VILLAGE OF OSWEGO
KENDALL COUNTY, ILLINOIS

ORDINANCE NO. 24 - 38

AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS CHAPTER 1 ZONING SECTION 10-1-1 ADOPTING NEW ZONING REGULATIONS UNDER THE UNIFIED DEVELOPMENT ORDINANCE

(UDO)

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO

This 16th day of April 2024

Prepared by and Return to:
Village of Oswego
100 Parkers Mill
Oswego, IL 60543

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on April 17th, 2023.

ORDINANCE NO. 24 - 38

AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS CHAPTER 1 ZONING SECTION 10-1-1 ADOPTING NEW ZONING REGULATIONS UNDER THE UNIFIED DEVELOPMENT ORDINANCE

(UDO)

WHEREAS, the Village of Oswego ("Village") has a population of more than 25,000 and is therefore a "Home Rule Unit" under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, Title 10 Zoning Regulations Chapter 1 Zoning Section 10-1-1 adopts the Village of Oswego's Zoning Ordinance; and

WHEREAS, the Village intends to replace the Zoning Ordinance with the Unified Development Ordinance, a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed Unified Development Ordinance on November 10, 2022, December 1, 2022, and December 15, 2022 and recommended approval; and

WHEREAS, the Zoning Commission held a public hearing on the proposed Unified Development Ordinance on April 4, 2024 and recommended approval; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") find that the Text Amendment promotes the public health, safety, comfort, convenience and general welfare; and

WHEREAS, the Corporate Authorities desire to rant the Text Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

Section 1: INCORPORATION

That the recitals set forth above are incorporated here by reference.

Section 2: APPROVAL

That the request to amend Title 10 Zoning Regulations Chapter 1 Zoning Section 10-1-1 Adoption of Ordinance adopting the Unified Development Ordinance is hereby approved and granted as set forth in the following exhibits:

Exhibit A: Unified Development Ordinance

Section 3: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 4: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: EFFECTIVE DATE

This Ordinance shall be in full force and effect on May 1, 2024. Publication in pamphlet form is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 16th day of April 2024.

TOM GUIST	AYE	JENNIFER JONES SINNOTT	AYE
KIT KUHRT	AYE	KARIN MCCARTHY-LANGE	AYE
KAREN NOVY	AYE	ANDREW TORRES	AYE

APPROVED By me, Ryan Kauffman, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this 16th day of April 2024.

_____
RYAN KAUFFMAN, VILLAGE PRESIDENT

_____
TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)

SS

COUNTY OF KENDALL)

CLERK'S CERTIFICATE
(ORDINANCE)

I, Tina Touchette**,** the duly qualified Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

AN ORDINANCE AMENDING TITLE 10 ZONING REGULATIONS CHAPTER 1 ZONING SECTION 10-1-1 ADOPTING NEW ZONING REGULATIONS UNDER THE UNIFIED DEVELOPMENT ORDINANCE

(UDO)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 16th day of April 2024, approved by the Village President on the 16th day of April 2024, and thereafter published in pamphlet form.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of April 2024.

_____

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

Unified Development Ordinance

Village of Oswego

May 1, 2024

TABLE OF CONTENTS

SECTION 1: TITLE AND APPLICABILITY 5
1.01 Title 5
1.02 Authority and Purpose 5
1.03 Applicability 5
1.04 Transition Rules 6
1.05 Interpretation 7
1.06 Enforcement 7
1.07 Safe Harbor Authorization 8
1.08 Severability 8
1.09 Effective Date 8
SECTION 2: ADMINISTRATIVE BODIES AND PROCEDURES 9
2.01 Purpose 9
2.02 Village Board 9
2.03 Planning and Zoning Commission 10
2.04 Historic Preservation Commission 10
2.05 Zoning Administrator 11
2.06 Application Procedure 11
2.07 Notice 13
2.08 Public Hearing 16
SECTION 3: ANNEXATION AND SUBDIVISION APPLICATION APPROVAL PROCEDURES 17
3.01 Purpose 17
3.02 Annexation Applications 17
3.03 Subdivision Applications 18
SECTION 4: ZONING APPLICATION APPROVAL PROCEDURES 22
4.01 Purpose 22
4.02 Site Plan Review 22
4.03 Special Use Permit 24
4.04 Variation 27
4.05 Administrative Adjustment 29
4.06 Text or Map Amendment 31
4.07 Appeal 33
4.08 Ordinance Interpretation 34
4.09 Floodplain Development Permit 34
4.10 Sign Permit 35
4.11 Temporary Use Permit 35
4.12 Historic Landmark or District 36
4.13 Certificate of Appropriateness 39
4.14 Certificate of Economic Hardship 41
SECTION 5: PLANNED UNIT DEVELOPMENTS 43
5.01 Purpose 43
5.02 Applicability 43
5.03 Procedure 44
5.04 Amendment to Approved Planned Unit Developments 47
5.05 Standards for Planned Unit Developments 47
5.06 Provision of Community Amenities 48
5.07 Expiration of Approved Planned Unit Developments 49

SECTION 6: NONCONFORMITIES.....50
6.01 Purpose.....50
6.02 Applicability.....50
6.03 Nonconforming Uses.....50
6.04 Nonconforming Structures.....51
6.05 Nonconforming Lots of Record.....52
6.06 Nonconforming Site Elements.....53
SECTION 7: SUBDIVISION DEVELOPMENT STANDARDS.....54
7.01 General Provisions.....54
7.02 Subdivision Design and Layout.....54
7.03 Conservation and Cluster Subdivision Design.....56
7.04 Street Standards.....59
7.05 Required Public Improvements.....68
7.06 Cash and Land Donations.....73
SECTION 8: ZONING DISTRICT REGULATIONS.....78
8.01 Purpose.....78
8.02 Applicability.....78
8.03 Development Standards of General Applicability.....78
8.04 Zoning Map.....79
8.05 Use of Land and Buildings.....79
8.06 Establishment of Zoning Districts and Purpose Statements.....80
8.07 Summary Table of Zoning Requirements.....82
8.08 FO Floodplain Overlay District.....83
8.09 A-1 Agricultural District.....85
8.10 Design Requirements for Residential Zoning Districts.....86
8.11 Residential Zoning Districts.....89
8.12 Design Requirements for Business Zoning Districts.....90
8.13 D-1 Downtown District.....92
8.14 B-1 Regional Business District.....93
8.15 Design Requirements for Manufacturing Zoning Districts.....94
8.16 M-1 General Manufacturing District.....96
SECTION 9: USES.....97
9.01 General Provisions.....97
9.02 Principal Uses and Structures.....98
9.03 Accessory Uses and Structures.....107
9.04 Temporary Uses and Structures.....119
9.05 Environmental Performance Standards.....121
SECTION 10: OFF-STREET PARKING AND LOADING.....123
10.01 General Provisions.....123
10.02 Off-Street Parking Spaces.....124
10.03 Bicycle Parking.....132
10.04 Parking Design Standards.....133
10.05 Pedestrian Circulation Systems.....136
10.06 Driveways.....137
10.07 Vehicle Stacking Requirements.....140
10.08 Recreational Vehicle Parking.....141
10.09 Off-Street Loading Facility Requirements.....142
SECTION 11: LANDSCAPE STANDARDS.....144
11.01 General Provisions.....144

11.02 Tree Preservation..... 145
11.03 Design, Installation, and Maintenance.....147
11.04 Street Trees..... 149
11.05 On-Lot Planting Requirements..... 150
11.06 Parking Lot Landscaping..... 151
11.07 Buffer Yards.....155
11.08 Screening Requirements..... 156
11.09 Outdoor Lighting..... 158
SECTION 12: SIGNS.....160
12.01 Purpose.....160
12.02 General Construction and Design Standards..... 160
12.03 Sign Measurement Standards.....162
12.04 Permanent Signs.....163
12.05 Temporary Signs.....177
12.06 Prohibited Signs.....179
12.07 Downtown Sign District..... 180
12.08 Motor Vehicle Sales Sign Standards.....180
SECTION 13: DEFINITIONS..... 181
13.01 Purpose.....181
13.02 Definition of Terms.....181

SECTION 1: TITLE AND APPLICABILITY

1.01 Title
1.02 Authority and Purpose
1.03 Applicability
1.04 Transition Rules
1.05 Interpretation
1.06 Enforcement
1.07 Safe Harbor Authorization
1.08 Severability
1.09 Effective Date

1.01 Title

This Title 10 of the Village of Oswego Municipal Code of Ordinances as amended is known, referred to, and cited as the "Village of Oswego Unified Development Ordinance," or "Ordinance."

1.02 Authority and Purpose

The provisions of this Ordinance are adopted pursuant to the authority granted to the Village, as a Home Rule Unit, by the Illinois Municipal Code. The purposes of this Ordinance are many, but foremost are to:

A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.

B. Ensure adequate light, air, open space, privacy, and access to property.

C. Implement the goals and objectives of the Village's Comprehensive Plan and the other land use policies of the Village.

D. Maintain and promote orderly land use patterns and development.

E. Facilitate the provision and sustainability of adequate public services and infrastructure.

F. Protect the Village's quality of life by ensuring that development is compatible and cohesive.

G. Promote development that sustainably manages environmentally sensitive issues.

H. Define the responsibilities of the Village's administrative bodies and establish procedures for the effective use of the provisions of this Ordinance.

1.03 Applicability

A. Jurisdiction. This Ordinance applies to all land, uses, and structures within the corporate limits of the Village of Oswego. The rules and regulations governing plats and subdivisions of land contained herein shall apply to all land within both the corporate limits of the Village of Oswego, and within unincorporated area within one and one-half (1 1/2) miles beyond the corporate limits of the Village as existing at the time of adoption or as may be extended thereafter by annexation or otherwise. In the event of overlapping jurisdiction within such one and one-half (1 1/2) miles, the extent of jurisdiction hereunder shall be as determined and agreed upon between Oswego and the other municipalities concerned, and in the absence of such agreement, as may be determined according to law. The

provisions of this Title shall also apply to all planned unit developments whether residential, commercial or otherwise in nature, and to any other developments whether a subdivision is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Title to apply to all types of development, both within the Village and to areas lying within one and one-half (1 1/2) miles of the corporate limits of the Village of Oswego, Will County, or Kendall County, Illinois.

B. General Applicability. The provisions of this Ordinance are interpreted and applied as the minimum requirements for the protection and promotion of the health, safety, comfort, convenience, and general welfare of the public to achieve the purposes for which this Ordinance was adopted.

C. General Prohibition. No structure, use of any structure or land, or lot of record or zoning lot may be established, enlarged, extended, altered, moved, divided, or maintained in any manner contrary to the provisions of this Ordinance.

D. Private Agreements. This Ordinance is not intended to nullify any easement, covenant, or other private agreement. The Village shall not enforce any private agreements.

E. Other Laws and Regulations. Unless specifically stated, this Ordinance controls over less restrictive ordinances, regulations, and statutes, while more restrictive ordinances, regulations, and statutes control over the provisions of this Ordinance. The more restrictive provision is the provision that imposes more stringent controls.

1.04 Transition Rules

The following transition rules apply in determining the applicability of this Ordinance with respect to the previously applicable regulations.

A. Existing Illegal Uses, Structures, and Lots. Any use, structure, or lot that was established illegally as of the effective date of this Ordinance, or its subsequent amendments, remains illegal if it does not conform with the requirements of this Ordinance.

B. Permitted Uses Rendered Special Uses. If a use was classified as a permitted use prior to the effective date of this Ordinance, and is classified as a special use as of the effective date of this Ordinance, or its subsequent amendments, that use is deemed a lawful special use. Any subsequent addition, enlargement, or expansion of that use must conform to this Ordinance's requirements for special uses.

C. Special Uses Rendered Permitted Uses. If a use was classified as a special use prior to the effective date of this Ordinance, then the Special Use granted together with any conditions or restrictions shall remain in full force and effect.

D. Uses Rendered Legally Nonconforming. If a use was classified as a permitted or special use prior to the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Section 6 (Nonconformities).

E. Structures and Lots Rendered Legally Nonconforming. If a structure or lot existing on the effective date of this Ordinance was conforming or legally nonconforming prior to the effective date of this Ordinance, and such structure or lot does not meet all standards set forth in this Ordinance, that

structure or lot is deemed legally nonconforming and is controlled by the provisions of Section 6 (Nonconformities).

F. Previously Issued Building Permits. If a building permit for a building or structure was lawfully issued prior to the effective date of this Ordinance, and if construction began within six months after the issuance of that permit and diligently pursued to completion, the structure may be completed based on the previously issued building permit, and may be occupied under an occupancy permit for the use originally intended upon completion. If the use was classified as a permitted or special use prior to the effective date of this Ordinance, and this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a legal nonconforming use and is controlled by the provisions of Section 6 (Nonconformities).

G. Previously Granted Special Uses and Variations. All special uses and variations granted prior to the effective date of this Ordinance remain in effect. The recipient of the special use or variation may proceed to develop the property in accordance with the plans and any applicable conditions approved by the Village Board. If the recipient has failed to act on the special use or variation before the approval expires, including any periods of extension granted, the provisions of this Ordinance govern.

1.05 Interpretation

A. Graphics, Tables, and Text. The graphics, tables, and text in this Ordinance are regulatory. The graphics in this Ordinance are representations of the standards of this Ordinance and are not intended to represent every circumstance which may arise in the Village. In case of a conflict, text controls over tables and graphics, and tables control over graphics.

B. Tense and Form. Words used in the present tense include the past and future tenses.

C. Number. The singular number includes the plural number, and vice versa.

D. Abbreviations. “N/A” is an abbreviation of “not applicable,” “ft” is an abbreviation of “feet,” and “sf” is an abbreviation of “square feet.”

E. Undefined Terms. Any words not defined in this Ordinance can be interpreted as defined in typical dictionary usage.

F. Lists. Lists of examples prefaced with “including the following,” “such as,” or similar phrases are not exclusive, and do not preclude the Zoning Administrator from interpreting the list to include similar, unspecified examples.

G. Computation of Time. References to “days” are to calendar days. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the Village, that day is excluded. A day concludes at the close of business of Village Hall and any materials received after that time will be considered to have been received the following day.

1.06 Enforcement

A. Enforcement. This Ordinance is enforced by the Zoning Administrator and Code Enforcement Officers . The Zoning Administrator may seek the assistance of the Village Attorney to enjoin, abate, or stop any violation of this Ordinance. The Zoning Administrator may seek the assistance of the Police

Department to enforce this Ordinance. The property owner charged with a violation of this Ordinance may be held responsible for any legal expenses incurred by the Village.

B. Penalties and Fines. Any person, firm, corporation, or organization of any kind who does not comply with any of the provisions of this Ordinance, or who resists its enforcement, will be penalized according to Appendix A "Comprehensive Fee Schedule" of the Village of Oswego Municipal Code for each violation. Each day that a violation exists or continues constitutes a separate offense with a separate fee. The accumulation of penalties for violations stops upon correction of the violation, but the obligation to pay for violations already committed does not.

1.07 Safe Harbor Authorization

The Village Board is expressly authorized to avoid the preemptive force of any provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by one or more of the following actions:

A. Changing the policy or practice that results in a substantial burden on religious exercise.

B. Retaining the policy or practice and exempting a substantially burdened religious exercise.

C. Providing exemptions form the policy or practice for applications that substantially burden religious exercise.

D. Using any other means to eliminate the substantial burden on religious exercise.

1.08 Severability

If any portion of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not nullify the validity of the remainder of this Ordinance. The effect of the judgment will be confined to the portion of the Ordinance immediately involved in the judgment rendered. If any court of competent jurisdiction decides that the application of any provision of this Ordinance is invalid as it pertains to a particular lot, structure, building, or use, the effect of the judgment is confined to such lot, structure, building, or use.

1.09 Effective Date

The effective date of this Ordinance is the date of its adoption, May 1, 2024**.**

SECTION 2: ADMINISTRATIVE BODIES AND PROCEDURES

2.01 Purpose
2.02 Village Board
2.03 Planning and Zoning Commission
2.04 Historic Preservation Commission
2.05 Zoning Administrator
2.06 Application Procedure
2.07 Notice
2.08 Public Hearing

2.01 Purpose

The purpose of this Section is to establish the specific duties and responsibilities of the Village Board, Planning and Zoning Commission, and Zoning Administrator as they relate to this Ordinance, and establish the application, notice, and public hearing procedures for this Ordinance.

2.02 Village Board

The Village Board has the following specific duties and responsibilities pursuant to this Ordinance. For additional information about the Village Board see Title 1 (Administrative) Chapter 7 (Board of Trustees) of the Municipal Code.

A. Make final decisions on applications for annexations, refer to Section 3.02 (Annexation Application).

B. Make final decisions on applications for preliminary and final plats, refer to Section 3.03 (Subdivision Application).

C. Make final decisions on applications for special use permits, refer to Section 4.03 (Special Use Permit) .

D. Make final decisions on applications for variations, refer to Section 4.04 (Variation).

E. Make final decisions on applications for text and zoning map amendments, refer to Section 4.06 (Text or Zoning Map Amendment).

F. Make final decisions on applications for planned unit developments, refer to Section 5 (Planned Unit Developments).

G. Make final decisions on the Village's comprehensive plan and proposed amendments to the adopted comprehensive plan.

H. Other responsibilities as designated by this Ordinance or by law.

2.03 Planning and Zoning Commission

The Planning and Zoning Commission has the following specific duties and responsibilities pursuant to this Ordinance. For additional information about the Planning and Zoning Commission see Title 2 (Boards and Commission) Chapter 11 (Planning and Zoning Commission) of the Municipal Code.

A. Make recommendations to the Village Board on applications for annexations, refer to Section 3.02 (Annexation Application).

B. Make recommendations to the Village Board on applications for preliminary plats of subdivision, refer to Section 3.03 (Subdivision Application).

C. Make recommendations to the Village Board on applications for special use permits, refer to Section 4.03 (Special Use Permit).

D. Make recommendations to the Village Board on applications for variations, refer to Section 4.04 (Variation).

E. Make recommendations to the Village Board on applications for text and zoning map amendments, refer to Section 4.06 (Text or Zoning Map Amendment).

F. Make final decisions on applications for appeals, refer to Section 4.07 (Appeals).

G. Make recommendations to the Village Board on applications for planned unit developments, refer to Section 5 (Planned Unit Developments).

H. Prepare and recommend a comprehensive plan to the Village Board and propose amendments to the plan from time to time.

I. Other responsibilities as designated by this Ordinance or by the Village Board.

2.04 Historic Preservation Commission

The Historic Preservation Commission has the following specific duties and responsibilities pursuant to this Ordinance. For additional information about the Historic Preservation Commission see Title 2 (Boards and Commission) Chapter 6 (Historic Preservation Commission) of the Municipal Code.

A. Make recommendations to the Village Board on applications for historic landmarks or districts, refer to Section 4.12 (Historic Landmark or District).

B. Make final decisions on applications for certificates of appropriateness, refer to Section 4.13 (Certificates of Appropriateness).

C. Make final decisions on applications for certificates of economic hardship, refer to Section 4.14 (Certificates of Economic Hardship).

2.05 Zoning Administrator

The Director of Development Services is considered the Zoning Administrator and has the following duties and responsibilities pursuant to this Ordinance. For the purposes of this Ordinance, the Zoning Administrator may delegate duties and responsibilities to a Village official or employee.

A. Review and make final decisions on applications for minor subdivisions, refer to Section 3.03.E (Minor Subdivision).

B. Review and make final decisions on applications for site plan review, refer to Section 4.02 (Site Plan Review).

C. Review and make final decisions on applications for administrative adjustments, refer to Section 4.05 (Administrative Adjustment).

D. Review and make final decisions on applications for ordinance interpretations, refer to Section 4.08 (Ordinance Interpretation).

E. Review and make final decisions on applications for floodplain development permits, refer to Section 4.09 (Floodplain Development Permit).

F. Review and make final decisions on applications for sign permits, refer to Section 4.10 (Sign Permit).

G. Review and make final decisions on applications for temporary use permits, refer to Section 4.11 (Temporary Use Permit).

H. Review and forward applications for annexations, refer to Section 3.02 (Annexation Application); preliminary and final plats, refer to Section 3.03 (Subdivision Application); special use permits, refer to Section 4.03 (Special Use Permit); variations, refer to Section 4.04 (Variation); text and zoning map amendments, refer to Section 4.06 (Text or Zoning Map Amendment); appeals, refer to Section 4.07 (Appeal); historic landmarks or districts, refer to 4.12 (Historic Landmark or District); certificates of appropriateness, refer to 4.13 (Certificate of Appropriateness); certificates of economic hardship, refer to 4.14 (Certificates of Economic Hardship); planned unit developments, refer to Section 5 (Planned Unit Developments); and other administrative reviews required by this Ordinance to the Planning and Zoning Commission, Historic Preservation Commission, or Village Board, as specified.

I. Maintain and make available permanent and current records of this Ordinance and the Zoning Map.

J. Maintain and make available permanent and current records as required by this Ordinance including, but not limited to, relevant information and official action regarding zoning applications.

K. Other responsibilities as designated by this Ordinance, the Village Board, or the Planning and Zoning Commission.

2.06 Application Procedure

A. Authorization. Any property owner in the Village, or property proposed for location within the Village in the case of annexation applications, or any individual expressly identified by a property owner in writing, is authorized to file an application for annexation, subdivision, floodplain development permit, site plan review, special use permit, variation, administrative adjustment, text amendment,

zoning map amendment, appeal, ordinance interpretation, sign permit, temporary use permit, historic landmark or district, certificate of appropriateness, or certificate of economic hardship.

B. Pre-Application Consultation. Prior to filing an application, the applicant may arrange a pre-application consultation with the Zoning Administrator to discuss the application. At the pre-application consultation, the Zoning Administrator will provide the applicant with guidance on the application procedure and the evaluation of applications.

C. Filing. All applications must be filed with the Zoning Administrator on forms provided by the Village. Applications must be filed in such number as requested by the Village, with plans at a scale that is sufficient to allow a clear understanding of the proposal, and with all of the contents required by the application, as determined by the Zoning Administrator.

D. Fees. Every application must be accompanied by the required fee as established and modified from time to time by the Village Code. Until the fee is paid, no steps will be taken to process the application. Applications initiated by the Village are exempt from fees. Applicants will also be required to pay any professional fees accrued at the conclusion of the Village's evaluation of the application.

E. Completeness. The Zoning Administrator determines whether an application is complete. Upon determining that the application is complete, the Zoning Administrator notifies the applicant and the application is scheduled for consideration by the appropriate board, commission, or official. Upon determining that the application is deficient, the Zoning Administrator notifies the applicant and no steps are taken to process the application until the deficiencies are rectified. An application is not considered on-file until the Zoning Administrator determines the application is complete.

F. Conditions of Approval. Any conditions of approval specified by the Planning and Zoning Commission, the Historic Preservation Commission, or the Village Board must relate to a situation created by the proposed use or development, and must be roughly proportional to the impacts of the use or development.

G. Failure to Act. The Zoning Administrator, Historic Preservation Commission, or Planning and Zoning Commission's failure to issue a decision or make a recommendation on any application within the applicable period specified in this Ordinance is deemed approval of, or a recommendation for approval of, such application. The Village Board's failure to issue a decision on any application within the applicable period specified in this Ordinance is deemed denial of such application.

