all property contiguous to or abutting the parcel parcels concerned in the petition, including such taxpayers of record as may own property across the road, street or alley, which may abut the premises concerned on one or more sides. It shall also be the duty of the petitioner, his attorney or his agent to send such taxpayers a copy of the notice concerning the hearing, by certified mail with return receipt requested, mailed no more than thirty (30) days nor less than fifteen (15) days prior to said hearing. At the hearing, petitioner shall file return receipts with the chairman of the Zoning Board of Appeals and an affidavit of such mailing as to those taxpayers of record for whom return receipt have not been received from the post office.

Section 10-112.11 Publication of Notice; Contents Required. Petitioner shall arrange for publication of all notices directly with the Predominate Newspaper Publication at petitioner’s expense. The notice shall contain:

- A. The particular location of the real estate** for which the variation, amendment or conditional use is requested by legal description and also by street address, and if not street address then by locating such real estate with reference to any well-known landmark, highway road, thoroughfare or intersection.
- B. A statement of present zoning** on the parcel in question;
- C. A brief statement** of the proposed amendment, variation, or conditional use; and
- D. The time, date and location of all hearings.**

Section 10-112.12 Objectors’ Counsel; Continuances. In the event objectors to any petition shall employ counsel to represent them at the hearing, it shall be the obligation of such counsel to notify the petitioner, his attorney or agent that he has been retained and will be present to object. Such notice shall be delivered to the petitioner, his attorney or agent not later than four (4) days prior to the scheduled hearing date. Failure of the objector’s counsel to give such notice shall give petitioner, his attorney or agent the option to postpone the hearing until another day certain.

Continuances may be granted on good cause shown and at the discretion of the ZBA by a majority vote.

Section 10-112.13 List of Proponents or Opponents. Attorneys may submit a listing of proponents or opponents of the petition and the same will be accepted as an exhibit. However, such list shall contain nothing more than the signatures of those for or against the petition, along with a brief statement concerning their position.

Section 10-112.14 Evidence Re Structure or Intended Use.

- A. When the petition requests an amendment** of the Zoning District Classification with no request for a variation in the alternative, no evidence concerning type of structure or intended use shall be admitted without the approval of the Zoning Board of Appeals unless such evidence is elicited by a member of the Zoning Board.
- B. Evidence concerning the particular use and character of use,** including plans, specifications, cost of improvement and duration of use, shall be properly admitted when the petition shall request a variation other than a use variation, an amendment with an alternate prayer for variation or a conditional use, covering such particular use.

Section 10-112.15 Public Hearing Format. The format of the public hearing shall be as follows:

- Call to order.
- Identification roll call of Zoning Board.
- Parties of interest in petition who are present.
- Reading of the petition, verification of notice of publication and by certified mailings to abutting owner.
- Identification of objectors.
- Presentation of evidence by petitioner.
- Questions by Zoning Board of Appeals members.
- Questions by objectors.
- Presentation of evidence by objectors.
- Questions by Zoning Board of Appeals members.
- Questions by petitioner.
- Petitioner's closing statement.
- Objector's closing statement.
- Discussion by Zoning Board.
- Vote by Zoning Board.
- Adjournment.

Section 10-0112.16 Zoning Board of Appeals Quorum. No hearing shall be conducted unless a majority of the appointed and serving members of the Zoning Board are present.

Section 10-112.17 Zoning Board's Vote on Petitions; Report and Recommendation.

- A. The concurring vote of a majority of the quorum of the ZBA** shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the petitioner on or any matter upon which it is required to pass under this Ordinance. Where a vote is conducted at any meeting subsequent to the hearing, any member who was absent at the time of the hearing who states that they have read the transcript or listened to the tape recordings of the proceedings the Zoning Board hearing from which he or she was absent may vote upon any questions before the Board.
- B. The Zoning Board of Appeals may postpone its vote** on any petition for only one of its meetings, but a vote and recommendation upon such petition must be made at the next meeting thereafter provided a quorum of the Board is present, unless further delay is obtained with the approval of the petitioner, his attorney or agent.
- C. The report and recommendation of the ZBA** shall be made to the Village Board and shall contain a short summary of the petition, locate the property and the reasons advanced by the ZBA for rejecting or approving the prayer of the petition. The report shall also contain the recommendation of the ZBA and shall indicate the making of the motion, the seconding thereof, and all votes for or against the motion. Members not voting or absent shall also be recorded.

Section 10-112.18 Petitioner's Attorney to Draft Ordinance Upon Approval. If the Zoning Board of Appeals recommends to the Village Board that the request of the petition be granted it shall be the obligation of the petitioner, or its attorney, to prepare an ordinance, approved by the Village attorney, incorporating the exact finding and recommendation of the Zoning board of Appeals for submission to the Village Board in order to effect the amending or variance of the ordinance property, should the Village Board accept the recommendation of the Zoning Board of Appeals.