H. Withdrawal of Application. An applicant has the right to withdraw an application at any time prior to the decision on the application by the Village Board, Planning and Zoning Commission, Historic Preservation Commission, or Zoning Administrator. Application fees for withdrawn applications will not be refunded.

I. Successive Application. A successive application for an application that has been denied will not be reviewed or heard within one year after the date of denial, except if substantial new information has become known since the denial. A successive application filed within one year of the date of denial must include detailed information that justifies its consideration. The Zoning Administrator determines whether a successive application is appropriate for submittal.

J. Public Examination of Application. Any person may examine any application and any of the application's supporting materials, subject to the Illinois Freedom of Information Act (5 ILCS 140). Upon reasonable request, any person is entitled to copies of the application and related documents.

2.07 Notice

The administrative body conducting a hearing or making a decision will not hear or review an application unless the applicant substantially complies with the notice requirements of this Section. Figure 2.07.1 Types of Required Notice indicates the types of notice required prior to public hearings or decisions on each of the applications. The failure to provide notice by mail is not jurisdictional to any relief granted.

Figure 2.07.1 Types of Required Notice

Application	Notice Type		
	Published	Mailed/Delivered	Posted Sign
Annexation, Section 3.02	✓	✓	
Preliminary Plat of Subdivision, Section 3.03.F.2	✓	✓	✓
Special Use Permit, Section 4.03	✓	✓	✓
Variation, Section 4.04	✓	✓	✓
Administrative Adjustment, Section 4.05		✓	
Text Amendment, Section 4.06	✓		
Zoning Map Amendment, Section 4.06	✓	✓	✓
Appeal, Section 4.07	✓		
Historic Landmark or District, Section 4.12	✓	✓	✓
Planned Unit Development, Section 5	✓	✓	✓
*Note: A check mark (✓) indicates that the specified type of notice is required.			

A. Published Notice.

1. Applicability. Published notice of a public hearing is provided by the Village.

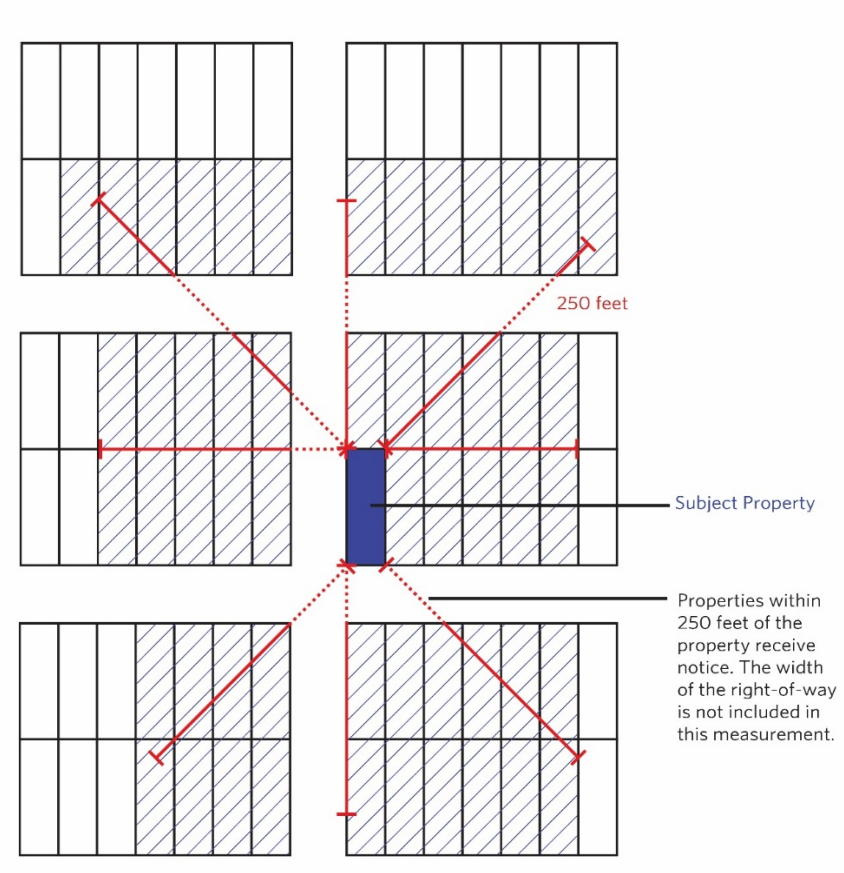
2. Time Frame.
   a. Newspaper. Published notice must be provided in a newspaper of general circulation within the Village 15 to 30 days in advance of the scheduled hearing date.
   b. Internet. The Village must provide additional published notice of the hearing on the Village's website at least 15 days in advance of the scheduled hearing date.

3. Content. The notice must include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, PIN number, and the address or description of the subject property.

B. Mailed or Delivered Notice.

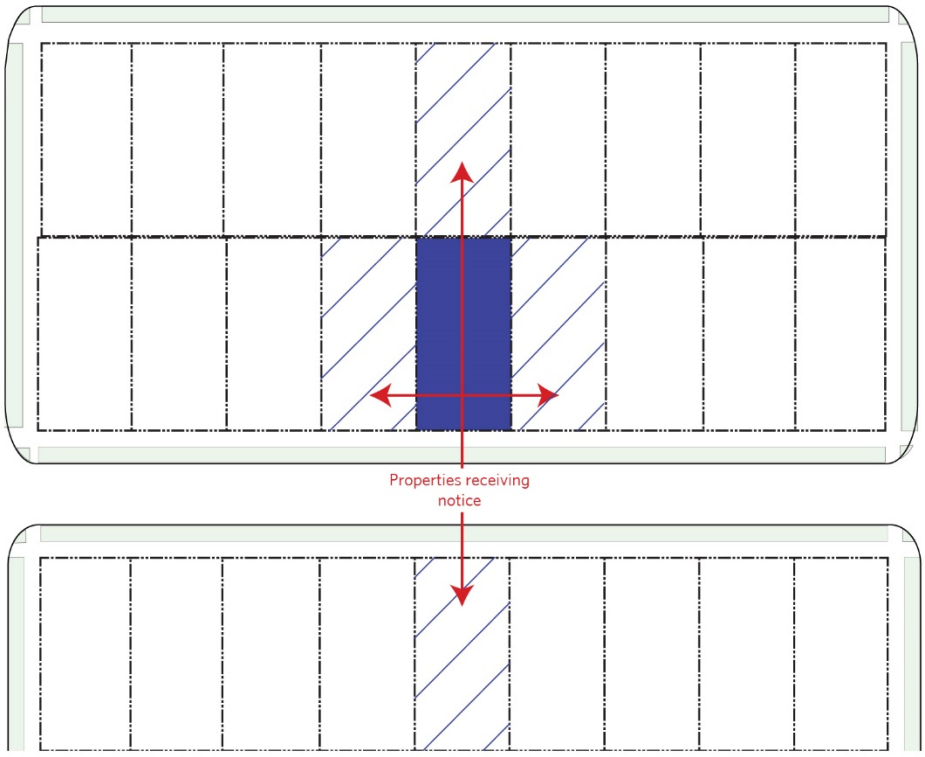
1. Annexations, Preliminary Plats of Subdivision, Special Use Permits, Variations, Zoning Map Amendments, Historic Landmarks, Historic Districts, and Planned Unit Developments.
   a. Applicability. Mailed or delivered notice is provided by the applicant.
   b. Time Frame. The notice must be provided 15 to 30 days in advance of the scheduled hearing date.
   c. Notice to Neighboring Properties. Mailed or delivered notice must be provided by the applicant to the owners of all properties located within 250 feet of the lot line of the subject property. The area occupied by any public right-of-way is not included as part of this 250-foot requirement. The applicant must provide notice via regular mail to every property within 250 feet of the subject property. The requirements of this Section do not prevent the applicant from providing additional notice to properties located more than 250 feet from the lot line of the subject property as the applicant may deem appropriate. The applicant must prepare an affidavit stating that notice was provided to each property stating the names, addresses, and property identification numbers of all notice recipients. See Figure 2.07.2 Notice to Neighboring Properties: 250 Feet. Failure to deliver all notices is jurisdictional and does not affect the validity of the approving ordinance so long as the applicant substantially complies with this ordinance in the opinion of the Zoning Administrator.
   d. Contents. The notice must include the date, time, location, and purpose of the hearing, the name of the body holding the hearing, the name of the applicant, and the address of the subject property.

Figure 2.07.2 Notice to Neighboring Properties: 250 Feet



2. Administrative Adjustments.
   a. Applicability: Mailed or delivered notice is provided by the applicant.
   b. Time Frame. The notice must be provided at least15 days prior to the date that the Zoning Administrator indicates that a decision will be rendered on the application.
   c. Notice to Neighboring Properties. Mailed or delivered notice must be provided by the applicant via regular mail to the owners of all properties located adjacent to and across the street from the subject property. The requirements of this Section do not prevent the applicant from providing additional notice as the applicant may deem appropriate. The applicant must prepare an affidavit stating that notice was provided to each property stating the names, addresses, and property identification numbers of all notice recipients. See Figure 2.07.3 Notice to Neighboring Property Owners: Adjacent and Across the Street.
   d. Contents. The notice must include the date the Zoning Administrator will make a determination, the nature of the request, the name of the applicant, and the address of the subject property.

Figure 2.07.3 Notice to Neighboring Properties: Adjacent and Across the Street



C. Posted Sign Notice.

1. Applicability. Posted sign notice of a public hearing must be provided by the Village and posted by the applicant.

2. Time Frame. The notice must be provided 15 to 30 days in advance of the scheduled hearing date.

3. Location. Posted sign notice must be located on the property so that it is legible to passersby. A minimum of one sign must be provided per street frontage.

4. Contents. The notice must include the date, time, location, and purpose of the hearing.

5. Requirement Modifications. The Zoning Administrator may modify the posted sign notice requirements when these requirements are found to be inappropriate or ineffective in providing the intended notice. Modifications to the posted sign notice may include content, quantity, and location.

6. Removal. Posted signs must be removed two or fewer days after the scheduled hearing by the applicant. In the event of a continuance, the signs shall remain posted until the public hearing is closed.

2.08 Public Hearing

A. Call for Public Hearings. All public hearings are held at the call of the chairperson of the hearing body and are open to the public.

B. Testimony. Any person who attends a public hearing may appear and present testimony regarding an application. All testimony must be given under oath or by affirmation.

C. Voting. The hearing body must keep minutes of its proceedings that show the vote of each member of the hearing body upon each application, or whether the member was absent, or failed to vote.

D. Meetings and Records. The hearing body must keep records of its hearings, and evaluation standards must be included in the minutes of each application specifying the reasons for the hearing body's decision. Every determination of the hearing body must be part of the public record.

E. Rules of Procedure. The hearing body's rules of procedure must not conflict with this Ordinance or with state statutes.

SECTION 3: ANNEXATION AND SUBDIVISION APPLICATION APPROVAL PROCEDURES

3.01 Purpose
3.02 Annexation Application
3.03 Subdivision Application

3.01 Purpose

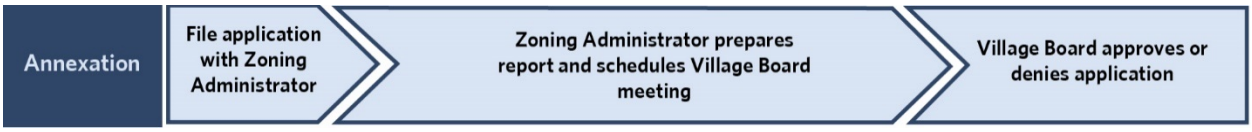
The purpose of this Section is to establish the applicability, procedures, requirements, and approval standards for the Village's annexation and subdivision applications.

3.02 Annexation Applications

A. Purpose. The purpose of this application is to provide a procedure for annexation of unincorporated land to the Village of Oswego. It is specifically intended to manage the fiscal impacts of annexation, enhance the character of Village neighborhoods, and strengthen Oswego's economic resources.

B. Procedure. See Figure 3.02.1 Annexation Application Procedure.

Figure 3.02.1 Annexation Application Procedure



1. Action by the Zoning Administrator
   a. An application for annexation, including an annexation agreement, must be filed with the Zoning Administrator in accordance with 2.05 (Application Procedure).
   b. Upon the Zoning Administrator's determination that the application is complete, the Zoning Administrator must prepare a report for the Village Board and schedule the application for consideration by the Village Board.

2. Action by the Village Board
   a. The Village Board must consider the application within 60 days after receiving the report from the Zoning Administrator. The 60-day period may be extended with the written consent of the applicant.
   b. The Village Board must evaluate the application based upon the Zoning Administrator's report and the Village Board's evaluation of the application.
   c. The Village Board must take action in the form of approval or denial of the application.

3. Annexed Land Classification. Any property annexed to the Village will automatically be classified R-1 Single-Unit Dwelling District upon annexation and is subject to the requirements of the R-1 District until the property is rezoned, unless the property is designated otherwise as part of an annexation agreement.

3.03 Subdivision Applications

A. Purpose. The purpose of this application is to provide a procedure for the subdivision or resubdivision of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.

B. Applicability. An applicant must comply with these regulations in order to divide, consolidate, or alter the boundaries of a lot within the Village or within its extraterritorial jurisdiction, as described in Section 1.03.A (Applicability). The Village will not grant any permits for the improvement or occupancy of any lot until the requirements of this Section have been met and the subdivision application has been approved. Following these steps, the final plat must be recorded with the Kendall and/or Will County Recorder of Deeds and a copy of the recorded subdivision must be deposited with the Village.

C. Subdivision Development Standards. All subdivisions must comply with the development standards established in Section 7.00 (Subdivision Development Standards) and Section 8.00 (Zoning District Regulations).

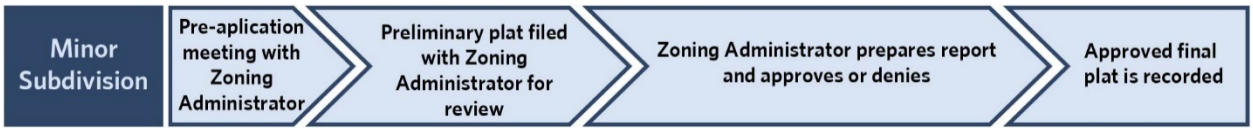
D. Subdivision Classification. Subdivisions are classified as either minor subdivisions approved by the Zoning Administrator, or major subdivisions approved by the Village Board. Applications for minor subdivisions and major subdivisions must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure).

1. Minor Subdivision. A minor subdivision involves any of the following:
   a. The division of a single lot into three or fewer lots which front on an existing right-of-way that is not a state or county highway, is served by existing utilities, does not require the dedication of land for public rights-of-way, parks, or other public purposes, does not require any other public improvements, and does not require any exceptions or variances from this Ordinance.
   b. The consolidation of, or change in the boundary between, three or fewer adjoining lots.

2. Major Subdivision. A major subdivision involves any of the following:
   a. The division of a single lot into four or more lots.
   b. Any division or consolidation that involves the construction of new rights-of-way, access to a state or county highway, the extension of utilities, the dedication of land for public rights-of-way, parks, or other public purposes, requires any other improvements, or requires exceptions or variations from this Ordinance.
   c. The consolidation of, or change in the boundary between, four or more adjoining lots.
   d. Any division or consolidation that involves conservation and cluster subdivision design in accordance with the standards of Section 7.03 (Conservation and Cluster Subdivision Design).

E. Minor Subdivision Procedure. Approval of a minor subdivision requires a pre-application consultation, preliminary plat approval, and final plat approval. The applicant may submit concurrent applications for the preliminary plat and final plat, in which case the preliminary plat and the final plat are comprised of the same document. See Figure 3.03.1 Minor Subdivision Application Procedure.

Figure 3.03.1 Minor Subdivision Application Procedure



1. Pre-Application Consultation. The required pre-application consultation allows the applicant to receive advice and assistance from the Zoning Administrator and appropriate Village staff prior to preparing the required preliminary plat.
   a. The applicant must provide a required sketch plan of the proposed subdivision showing the layout of lots and other features in relation to existing conditions.
   b. During the pre-application consultation, the Zoning Administrator will determine if the proposed subdivision is exempt from any items required in the preliminary plat submittal.

2. Approval of Preliminary and Final Plats. The required preliminary plat and final plat allow the applicant to obtain final minor subdivision application approval from the Zoning Administrator.

3. Action by the Zoning Administrator.
   a. Upon determining that the application is complete, the Zoning Administrator must evaluate the application pursuant to the standards of Section 7.00 (Subdivision Development Standards) and Section 8.00 (Zoning District Regulations). The Zoning Administrator may consult with other staff during the evaluation process.
   b. The Zoning Administrator must prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval or denial of the application.
   c. If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Administrator for review and approval.
   d. If the preliminary plat is denied, the applicant may appeal the decision to the Planning and Zoning Commission within 30 days after the date of the decision in accordance with Section 4.07 (Appeal).
   e. Following final plat approval by the Zoning Administrator, the Zoning Administrator may sign the approved final plat.

4. Recording the Final Plat. The final plat must be sent by the Village to be recorded within 90 days after Zoning Administrator approval of the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval may be revoked if the final plat is not sent by the Village to be recorded within such timeframe, including any agreed upon extensions of time.
   a. The Village will record the final plat with the Kendall and/or Will County Recorder of Deeds. One copy of the recorded final plat must be retained by the Village.
   b. A building permit will not be issued for the subject property until the final plat has been sent by the Village to be recorded.

F. Major Subdivision Procedure. Approval of a major subdivision requires a pre-application consultation, preliminary plat approval, and final plat approval. The applicant may submit concurrent applications for the preliminary plat and final plat, in which case the preliminary plat and the final plat are comprised of the same document. Notice of hearings must be provided in accordance with Section 2.07 (Notice). See Figure 3.03.2 Major Subdivision Application Procedure .

Figure 3.03.2 Major Subdivision Application Procedure

1. Pre-Application Consultation. The required pre-application consultation allows the applicant to receive advice and assistance from the Zoning Administrator and appropriate Village staff prior to preparing the required preliminary plat.
   a. The applicant must provide a sketch plan of the proposed subdivision showing the layout of lots, stormwater detention areas, and other features in relation to existing conditions.
   b. During the pre-application consultation, the Zoning Administrator will determine if the proposed subdivision is exempt from any items required in the preliminary plat submittal.

2. Preliminary Plat Approval. The required preliminary plat allows the applicant to obtain final approval of the preliminary plat from the Planning and Zoning Commission and the Village Board. The application must include a traffic study prepared by a professional engineer that indicates the traffic impact of the proposed development, except when exempted from this requirement by the Zoning Administrator.
   a. Action by the Zoning Administrator.
      (1) Upon determining that the application is complete, the Zoning Administrator must evaluate the application pursuant to the standards of Section 7.00 (Subdivision Development Standards) and Section 8.00 (Zoning District Regulations). The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.
      (2) The Zoning Administrator will prepare a report for the Planning and Zoning Commission based upon the standards of this Ordinance and schedule the application for consideration by the Planning and Zoning Commission.
   b. Action by the Planning and Zoning Commission.
      (1) The Planning and Zoning Commission must conduct a public hearing on a proposed preliminary plat at a meeting in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
      (2) The Planning and Zoning Commission must recommend approval or denial of the application.
      (3) The Planning and Zoning Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.
   c. Action by the Village Board.
      (1) The Village Board must consider the application at a meeting within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
      (2) The Village Board must take action in the form of approval or denial of the application.
         (a) If a preliminary plat is approved, the applicant may prepare a final plat and submit it to the Zoning Administrator for review. After the Zoning Administrator determines that the submitted final plat is consistent with the approved preliminary plat, the application may proceed to the Village Board for approval as a final plat.
         (b) If a preliminary plat is denied, the Village Board must state the reason for the denial.

3. Final Plat Approval. The required final plat allows the applicant to obtain approval of the final plat from the Village Board.
   a. Action by the Zoning Administrator.
      (1) The Zoning Administrator must review the submitted final plat and determine whether the application is complete and that the submitted final plat is consistent with the approved preliminary plat.
      (2) Upon acceptance of a complete application consistent with the approved preliminary plat, the Zoning Administrator must prepare a report for the Village Board based upon the standards of this Ordinance and schedule the application for consideration by the Village Board.

b. Action by Village Board.
   (1) The Village Board must consider the application at a meeting within 60 days after receiving the report of the Zoning Administrator. The 60-day period may be extended with the written consent of the applicant.
   (2) The Village Board must take action in the form of approval or denial of the application.
c. Recording of the Final Plat. Construction security must be established per Section 7.05.C (Construction Security) prior to recording the final plat. The final plat must be sent by the Village to be recorded within 90 days after Village Board approval of the final plat. The applicant may request an extension of time in writing if such extension is agreed to by the Zoning Administrator. The plat approval will expire if the final plat is not sent by the Village to be recorded in such timeframe, including any agreed upon extensions of time.
   (1) The Village will record the final plat with the Kendall and/or Will County Recorder of Deeds. One copy of the recorded final plat will be retained by the Village.
   (2) A building permit will not be issued for the subject property until the final plat has been sent by the Village to be recorded.
d. Expiration of Preliminary and Final Plat Approval.
   (1) Expiration of Preliminary Plat Approval. Preliminary plat approval may be revoked by action of the Village Board if an application for approval of a final plat has not been filed within two years after approval of the preliminary plat.
   (2) Expiration of Final Plat Approval. Final plat approval may be revoked by action of the Village Board if construction of subdivision improvements has not begun within two years of final plat approval.
   (3) Extension of Approval. The applicant may extend the expiration period for an approved preliminary or final plat by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

G. Illegal Recording. A subdivision may not be recorded until it has been approved in accordance with these regulations. A subdivision that is recorded without approval is invalid. The Village will nullify the illegal recording and have it stricken from county records. The Village is authorized to prosecute the parties responsible for the illegal recording in addition to all other remedies available to the Village at law or in equity.

SECTION 4: ZONING APPLICATION APPROVAL PROCEDURES

4.01 Purpose
4.02 Site Plan Review
4.03 Special Use Permit
4.04 Variation
4.05 Administrative Adjustment
4.06 Text or Map Amendment
4.07 Appeal
4.08 Ordinance Interpretation
4.09 Floodplain Development Permit
4.10 Sign Permit
4.11 Temporary Use Permit
4.12 Historic Landmark or District
4.13 Certificate of Appropriateness
4.14 Certificate of Economic Hardship

4.01 Purpose

The purpose of this Section is to establish the applicability, procedures, requirements, and approval standards for each of the Village's zoning applications, and ensure they conform to federal, state, and local regulations.

4.02 Site Plan Review

A. Purpose. The purpose of this site plan review application is to ensure development and redevelopment that is harmonious with surrounding properties, and consistent with the intent of the Comprehensive Plan and this Ordinance.

B. Applicability. Approval of a site plan review application is required for the following:

1. New construction of a principal structure or use in any zoning district, except for single-unit dwelling and two-unit dwelling uses.

2. An addition to a building in any zoning district that increases the gross floor area of the building by ten percent.

3. New construction of an accessory dwelling unit in any zoning district.

4. New construction, expansion, reconstruction, or reduction of an off-street parking lot, tandem parking facility, shared parking facility, or any loading facility.

5. Any development that requires review through the Kendall County Stormwater Management Ordinance.

C. Procedure. See Figure 4.02.1 Site Plan Review Application Procedure.

Figure 4.02.1 Site Plan Review Application Procedure

1. Action by the Zoning Administrator
   a. An application for site plan review must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. Upon determining that the application is complete, the Zoning Administrator must evaluate the application based upon each of the standards of Section 4.02.D (Standards for Site Plan Review). The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.
   c. The Zoning Administrator must prepare a report and take action in the form of approval, approval with conditions, or denial of the application within 60 days after receipt of a complete application.

D. Standards for Site Plan Review. The Zoning Administrator must evaluate applications for site plan review with specific written findings based on each of the standards of this Section.

1. The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

2. The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.

3. The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

4. The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

5. The site plan must accommodate on-site pedestrian circulation from parking areas, plazas, open space, and public rights-of-way. Pedestrian and vehicular circulation must be separated to the greatest extent possible.

6. The site plan must locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements must be provided when appropriate.

7. The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

8. The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Amendment to Approved Site Plan. Any change to an approved site plan that minimally affects the essential design, composition, and character of the site plan may be considered a minor amendment. The Zoning Administrator must make a decision on a request for a minor amendment in accordance

with Section 4.02.D (Standards for Site Plan Review) or determine that any received application must be resubmitted for a new site plan review in accordance with Section 4.02 (Site Plan Review). Minor amendments include the following:

1. Any change in gross floor area of the development by less than five percent.

2. Any change in the building height of the development by less than five percent.

3. Any change in the proportion of the impervious coverage of the development by less than five percentage points

4. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.

5. Any change in the number of off-street parking spaces provided within the development by less than 10 percent.

F. Expiration of Site Plan Approval. Site plan approval may be revoked if either of the following conditions occur.

1. A building permit has not been obtained within one year after approval of the site plan. The applicant may request one six-month extension of this period by means of a written request filed no later than 30 days prior to the expiration of the one-year period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The standards of this Ordinance or any of the terms and conditions of the site plan approval are violated.

4.03 Special Use Permit

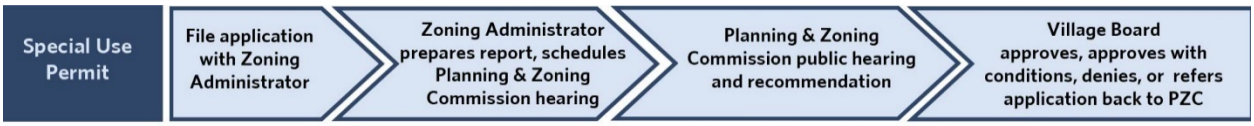
A. Purpose. The purpose of this special use application is to provide for uses which may have a special, unique, or unusual impact upon the use of neighboring property.

B. No Presumption of Approval. A use established as a special use in Section 9.0 (Uses) does not constitute a presumption that an application for such special use will be approved. Each proposed special use must be evaluated on an individual basis with regard to the applicable standards of this Ordinance to determine whether approval of the special use is appropriate at the particular location in the manner proposed.

C. Expansion or Alteration. Any addition, enlargement, or expansion of 10% or more of a use holding a special use permit must require a new special use permit.

D. Procedure. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.03.1 Special Use Permit Application Procedure.

Figure 4.03.1 Special Use Permit Application Procedure



1. Action by the Zoning Administrator
   a. An application for a special use permit must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission based on the standards of Section 4.03.E (Standards for Special Use Permits) and schedule the application for consideration by the Planning and Zoning Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

2. Action by the Planning and Zoning Commission
   a. The Planning and Zoning Commission must conduct a public hearing on the application in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
   b. The Planning and Zoning Commission must evaluate the application based on the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of Section 4.03.E (Standards for Special Use Permits).
   c. The Planning and Zoning Commission must recommend approval, approval with conditions, or denial of the application. In recommending approval, the Planning and Zoning Commission may:
      (1) Recommend conditions on the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.
      (2) Recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
   d. The Planning and Zoning Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.

3. Action by the Village Board
   a. The Village Board must consider the application within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
   b. The Village Board must evaluate the application based on the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence presented at the public hearing, and each of the standards of Section 4.03.E (Standards for Special Use Permits).
   c. The Village Board must take action in the form of approval, approval with conditions, denial, or referral of the application back to the Planning and Zoning Commission for further consideration. In approving a special use permit, the Village Board may:
      (1) Require conditions on the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to protect the public interest.
      (2) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.

E. Standards for Special Use Permits. The Village Board, Planning and Zoning Commission, and Zoning Administrator must evaluate applications for special use permits with specific written findings based on each of the standards of this Section.

1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.

2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.

3. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.

4. The proposed special use will not require utilities, access roads, drainage and/or other facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, and not generate disproportionate demand for new services or facilities in a way that places an undue burden on existing development in the area.

5. The proposed special use is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

F. Expiration of Special Use Permit Approval. Special use permit approval may be revoked if any of the following conditions occur.

1. The use has not commenced or a building permit has not been obtained within one year after approval of the special use permit. The applicant may request one extension of this period for up to one additional year by means of a written request filed at least 30 days prior to the expiration of the initial one-year period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The licenses or permits required for the operation or maintenance of the use are not obtained or are subsequently terminated.

3. The standards of this Ordinance or any of the terms and conditions of the special use permit are violated.

4. The operation of the use for which a special use permit has been issued ceases for a period of six consecutive months.

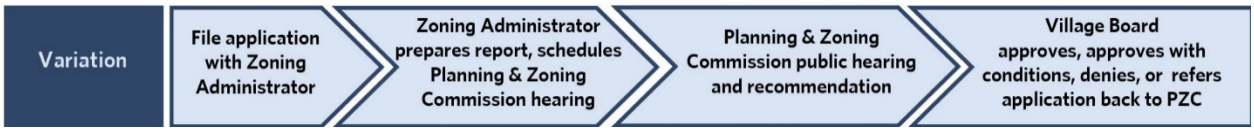
4.04 Variation

A. Purpose. The purpose of this variation application is to grant relief from the regulations of this Ordinance to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property. The purpose of the variation process is not to provide relief from the use permissions of this Ordinance.

B. Applicability. Any application for relief from the regulations of this Ordinance that is not established as an administrative adjustment in Section 4.05 (Administrative Adjustment) or as part of a PUD is considered a variation.

C. Procedure. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.04.1 Variation Application Procedure.

Figure 4.04.1 Variation Application Procedure



1. Action by the Zoning Administrator
   a. An application for a variation must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission based on each of the standards of Section 4.04.D (Standards for Variations) and schedule the application for consideration by the Planning and Zoning Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

2. Action by the Planning and Zoning Commission
   a. The Planning and Zoning Commission must conduct a public hearing on the application in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
   b. The Planning and Zoning Commission must evaluate the application based on the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of Section 4.04.D (Standards for Variations).
   c. The Planning and Zoning Commission must recommend approval, approval with conditions, or denial of the application. In recommending approval, the Planning and Zoning Commission may:
      (1) Recommend conditions on the establishment, location, construction, maintenance, and operation of the property that receives a variation as deemed necessary to protect the public interest.
      (2) Recommend approval of a variation from the regulations of this Ordinance less than that requested by the applicant, if the Planning and Zoning Commission finds that the applicant is entitled to some relief, but not to the entire relief requested, based on each of the standards of Section 4.04.D (Standards for Variations).
      (3) Recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
   d. The Planning and Zoning Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.

3. Action by the Village Board
   a. The Village Board must consider the application within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
   b. The Village Board must evaluate the application based on the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence presented at the public hearing, and each of the standards of Section 4.04.D (Standards for Variations).
   c. The Village Board must take action in the form of approval, approval with conditions, denial, or referral of the application back to the Planning and Zoning Commission for further consideration. In approving a variation, the Village Board may:
      (1) Impose conditions on the establishment, location, construction, maintenance, and operation of the property that receives a variation as deemed necessary to protect the public interest.
      (2) Grant a variation from the regulations of this Ordinance less than that requested by the applicant, if the Village Board finds that the applicant is entitled to some relief, but not to the entire relief requested, based on each of the standards of Section 4.04.D (Standards for Variations).
      (3) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.
   d. A two-thirds favorable vote of the Village Trustees is required to approve the application if the Planning and Zoning Commission recommends denial of the application.

D. Standards for Variations. The Village Board, Planning and Zoning Commission, and Zoning Administrator must evaluate applications for variations with specific written findings based on each of the standards of this Section.

1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

3. The proposed variation alleviates an undue hardship created by the literal enforcement of this Ordinance.

4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not created by the applicant.

5. The proposed variation represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject property.

6. The proposed variation is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Transferability. Variation approval runs with the land and is not affected by changes of ownership, tenancy, or management.

F. Expiration of Variation Approval. Variation approval may be revoked if any of the following conditions occur.

1. A building permit has not been obtained within one year after approval of the variation. The applicant may request one six-month extension of this period by means of a written request filed at

least 30 days prior to the expiration of the initial six-month period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The standards of this Ordinance or any of the terms and conditions of the variation are violated.

4.05 Administrative Adjustment

A. Purpose. The purpose of this administrative adjustment application is to allow development that deviates from the specific regulations of this Ordinance within a narrowly defined set of circumstances to the extent that literal enforcement of such regulations creates particular hardships or practical difficulties in developing property due to the unique attributes of the property.

B. Applicability. Any application to allow development that deviates from the specific regulations of this Ordinance established in this Section is considered an administrative adjustment.

1. A reduction of the minimum required lot area up to 5 percent.

2. A reduction of the minimum required lot width up to 5 percent.

3. An increase in the maximum permitted impervious coverage by five percentage points or less.

4. A reduction of the minimum required front setback up to 10 percent.

5. An increase in the maximum permitted front setback up to 10 percent.

6. A reduction of the minimum required corner side setback up to 10 percent.

7. An increase in the maximum permitted corner side setback up to 10 percent.

8. A reduction of the minimum required interior side setback up to 10 percent.

9. A reduction of the minimum required rear setback up to 10 percent.

10. A reduction of the minimum required street frontage up to 5 percentage points.

11. A reduction of the minimum required off-street parking up to 5 percent, or four spaces, whichever is higher.

12. A reduction of the required runoff infiltration for parking lot landscape areas up to 10 percent.

C. Procedure. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.05.1 Administrative Adjustment Application Procedure.

Figure 4.05.1 Administrative Adjustment Application Procedure

1. An application for an administrative adjustment must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).

2. After determining that the application is complete, the Zoning Administrator must evaluate the application based on each of the standards of Section 4.05.D (Standards for Administrative Adjustments). The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

3. Due to the nature of an application for an administrative adjustment, the Zoning Administrator may determine that the application must be resubmitted as a variation in accordance with Section 4.04 (Variation) even if it meets the criteria for an administrative adjustment Section 4.05.B (Applicability).

4. A property owner that receives notice of an administrative adjustment application may object to the application by written submission to the Zoning Administrator, prior to the Zoning Administrator's decision on the application. Any administrative adjustment application for which an objection is received from a noticed property owner must be resubmitted as a variation in accordance with Section 4.04 (Variation).

5. The Zoning Administrator must prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval, approval with conditions, or denial of the application. In approving an administrative adjustment, the Zoning Administrator may:
   a. Require conditions on the establishment, location, construction, maintenance, and operation of the property that receives an administrative adjustment as deemed necessary to protect the public interest.
   b. Grant an administrative adjustment less than that requested by the applicant if the Zoning Administrator finds that the applicant is entitled to some deviation from the specific regulations of this Ordinance, but not to the entire amount requested, based on each of the standards of Section 4.05.D (Standards for Administrative Adjustments).

6. If the Zoning Administrator denies an application for an administrative adjustment, the applicant may not appeal the decision in accordance with Section 4.07 (Appeal); instead the applicant may apply for a variation in accordance with Section 4.04 (Variation).

D. Standards for Administrative Adjustments. The Zoning Administrator must evaluate applications for administrative adjustments with specific written findings based on each of the standards of this Section.

1. The proposed administrative adjustment will not endanger the health, safety, comfort, convenience, and general welfare of the public.

2. The proposed administrative adjustment is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed administrative adjustment.

3. The proposed administrative adjustment alleviates an undue hardship created by the literal enforcement of this Ordinance.

4. The proposed administrative adjustment is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

5. The proposed administrative adjustment represents the minimum deviation from the regulations of this Ordinance necessary to accomplish the desired improvement of the subject adjustment.

6. The proposed administrative adjustment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Transferability. Administrative adjustment approval runs with the land and is not affected by changes of ownership, tenancy, or management.

F. Expiration of Administrative Adjustment Approval. Administrative adjustment approval may be revoked if any of the following conditions occur.

1. A building permit has not been obtained within one year after approval of the administrative adjustment. The applicant may request one six-month extension of this period by means of a written request filed at least 30 days prior to the expiration of the initial six-month period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

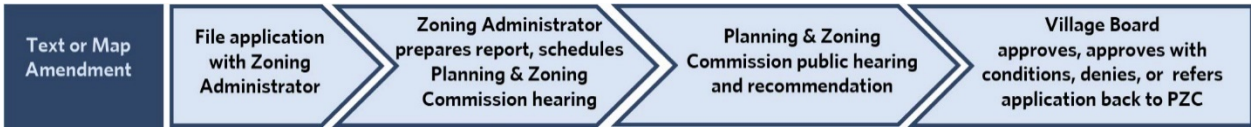
2. The standards of this Ordinance or any of the terms and conditions of the administrative adjustment are violated.

4.06 Text or Map Amendment

A. Purpose. The purpose of this text or map amendment application is to allow modifications to the text of this Ordinance and the boundaries of the Zoning Map in response to changing conditions and policies.

B. Procedure. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.06.1 Text or Map Amendment Application Procedure.

Figure 4.06.1 Text or Map Amendment Application Procedure



1. Action by the Zoning Administrator
   a. An application for a text or map amendment must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission based on a balance of the standards of Section 4.06.C (Standards for Zoning Amendments) and schedule the application for consideration by the Planning and Zoning Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

2. Action by the Planning and Zoning Commission
   a. The Planning and Zoning Commission must conduct a public hearing on a proposed zoning amendment in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.

b. The Planning and Zoning Commission must evaluate the application based on the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of Section 4.06.C (Standards for Zoning Amendments).
c. For text amendments, the Planning and Zoning Commission must recommend approval, approval with modifications to the proposed text, or denial of the application.
d. For zoning map amendments, the Planning and Zoning Commission must recommend approval or denial of the application.
e. The Planning and Zoning Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.

3. Action by the Village Board
   a. The Village Board must consider the application within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.
   b. The Village Board must evaluate the application based on the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence presented at the public hearing, and the standards of Section 4.06.C (Standards for Zoning Amendments).
   c. For text amendments, the Village Board must take action in the form of approval, approval with modifications to the proposed text, denial, or referral of the application back to the Planning and Zoning Commission for further consideration.
   d. For zoning map amendments, the Village Board must take action in the form of approval, denial, or referral of the application back to the Planning and Zoning Commission for further consideration.
   e.
   f. For zoning map amendments, a two-thirds favorable vote of the Village Trustees is required if written protest is filed with the Village Clerk against the proposed map amendment, signed by the owners of at least 20 percent of the frontage along, immediately adjacent to, immediately across an alley from, or directly across the street from the subject property. Written protest must be filed at least 10 days prior to the scheduled Village Board meeting.

C. Standards for Zoning Amendments. The Village Board, Planning and Zoning Commission, and Zoning Administrator must evaluate applications for text or map amendments with specific written findings based on a balance of the standards for each type of amendment.

1. Approval Standards for Text Amendments
   a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
   b. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
   c. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

2. Approval Standards for Map Amendments
   a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
   b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment or is consistent with the Comprehensive Plan.
   c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed on an individual property owner.
   d. The proposed amendment addresses the community need for a specific use.
   e. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.

f. The proposed amendment is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

4.07 Appeal

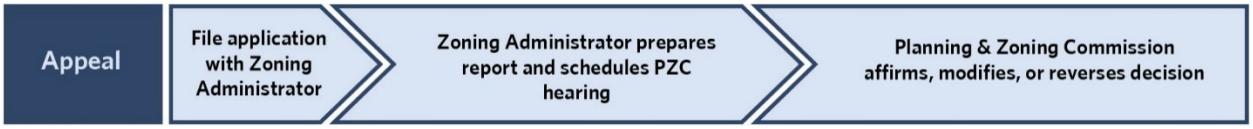
A. Purpose. The purpose of this appeal application is to provide for the review of decisions made by the Zoning Administrator in the course of carrying out the duties and responsibilities associated with this Ordinance.

B. Initiation. An appeal application may be submitted by any property owner that has been aggrieved by a decision of the Zoning Administrator pursuant to this Ordinance and is located within 250 feet of the lot line of the subject property. The area occupied by any public right-of-way is not included as part of this 250-foot requirement. An application must be filed within 30 days of the date of the decision being appealed. See Figure 2.07.2 Notice to Neighboring Properties: 250 Feet.

C. Stay of Proceedings. An appeal will stay all proceedings of the action appealed from, unless the Zoning Administrator demonstrates that a stay would cause imminent peril of life or property. The action may proceed if a stay of proceedings would cause imminent peril of life or property, unless the Village or the applicable Circuit Court files a restraining order against the applicant to stay proceedings.

D. Procedure. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.07.1 Appeal Application Procedure.

Figure 4.07.1 Appeal Procedure



1. Action by the Zoning Administrator
   a. An application for an appeal must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission and schedule the application for consideration by the Planning and Zoning Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

2. Action by the Planning and Zoning Commission
   a. The Planning and Zoning Commission must conduct a public hearing on a proposed appeal in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
   b. The Planning and Zoning Commission must take action in the form of affirming, modifying, or reversing the decision made by the Zoning Administrator.
   c. A party aggrieved or affected by a decision of the Planning and Zoning Commission may appeal this decision to the Village Board or the applicable Circuit Court. An application for appeal to the Village Board must be filed no later than 15 days following the Planning and Zoning Commission's decision. The Village Board will consider the appeal at a public meeting within 30 days of receiving a completed application for appeal. The Village Board's decision on appeal is a final decision.

4.08 Ordinance Interpretation

A. Purpose. The purpose of this ordinance interpretation application is to provide a process by which the standards of this Ordinance can be clarified and explained, in order to ensure consistent interpretation and application. Ordinance interpretations are not intended to amend or modify the content of this Ordinance.

B. Limitation. All ordinance interpretation requests must be requested for the purpose of furthering an actual development or the establishment or clarification of a use.

C. Procedure. See Figure 4.08.1 Ordinance Interpretation Application Procedure.

Figure 4.08.1 Ordinance Interpretation Procedure

1. An application for an ordinance interpretation must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
2. After determining that the application is complete, the Zoning Administrator must prepare a report and render an interpretation within 15 days after receipt of the complete application. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.
3. The determination of the Zoning Administrator may be appealed to the Planning and Zoning Commission in accordance with Section 2.06 (Application Procedure).

4.09 Floodplain Development Permit

A. Purpose. The purpose of this floodplain development application is to ensure that all development within the Village's floodplain complies with the requirements of this Ordinance.

B. Applicability. An applicant must not commence any development within the boundaries of the FO Floodplain Overlay District without obtaining a floodplain development permit from the Village Engineer, unless such development is exempted by state law.

C. Procedure. See Figure 4.09.1 Floodplain Development Permit Application Procedure.

Figure 4.09.1 Floodplain Development Permit Application Procedure

1. An application for a floodplain development permit must be filed with the Village Engineer in accordance with Section 2.06 (Application Procedures).

2. After determining that the application is complete, the Village Engineer must evaluate the application based on the requirements of Section 8.08 (FO Floodplain Overlay District

Requirements). The Village Engineer may consult with other Village staff and local district representatives during the evaluation process.

3. The Village Engineer must prepare a report and render a decision within 30 days after receipt of a complete application and take action in the form of approval or denial of the application.

4.10 Sign Permit

A. Purpose. The purpose of this sign permit application is to establish a process for obtaining a permit to erect, construct, alter, or relocate signs within the Village.

B. Applicability. An applicant must obtain a sign permit in order to erect, construct, alter, or relocate a sign, except for certain exempt permanent and temporary signs as specified in Section 12.04.A (Permanent Signs Allowed Without Sign Permit) and Section 12.05.B (Temporary Signs Allowed Without Sign Permit). The maintenance of signs does not require a sign permit and includes, but is not limited to, cleaning, painting, repairing, changing items of information, or modifying the copy of changeable copy signs.

C. Procedure. See Figure 4.10.1 Sign Permit Application Procedure.

Figure 4.10.1 Sign Permit Procedure

1. An application for a sign permit must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).

2. After determining that the application is complete, the Zoning Administrator must approve, approve with conditions, or deny the sign permit based on the standards of Section 12 (Signs) within 30 days after receipt of the complete application. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

D. Expiration of Sign Permit Approval. Sign permit approval may be revoked if any of the following conditions occur.

1. A building permit has not been obtained within six months after approval of the sign permit. The applicant may request one six-month extension of this period by means of a written request filed prior to the expiration of the initial six-month period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

2. The standards of this Ordinance or any of the terms and conditions of the sign permit are violated.

4.11 Temporary Use Permit

A. Purpose. The purpose of this temporary use permit application is to accommodate reasonable requests for temporary uses that are desirable for the community in the short term.

B. Applicability. An applicant must obtain a temporary use permit to establish a temporary use in accordance with Section 9.04 (Temporary Uses and Structures).

C. Procedure. See Figure 4.11.1 Temporary Use Permit Application Procedure.

Figure 4.11.1 Temporary Use Permit Application Procedure

1. An application for a temporary use permit must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).

2. After determining that the application is complete, the Zoning Administrator must approve, approve with conditions, or deny the temporary use permit based on the standards of Section 9.04 (Temporary Uses and Structures), within 30 days after receipt of the complete application. Temporary uses not established in Section 9.04 (Temporary Uses and Structures) require approval by the Village Board through a text or map amendment as established Section 4.06 (Text or Map Amendment). The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

3. In approving a temporary use permit, the Zoning Administrator may impose conditions on the establishment, location, construction, maintenance, and operation of the property that receives a temporary use permit as deemed necessary to protect the public interest.

D. Standards for Temporary Uses

1. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood.

2. The proposed temporary use will provide adequate parking and will not adversely affect traffic in the surrounding neighborhood.

3. The proposed temporary use is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Expiration of Temporary Use Permit Approval. The temporary use permit is valid for the time period granted as part of the approval.

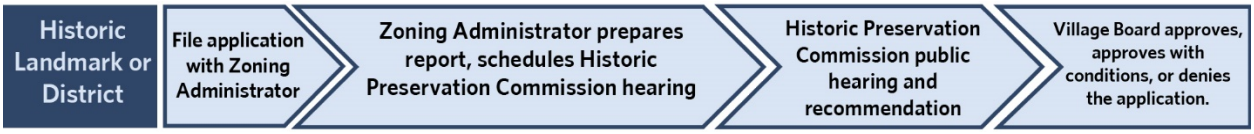
4.12 Historic Landmark or District

A. Purpose. The purpose of this historic landmark or district application is to identify and preserve distinctive lots, buildings, structures, landscaping, and similar elements, which represent the Village's history and culture.

B. Applicability. An application for a historic landmark or district may be submitted for any lot, building, structure, or landscape element in the Village.