Section 10-112.19 Refiling After Denial. A petition for variation, amendment, or conditional use, which shall have been denied by the Zoning Board of Appeals and the Village Board, shall not be brought before the Zoning Board of Appeals again, until one year shall have passed from the date of the first public hearing, unless the prayer of the petition shall request a substantially different amendment, conditional use, or variation, or some change in circumstances has affected the status of the property in a substantial manner. Petitioner, his/ her attorney or agent, may present to the Zoning Board of Appeals such reason or reasons, as he/she feels should be sufficient to justify a hearing on the plot or parcel within the one year period, and it shall be at the discretion of the Board to allow or disallow such subsequent hearing.

Section 10-113 Violations, Penalties.

- A. Any person who violates, disobeys, omits, neglects or refuses to comply** with or who resists the enforcement of any of the provisions of this Ordinance shall be subject to a fine of not less than Fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, each day that such violation exists may be construed to be a separate offense for which a separate fine may be assessed against this violator.

- B. In case any building or structure is erected,** constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the Municipality or any person, the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceeding in equity to prevent such unlawful erection, construction, reconstruction, alternation, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

TABLE 6: REQUIRED CONTENTS OF PETITION FILINGS

(X = Required for all applications. R = Required if deemed necessary. --- = Not Applicable. I = Required for industrial and business uses only. See Performance Standards section.)

	Filing Requirements	<u>Map Amendment (Rezone)</u>	<u>Conditional Use</u>	<u>Variance</u>	<u>PUD Preliminary Plan</u>	<u>PUD Final Plan</u>
1.	The name, address and phone number of all applicants and name of the development, if any.	X	X	X	X	X
2.	Legal descriptions of the subject property as a whole and of each phase thereof.	X	X	X	X	X
3.	The names, addresses, and phone numbers of any developer, site planner, or engineer involved in project plans.	X	X	X	X	X

4.	The location of the subject property to be affected by the action requested.	X	X	X	X	X
5.	A description of the action requested.	X	X	X	X	X
6.	A non-refundable Filing Fee	X	X	X	X	X
7.	A Retained Personnel Fee deposit.	X	X	X	X	X
8.	Descriptions of the present and proposed uses of the property.	X	X	X	X	---
9.	A complete disclosure of all beneficial ownership interests of the premises as required by 765/ILCS 405/2 names and addresses of all partners, joint venturers, syndicate members, owners of any entity doing business under an assumed name, members of any unincorporated voluntary association.	X	X	X	X	---
10.	The names and addresses of the last taxpayers of record of all of the property abutting the subject property.	X	X	X	X	---
11.	The zoning district classification and uses conducted upon the subject property and all abutting properties.	X	X	X	X	---
12.	A plat of survey of the subject property including easements of record.	X	X	X	X	---

13.	A Site Plan meeting the requirements of Table 7.	---	X	X	X	X
14.	Performance Standards certification and data.	---	I	---	---	---
15.	Statements of reasons why applicant believes action requested conforms to applicable Approval Criteria.	X	X	X	X	X
16.	<u>Renderings:</u> Architectural renderings showing substantial design intent for proposed structures but not necessarily final design detail.	---	R	R	X	X
17.	<u>Phasing:</u> Chronological schedule of expected beginning and ending dates for proposed stages of construction and improvements of all structures; common or public areas; circulation ways; parking, loading and service areas; and utilities, showing interim use and maintenance of areas not under construction in each phase.	---	---	---	X	X

18.	<u>Association and Covenants:</u> Organizational details of all proposed property owners' or condominium associations. Draft of any proposed protective covenants or deed restrictions governing land use, open space, or other concerns. Proposed documents governing maintenance of open space and other common areas.	---	---	---	X	X
19.	<u>Open Space Statements:</u> Written statement of advantages proposed common or public open space at each location offers for such use and ways such spaces might be used.	---	---	---	X	---
20.	<u>Traffic Analysis:</u> A professional analysis of estimated traffic generated by the completed development per day and during AM and PM peak hours, the impact on existing traffic loads in the vicinity, and street construction or traffic control measures needed to accommodate the new traffic.	R	R	---	R	---

21.	<u>School Capacity:</u> Evidence of capacity of all affected public school districts to handle the enrollment likely to be generated by the development.	R	R	R	R	---
22.	Final plat of subdivision and final engineering plans and specs.	---	---	---	---	S
23.	Deeds or easement agreements conveying ownership interest in any parcel to any public body.	---	---	---	---	X
24.	Financial sureties approved by Village to guarantee installation and improvement of all public or common improvements provided on approved Plan.	---	---	---	---	X
25.	Any other information the Zoning Board requires to determine whether the application conforms to the requirements of this Ordinance.	X	X	X	X	X

TABLE 7: REQUIRED CONTENTS OF SITE PLAN

(X= Required for all applications. R= Required if deemed necessary. --- = Not Applicable. I= Required for industrial and business uses only. See Performance Standards section.)