C. Procedure. The procedure for a historic landmark or district application is initiated when the Zoning Administrator provides the property owner with written notification that the property is under consideration for a historic landmark or district designation. Notice of hearings must be provided in accordance with 2.07 (Notice). See Figure 4.12.1 Historic Landmark or District Application Procedure .

Figure 4.12.1 Historic Landmark or District Application Procedure



1. Action by the Applicant
   a. The applicant has 60 days to provide the Zoning Administrator with either written consent or objection to proceeding with the application for a historic landmark or district designation. The applicant may request an extension of the 60-day period in writing.
   b. If the applicant provides written consent of the property owner to the notice of application for historic landmark or district designation, then the Zoning Administrator may receive an application for a historic landmark or district.
   c. If the property owner objects to providing written consent or the applicant fails to provide written consent to the notice of application for historic landmark or district designation, then the application for a historic landmark may only be approved with a three-quarters favorable vote of the Village Trustees. For historic district applications, consent is obtained when the property owners of 51 percent of the properties within the proposed historic district provide consent.

2. Action by the Zoning Administrator
   a. An application for a historic landmark or district must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Historic Preservation Commission based on each of the standards of Section 4. 12.D (Standards for Historic Landmarks) or 4.12.E (Standards for Historic Districts) as appropriate, and schedule the application for consideration by the Historic Preservation Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

3. Action by the Historic Preservation Commission
   a. The Historic Preservation Commission must conduct a public hearing on the application in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.
   b. The Historic Preservation Commission must evaluate the application based on the Zoning Administrator's report, the evidence presented at the public hearing, and each of the standards of Section 4.12.D (Standards for Historic Landmarks) or 4.12.E (Standards for Historic Districts) as appropriate.
   c. The Historic Preservation Commission must recommend approval, approval with conditions, or denial of the application.
   d. The Historic Preservation Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.

4. Action by the Village Board

a. The Village Board must consider the application within 60 days after receiving the recommendation of the Historic Preservation Commission. The 60-day period may be extended with the written consent of the applicant.
b. The Village Board must evaluate the application based on the Zoning Administrator's report, the recommendation of the Historic Preservation Commission, the evidence presented at the public hearing, and each of the standards of Section 4.12.D (Standards for Historic Landmarks) or 4.12.E (Standards for Historic Districts) as appropriate.
c. The Village Board must take action in the form of approval, approval with conditions, denial, or referral of the application back to the Historic Preservation Commission for further consideration.
d. A three-quarters favorable vote of the Village Trustees is required to approve the application if the property owner does not consent to the historic landmark or district designation and/or if the Historic Preservation Commission recommends denial of the application.
e. The Village will adopt an ordinance approving the historic landmark or district and record the approved historic landmark or district with the Kendall and/or Will County Recorder of Deeds.

D. Standards for Historic Landmarks. The Village Board, Historic Preservation Commission, and Zoning Administrator must evaluate applications for historic landmarks with specific written findings based on the standards of this Section.

1. The proposed historic landmark possesses significant value as part of the history, culture, or heritage of the Village, county, state, or country.

2. The proposed historic landmark is associated with an important person or event in the history of the Village, county, state, or country.

3. The proposed historic landmark represents distinguishing characteristics of an architectural and/or landscape style valuable for the study of a specific time period, type, craft, method of construction, or use of indigenous materials.

4. The proposed historic landmark is associated with the work of a notable builder, designer, architect, landscape architect, or artist whose individual work has influenced the development of the Village, county, state, or country.

5. The proposed historic landmark is an established and familiar visual feature in the community owing to its unique location or physical characteristics.

6. The proposed historic landmark is characteristic of a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations and other commercial structures, with a high level of integrity and/or architectural, historical, cultural, or community significance.

7. The proposed historic landmark is one of few remaining examples of a particular architectural style, or use, or clearly represents a major architectural style, and has undergone little to no alteration since its construction.

8. The proposed historic landmark and its surrounding area provide, or may be likely to provide, information important in history or archaeology.

9. The proposed historic landmark is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Standards for Historic Districts. The Village Board, Historic Preservation Commission, and Zoning Administrator must evaluate applications for historic districts with specific written findings based on the standards of this Section.

1. The proposed historic district includes a significant number of lots, buildings, structures, landscaping, and similar elements that are historic landmarks and/or meet the standards for approving a historic landmark. The proposed historic district may include lots, buildings, structures, landscaping, and similar elements that are not historic landmarks and would not meet the standards for approving a historic landmark, but contribute to the overall historic and cultural characteristics of the historic district.

2. The proposed historic district possesses significant value as part of the history, culture, or heritage of the Village, county, state, or country.

3. The proposed historic district is associated with an important person or event in the history of the Village, county, state, or country.

4. The proposed historic district contains a contiguous group of properties that have a cohesive sense of architectural and/or landscape style valuable for the study of a specific time period, type, craft, method of construction, or use of indigenous materials.

5. The proposed historic district is consistent with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

F. Contributing and Noncontributing Structures for Historic Districts. All structures within the boundaries of a proposed historic district must be identified as either contributing or noncontributing structures. Both contributing and noncontributing structures must adhere to the historic district procedures in this Ordinance and the applicable design requirements adopted for the specific historic district. Property owners may seek a certificate of appropriateness, see Section 4.13 (Certificate of Appropriateness), and/or a certificate of economic hardship, see Section 4.14 (Certificate of Economic Hardship), for alterations to properties in a historic district.

G. Transferability. Historic landmark or district approval runs with the land and is not affected by changes of ownership, tenancy, or management.

4.13 Certificate of Appropriateness

A. Purpose. The purpose of this certificate of appropriateness application is to authorize alterations, construction, removal, or demolition of a historic landmark or a site within a historic district.

B. Applicability. An application for a certificate of appropriateness may be submitted for any lot, building, structure, or landscape element that is a historic landmark or is part of a historic district.

1. Actions That Require A Certificate of Appropriateness. A certificate of appropriateness is required for any alterations, construction, removal, or demolition of a historic landmark or a site within a historic district except actions established in Section 4.13.B.2 (Actions That Do Not Require A Certificate of Appropriateness).

2. Actions That Do Not Require A Certificate of Appropriateness. A certificate of appropriateness is not required for the following actions as long as the actions do not affect features that have historic or cultural significance for the designated historic landmark or district.
   a. Changes to the exterior paint color or paint scheme.
   b. Changes or addition of storm doors, storm windows, screens, window air conditioners, or satellite dishes.
   c. Installation or repair of walkways, patios, or driveways.
   d. Installation of outdoor storage and/or mechanical equipment that is not visible from the street.
   e. Installation, removal, or changes to landscaping.
   f. Ordinary maintenance and repair of existing exterior architectural features.
   g. Modifications, alterations, or maintenance of building interiors.

C. Procedure. See Figure 4.13.1 Certificate of Appropriateness Application Procedure.

Figure 4.13.1 Certificate of Appropriateness Application Procedure

1. Action by the Zoning Administrator
   a. An application for a certificate of appropriateness must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete and that the action requires a certificate of appropriateness, the Zoning Administrator must prepare a report for the Historic Preservation Commission based on each of the standards of Section 4.13.D (Standards for Certificates of Appropriateness) and schedule the application for consideration by the Historic Preservation Commission.

2. Action by the Historic Preservation Commission
   a. The Historic Preservation Commission must evaluate the application based on the Zoning Administrator's report and each of the standards of Section 4.13.D (Standards for Certificates of Appropriateness).
   b. The Historic Preservation Commission must take action in the form of approval, approval with conditions, or denial within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.

D. Standards for Certificates of Appropriateness. The Historic Preservation Commission and Zoning Administrator must evaluate the proposed alteration, construction, removal, or demolition as part of the applications for certificates of appropriateness with specific written findings based on each of the standards of this Section.

1. The impact of the action on any exterior features and the impact on the historic or cultural value of the historic landmark or district.

2. The impact and compatibility of the action on the historic character and original features and materials of the historic landmark or district.

3. The impact of the action on the historic purpose or use of the historic landmark or district.

4. The impact of the action on the craftsmanship and/or construction techniques of the historic landmark or district.

5. The extent by which the action rehabilitates or replaces features of the historic landmark or district, and the craftsmanship and/or construction techniques used to complete the action.

6. The compatibility of new construction with the mass, scale, and balance of the original features and character of the historic landmark or district, and how such new construction could be removed in the future while maintaining the form and integrity of the historic landmark or district.

7. The compatibility of the action with the intent of the Comprehensive Plan, this Ordinance, and the other land use policies of the Village.

E. Expiration of Certificate of Appropriateness Approval. Certificate of appropriateness approval may be revoked if a building permit has not been obtained within six months after approval of the certificate of appropriateness. The applicant may request one six-month extension of this period by means of a written request filed prior to the expiration of the initial six-month period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

F. Appeal. An applicant whose application for a certificate of appropriateness is denied by the Historic Preservation Commission may appeal the decision to the Village Board. The Village Board will consider the appeal within 30 days of receiving a completed application for appeal in the form of affirming, modifying, or reversing the decision made by the Historic Preservation Commission. The decision must be made based on the Zoning Administrator's report, the Historic Preservation Commission's decision, and each of the standards of Section 4.13.D (Standards for Certificates of Appropriateness). The Village Board's decision on appeal is a final decision.

G. Emergency Circumstances. If emergency circumstances affect a historic landmark or historic district which requires immediate relief, repair, or demolition, the Zoning Administrator must certify that such conditions exist, and they must be abated as quickly as possible. In these situations, it would be impractical for the Historic Preservation Commission to consider a certificate of appropriateness. A Certificate of Appropriateness is required if the Zoning Administrator requires exterior alterations to a historic landmark or district that are necessary to comply with a building or life safety code.

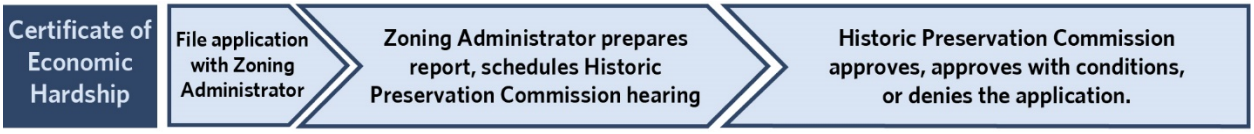
4.14 Certificate of Economic Hardship

A. Purpose. The purpose of this certificate of economic hardship application is to authorize alterations, construction, removal, or demolition of a historic landmark or a site within a historic district that has previously been denied as a certificate of appropriateness.

B. Applicability. An application for a certificate of economic hardship may be submitted for any lot, building, structure, or landscape element that is a historic landmark or is part of a historic district that h as previously been denied a certificate of appropriateness.

C. Procedure. See Figure 4.14.1 Certificate of Economic Hardship Application Procedure.

Figure 4.14.1 Certificate of Economic Hardship Application Procedure



1. Action by the Zoning Administrator
   a. An application for a certificate of economic hardship must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures). The applicant must indicate why the property and improvements cannot be put to a reasonably beneficial use and/or why the owner cannot obtain a reasonable economic return from the property without the approval of the proposed work.
   b. After determining that the application is complete and that a certificate of appropriateness was denied, the Zoning Administrator must prepare a report for the Historic Preservation Commission and schedule the application for consideration by the Historic Preservation Commission.

2. Action by the Historic Preservation Commission
   a. The Historic Preservation Commission must evaluate the application based on the Zoning Administrator's report and the applicant information on why the property and improvements cannot be put to a reasonably beneficial use and/or why the owner cannot obtain a reasonable economic return from the property without the approval of the proposed work.
   b. The Historic Preservation Commission must take action in the form of approval, approval with conditions, or denial within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant.

D. Appeal. An applicant whose application for a certificate of economic hardship is denied by the Historic Preservation Commission may appeal the decision to the Village Board. The Village Board will consider the appeal within 30 days or receiving a completed application for appeal in the form of affirming, modifying, or reversing the decision made by the Historic Preservation Commission. The decision must be made based on the Zoning Administrator's report and the Historic Preservation Commission's decision. The Village Board's decision on appeal is a final decision.

SECTION 5: PLANNED UNIT DEVELOPMENTS

5.01 Purpose
5.02 Applicability
5.03 Procedure
5.04 Amendments to Approved Planned Unit Developments
5.05 Standards for Planned Unit Developments
5.06 Provision of Community Amenities
5.07 Expiration of Approved Planned Unit Developments

5.01 Purpose

Planned unit developments are a distinct category of special use permit intended to allow flexibility in the application of the standards of this Ordinance for significant development proposals that provide amenities to the community beyond those required of conventional development applications. The planned unit development process seeks to achieve the following specific purposes:

A. Protect and promote the health, safety, comfort, convenience, and general welfare of the public.

B. Encourage creativity, flexibility, sustainability, and environmental sensitivity in the development of land and the design of structures.

C. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, utilities, circulation systems, parking, and other facilities.

D. Support the creation of a variety of housing types to provide greater housing choice.

E. Facilitate development that is consistent with Village land use policies, particularly in areas designated for potential redevelopment.

F. Encourage development that preserves and enhances the natural features, environmental resources, watercourses, and topography of the site.

G. Facilitate the provision of open space, recreational facilities, and other amenities that will enhance the character of the site and the Village as a whole.

5.02 Applicability

A. Special Use Permit Standards. A planned unit development is granted in accordance with the procedures, standards, and requirements of this Section, Section 9.0 (Uses), and Section 4.03 (Special Use Permit). A planned unit development approved as a special use may depart from the standards and requirements of this Ordinance.

B. Zoning District Exceptions. Planned unit developments are subject to the regulations of the zoning district in which they are located, unless exceptions from these regulations are approved by the Village Board and found to be in accordance with Section 5.05 (Standards for Planned Unit Developments).

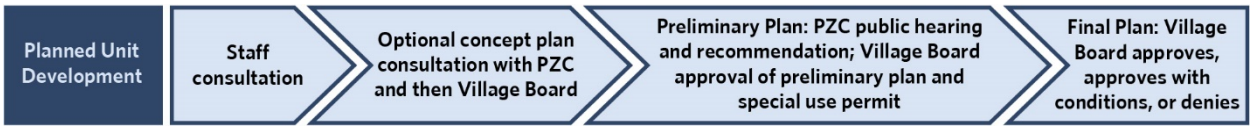
C. Subdivision Plats and Building Permits. A planned unit development may be granted prior to, concurrently, or following the applicant receiving approval of a subdivision plat in accordance with Section 3.03 (Subdivision Application) and Section 7 (Subdivision Development Standards). A

planned unit development must be granted prior to a building permit in accordance with Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code.

5.03 Procedure

An application for a planned unit development follows a four-step procedure, which includes a staff consultation, an optional concept plan consultation, a preliminary plan, and a final plan. The applicant may submit concurrent applications for the preliminary plan and final plan, in which case the preliminary plan and the final plan are comprised of the same document in accordance with Section 5.03.D (Final Plan). See Figure 5.03.1 Planned Unit Development Application Procedure.

Figure 5.03.1 Planned Unit Development Application Procedure



A. Staff Consultation. The purpose of the staff consultation is to allow the applicant to receive advice and assistance from the Zoning Administrator, appropriate Village staff, and appropriate staff from any other agencies that have jurisdiction prior to preparation of the optional concept plan or preliminary plan.

1. Action by the Zoning Administrator
   a. Prior to filing a formal application for a planned unit development, the applicant must arrange a staff consultation with the Zoning Administrator to discuss the proposed planned unit development.
   b. The Zoning Administrator, appropriate Village staff, and appropriate staff from any other agencies that have jurisdiction must meet with the applicant to discuss the proposed planned unit development and the requirements for a planned unit development application.
   c. The Zoning Administrator may provide advice and assistance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
   d. Any advice and assistance provided by the Zoning Administrator and Village staff is not binding upon the Planning and Zoning Commission or Village Board with respect to the formal planned unit development application.

B. Optional Concept Plan Consultation. The purpose of the optional concept plan consultation is to allow the applicant to obtain information and guidance from the Planning and Zoning Commission and Village Board prior to preparation of the preliminary plan.

1. Action by the Zoning Administrator
   a. An application for a text or map amendment must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedures).
   b. After determining that the application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission and schedule the application for consideration by the Planning and Zoning Commission. The Zoning Administrator may consult with other Village staff and local district representatives during the evaluation process.

2. Action by the Planning and Zoning Commission

a. The Planning and Zoning Commission may discuss the proposed planned unit development and the requirements for a planned unit development application.
b. The Planning and Zoning Commission may provide information and guidance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
c. Any information and guidance provided by the Planning and Zoning Commission is considered advisory and is not binding upon the Planning and Zoning Commission or Village Board with respect to any formal planned unit development application.
d. The Planning and Zoning Commission shall forward its recommendation to the Village Board.

3. Action by the Village Board
   a. The Village Board may discuss the proposed planned unit development and the requirements for a planned unit development application.
   b. The Village Board may provide information and guidance to the applicant after determining the nature of the exceptions required from this Ordinance and whether the proposal is consistent with the intent of the Comprehensive Plan and the other land use policies of the Village.
   c. Any information and guidance provided by the Village Board is considered advisory and is not binding upon the Village Board or Planning and Zoning Commission with respect to any formal planned unit development application.

C. Preliminary Plan. The purpose of the preliminary plan is to allow the applicant to obtain a preliminary recommendation from the Planning and Zoning Commission and preliminary approval from the Village Board prior to preparation of the final plan.

1. Action by the Zoning Administrator
   a. Applications for a preliminary plan for a planned unit development must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure) and the requirements for a planned unit development application. Applications must not be filed until the staff consultation is complete.
   b. Upon determining that the planned unit development application is complete, the Zoning Administrator must prepare a report for the Planning and Zoning Commission based upon the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.03.E (Standards for Special Use Permits), and schedule the application for consideration by the Planning and Zoning Commission.

2. Action by the Planning and Zoning Commission
   a. The Planning and Zoning Commission must conduct a public hearing on a proposed preliminary plan for a planned unit development and a special use permit in accordance with Section 2.08 (Public Hearing) within 60 days after receipt of a complete application. The 60-day period may be extended with the written consent of the applicant. Notice for the public hearing must be in accordance with Section 2.07 (Notice).
   b. The Planning and Zoning Commission must evaluate the application based upon the Zoning Administrator's report, the evidence presented at the public hearing, and the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.03.E (Standards for Special Use Permits).
   c. The Planning and Zoning Commission must recommend approval, approval with conditions, or denial of the application.
      (1) In recommending approval of a preliminary plan for a planned unit development and a special use permit, the Planning and Zoning Commission may recommend conditions upon

the establishment, location, construction, maintenance, and operation of the planned unit development and a special use permit as deemed necessary to protect the public interest.

(2) In recommending approval of a preliminary plan for a planned unit development and a special use permit, the Planning and Zoning Commission may recommend guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions of approval.

d. The Planning and Zoning Commission must forward its recommendation to the Village Board within 60 days after the close of the public hearing.

3. Action by the Village Board

a. The Village Board must consider the application within 60 days after receiving the recommendation of the Planning and Zoning Commission. The 60-day period may be extended with the written consent of the applicant.

b. The Village Board must evaluate the application based upon the Zoning Administrator's report, the recommendation of the Planning and Zoning Commission, the evidence presented at the public hearing, and the standards of Section 5.05 (Standards for Planned Unit Developments) and Section 4.03.E (Standards for Special Use Permits).

c. The Village Board must take action in the form of approval, approval with conditions, denial, or referral of the application back to the Planning and Zoning Commission for further consideration. In approving a preliminary plan for a planned unit development and a special use permit, the Village Board may:

(1) Identify conditions upon the establishment, location, construction, maintenance, and operation of the planned unit development and the special use as deemed necessary to protect the public interest, to be imposed at such time as final plan approval of the planned unit development is granted.

(2) Require guarantees from the permittee as deemed necessary to assure compliance with the stipulated conditions.

d. Following approval of a preliminary plan for a planned unit development and a special use permit the applicant may submit a final plan for the planned unit development.

D. Final Plan. The purpose of the final plan is to allow the applicant to obtain final approval of the planned unit development from the Village Board.

1. Action by the Zoning Administrator

a. Applications for a final plan for a planned unit development must be filed with the Zoning Administrator in accordance with Section 2.06 (Application Procedure) and the requirements for a planned unit development application.

b. Upon determining that the application is complete, the Zoning Administrator must determine whether the final plan is in conformance with the approved preliminary plan and any conditions and guarantees deemed necessary by the Village Board.

c. If the final plan is in substantial conformance with the approved preliminary plan, the Zoning Administrator must prepare a report for the Village Board recommending approval of the final plan and schedule the application for consideration by the Village Board.

d. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator must allow the applicant to revise any parts of the application that are not in substantial conformance with the preliminary plan prior to preparing the report, and allow the applicant to resubmit the application as a final plan in accordance with the requirements of this Section.

2. Action by the Village Board

a. The Village Board must consider the application within 60 days after receiving the report of the Zoning Administrator recommending approval of the final plan. The 60-day period may be extended with the written consent of the applicant.
b. The Village Board must take action in the form of approval, approval with conditions, or denial of the application.
c. Upon approval of the final plan by the Village Board, the use of land and the construction or modification of any buildings or structures on the site will be governed by the approved final plan rather than by other provisions of this Ordinance.

5.04 Amendment to Approved Planned Unit Developments

A final plan for an approved planned unit development may be amended in accordance with the requirements of this Section.

A. Major Amendments. Any change to an approved preliminary and/or final plan that substantially affects the essential design, composition, and character of the planned unit development is considered a major amendment. Any amendment that is not established as a minor amendment in Section 5.04.B (Minor Amendments) is considered a major amendment. The Village Board must make a decision on a request for a major amendment after receiving a recommendation from the Planning and Zoning Commission in accordance with Section 5.03.C (Preliminary Plan).

B. Minor Amendments. Any change to an approved preliminary and/or final plan that minimally affects the essential design, composition, and character of the planned unit development is considered a minor amendment. The Zoning Administrator must make a decision on a request for a minor amendment in accordance with 5.03.C (Preliminary Plan). The Zoning Administrator may determine that the application must be resubmitted as a major amendment in accordance with Section 5.04.A (Major Amendments). Minor amendments include the following:

1. Any change in the proportion of land uses in the development by less than 10 percentage points.

2. Any change in the gross floor area of the development by less than five percent.

3. Any change in the building height of the development by less than five percent.

4. Any change in the proportion of the impervious coverage of the development by less than five percentage points.

5. Any change in the location or dimensions of walkways, driveways, streets, parking facilities, and loading facilities within the development by less than five feet.

6. Any change in the number of off-street parking spaces provided within the development by less than 10 percent.

7. Any change that would encroach into the floodplain.

8. Any increase in allowable sign area by less than 10 percent.

5.05 Standards for Planned Unit Developments

The Village Board, Planning and Zoning Commission, and Zoning Administrator must evaluate applications for planned unit developments with specific written findings based on a balance of both the standards of this Section and the standards for special use permits in accordance with Section 4.03.E (Standards for Special Use Permits).

A. The proposed planned unit development fulfills the objectives of the Comprehensive Plan and the other land use policies of the Village through an innovative and creative approach to the development of land.

B. The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to, from, and within the site.

C. The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.

D. The proposed planned unit development will incorporate sustainable and low impact site design and development principles.

E. The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.

F. The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, gas, water, cable, and telephone, as well as appropriate facilities for stormwater management.

5.06 Provision of Community Amenities

Planned unit developments may be granted specific exceptions from zoning district regulations if the applicant demonstrates that the development will provide amenities to the Village that are not required from conventional development applications. The amenities to be considered by the Village Board, Planning and Zoning Commission, and Zoning Administrator must be appropriate for the scale of the planned unit development and may include, but are not limited to, the following:

A. Establishment of community amenities, such as plazas, gardens, public art features, outdoor seating areas, pedestrian facilities, and transit facilities.

B. Establishment of open space amenities, such as playing fields, playgrounds, swimming pools, fitness facilities, and dog parks.

C. Enhancement of the community's natural environment, including existing natural features, water courses, trees, and native vegetation.

D. Preservation and enhancement of the community's cultural resources and historic places.

E. Provision of public infrastructure improvements that exceed the requirements of the planned unit development, such as interconnected streets without dead end streets or cul-de-sacs, enhancements to rights-of-way, stormwater management systems, and sewer systems.

F. Incorporation of sustainable development techniques, such as meeting the requirements of LEED or LEED-equivalent rating systems.

G. Provision of a mix of housing types, sizes, and styles with a specific emphasis on affordable housing or senior housing.

H. Provision of residential dwelling units with accessible features that exceed the requirements of the Americans with Disabilities Act.

5.07 Expiration of Approved Planned Unit Developments

A. Expiration of Preliminary Plan Approval. Preliminary plan approval may be revoked by action of the Village Board if a complete application for the final plan has not been approved within two years after approval of the preliminary plan by the Village Board.

B. Expiration of Final Plan Approval. Final plan approval may be revoked if a building permit has not been approved within one year after approval of the final plan by the Village Board.

C. Extension of Approval. The applicant may extend this one-year period by means of a written request filed with the Zoning Administrator at least 30 days prior to the expiration of the period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 15 days of receipt of the applicant's written request.

SECTION 6: NONCONFORMITIES

6.01 Purpose
6.02 Applicability
6.03 Nonconforming Uses
6.04 Nonconforming Structures
6.05 Nonconforming Lots of Record
6.06 Nonconforming Site Elements

6.01 Purpose

The purpose of this Section is to regulate uses, structures, lots, and site elements that complied with previous development regulations, but do not conform to current development regulations due to adoption of, or amendments to, this Ordinance. The intent of this Section is to specify the circumstances under which legal nonconforming uses, structures, lots, and site elements may be continued, altered, or expanded, as well as circumstances under which such nonconformities must be gradually eliminated.

6.02 Applicability

A. Authority to Continue.

1. Any use, structure, lot, or site element that was established legally as of the effective date of this Ordinance, or its subsequent amendments, may continue as long as it remains lawful.

2. Any use, structure, lot, or site element that was established legally as of the effective date of this Ordinance, or its subsequent amendments, and has been made nonconforming due to the regulations of this Ordinance, or its subsequent amendments, is a legal nonconforming use, structure, lot, or site element and may continue subject to the provisions of this Section as long as it remains otherwise lawful.

3. Any use, structure, lot, or site element that was established illegally as of the effective date of this Ordinance, or its subsequent amendments, will remain illegal if it does not conform with the requirements of this Ordinance.

B. Nonconforming Status. The legal nonconforming status of a nonconforming use, structure, lot, or site elements rests with the property and is not affected by changes in property ownership, tenancy, or management.

C. Burden of Establishing Legal Status. The burden of establishing the legal status of a nonconforming use, structure, lot, or site element under the provisions of this Ordinance is the responsibility of the owner of such use, structure, lot, or site element.

6.03 Nonconforming Uses

A. Applicability. A legal nonconforming use is the use of land or a structure that at one time conformed to applicable development regulations, but no longer conforms due to subsequent amendments to this Ordinance.

B. Expansion. A legal nonconforming use must not be expanded, enlarged, or increased in intensity to include any land area or structure not previously occupied by such legal nonconforming use.

C. Relocation. A legal nonconforming use must not be relocated on the same lot or any other lot unless the relocation of such use meets the requirements of the zoning district in which the use is relocated.

D. Change of Use. A legal nonconforming use must not be changed to any other use unless the use is allowed within the zoning district in which the use is located.

E. Discontinuation or Abandonment. If a legal nonconforming use is discontinued, or the structure that it occupies becomes vacant or remains unoccupied for a period of six consecutive months, such use is deemed abandoned and must not be reestablished regardless of the intent to continue the use. Any period of discontinuance or abandonment caused by a government action, or an act of nature is not included in the six-month period. Any subsequent use or occupancy of such land or structure must meet the requirements of the zoning district in which the use is located.

6.04 Nonconforming Structures

A. Applicability. A legal nonconforming structure is a principal or accessory structure that at one time conformed to applicable development regulations, but no longer conforms due to subsequent amendments to this Ordinance.

B. Ordinary Maintenance and Repair. Ordinary maintenance and repair may be performed on any legal nonconforming structure provided that such activities will not create any new nonconformity or increase the extent of any existing nonconformity.

C. Structural Alterations, Enlargements, and Additions. Structural alterations, enlargements, and additions must not be performed on any legal nonconforming structure, except in the following situations:

1. When the alteration, enlargement, or addition is required by law or is necessary to restore the structure to a safe condition upon the order of any official representative of the Village.

2. When the alteration, enlargement, or addition is for the purpose of creating a conforming structure.

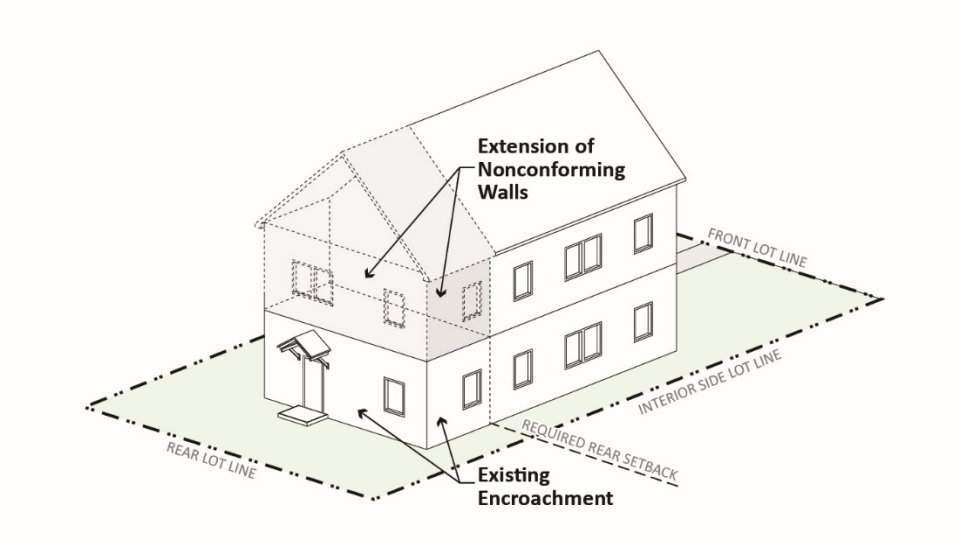
3. When the alteration, enlargement, or addition will not create any new nonconformity or increase the extent of any existing nonconformity.

4. When the alteration, enlargement, or addition extends the existing perimeter walls of a structure in a residential district with nonconforming setbacks provided that the resulting structure will not create any new nonconformity or increase the extent of any existing nonconformity. Refer to Figure 6.04.1 Extension of Nonconforming Perimeter Walls.

5. When the alteration, enlargement, or addition includes a sustainable accessory structure, such as a rainwater cistern, small wind energy system, or solar energy collection system.

6. When the alteration, enlargement, or addition provides exterior lighting.

Figure 6.04.1 Extension of Nonconforming Perimeter Walls



D. Relocation. A legal nonconforming structure must not be relocated on the same lot or any other lot unless the relocation of such structure meets the requirements of the zoning district to which the structure is relocated.

E. Damage or Destruction.

1. In the event that a legal nonconforming structure is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the structure may not be repaired unless it meets the requirements of the zoning district in which the structure is located.

2. In the event that a legal nonconforming structure is damaged or destroyed to the extent of less than 50 percent of its replacement value, the structure may be repaired provided that:
   a. The repairs will not create any new nonconformity or increase the extent of any existing nonconformity.
   b. A building permit is obtained for such repairs within six months of the date of damage or destruction, and such repairs are completed within one year of issuance of the building permit.

3. The replacement value of the legal nonconforming structure is established by one of the following methods:
   a. The sale of the structure within the previous year.
   b. An appraisal of the structure within the last two years.
   c. The amount for which the structure was insured prior to the date of damage or destruction.
   d. An alternative method determined acceptable by the Village.

6.05 Nonconforming Lots of Record

A. Applicability. A legal nonconforming lot of record is a lot of record that at one time conformed to applicable development regulations, but no longer conforms due to subsequent amendments to this Ordinance.

B. Contiguous Nonconforming Lots of Record. If two or more contiguous lots of record are owned by a single party, or by related parties, and one or more of the lots does not meet the requirements for lot area or lot width as established by this Ordinance, then the lots of record must be developed as a single

entity. A building permit will not be issued for the development of such contiguous lots of record in violation of this Section.

C. Individual Nonconforming Lots of Record in Residential Districts. Any legal nonconforming lot of record may be developed provided the principal structure meets all of the bulk and setback requirements of the zoning district in which it is located and that the owner of that lot of record, or a related party, does not own any lots of record that are contiguous to the subject lot of record.

6.06 Nonconforming Site Elements

A. Applicability. A legal nonconforming site element is a site characteristic that at one time conformed to applicable development regulations, but no longer conforms due to subsequent amendments to this Ordinance. For the purposes of this section, legal nonconforming site elements include impervious coverage, off-street parking and loading, landscaping, lighting, signs, or other similar characteristics of a site.

B. Ordinary Maintenance and Repair. Ordinary maintenance and repair may be performed on any legal nonconforming site element provided that such activities will not create any new nonconformity or increase the extent of any existing nonconformity. The faces of nonconforming signs may be replaced if a building permit is obtained for such repairs.

C. Relocation. A legal nonconforming site element may not be relocated on the same lot or any other lot unless the relocation of such site element meets the requirements of the zoning district in which the site element is relocated.

D. Damage or Destruction.

1. In the event that a legal nonconforming site element is damaged or destroyed to the extent of 50 percent or more of its replacement value, then the site element may not be repaired unless it meets the requirements of the zoning district in which the site element is located.

2. In the event that a legal nonconforming site element is damaged or destroyed to the extent of less than 50 percent of its replacement value, the site element may be repaired provided that:
   a. The repairs will not create any new nonconformity or increase the extent of any existing nonconformity.
   b. A building permit is obtained for such repairs within six months of the date of damage or destruction, and such repairs are completed within one year of issuance of the building permit.

3. The replacement value of the legal nonconforming site element is established by one of the following methods:
   a. Two estimates of the cost of replacement of the site element by independent contractors.
   b. The amount for which the site element was insured prior to the date of damage or destruction.
   c. An alternative method determined acceptable by the Village.

E. Discontinuation or Abandonment of Nonconforming Signs. A legal nonconforming sign must not remain in use if the property on which the sign is located is vacant and unoccupied for a period of twelve months or more.

SECTION 7: SUBDIVISION DEVELOPMENT STANDARDS

7.01 General Provisions
7.02 Subdivision Design and Layout
7.03 Conservation and Cluster Subdivision Design
7.04 Street Standards
7.05 Required Public Improvements
7.06 Cash and Land Donations

7.01 General Provisions

A. Purpose. The purpose of this Section is to regulate the subdivision and development of land; establish a comprehensive street system that facilitates all modes of travel; supply water, sewage disposal, and other utilities; provide stormwater management; to meet the goals of the Village's Comprehensive Plan and the other land use policies of the Village; and to promote public health, safety, and welfare.

B. Applicability. The provisions of this Section apply to all parcels of land being subdivided within the corporate limits of the Village and unincorporated parcels within one and a half miles of the Village boundary that are under the Village's jurisdiction.

C. Subdivision Applications. Applications for the subdivision of land must be submitted in accordance with Section 3 (Annexation and Subdivision Application Approval Procedures).

D. Conservation Features Inventory. A conservation features inventory is required for any subdivision of previously undeveloped land or land previously in agricultural use to determine whether the subdivision must follow conservation subdivision design in accordance with Section 7.03 (Conservation and Cluster Subdivision Design).

E. Special Flood Hazard Area Review.

1. Known Flood Hazards. The Zoning Administrator will take known flood hazards into account in all official actions related to subdivisions and must obtain the most recent Special Flood Hazard Area maps and data for any areas being considered for subdivision.

2. Drainage of Surface Waters. Plats for new subdivisions must include a signed statement by a professional engineer that the plat accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205). Plats for new subdivisions must include the following:
   a. The boundary of the Special Flood Hazard Area.
   b. The boundary of the floodway shown on the Special Flood Hazard Area maps
   c. Easements dedicated to the Village for channel maintenance purposes.
   d. The base flood elevation for each building site.

3. Plans for Development. Plans for the development in the Special Flood Hazard Area must be reviewed by the Zoning Administrator to ensure that they comply with this Section.

7.02 Subdivision Design and Layout

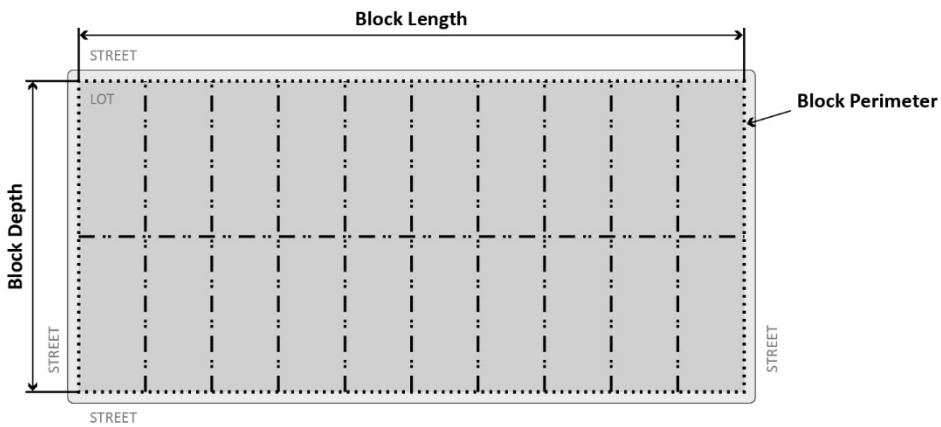
A. Applicability. The following requirements for blocks, lots, and bicycle and pedestrian connectivity apply to all subdivisions.

B. Blocks.

1. Block Configuration. The shape of a block must be generally rectangular when feasible, but may vary based on topography, natural features, or other site constraints. Blocks should be two lots deep when feasible.

2. Block Length and Size. In residential districts, the maximum block length must be 1,500 feet and the maximum block perimeter must be 3,000 feet. In non-residential districts, there is no maximum block length or perimeter. Refer to Figure 7.02.1 Maximum Block Length and Size.

Figure 7.02.1 Maximum Block Length and Size



C. Lots.

1. Lot Dimensions. All lots of record must be developed to meet the applicable zoning district requirements, such as lot area, lot width, building height, impervious coverage, and setbacks, established in Section 8 (Zoning District Regulations).

2. Lot Configuration. The shape of a lot must be generally rectangular when feasible, but may vary based on topography, natural features, or site constraints.

3. Lot Access. All lots must have frontage along a public right-of-way.

4. Lot Shape. Interior side lot lines must be perpendicular to the right-of-way to the extent practical.

5. Through Lots. The creation of new through lots is prohibited unless subdivision of an existing through lot results in a new through lot.

6. Flag Lots. Flag lots are prohibited.

7. Lots Adjacent to Arterial and Collector Streets. For lots whose rear lot line is adjacent to an arterial or collector street, a landscaped outlot that is a minimum of 10 feet must be provided along the rear lot line.

8. Lot Orientation. Lot orientation along an east-west longitudinal axis is recommended for increased energy efficiency.

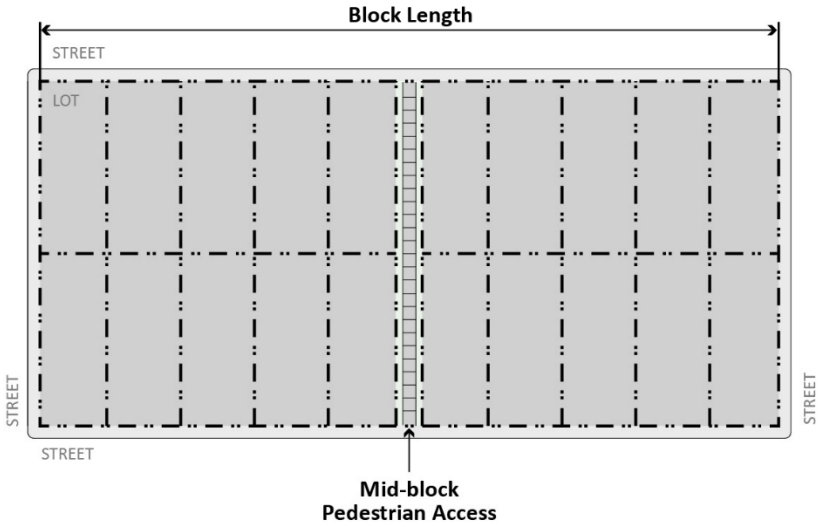
D. Bicycle and Pedestrian Connectivity.

1. Connections to Adjacent Systems. Developments must connect to all adjacent planned or existing pedestrian, bicycle, and multi-use paths, and trail systems. Paths and trails must be dedicated or platted in easements or outlots to ensure public access.

2. Minimum Connections. Developments must provide a bicycle or pedestrian path connection at a minimum of every 800 feet along blocks that are adjacent to developable land.

3. Mid-Block Pedestrian Access. Mid-block pedestrian access must be provided along a public easement between lots at the approximate center of the block for all blocks longer than 1,200 feet. This access must meet the standard for pedestrian crossings connection in Section 7.04.C.2.a (Cul-de-Sac Streets) and must be maintained by a homeowners association. Refer to Figure 7.02.2 Required Mid-Block Pedestrian Access.

Figure 7.02.2 Required Mid-Block Pedestrian Access



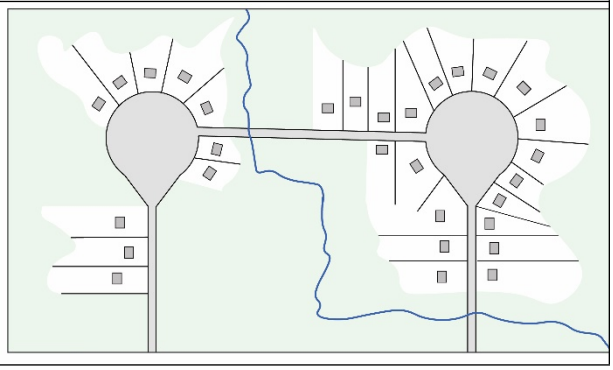
4. Internal Circulation. An internal circulation system must provide pedestrian and bicycle paths within or adjacent to the development.

5. Additional Connections. The Village may require additional bicycle and pedestrian connections for subdivisions that will receive significant use from the development, such as in the vicinity of schools, playgrounds, parks, shopping areas, or other uses.

7.03 Conservation and Cluster Subdivision Design

A. Applicability. The provisions of this Section apply to subdivisions that are developed through conservation or cluster design. Conservation and cluster subdivision design are intended to promote environmentally sensitive development, preserve common open space, and achieve a balance between well-designed neighborhoods and natural resource protection. See Figure 7.03.1 Standard Development Compared to Conservation and Cluster Subdivision Design.

Figure 7.03.1 Standard Development Compared to Conservation and Cluster Subdivision Design

Standard Development	Conservation and Cluster
	

1. Conservation Subdivision Design.
   a. Required. Conservation subdivision design is a required subdivision process if a conservation features inventory indicates that 20 percent or more of the total land area of a subdivision contains significant natural resources.
   b. Design Process. Conservation subdivision design is a process that requires a percentage of open space to be conserved while allowing for an increase in the density of lots in a development as compared to conventional subdivision design.

2. Cluster Subdivision Design.
   a. Optional. Cluster subdivision design is an optional subdivision process. A conservation features inventory may be utilized in the planning and design of a cluster subdivision, but is not required.
   b. Design Process. Cluster subdivision design is a process that allows for groupings of smaller lots that do not increase the overall density of a development as compared to conventional subdivision layout.

B. Conservation Features Inventory Required. A conservation features inventory (CFI) is required for any subdivision of previously undeveloped land or land previously in agricultural use. The CFI must be completed by a licensed civil engineer or land surveyor, and submitted with the preliminary plat. Significant natural resources that must be included in the conservation features inventory include, but are not limited to, water bodies, floodplains, wetlands, remnant prairies, sensitive aquifer recharge areas, and oak groves, savannas, or forests.

C. Conservation Subdivision Design Standards.

1. Location. Conservation subdivision is permitted in the A-1, R-1, R-2, R-3, R-4, and R-5 Districts.

2. Bulk and Setback Standards. Conservation subdivisions are exempt from the minimum lot area and lot width standards of the zoning district where they are located. The building height, impervious coverage, and setback standards of the R-3 District apply to all conservation subdivisions.

3. Required Common Open Space. Lots must be organized around access to common open space. Forty percent of the total land area in a conservation design must be maintained as active or passive common open space in accordance with 7.03.E (Common Open Space).

4. Conservation Elements.
   a. Development must be configured to protect areas of conservation value identified in the CFI.

b. Development must be located to minimize negative impacts on the natural, scenic, and cultural resources of the site.
c. Downstream impacts must be minimized through adequate on-site stormwater management.
d. Contiguous areas of undisturbed or restored habitat must be preserved to create corridors for the movement of wildlife and natural resources. Fragmentation and clear-cutting of woodland areas and other natural ecosystems is prohibited.
e. The development must preserve scenic natural views, including scenic views from roadways.

5. Residential Lot Configuration. Residential dwellings must be configured in groups of up to 30 dwelling units. Groups of residential lots must be located a minimum of 150 feet apart, as measured from lot line to lot line. The groups of residential lots must be separated by greenbelts or other natural features. Development is not permitted within these separation areas, but these areas may include pedestrian, bicycle, and multi-use paths, and trail systems.

D. Cluster Design Standards.

1. Location. Cluster subdivision is permitted in the A-1, R-1, R-2, R-3, R-4, and R-5 Districts.

2. Bulk and Setback Standards. Cluster subdivisions are exempt from the minimum lot area and lot width standards of the zoning district where they are located. The building height, impervious coverage, and setback standards of the R-3 District apply to all cluster subdivisions.

3. Required Common Open Space. Lots must be organized around access to common open space. 25 percent of the land area in a cluster design must be maintained as active or passive common open space in accordance with 7.03.E (Common Open Space).

E. Common Open Space.

1. Common Open Space Types. Required common open space must be accessible to the residents of the development. The open space may also be available to the general public. The open space must be undivided and restricted from future development. The types of common open space are permitted may include but are not limited to:
   a. Natural water bodies, wetlands, and conservation areas. However, a maximum of 20 percent of the required common open space may consist of water bodies, wetlands, or floodplains.
   b. Detention and retention areas designed as wetlands or natural water features with native vegetation.
   c. Hiking trails and greenways connecting open space areas.
   d. Parks, playgrounds, and recreational facilities, such as ball courts and swimming pools. A maximum of 30 percent of the required open space may be used for structures for recreational facilities.
   e. Botanical gardens, greenhouses, and community gardens.
   f. Agricultural uses, including the reuse of existing barns or silos located on site.