10 hard copies and an electronic copy of Site plan showing:

	Plan Requirements	<u>Variance</u>	<u>All Conditional Uses</u>	<u>Preliminary Plan</u>	<u>PUD</u>
1.	Scale: Appropriate to size of project.	X	X	X	X
2.	Numeric and graphic scales, north arrow, and date of preparation.	X	X	X	X
3.	Boundaries of the development and of each phase thereof.	X	X	X	X
4.	Lot lines and dimensions and areas of lots.	X	X	X	X
5.	Easements and encroachments.	X	X	X	X
6.	<u>Data indicating for each development phase:</u>				
	a. Number of dwelling; units broken down by number of bedrooms.	X	X	X	X
	b. Number of lots.	X	X	X	X
	c. Gross and net site area	X	X	X	X
	d. Land area devoted to streets, off-street parking, off-street loading, Uncovered Space, Non-Vehicular Space, Recreation Space, and each housing and land use type.	X	X	X	X
7.	<u>Drainage:</u> Existing and proposed drainage patterns.	R	R	R	R
8.	<u>Existing Landscaping:</u> Existing wooded areas and isolated trees 6 inches or more in diameter at 1 foot above ground level.	R	R	R	R

*9.	<u>Structures:</u> Location, type, shape, dimensions, floor space, orientation, height in feet, finished grade elevations at all entrances and corners, and number of stories of all existing and proposed structures, including buildings, signs, fences, walls, screening, bridges, culverts, exterior lighting fixtures, and entrance features.	X	---	X	X
10.	<u>Parking, Loading and Service:</u> Location, shape, dimensions and areas of off-street parking and loading spaces and areas, outside storage, and refuse disposal and service area, including aisles, curbing, surface type, driveways and curb cuts.	X	X	X	X
11.	<u>Topography:</u> Map showing existing contours at 2-foot intervals and proposed grading and contours.	R	R	X	X
12.	<u>Government Boundaries:</u> Current school district and municipals boundary lines on or adjacent to site.	---	---	X	---
13.	<u>Circulation:</u> Existing and proposed number, location alignment, dimensions, design, and construction standards of all public and private thoroughfares, sidewalks, pedestrian and bicycle paths, railroad rights-of-way, curb cuts, and driveways, and distance of property lines to nearest existing intersections.	R	X	X	X
Page 45					

14.	<u>Common or Public Areas:</u> The number, location, acreage, dimensions, proposed ownership, and provisions for maintenance of any proposed recreational and non-recreational common open spaces.	R	R	X	X
15.	<u>Bodies of Water:</u> Dimensions and locations of existing and proposed natural or artificial bodies of water, flood plains, marsh areas, drainage ditches, wet or dry storm water detention or retention areas, and any proposed modifications to existing water courses or water bodies.	X	X	X	X
16.	<u>Subsurface Conditions:</u> Data on subsurface soil, rock and groundwater conditions.	R	R	X	R
17.	<u>Utilities:</u> Size, purpose and location of existing and proposed public and private utilities, utility easements, and drainage facilities on or within 100 feet of the property. Locations of existing and proposed hydrants, catch basins, manholes , dry wells and storm sewers.	X	X	X	X

18.	<u>Proposed Landscaping:</u> a. Location, quantity, diameter, installation height, maturity height, botanic name and common name, of all proposed living and non-living landscaping materials and existing material to be preserved.	---	---	X	R
	b. Types and boundaries of proposed ground cover.	---	---	X	R
	c. Location and contours at 1 foot intervals of all proposed berming.	---	---	X	R
	d. Dimensions and appearance of all sides of proposed fences, walls, ornamental lighting, and other landscaping and screening treatments.	---	---	X	R
	e. Measures to be taken to protect new and preserved existing trees during construction.	---	---	X	R

Section 10-114 Applicability. In interpreting and applying the provisions of this Ordinance, all parties shall be held to be the minimum requirements for the promotion of the public health, safety, comfort and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any permit or other land use previously issued, or granted by the Village relative to the use of any building, structure or land nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between individual parties, provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings, structures or land, or requires greater building lines, then the provisions of this ordinance shall control.

Section 10-115 Publication in Pamphlet Form. This ordinance shall be published in pamphlet form and be available on line by and under the authority of the Corporate Authorities of the Village of Oakwood Hills.