2. Not Considered Common Open Space. The following are allowed on site, but are not considered common open space.
   a. Yards on individual lots.
   b. Public rights-of-way.
   c. Off-street parking and loading areas.
   d. Golf courses.

3. Management Plan. A management plan must be submitted for all common open space, including any detention and retention ponds serving more than one property. The designated common open space must be owned and managed by one or more of the following entities and the management plan must meet the standards for each type of plan.
   a. Homeowners Association.
      (1) The developer must provide the Village with a description of the association, proof of incorporation, its bylaws, a declaration of covenants, easements, or restrictions, or similar documents regulating the use of the property and establishing procedures for maintaining the open space. The documents must include a description of how control of the association will be transferred from the developer to the homeowners.
      (2) Maintenance and insurance of common open space can either be the responsibility of the association or can be incorporated into a Special Service Area (SSA) if the association is unable or unwilling to assume these responsibilities. An SSA is required to be established for all stormwater improvements per the Kendall County Stormwater Management Ordinance. Other common open space may also be included in an SSA. If an SSA is the selected maintenance option, the Village will administer the SSA as a part of the Village's existing program and will oversee contractors and levy sufficient funds to conduct proper maintenance.
      (3) Membership in the association is mandatory for all property owners within the subdivision. The members of the association must share the costs of maintaining common open space owned by the association.
      (4) The association must have adequate staff to properly maintain common open space or lease common open space to another party for operation and maintenance.
      (5) The association's documentation must be recorded with the final plat of subdivision in accordance with Section 3.03 (Subdivision Applications).
   b. Private Conservation Organization. With the permission of the Village, the developer may transfer the common open space, or easements on the open space, to a private conservation organization in accordance with the following standards.
      (1) The organization must be a well-established conservation organization whose purpose is to conserve open space and/or natural resource areas.
      (2) The transfer must include provisions to allow the conservation organization to return the common open space to the property owners in the event that the organization becomes unable to carry out its responsibilities.
      (3) The transfer must include a maintenance agreement for the common open space in a format that is acceptable to the Village.
   c. Private Ownership. With the permission of the Village, an individual may maintain the common open space as provided by a conservation easement. The private ownership option may be used for unique situations where no other options are practical.

7.04 Street Standards

A. Applicability. The provisions of this Section apply to all new or reconstructed streets approved in accordance with this Ordinance.

B. General Requirements.

1. Street Types. All new streets must meet the design standards required by this Section. Street types must be approved by the Village Board pursuant to the recommendation of the Planning and Zoning Commission based on the objectives of the Village's Comprehensive Plan and the other land use

policies of the Village. Street type approval and subdivision approval must occur simultaneously in accordance with Section 3 (Annexation and Subdivision Application Approval Procedures).

2. Public Use. All streets must be available for public use at all times. Private streets are prohibited unless otherwise approved by the Village Board.

3. Right-of-Way Features. The developer must dedicate additional rights-of-way to accommodate all right-of-way features required by this Section if the requirements cannot be met within the existing right-of-way.

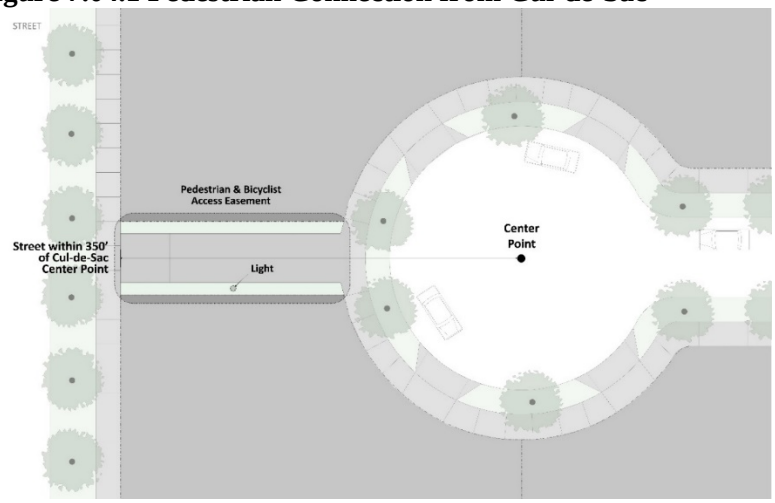
4. Street Names. New street names must not duplicate any existing street name in the Village except if a new street is a continuation of an existing street. The sound or spelling of new street names must not be substantially similar to the names of existing streets.

C. Street Design Standards for All Street Types.

1. Interconnected Streets. The network of streets must form an interconnected grid pattern and provide for the continuation of existing streets into new subdivisions.

2. Disconnected Streets.
   a. Cul-de-Sac Streets. Cul-de-sac streets are discouraged and are allowed only when approved by the Zoning Administrator in consultation with the Village Engineer. Cul-de-sacs may be allowed due to site constraints such as topography, natural features, railroad tracks, or raised highways. Cul-de-sacs must provide pedestrian and bicyclist access according to the following standards.
      (1) Cul-de-sacs must provide pedestrian and bicyclist access along a public easement located between lots of record when the center point of the cul-de-sac is within 350 feet of a street or another cul-de-sac. Refer to Figure 7.04.1 (Pedestrian Connection from Cul-de-Sac).
      (2) The public easement must be a minimum of 10 feet wide.
      (3) The public easement must include a lighted multi-use path with a minimum width of 10 feet that is constructed of a permanent surface approved by the Zoning Administrator in consultation with the Village Engineer.
      (4) Maintenance of the easement must be designated in the final plat of subdivision.

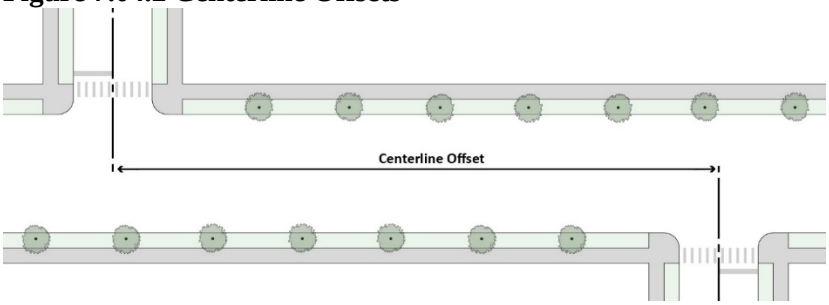
Figure 7.04.1 Pedestrian Connection from Cul-de-Sac



b. Stub Streets. Stub streets must be extended to the boundary line of land that is not subdivided to provide for future street connections. Stub streets must be constructed with temporary cul-de-sac or other device approved by the Village Engineer to allow for large vehicles, such as emergency service vehicles and snowplows, to turn around.
c. Half Streets. Half streets are prohibited unless otherwise approved by the Zoning Administrator in consultation with the Village Engineer. Half streets may be allowed if the Village receives satisfactory assurance for dedication of the remaining half of the street when adjacent property is subdivided.
   (1) Proposed half streets must dedicate and construct at least one half of the right-of-way according to the applicable design standards for an entire street.
   (2) If a half street is adjacent to a proposed subdivision, the other half of the street must be platted within the proposed subdivision, and the remaining right-of-way improvements must be constructed.

3. Intersection Design and Alignment.
   a. Alignment of New Streets. New streets must be aligned with existing streets when feasible to form intersections.
   b. Number of Streets. A maximum of two streets may intersect at any point.
   c. Angle of Intersection. Streets must be aligned to intersect at right angles whenever possible. In all cases, the angle of intersection for center lines must be 80 to 100 degrees.
   d. Centerline Offsets. The centerlines of intersections must be offset by a minimum distance of 150 feet, see Figure 7.04.2 Centerline Offsets.

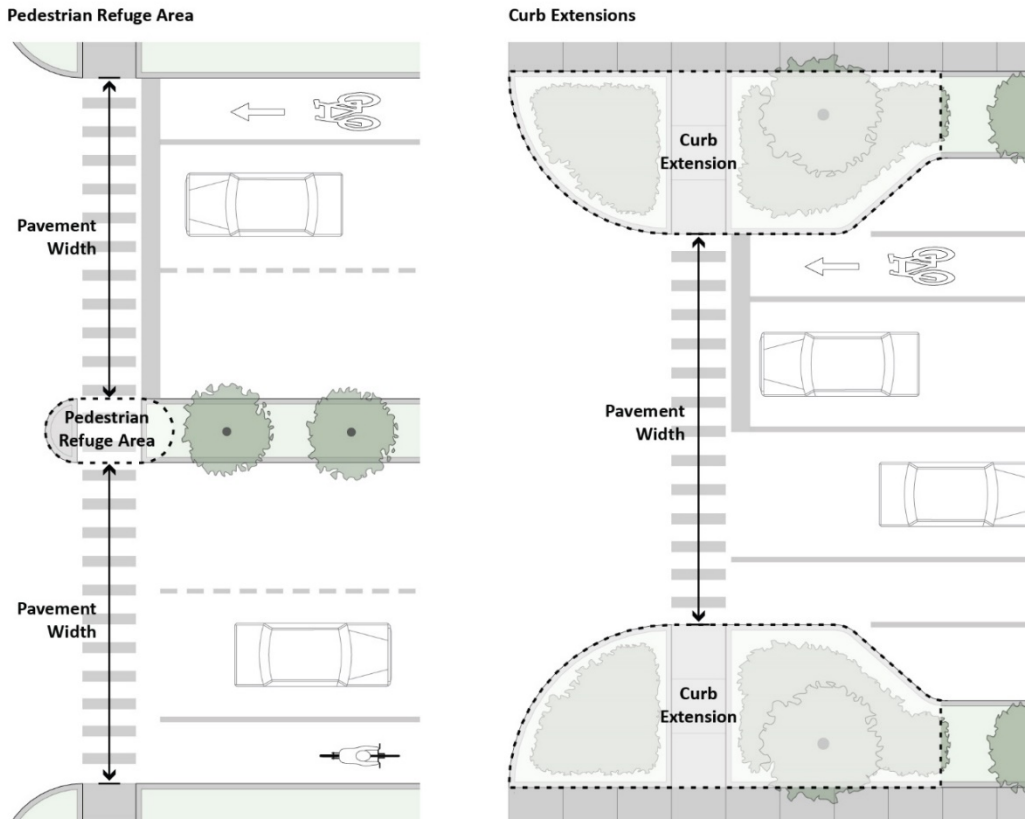
Figure 7.04.2 Centerline Offsets



e. Clear Sight Distance. Minimum clear sight distance at all intersections must be provided in accordance with Section 8.05.C (Visibility Obstruction), the Subdivision and Development Control Regulations, and other applicable guidelines, see Section 7.05.I (Street Construction).
f. Alignment of Curved Streets. The horizontal and vertical alignment of curved streets must be provided in accordance with the Subdivision and Development Control Regulations and other applicable guidelines, see Section 7.05.I (Street Construction).

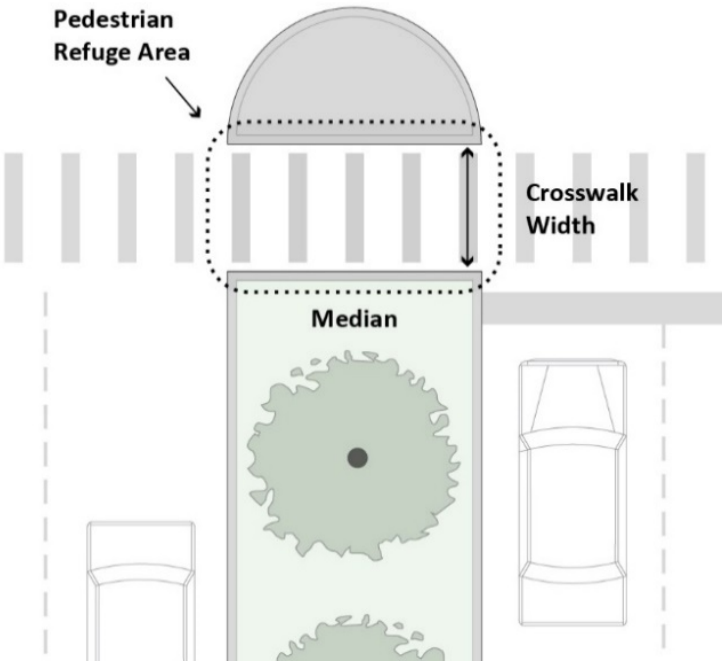
4. Crosswalks.
   a. Location. Crosswalks are required at intersections in accordance with the Manual of Uniform Traffic Control Devices as directed by the Village Engineer.
   b. Dimensions. Crosswalks must be a minimum of six feet in width per the Manual on Uniform Traffic Control Devices.
   c. Markings. Crosswalks must be highly visible with painted markings and/or textured or colored pavement, in accordance with the Subdivision and Development Control Regulations.
   d. Pedestrian Crossing Distances. Pavement width at crosswalks must be a maximum of 38 feet to encourage pedestrian safety. Rights-of-way may include median pedestrian refuge areas, curb extensions, or other acceptable pedestrian facilities to meet the maximum pedestrian crossing distance as determined by the Village Engineer. Refer to Figure 7.04.3 Pedestrian Crossing Distances.

Figure 7.04.3 Pedestrian Crossing Distances



5. Medians.
   a. Landscaping. Landscape elements within a median may be covered with living plant material. Acceptable plants include shade trees, ornamental trees, shrubs, low-growing evergreens, perennials, native grasses, and sod. Species must be heat, drought and salt tolerant.
   b. Visibility. Nothing may be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. Plant material located within a median may be taller than 2.5 feet at mature height if landscape elements, including branches, do not obstruct the area between 2.5 feet and 8 feet in height. The area 1.5 feet from the curb, towards the center of the median on both sides of the median, must not have plant material taller than one foot.
   c. Median Pedestrian Refuge. At any intersection requiring a pedestrian to cross more than three vehicle lanes, a median pedestrian refuge must be installed to provide adequate pedestrian safety. The pedestrian refuge cut-through or ramp must be the same width as the crosswalk. Refer to Figure 7.04.4 Median Pedestrian Refuge Design.

Figure 7.04.4 Median Pedestrian Refuge Design



6. Curb Extensions. Curb extensions must be installed at the intersections of collector and arterial streets that contain an on-street parking lane adjacent to the curb, to support pedestrian safety. Curb extensions may contain landscaped bioretention cells to facilitate stormwater infiltration and meet the requirements of Section 7.04.D.4 (Parkways and Stormwater Management Facilities).

7. Accessible Ramps and Warning Panels. Accessible ramps and warning panels are required where all sidewalks or trails terminate at a crosswalk or curb, per the Americans with Disabilities Act or any more stringent state requirement. Two ramps per corner at intersecting streets are required and must be oriented perpendicular to traffic.

8. Curbs and Gutters. The dimensions and materials of all curbs and gutters must comply with the procedures of the Subdivision and Development Control Regulations

D. Street Type Design Standards.

1. General Standards for Street Types. New streets within subdivisions will be configured as a street type that meets the requirements of Table 7.04.1 General Standards for Street Types. The Zoning Administrator, in consultation with the Village Engineer, may require modifications to the street type standards depending on the unique characteristics of the site. Typical street elements are part of either the vehicle realm or the pedestrian realm. Refer to Figure 7.04.5 Typical Right-of-Way Elements.

Figure 7.04.5 Typical Right-of-Way Elements

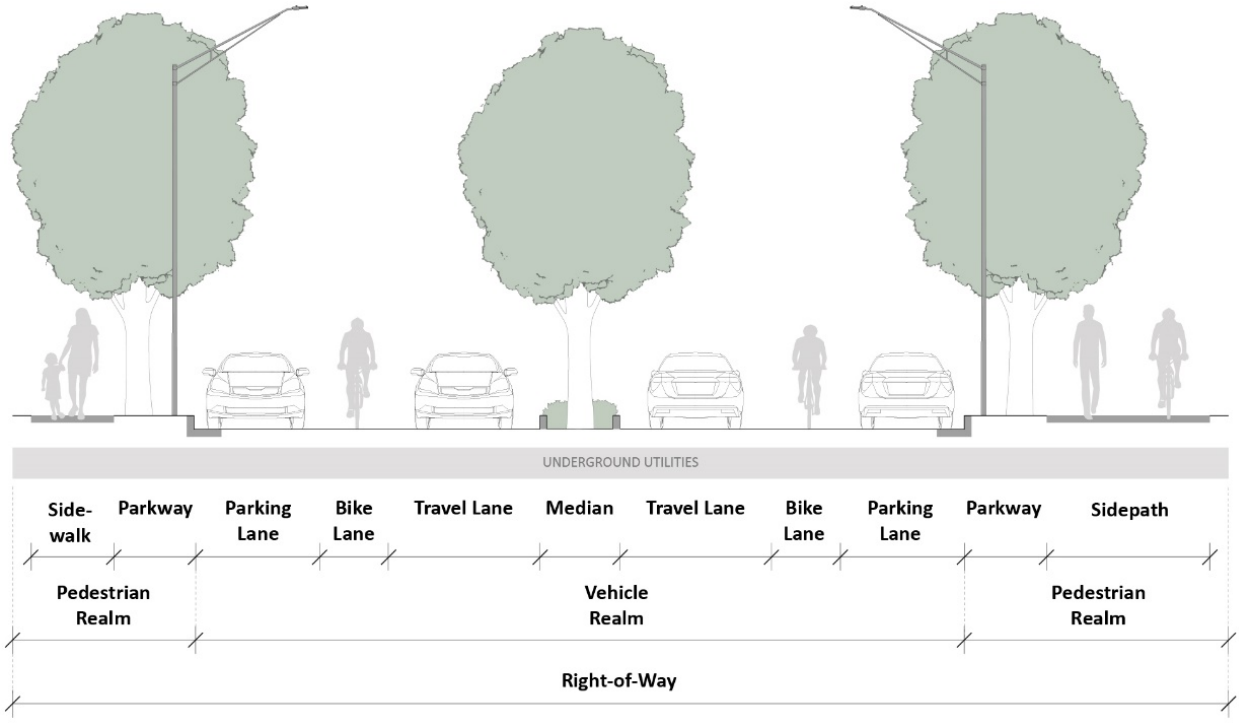
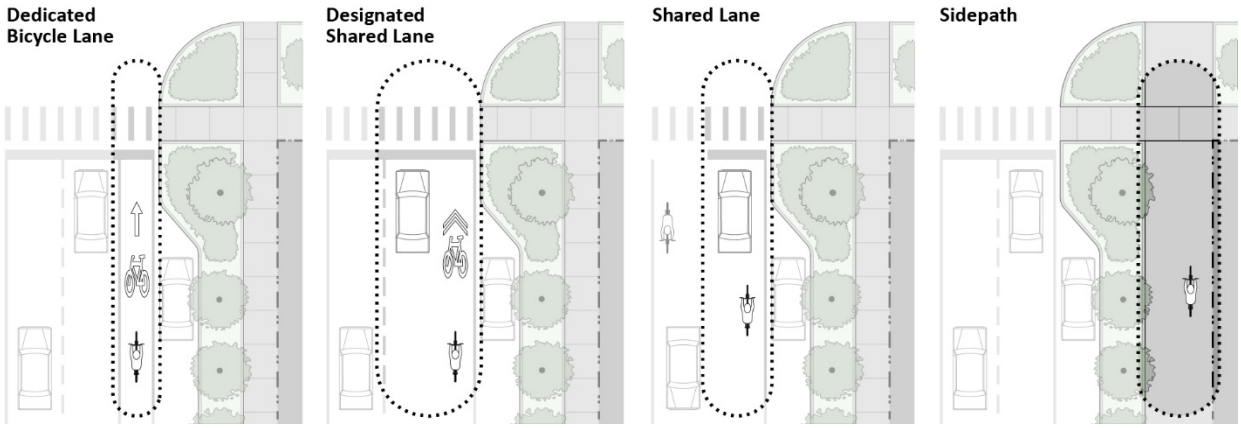


Table 7.04.1 General Standards for Street Types

Street Type	Right-of-Way Width	Vehicle Realm						Pedestrian Realm	
		Vehicle Travel Lanes (minimum width of 12 ft)	Allowed Turn Lanes	Parking Lanes	Pavement Width (back of curb to back of curb)	Median	Bicycle Facilities	Pedestrian Facilities	Minimum Parkway
Arterial Street	120 ft	4	Left permitted with median; Right permitted in place of parking	Parallel parking lane permitted on both sides	65 ft	Permitted, minimum 6 ft wide	Dedicated bicycle lanes or sidepaths	10 ft sidepath or 5 ft sidewalk on both sides	8 ft both sides
Collector Street	80 ft	2	Left permitted; Right permitted in place of parking	Parallel parking lane permitted on both sides	39 ft	Permitted, minimum 4 ft wide	Dedicated bicycle lanes, designated shared lanes, or sidepaths	5 ft sidewalk on both sides	8 ft both sides
Local Street	66-80 ft	2	Right permitted in place of parking	Parallel parking lane permitted on both sides	33-39 ft	Permitted, minimum 4 ft wide	Dedicated bicycle lanes, designated shared lanes, shared lane, or sidepath	5 ft sidewalk on both sides	8 ft both sides
Alley	20-30 ft	1	Prohibited	Prohibited	20-30 ft	Prohibited	Shared lane	Shared	N/A

2. Bicycle Facilities. New streets must include on-street or off-street bicycle facilities. Three types of on-street bicycle facilities are permitted and one type of off-street bicycle facility is permitted. Refer to Figure 7.04.6 Bicycle Facilities.
   a. Dedicated Bicycle Lane. Dedicated bicycle lanes are on-street striped lanes outside the outermost vehicle travel lanes. Dedicated bicycle lanes must be located on both sides of the street and must be a minimum of five feet wide.
   b. Designated Shared Lane. Designated shared lanes are on-street lanes that are shared by vehicles and bicycles. Designated shared lanes must be a minimum of 14 feet wide to accommodate both vehicles and bicycles. On two-way streets, a designated shared lane is required in both directions. Designated shared lanes must be indicated by shared lane markings or sharrows.
   c. Shared Lane. Shared lanes are on-street facilities that do not have dedicated bicycle lanes or designated shared lanes, but that allow bicycles to comfortably share lanes with vehicle traffic due to the speed and configuration of the street.
   d. Sidepath. Sidepaths are off-street facilities that are shared by pedestrians and bicyclists. Sidepaths function like a sidewalk but are wide enough to accommodate pedestrians and bicyclists simultaneously. Sidepaths are required on both sides of the street and must be a minimum of 10 feet wide. At the Zoning Administrator's discretion, a sidepath may be located on only one side of the street provided the sidepath is a minimum of 12 feet wide.

Figure 7.04.6 Bicycle Facilities



3. Street Trees. Street trees must be installed in Village rights-of-way in accordance with Section 11.04 (Street Trees).

4. Parkways and Stormwater Management Facilities. Stormwater management facilities approved by the Village may be integrated within the parkway of all street types to help clean and infiltrate stormwater runoff (refer to Figure 7.04.7 Bioswale Design, Figure 7.04.8 Bioretention Planter Design, and Figure 7.04.9 Bioretention Curb Extension Design).
   a. Bioswales, bioretention planters, or other stormwater management best management practices are encouraged to be installed within all new parkways.
   b. Bioretention cells may be included within curb extensions for all street types when a parking lane is adjacent to the parkway. Bioretention cells may extend into the parkway.