Section 10-116 Effective Date. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this _____ day of _____ 2022

AYES: _____

NAYS: _____

ABSTAINED: _____

ABSENT: _____

NOT VOTING: _____

APPROVED this _____ day of _____ 2022

Village President

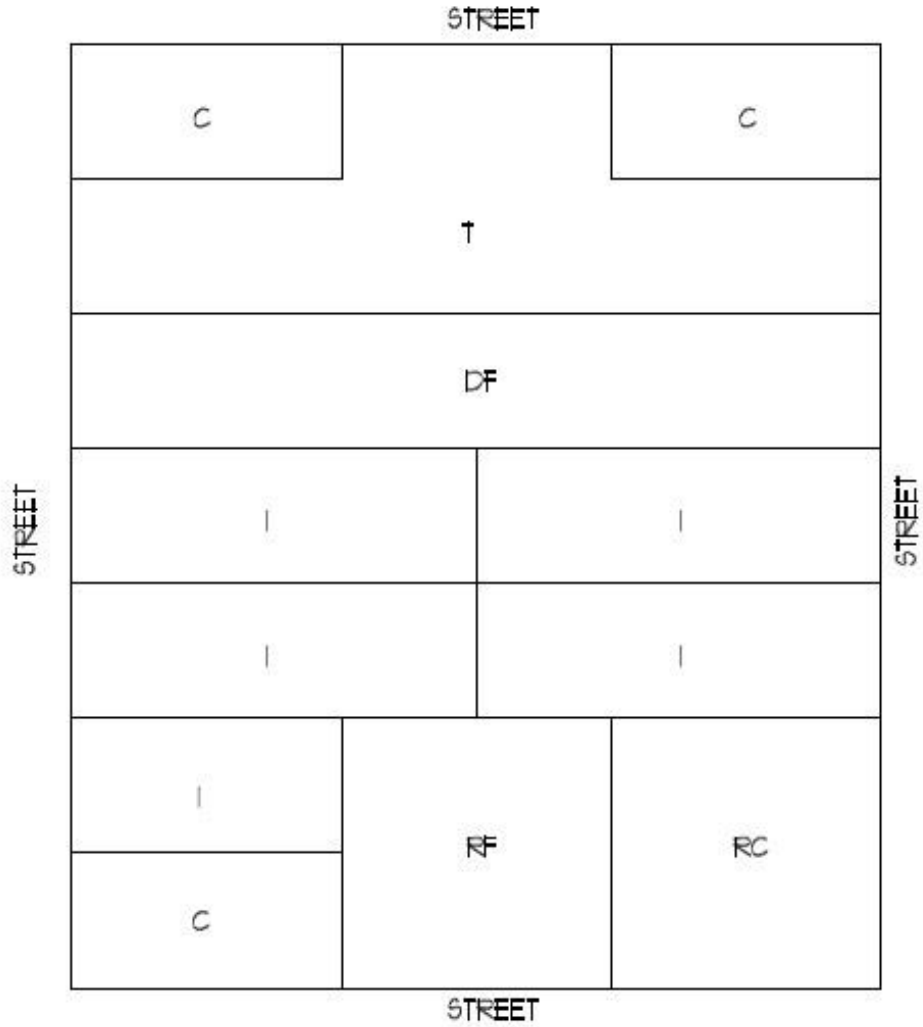
ATTEST

Village Clerk

Section 10-117 Exhibits

EXHIBIT - 1

TYPES OF LOTS



C = CORNER LOT

I - INTERIOR LOT

T - THROUGH LOT

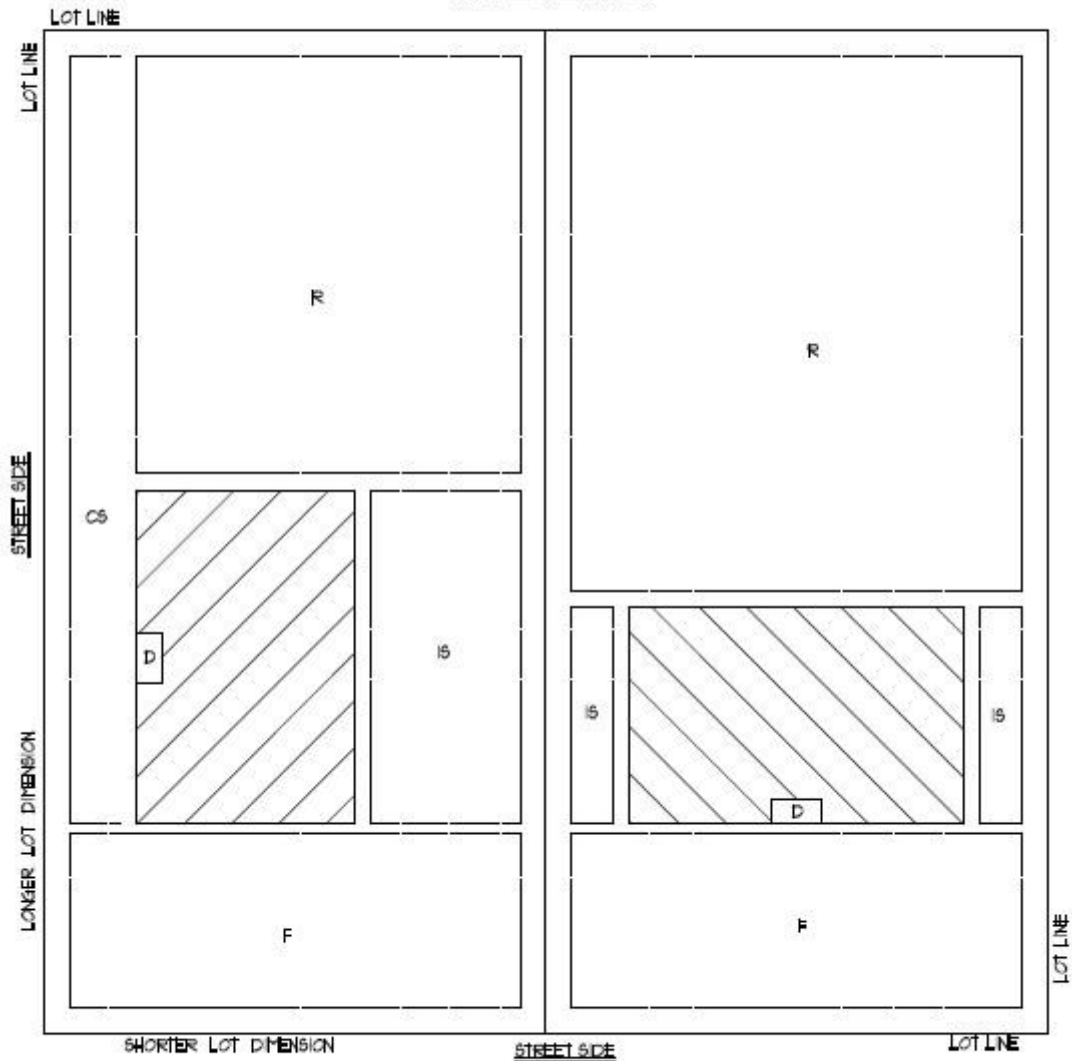
RF - REVERSE FRONT LOT

DF - DOUBLE FRONT LOT

RC - REVERSE CORNER LOT

EXHIBIT - 2

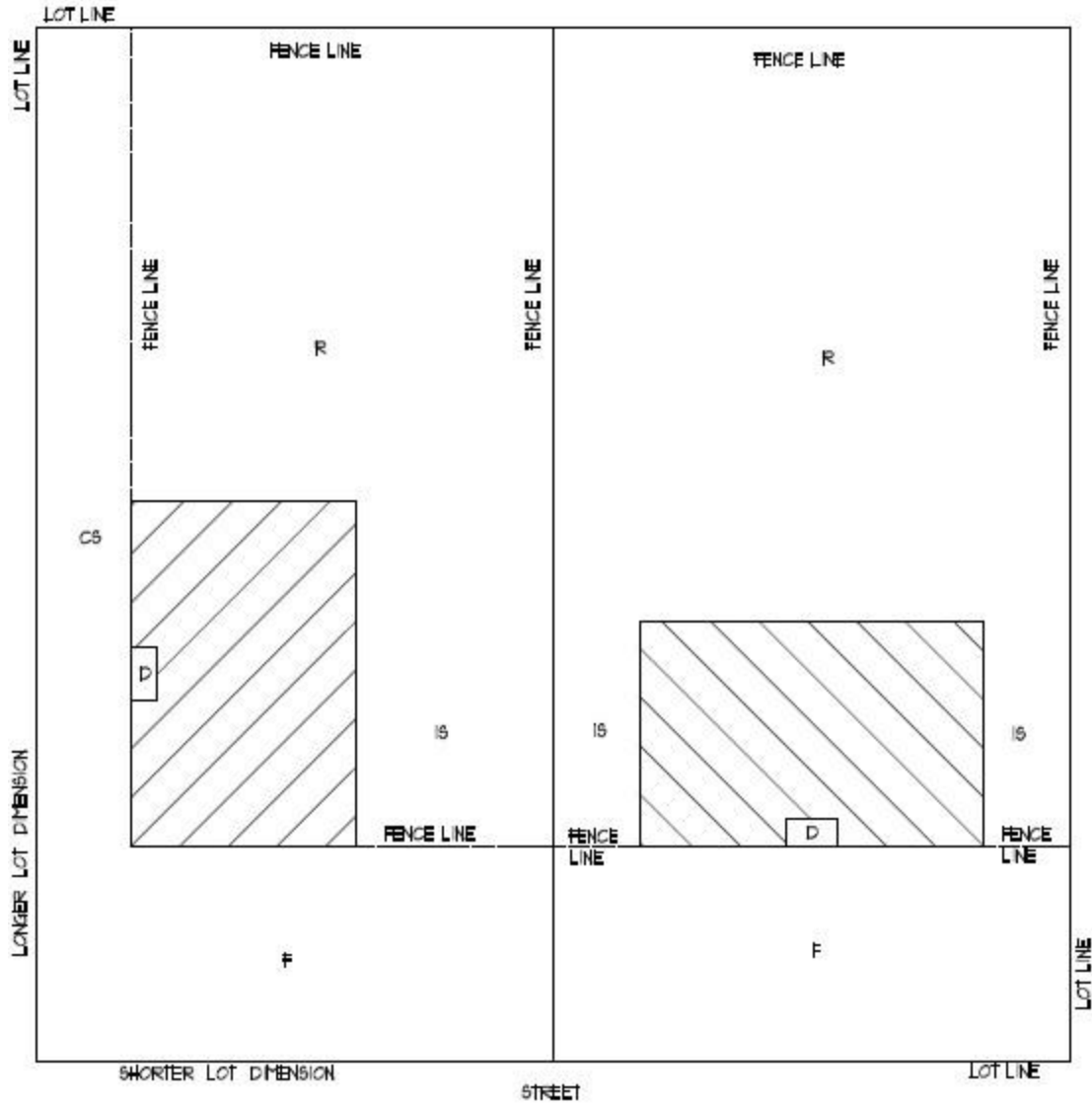
TYPES OF YARDS



- F - FRONT YARD
- R - REAR YARD
- CS - CORNER SIDE YARD
- IS - INTERIOR SIDE YARD
- D - FRONT DOOR

EXHIBIT - 3

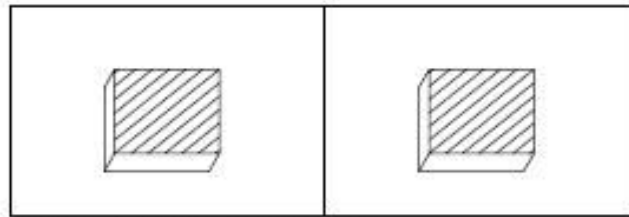
FENCE LOCATIONS



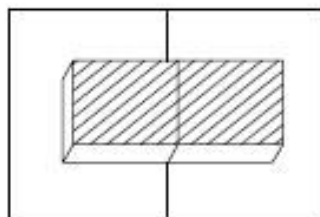
- F - FRONT YARD
- R - REAR YARD
- CS - CORNER SIDE YARD