Figure 7.04.7 Bioswale Design

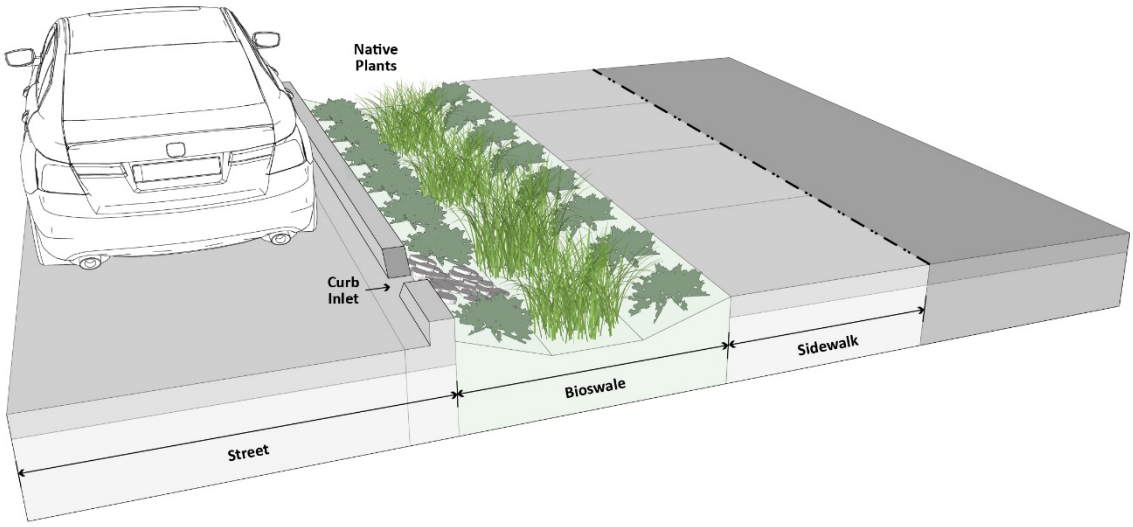


Figure 7.04.8 Bioretention Planter Design

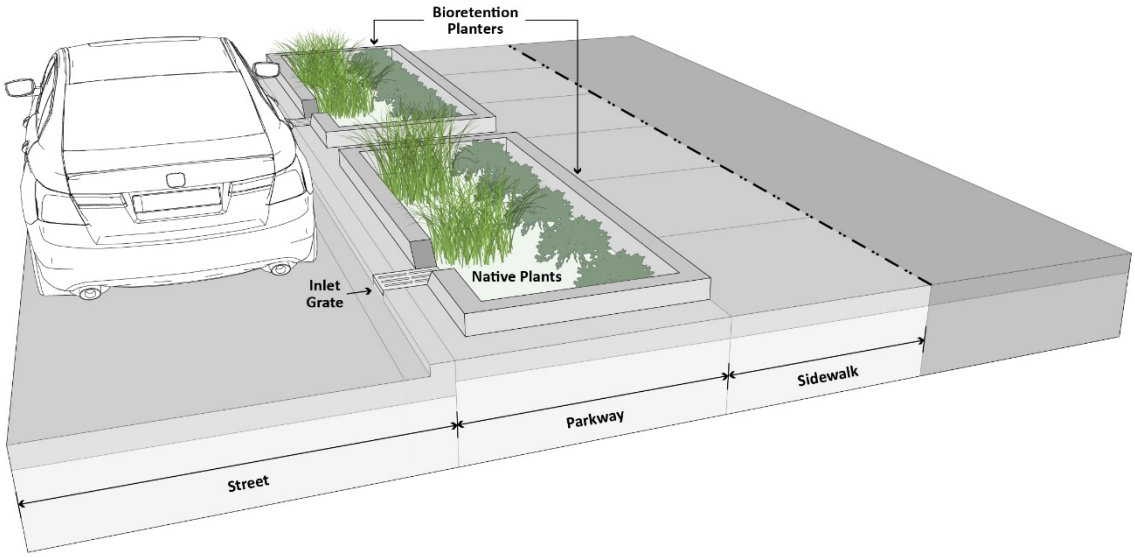
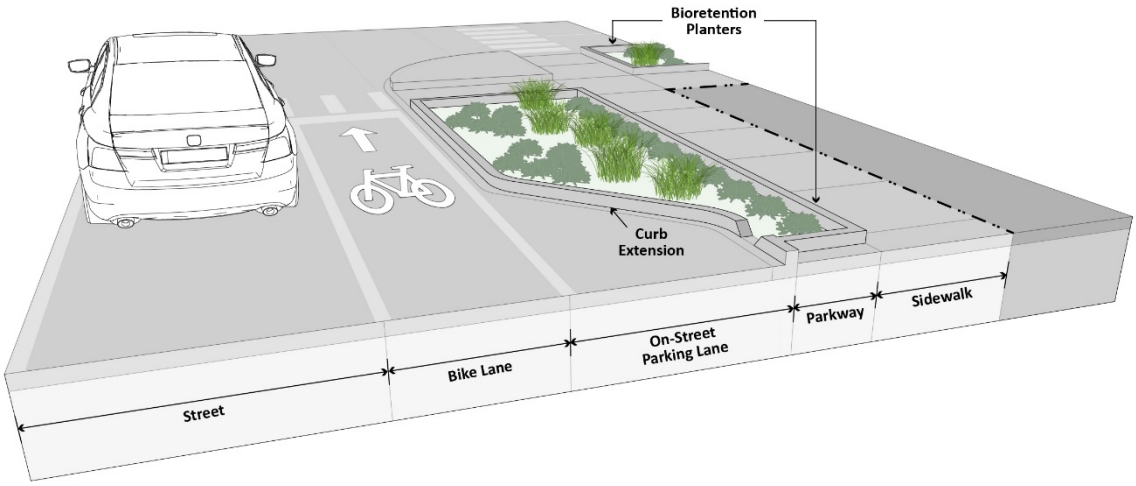


Figure 7.04.9 Bioretention Curb Extension Design



7.05 Required Public Improvements

A. Applicability. Public improvements must be provided in accordance with this Section.

B. Compliance Required. Before a final plat or planned unit development is approved, the Zoning Administrator, in consultation with the Village Engineer, must certify that the improvements described in the applicant's plans, specifications, and agreements meet the minimum requirements of the Village. All construction work must be in accordance with the Subdivision and Development Control Regulations, unless otherwise specified.

C. Construction Security.

1. Amount. After approval of the final engineering documents, the property owner must submit a construction security to the Village Engineer to guarantee completion of public improvements. The amount of the construction security will be determined by the Village Engineer so that it is sufficient to cover the cost of all public improvements or the impact to existing improvements required within the subdivision or type of development, but the amount will be at least 120 percent of the estimated final public improvement costs. The construction security must be made as a cash security deposit, letter of credit, bond with agreement for its disposition, or other form of surety approved by the Zoning Administrator.

2. Procedure.
   a. Withdrawal of Funds. In the event that any public improvement is not properly constructed, completed, and transferred to the Village, the funds represented by the construction security or any portion thereof, may be withdrawn by the Village. The Village may withdraw funds from the construction security if material deterioration occurs, or if the public improvements present an imminent hazard to life or property.
   b. Insufficient Funds. In the event that there are insufficient funds for the construction security, the applicant is responsible to fund any costs described in this Section. The applicant must compensate the Village within 30 days of the notice of this deficiency.

c. Village Discretion. The standards of this Section must not be interpreted to require the Village to complete, maintain, or repair any public improvement which has not been accepted by the Village. It is expressly provided that the Village has the right, but not the obligation, to perform such work at its sole discretion.
d. Reduction of Security. Construction security may be reduced prior to acceptance of the public improvements by the Village Board, subject to the following:
   (1) The applicant must provide a sworn statement attesting to the cost of the work performed and estimating the cost to complete all remaining public improvements.
   (2) The security reduction request must not exceed the cost of the work performed, as stated in the applicant's sworn statement.
   (3) The applicant must provide written lien waivers for all labor and materials provided when public funds are involved.
   (4) The security reduction request will not be approved if it would reduce the balance of the remaining security funds below 120 percent of the estimated cost of completing the remaining public improvements.
   (5) The security reduction request must be accompanied by a certificate from the Village Engineer that confirms the applicant's compliance with this Section and recommends approval of the security reduction. The Village Engineer's certificate is not considered acceptance of any public improvements by the Village.

3. Liability of the Village. The Village is not liable for any damages that occur on any dedicated right-of-way within a new subdivision that has not been accepted by the Village. The applicant must indemnify, hold harmless, and defend the Village from any damage claims that may be asserted.

D. Acceptance and Approval of Subdivision Improvements.

1. Compliance. Inspection and acceptance of subdivision improvements must comply with the procedures of this ordinance.

2. Inspection and Initial Approval and Acceptance. Upon written request of the Owner/Developer, and after the required improvements have been completed and supporting documents have been submitted, the Village Engineer or Public works representative shall make a preliminary inspection of the completed work. The Village Engineer or Public Works representative shall then prepare a punch list, itemizing all items not meeting the requirements of the approved drawings and specifications.
   a. The supporting documents for "Initial Acceptance" shall be submitted to the Village Engineer and shall consist of the following:
      (1) Record "As Built" Drawings.
      (2) Bill of sale; Contractor's Affidavit and Lien Waivers. The bill of sale will transfer ownership of the public improvements to the Village for a nominal sum, typically $10. The Contractor's Affidavit and Lien Waivers in accordance with the Illinois Mechanics Lien Act, for all land improvements to be accepted by the Board.
      (3) Surveyor's Statement. Statement signed by an Illinois Registered Land Surveyor stating that all of the required monuments and irons are in place.
      (4) Satisfactory Performance Guarantee. The submission from the Owner/Developer of a deposit in cash, irrevocable letter of credit, or surety bond, equal to twenty (20%) percent of the approved estimate of cost for the public improvements. This deposit shall be a guarantee of satisfactory performance of the public improvements and shall be held by the Village for a minimum of twelve (12) months after "Initial Acceptance". Upon recommendation from the Village Engineer, the Village Board shall by resolution make "Initial Acceptance" of the public improvements.

b. The Village may reduce the posted Performance Guarantee as each division of the required land improvements is "Initial Accepted". Land improvements shall be divided into the following categories as applicable:
   (5) Sanitary sewer mains and appurtenances;
   (6) Water mains and appurtenances;
   (7) Storm sewer mains, drainage ways, and storm water management facilities;
   (8) Streets and parkway grading and seeding/sodding;
   (9) Miscellaneous improvements (landscaping, street traffic signs, street lights, pedestrian paths, traffic signals, etc.).
c. The posted Performance Guarantee shall only be reduced by authorization of the Village Board, after review and recommendation by the Village Engineer

3. Final Acceptance of Subdivision Improvements.
   a. Village Engineer Final Approval and Acceptance. Approximately two to three months prior to the expiration of the "Initial Acceptance" Performance Guarantee, the Village Engineer or Public Works representative shall make a final inspection of the public improvements and prepare a punch list of minor repairs. All plans and specifications for required subdivision improvements must receive final approval and acceptance by the Village Engineer and any designees.
   b. Village Board Approval and Acceptance. Upon satisfactory completion of this final punch list, with the Village Engineer's written recommendation, the Village Board shall by resolution make "Final Acceptance" of the public improvements. The Village Board will approve and accept the subdivision improvements after the Village Engineer certifies that all required subdivision improvements have been constructed and installed in accordance with the previously approved plans and specifications. The maintenance responsibility for the public improvements shall then be with the Village.
   c. Permanent Connections. The applicant must not make any permanent connections to any wastewater collection, water distribution, or street lighting systems until the Village Engineer has certified that the required improvements have been properly constructed and the applicant has paid all applicable fees.
4. Deposit Required. No subdivision improvements will be accepted by the Village until the applicant provides a cash security deposit, letter of credit, or maintenance bond equal to 20 percent of the estimated cost of the improvements. This deposit guarantees satisfactory performance of the improvements constructed within the subdivision and the Village will hold the deposit for 12 months after accepting such improvements.
   a. Amount of Deposit. The amount of the deposit will be calculated using the security deposit worksheet prepared by the Village Engineer. The amount of the deposit will be based on the number and type of water connections, sanitary sewer connections, storm sewer connections, and roadway cuts; lineal feet of curb removed and replaced; acres of property to be protected by erosion and sediment control.
   b. Deposit Approval. A cash security deposit, letter of credit, or maintenance bond of $25,000 or more will be approved by the Village Board. A cash security deposit, letter of credit, or maintenance bond of less than $25,000 will be approved by the Village Engineer.

5. Refund of Deposit. After holding the deposit for 12 months, the cash security deposit will be refunded, or the letter of credit or maintenance bond will be released if no defects have developed. If any defects have developed, then the applicant is responsible for repairing all such defects.

6. Performance Guarantee Release. The cash security deposit required by Section 7.05.D.4 (Deposit Required) will be posted with the Village upon approval of the construction of the improvements, and the performance guarantee will be released.

7. Snow, Ice, and Debris Removal. The applicant is responsible for clearing snow, ice, and debris from all dedicated streets within the subdivision which have been improved but not yet accepted by the Village. If the applicant fails to clear snow, ice, or debris from any such street within six hours of any snowfall or debris-causing event, this failure will be considered a violation of the provisions of this Section. The Village may clear the street and charge the applicant the cost of the removal.

8. Improvement Conveyance. The developer must convey all completed improvements to the Village by a bill of sale in a form approved by the Village Attorney as a condition of acceptance of all required subdivision improvements.

9. Inspection at Developer's Expense. All public improvements proposed under the provisions of this Ordinance will be inspected during the course of construction by the Village Engineer or any designees. All fees and costs connected with such inspection must be paid by the applicant.

E. Water Supply.

1. Provision of Service. The developer must provide the development with a complete water main supply system that is connected to a public water supply system. The system must provide reliable and adequate water supply and must be constructed according to the specifications and performance standards established by the Village and any other agencies that have jurisdiction.

2. Water Mains.
   a. Construction Standards. All water mains and appurtenances must meet the requirements of the latest edition of the Standard Specifications for Water and Sewer Construction in Illinois.
   b. Construction Location. Water mains must be constructed to the lot line to facilitate extension to adjacent lots.
   c. Minimum Diameter. Water mains must be at least eight inches in diameter, and include shutoff valves and fire hydrants.

3. Fire Hydrants.
   a. General Requirement. Fire hydrants must be installed per the current requirements of the Village.
   b. Location. Fire hydrants must be installed throughout a development at intervals not to exceed 300 feet and take advantage of space adjacent to driveways, unless otherwise authorized by the fire district that has jurisdiction.

F. Sanitary Sewer.

1. Consistency. The sanitary sewer system must be designed and constructed in accordance with the requirements of the Village, the Fox Metro Water Reclamation District, the Illinois Environmental Protection Agency (IEPA), and the current edition of the Standard Specifications for Water and Sewer Construction in Illinois.

2. Provision of Service. The developer must provide the development with a complete sanitary sewer system that is connected to a public sanitary sewer system, except as determined by the Village Engineer.

G. Stormwater Drainage and Management. All development must comply with the Kendall County Stormwater Management Ordinance and the landscape standard established in Section 11 (Landscape Standards), with the exception of modifications adopted by the Village.

H. Communication, Power, and Other Utilities.

1. Location of Utility Lines. All communication, power, and other utility lines, including above ground enclosures, must be located in the interior side or rear yards to the greatest extent possible. Communication, power, and other utility lines, including above ground enclosures, may be located in the front yard if no other option is available. All communication, power, and other utility lines must be placed underground within easements in the rear yard of lots or dedicated public rights-of-way.

2. Compliance. The installation of such facilities must be made in compliance with the applicable regulations of the Illinois Commerce Commission. The owner or developer of any property served by underground installations is responsible for compliance with the applicable regulations of the Illinois Public Utilities Act (220 ILCS 5/1-101 et seq.)

3. Utility Clustering. Utility services should be clustered within a single easement when feasible.

4. Burying Overhead Lines Required. All existing overhead utility lines must be buried underground upon development of an undeveloped lot. All costs associated with burying overhead lines must be the responsibility of the developer. All proposed utility lines must be buried underground within the proposed development. No overhead utilities will be allowed in proposed developments.

I. Street Construction. All new platted or dedicated streets must be improved with roadway paving in accordance with the Subdivision and Development Control Regulations. Street construction may be subject to standards outside of this Ordinance, including the Illinois Department of Transportation (IDOT), the Manual on Uniform Traffic Control Devices (MUTCD), the American Association of State Highway and Transportation Officials (AASHTO), and the National Association of City Transportation Officials (NACTO).

J. Street Lighting. Street lighting must be installed in accordance with the standards and specifications of the Subdivision and Development Control Regulations. Installed luminaires must include LED or similar energy efficient technology.

K. Easements.

1. Easement Provision. Easements must be provided for utility services and drainage including, but not limited to, water supply, sanitary sewer, storm sewer, stormwater, gas, telecommunication, cable television, and electric. Easements must be marked on the final plat and must be a minimum of five feet wide as measured for the combined width of the interior side yards and 10 feet in the front or rear yards. The location of the utility easement is determined by the developer and the appropriate utility company, and be approved by the Zoning Administrator, in consultation with the Village Engineer.

2. Authority to Access. The Village and utility companies that have a franchise agreement with the Village have the authority to construct, operate, and maintain utility systems within easements, including access across property for necessary personnel and equipment.

3. Building Limitations. Principal buildings and accessory structures, except fences and walls, are prohibited within easements. Easements may be used for sidewalks, driveways, and other purposes that do not interfere with the utility and its maintenance. The Village or utility may remove any

structures or landscaping within the easement that interferes with the operation of the utilities, without compensation.

4. Reserve Strips. Reserve strips that control access to public utilities, streets, alleys, or pedestrian paths are prohibited.

7.06 Cash and Land Donations

A. Applicability. The requirements of this Section apply to all developments, subdivisions and planned unit developments, to provide for the Village's needs for various facilities and services, such as public schools, parks, street maintenance, and police and fire protection.

B. Ultimate Population Per Dwelling Unit. The ultimate population density generated by a subdivision or planned unit development must use the projections set forth in Table 7.06.1 Ultimate Population Per Dwelling Unit.

Table 7.06.1 Ultimate Population Per Dwelling Unit

Type of Dwelling	Pre-School 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	High School Grades 9-12 14-17 Years	Adults 18+ Years	Total Population Per Dwelling
Single-Unit Dwelling						
2-Bedroom	0.113	0.136	0.048	0.020	1.700	2.017
3-Bedroom	0.292	0.369	0.173	0.184	1.881	2.899
4-Bedroom	0.418	0.530	0.298	0.360	2.158	3.764
5-Bedroom	0.283	0.248	0.248	0.300	2.594	3.770
Attached Single-Unit						
1-Bedroom	0.000	0.000	0.000	0.000	1.193	1.193
2-Bedroom	0.064	0.088	0.048	0.038	1.752	1.990
3-Bedroom	0.212	0.234	0.058	0.059	1.829	2.392
4-Bedroom	0.323	0.322	0.154	0.173	2.173	3.145
Multi-Unit Dwelling						
Studio	0.000	0.000	0.000	0.000	1.294	1.294
1-Bedroom	0.000	0.002	0.001	0.001	1.754	1.758
2-Bedroom	0.047	0.086	0.042	0.046	1.693	1.914
3-Bedroom	0.052	0.234	0.123	0.188	2.526	3.053

C. Park Site Donation.

1. General Provisions.
   a. Conveyance of Land. Required land donations must be provided per Section 7.06.F (Conveyance of Land Donation).
   b. Cash Donations. Required cash donations must be provided per Section 7.06.G (Cash Donations).
   c. Phasing. The improvement of all donated park land sites must be completed by the developer before 20 percent of the certificates of occupancy have been issued, unless otherwise approved by the Zoning Administrator in consultation with the Village Engineer.

2. Park Land Donation Calculation.
   a. Park Acreage Requirement. The amount of park land required is determined by the ultimate density of the proposed development. For parks, 10 acres of park land per 1,000 residents must be donated.
   b. Land Donation Formula. The amount of park land to be donated is determined by the following formula. The total number of units for each dwelling type to be built is multiplied by the corresponding population density in Table 7.06.1 Ultimate Population Per Dwelling Unit. The product for each dwelling type is added to calculate the ultimate population of the development. The ultimate population for all dwelling units is then divided by 1,000. The result of such division is then multiplied by 10 to determine total acreage needed for park land donation.

3. Criteria for Required Park Land Donation.
   a. Site Criteria. The park land donation site must be suitable for the purposes for which it is intended. Wetlands, floodplains, detention areas, stormwater retention basins, and areas of steep slope are not considered suitable park land, and cannot be counted as a land donation. The proposed site must be an integral component of the neighborhood, rather than left over parcels, and must be safely and conveniently accessible to pedestrians and cyclists.
   b. Location. Parks must be located within 1,320 feet from every lot in the subdivision, as space permits and as measured by walking distance, so they are accessible to the surrounding neighborhood. The Village retains final selection and approval authority for all park site locations.
   c. Compatibility with Current Plans. The Village's Comprehensive Plan and its other land use policies as well as the Oswegoland Park District's Park/Open Space and Trail Systems Plan, will guide the location of park sites. Land donation will only be accepted in instances where a developer owns land in reasonable proximity to a planned park site. In all other cases, the payment of fees in lieu of actual land is required.
   d. Condition of Donated Land. Donated land must be in a condition ready for facility development, including proper grading, site drainage, utilities, and curb and gutter treatment in a manner consistent with the rest of the development. Original topsoil and vegetative cover must either remain undisturbed or the site must be prepared in a manner consistent with the standards of the applicable park district.

4. Park Land Donation Substitutions.
   a. Fee In Lieu. If it is determined that park land would be more appropriately located off-site, per the requirements of Section 7.06.G (Cash Donations), the Village may agree to accept cash in lieu of land.
   b. Off-Site Park Land Donations. Off-site park land may meet a portion of the total required park land donation provided that such land is accessible to the community, and advances Village

goals to naturalize flood-prone properties, transition to passive recreation use, or increase conservation areas.

c. Park Improvements Credit. The Village Board may recognize existing or proposed park improvements as equal to or greater than the value of the improvement fees required in this Section and may credit the development's total required park contribution with the value of such site improvements.

D. School Site Donation.

1. General Provisions.
   a. Conveyance of Land. Required land donations must be provided per Section 7.06.F (Conveyance of Land Donations).
   b. Cash Donations. Required cash donations must be provided per Section 7.06.G (Cash Donations).

2. School Land Donation Calculation.
   a. School Classifications and Size of School Site. School classifications and the size of school sites within the Village must be determined in accordance with the criteria shown in Table 7.06.3 School Classifications and Size. The criteria provided is consistent with the Illinois Office of Education Standards, as adopted by the Illinois State Board of Education.
   b. Land Donation Formula. The ultimate number of students generated by a subdivision or planned unit development have a direct impact on the amount of land required for school sites. The following formula determines how many acres are required to be donated.
      (1) The total number of units for each dwelling type to be built is multiplied by the corresponding population density in Table 7.06.1 Ultimate Population Per Dwelling Unit.
      (2) Use the resulting projections for students and Table 7.06.2 School Classifications and Size to establish the ratio of projected students to the required acreage for school sites for each school classification.