- IS - INTERIOR SIDE YARD
- D - FRONT DOOR

EXHIBIT - 4

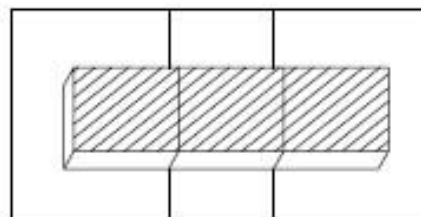
DWELLING TYPES



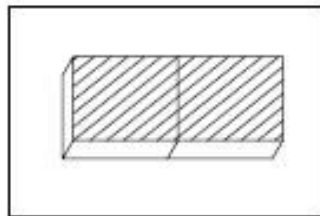
SINGLE FAMILY DETACHED



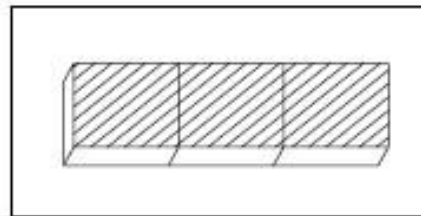
OR



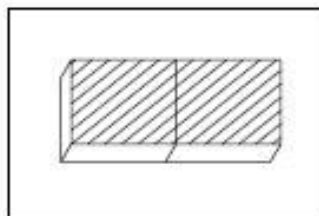
SINGLE FAMILY ATTACHED



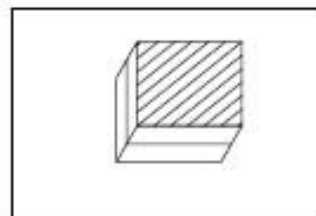
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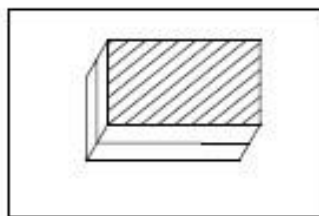
TOWNHOUSE



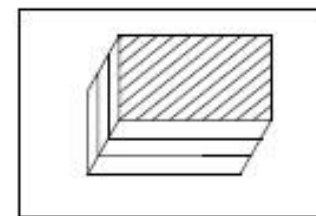
OR



TWO FAMILY

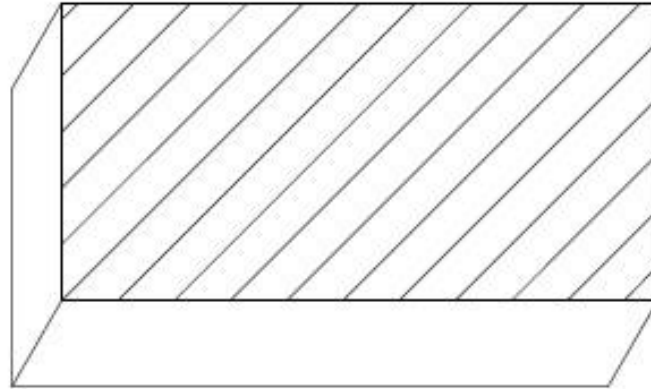


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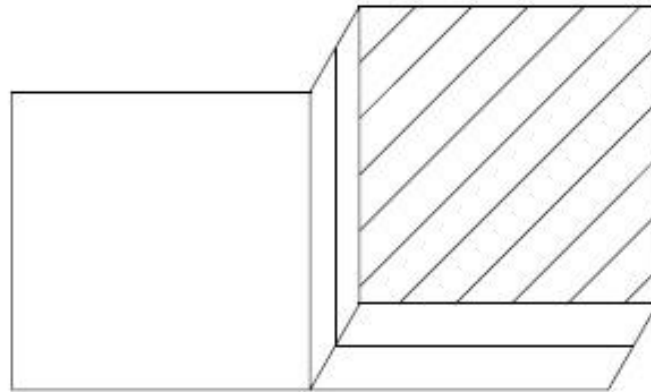


MULTI - FAMILY

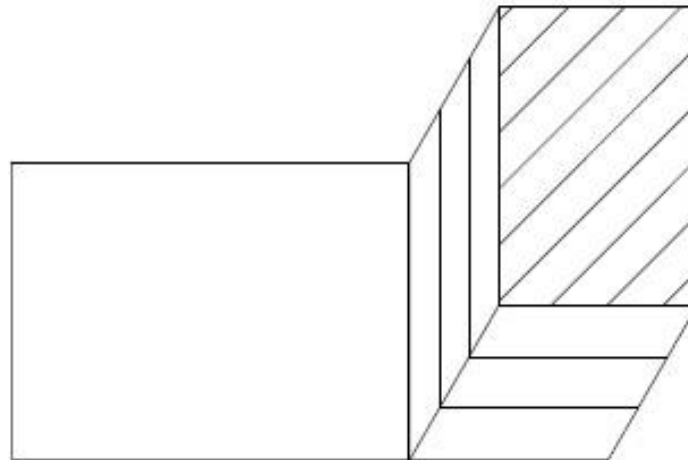
EXHIBIT - 5
FLOOR AREA RATIO



1 STORY ON ENTIRE LOT AREA • FAR • 10



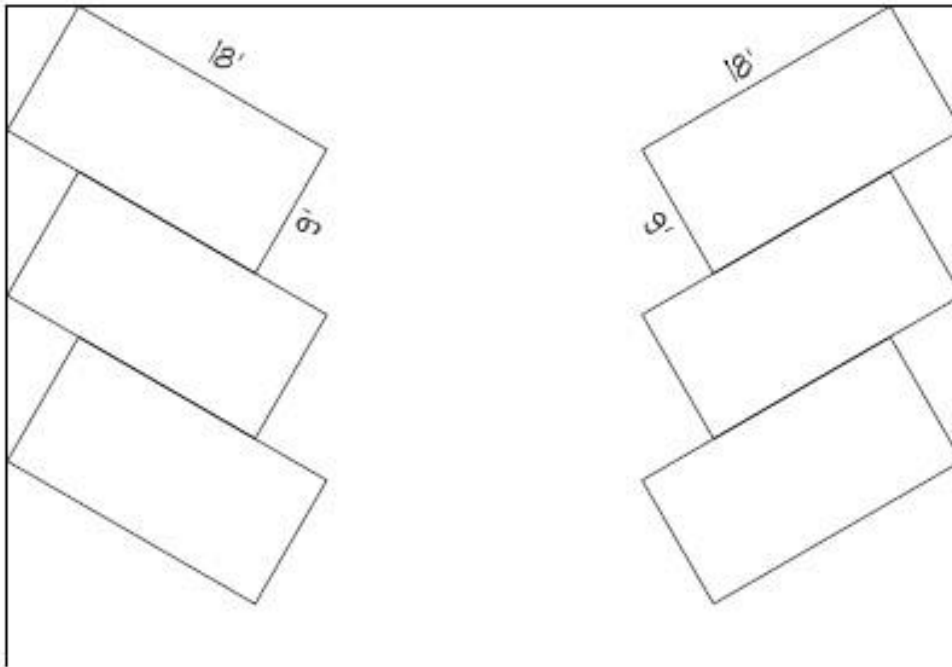
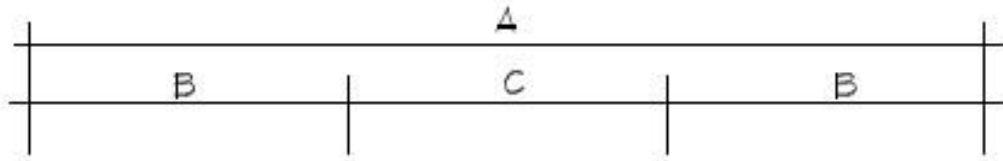
2 STORY ON $\frac{1}{3}$ OF LOT AREA • FAR • 10



3 STORY ON $\frac{1}{3}$ OF LOT AREA • FAR • 10

EXHIBIT - 6

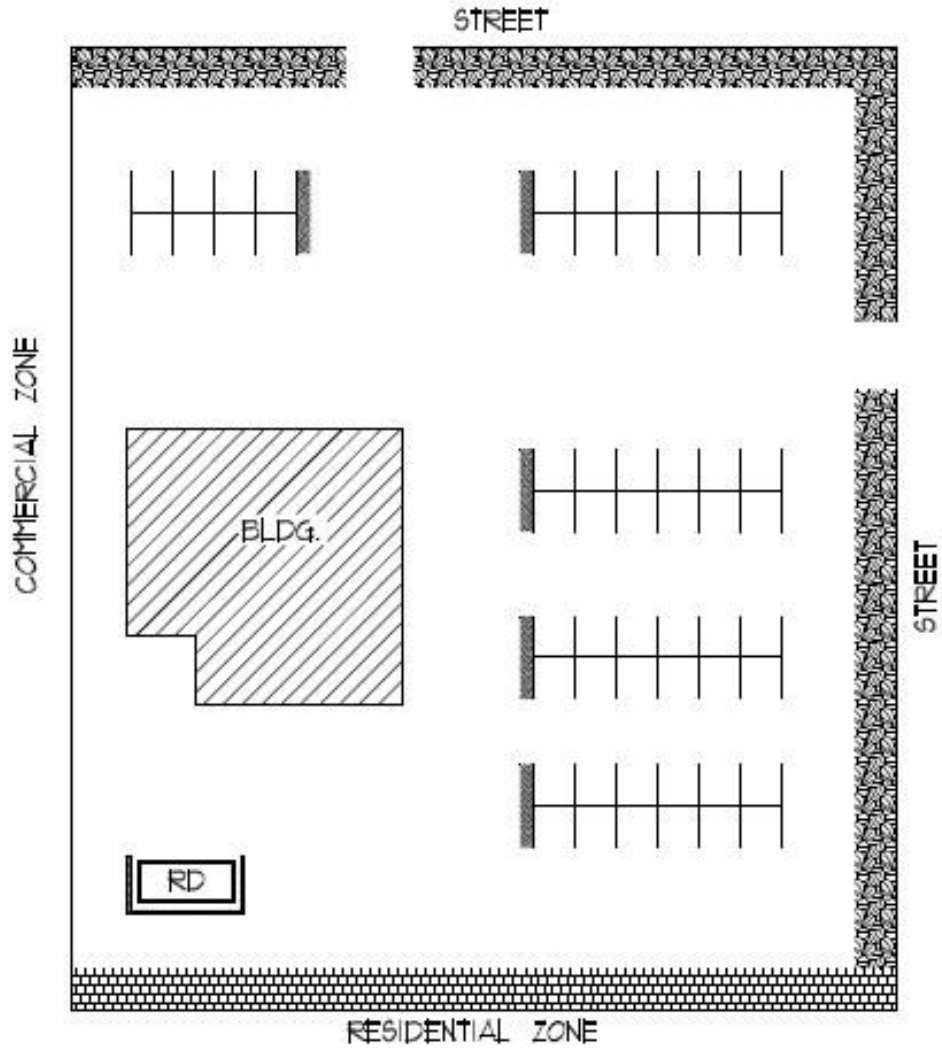
OFF STREET PARKING CHART






PARKING ANGLE	A	B	C
90	64'	20'	24'
60	62'	20'	22'
45	58'	19'	20'
PARALLEL STALL LENGTH 24'	24'	9'	12'

EXHIBIT - 7

LANDSCAPING



-  = PARKING SCREEN STRIP
-  = RESIDENTIAL SCREEN STRIP
-  = PARKING ISLAND STRIP
- HHHH = PARKING STALLS
- = SCREEN
- RD = REFUSE DISPOSAL
- BLDG. = COMMERCIAL, INDUSTRIAL,
OR MULTI-FAMILY