Table 7.06.2 School Classifications and Size

Type	Maximum Number of Students	Minimum Acres of Land
Elementary schools, grades K-5	600	15
Middle schools, grades 6-8	900	25
High schools, grades 9-12	2,400	80

E. Reservation of Additional Land for Parks and Schools. In situations where the Village's Comprehensive Plan and the other land use policies of the Village call for a larger park or school site than the amount calculated by the requirements of this Section, the land needed must be reserved for purchase by the Village or other public body designated by the Village.

F. Conveyance of Land Donation.

1. Title. All land donations for park, school or other public purpose must be conveyed to the Village, school district, or other public body upon request from the entity receiving the land donation.

2. Conveyance Requirements. Each deed or other instrument conveying land must be accompanied by:
   a. A written commitment issued by a title insurer licensed to do business in Illinois to insure the title to such real estate in an amount equal to its value. The written commitment will be subject to current real estate taxes, covenants, conditions, and restrictions.

b. A current boundary line survey, certified to the Village by a licensed Illinois Land Surveyor.
c. An assessment plat and tax division petition in a form acceptable to the appropriate county authorities so that the land can be assigned its own property index number.
d. A phase one environmental study prepared by an environmental consultant assuring the Village that there are no hazardous or toxic substances on the property as defined in federal, state or local laws.
e. Inspection demonstrating that donated land is ready for facility development including, proper grading, site drainage, utilities, and curb and gutter treatment in a manner consistent with the rest of the development. Original topsoil and vegetative cover must either remain undisturbed or the site must be prepared in a manner consistent with the standards of the applicable school district.

3. Maintenance. Maintenance of the land reserved for a park, school, or other public purpose is the responsibility of the developer of the property from the date that it is conveyed until ownership is transferred or the property is sold. Failure of the developer to maintain the property will result in relinquishing all rights to the property, subject to statutory law governing conveyances of municipal real estate.

G. Cash Donations.

1. Establishment of Fees.
   a. Determination of In-Lieu Fee Amounts. The cash contribution in lieu of land is determined by multiplying the acreage demand for a given development by the average fair market value for land acquisition.
   b. Determination of Fair Market Value. The cash contributions in lieu of land is based on the fair market value of subdivided land that otherwise would have been donated as park or school sites. The average fair market value for acquiring improved land in the Village is $79,500 per acre as of the date of adoption of this Ordinance.

2. Criteria for Requiring a Contribution in Lieu of Park or School Sites.
   a. Unsuitability Determination. The determination that available land is unsuitable for a park or school site must be made by the Village after inspecting the land and receiving the recommendation of the park district, local school board, and the developer affected.
   b. Small or Otherwise Inappropriate Sites. In cases where a development is small and the resulting site would be inappropriate for a park or school, the Village will require the developer to pay a cash contribution in lieu of land donation.

3. Donation of Both Land and Cash In Lieu of Land. Situations where a required donation of both land and cash in lieu of land will be determined by the Village as follows.
   a. A portion of the land to be developed is proposed as the location for a park or school site. The portion of the land within the subdivision that is within the park or school site must be donated as an appropriate site and a cash contribution is required in lieu of any additional land that is required.
   b. A part of the designated park or school site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portion is required by donation, and a cash contribution in lieu of the land is required.
   c. A certain park or school site will be donated, and the rest of the required park or school site acreage would be unsuitable for a park or school. In this case, the cash must be contributed in lieu of the rest of the required school or park site acreage.

4. Time and Manner of Payment. Payments covering fees in lieu will be determined by the Village at the time of building permit approval.

5. Cash Donations for Special Districts.
   a. Deposit and Distribution. Cash contributions for non-Village services must be deposited with the Village and subsequently distributed to special districts upon written request by the applicable district. The amount of the contribution will be determined by the Village in consultation with the district. The funds must be used by the district in which the funds were collected to improve facilities, equipment, or operations.
   b. Indemnification. By accepting land and/or cash, the special district must indemnify the Village in writing against any loss, cost, or expense designated for the district.
   c. Reimbursement. By accepting land and/or cash, the special district must reimburse the Village for all expenses incurred in obtaining the land and/or cash required by this Section. The payment must be made to the Village within 30 days of the district's receipt of the land and/or cash, or receipt of an invoice from the Village, whichever occurs later.

SECTION 8: ZONING DISTRICT REGULATIONS

8.01 Purpose
8.02 Applicability
8.03 Development Standards of General Applicability
8.04 Zoning Map
8.05 Use of Land and Buildings
8.06 Establishment of Zoning Districts and Purpose Statements
8.07 Summary Table of Zoning Requirements
8.08 FO Floodplain Overlay District
8.09 A-1 Agricultural District
8.10 Design Requirements for Residential Zoning Districts
8.11 Residential Zoning Districts
8.12 Design Requirements for Business Zoning Districts
8.13 D-1 Downtown District
8.14 B-1 Regional Business District
8.15 Design Requirements for Manufacturing Zoning Districts
8.16 M-1 General Manufacturing District

8.01 Purpose

The purpose of this Section is to establish the development standards for properties within the Village.

8.02 Applicability

The provisions of this Section apply to all new construction and significant exterior renovation of existing structures. Refer to Section 6 (Nonconformities) for information on the continuation of nonconforming structures.

8.03 Development Standards of General Applicability

The following sections provide development requirements that must be met in addition to the development requirements established in this Section.

A. Site Plan Review. See Section 4.02 (Site Plan Review) for applicable site plan review requirements.

B. Uses. See Section 9 (Uses) for principal, accessory, and temporary use requirements as well as standards for accessory and temporary structure requirements.

C. Parking and Loading. See Section 10 (Off-Street Parking and Loading) for off-street parking, loading, and access requirements.

D. Landscaping and Buffering. See Section 11 (Landscape Standards) for landscaping, buffering, and screening requirements.

E. Signs. See Section 12 (Signs) for sign requirements.

F. Building Regulations. Refer to Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code for additional development requirements outside the purview of this Ordinance.

8.04 Zoning Map

A. Establishment of Zoning Map. The location and boundaries of the districts established in this Section are hereby established on the map designated as the Zoning Map of the Village of Oswego and referred to herein as the "Zoning Map." The Zoning Map is adopted by reference and declared to be part of this Ordinance.

B. Map for Reference. The Zoning Map is kept for reference on the Village's public website and in the offices of both the Village Clerk and the Zoning Administrator.

C. Zoning Map Amendments. All amendments to this Ordinance (see Section 4.06 (Zoning Text or Map Amendment)) that involve a change to the designation of a lot within a zoning district must be recorded on the Village's official Zoning Map.

D. Interpretation of Boundary Lines. The boundaries of all zoning districts shown on the Zoning Map are determined in accordance with the following:

1. Right-of-Way Lines. Where zoning district boundary lines coincide with streets, alleys, railroads, easements, or similar rights-of-way, the centerline of the right-of-way is considered the boundary line of the district.

2. Lot Lines. Where zoning district boundary lines coincide with a lot line, the lot line is considered the boundary line of the district.

8.05 Use of Land and Buildings

A. Number of Buildings on a Lot. No more than one principal building may be located on a lot used for a single-unit, or two-unit dwelling. For other uses, more than one principal building may be located on a lot provided that each building complies with the applicable requirements of this Section as though it were an individual principal building on a lot.

B. Applicability of Regulations.

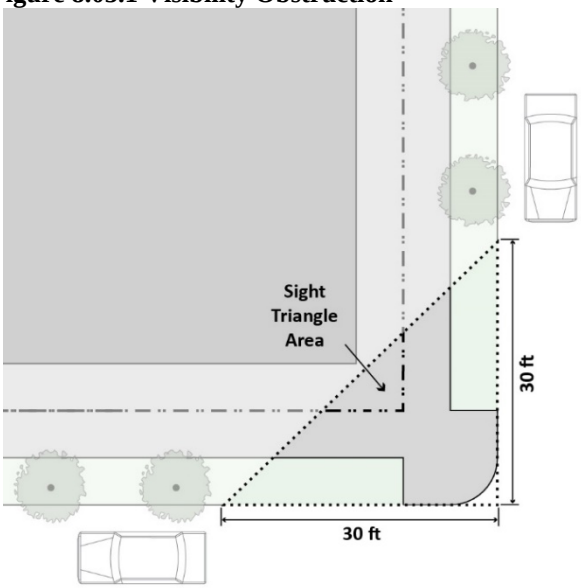
1. Applicability of Use Regulations. A building, structure, or land must be used for a use that is allowed as either a permitted or special use in the zoning district in which such building, structure, or land is located. Buildings, structures, or land may also be used for an accessory use or a temporary use in accordance with the requirements of Section 9.03 (Accessory Structures and Uses) and Section 9.04 (Temporary Uses and Structures).

2. Applicability of Lot and Setback Regulations. A lot or setback may not be reduced below the minimum requirements or extended beyond the maximum requirements of this Ordinance. Lots or setbacks created after the effective date of this Ordinance must meet the requirements for the zoning district in which the structure is located. All setbacks allocated to a building must be located on the same zoning lot as such building.

3. Applicability of Bulk and Height Regulations. All structures erected after the effective date of this Ordinance must meet the bulk and height requirements for the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the structure is located.

C. Visibility Obstruction. Nothing may be erected, placed, or allowed to grow in a manner that will create a visibility obstruction for motorists, bicyclists, or pedestrians. No building, structure, sign, or landscape element may obstruct the area between 2.5 feet and 8 feet in height within the sight triangle area. The sight triangle area is measured along 30 feet of curb line or edge of pavement where no curbs are present, from the point where two or more streets intersect or where a street intersects railroad tracks. (See Figure 8.05.1 Visibility Obstruction)

Figure 8.05.1 Visibility Obstruction



8.06 Establishment of Zoning Districts and Purpose Statements

In order to carry out the purpose and intent of this Ordinance, the Village is hereby divided into zoning districts with the following purpose statements.

A. FO Floodplain Overlay District. The FO Floodplain Overlay District is established to protect the public health, mitigate the potential for property damage, and reduce the potential financial burden to areas subject to periodic flooding or with high water tables.

B. A-1 Agricultural District. The A-1 Agricultural District is established to accommodate agricultural uses and limited non-agricultural uses that are compatible with agricultural development.

C. Residential Districts.

1. R-1 Single-Unit Dwelling District. The R-1 Single-Unit Dwelling District is established to accommodate low-density residential development. The R-1 District allows single-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

2. R-2 Single-Unit Dwelling District. The R-2 Single-Unit Dwelling District is established to accommodate moderate density residential development. The R-2 District allows single-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

3. R-3 Single-Unit Dwelling District. The R-3 Single-Unit Dwelling District is established to accommodate high density residential development. The R-3 District allows single-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

4. R-4 Attached Single-Unit Dwelling District. The R-4 Attached Single-Unit Dwelling District is established to accommodate two-unit dwellings and townhouse dwellings. The R-4 District allows two-unit dwellings and townhouse dwellings, other residential uses and limited non-residential uses that are compatible with surrounding residential neighborhoods.

5. R-5 Multiple-Unit Dwelling District. The R-5 Multiple-Unit Dwelling District is established to accommodate multiple-unit dwelling development. The R-5 District allows multiple-unit dwellings, other residential uses, and limited non-residential uses that are compatible with surrounding residential neighborhoods.

D. Business Districts.

1. D-1 Downtown District. The D-1 Downtown District is established to accommodate pedestrian-oriented development that serves the Village and surrounding communities. The D-1 District allows a wide range of commercial, residential, and institutional uses within Downtown Oswego.

2. B-1 Regional Business District. The B-1 Regional Business Districts is established to accommodate commercial development that serves the Village and surrounding communities. The B-1 District allows a wide range of commercial and institutional uses, primarily along major arterials.

E. Manufacturing District. M-1 General Manufacturing District. The M-1 General Manufacturing District is established to accommodate low and moderate intensity manufacturing development with minimal impacts on neighboring properties. The M-1 District allows a narrowly defined set of manufacturing, office, and research uses.

8.07 Summary Table of Zoning Requirements

Table 8.07.1 Summary Table of Zoning District Requirements provides a summary of the bulk and setback requirements for each zoning district established in this Section. Table 8.07.1 does not include a summary of the requirements for the FO Floodplain Overlay District.

Table 8.07.1 Summary Table of Zoning District Requirements

	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1
Bulk Requirements									
Minimum Lot Area	60 acres	30,000 sf	10,000 sf	10,000 sf	11,000 sf	20,000 sf	N/A	N/A	N/A
Minimum Lot Width	250 ft	120 ft	70 ft	70 ft	85 ft	100 ft	45 ft	100 ft	100 ft
Maximum Principal Building Height	35 ft	2.5 stories and 35 ft	2.5 stories and 35 ft	2.5 stories and 35 ft	2.5 stories and 35 ft	4 stories and 60 ft	See note[1]	60 ft	65 ft
Maximum Impervious Coverage – Principal Structure	N/A	15%	40%	45%	55%	65%	N/A	N/A	N/A
Maximum Impervious Coverage – Total	5%	25%	50%	55%	65%	75%	80%[2]	85%	80%
Setback Requirements									
Minimum Front Setback	75 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A	N/A	25 ft
Maximum Front Setback	N/A	N/A	N/A	N/A	N/A	N/A	0 ft	N/A	N/A
Minimum Corner Side Setback	75 ft	50 ft	30 ft	30 ft	30 ft	15 ft	N/A	N/A	25 ft
Maximum Corner Side Setback	N/A	N/A	N/A	N/A	N/A	N/A	10 ft	N/A	N/A
Minimum Interior Side Setback	50 ft	20 ft	12 ft	7.5 ft	12 ft	10 ft	N/A	10 ft	10 ft
Minimum Rear Setback	100 ft	50 ft	30 ft	30 ft	30 ft	40 ft	N/A	30 ft	20 ft
Minimum Setback Adjacent to a Residential District	N/A	N/A	N/A	N/A	N/A	N/A	10 ft	20 ft	30 ft

[1] In the D-1 District, the maximum principal building height is 5 stories and 70 ft adjacent to Harrison Street or Washington Street, and 4 stories and 56 ft elsewhere in the D-1 District.

[2] In the D-1 District, a lot may have minimum additional semi-pervious coverage of 20%.

8.08 FO Floodplain Overlay District

A. Applicability.

1. Location. The requirements of the FO Floodplain Overlay District apply to all areas of the 100-year floodplain located within the Village that are identified by the Federal Emergency Management Agency (FEMA) as flood areas at high risk of flooding as shown on Flood Insurance Rate Maps (FIRMs). The FIRMs, as amended, are adopted by reference and declared to be part of this Ordinance. The FO District includes the following areas:
   a. Floodway. Areas of the 100-year floodplain that are designated as a floodway on FIRMs.
   b. Flood Fringe. Areas of the 100-year floodplain that are located outside of the floodway.

2. Lots Within Floodplain. If a lot is located either partially or totally within the 100-year floodplain, the requirements of the FO District apply to the entire lot.

3. Relationship to Other Regulations. The requirements of the FO District do not limit the permitting requirements of the Illinois Departent of Natural Resources Office of Water Resources (IDNR OWR) for floodplains, or the requirements of the Kendall County Stormwater Management Ordinance. However, where the FO District imposes more restrictive standards, the more restrictive standards apply. The standards of the FO District do not require approvals from IDNR OWR in situations covered by the statewide floodplain construction permitting program.

B. General Requirements.

1. Base Flood Height Increases. No development is allowed in floodplain areas which will increase base flood height by 0.01 foot or more due to obstructing the flow of floodwaters, by itself or with other development, or due to the loss of floodplain storage area.

2. Required Setback. A minimum setback of 50 feet must be maintained from any waterbody or wetland, as measured from the regular shoreline, to prevent flooding and erosion from affecting structures.
   a. No principal or accessory structures may encroach within the required setback area.
   b. Required setback areas must be comprised of tree and plant species native or naturalized to northeastern Illinois in accordance with Section 11.03.A.4 (Species Diversity).
   c. Pedestrian or bicycle paths, recreational access, utility access, and wayfinding and educational signs may be allowed within the required setback, with Floodplain Development Permit approval (see Section 4.09 (Floodplain Development Permit)).

C. Development Standards in Floodway. Development is allowed in the floodway upon approval of a Floodplain Development Permit (see Section 4.09 (Floodplain Development Permit)), subject to the standards of the underlying zoning district and the standards of Section 8.08 (FO Floodplain Overlay District). The following uses are permitted in the floodway; any use not listed is prohibited.

1. Open space.

2. Community garden.

3. Park.

4. Pedestrian or bicycle path.

5. Other uses as may be approved by the Illinois Department of Natural Resources (IDNR).

D. Development Standards in Flood Fringe. Development is allowed in the flood fringe upon approval of a Floodplain Development Permit (see Section 4.09 (Floodplain Development Permit)), subject to the standards of the underlying zoning district and the standards of Section 8.08 (FO Floodplain Overlay District).

1. Uses Allowed in Flood Fringe. Any use, building, or structure allowed as a permitted or special use in the underlying zoning district is permitted in the flood fringe, as are structures allowed per the Kendall County Stormwater Management Ordinance.

2. Floodproofing Required. Any use, building, or structure located in the flood fringe must be designed to withstand flooding impacts associated with the base flood. Floodproofing measures must be certified by a registered professional engineer or architect. Floodproofing measures must be designed to:
   a. Withstand flood pressures, depths, velocities, forces, and other base flood factors.
   b. Protect structures to the flood protection elevation.
   c. Anchor structures to foundations to resist flotation and lateral movement.
   d. Ensure that structural walls and floors are watertight to the flood protection elevation to ensure that the interior remains completely dry during flooding.
   e. Place essential utilities above the flood protection elevation.
   f. Examples of floodproofing measures include, but are not be limited to, the following:
      (1) Installing watertight doors, bulkheads and shutters.
      (2) Reinforcing walls and floors to resist damage caused by water pressure or floating debris.
      (3) Using paints, membranes, or mortars to reduce water seepage through walls.
      (4) Adding mass or weight to structures to prevent flotation.
      (5) Installing pumping facilities or subsurface drainage systems to lower water levels.
      (6) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
      (7) Installing cutoff valves on sewer lines or eliminating gravity basement drains.

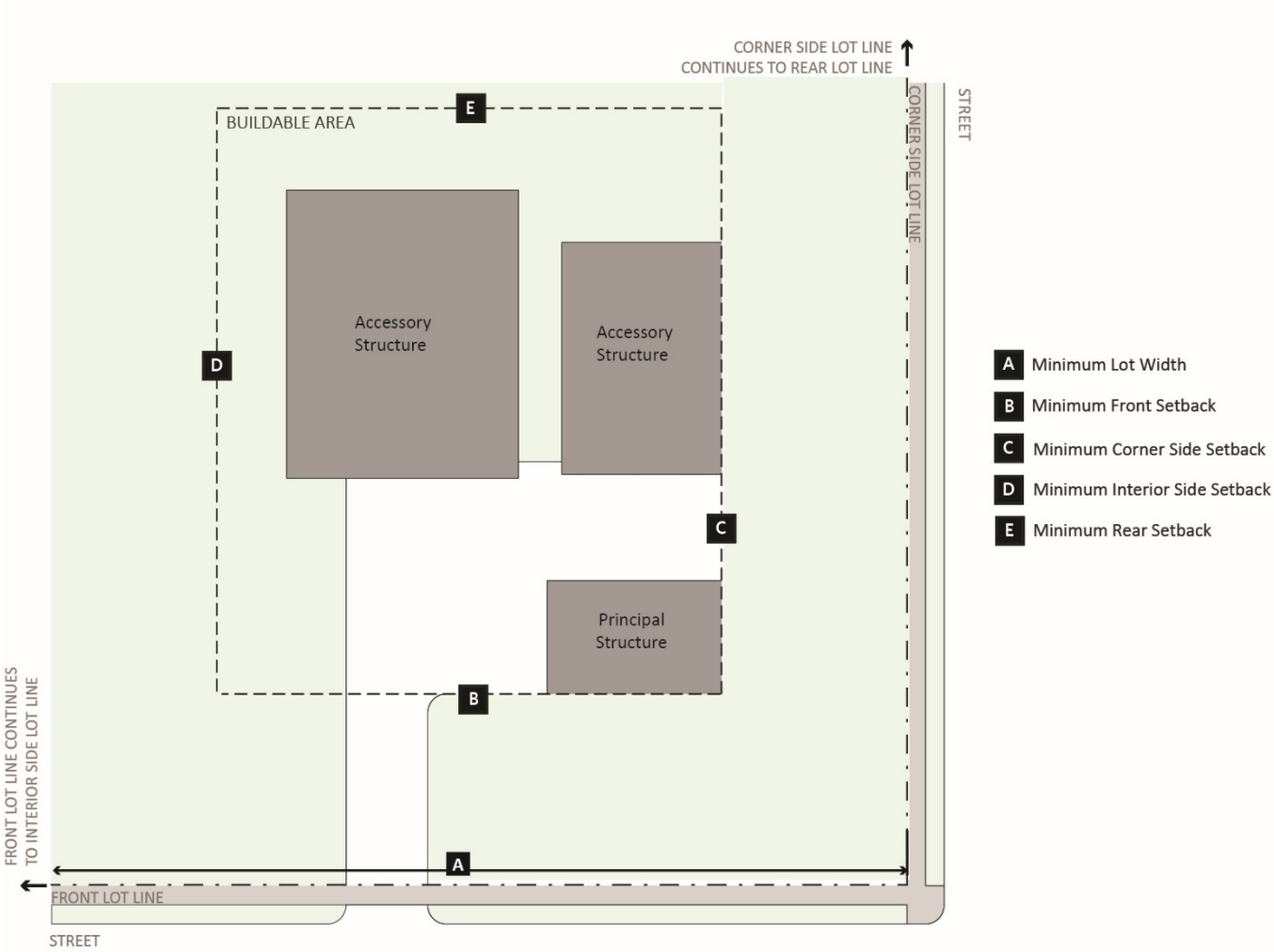
8.09 A-1 Agricultural District

Table 8.09.1 A-1 District Requirements and Figure 8.09.1 A-1 District Requirements establish bulk and setback regulations for the A-1 District. See Section 9.03 (Accessory Structures and Uses) for provisions related to accessory structures.

Table 8.09.1 A-1 District Requirements

Bulk Requirements		
	Minimum Lot Area	60 acres
A	Minimum Lot Width	250 ft
	Maximum Principal Building Height	35 ft
	Maximum Impervious Coverage - Total	5%
Setback Requirements		
B	Minimum Front Setback	75 ft
C	Minimum Corner Side Setback	75 ft
D	Minimum Interior Side Setback	50 ft
E	Minimum Rear Setback	100 ft

Figure 8.09.1 A-1 District Requirements



8.10 Design Requirements for Residential Zoning Districts

A. Applicability. The design requirements in this section apply to all new construction and additions to townhouse dwelling units and multiple-unit dwellings within the Village's residential zoning districts.

B. Design Requirements for Multiple-Unit Dwellings and Townhouse Dwelling Units. Refer to Figure 8.10.1 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements.

1. Façade Articulation. To avoid the appearance of blank walls, facades facing the front yard and corner side yard must include façade articulation, such as entrances, bay windows, porches, or other architectural features.

2. Façade Transparency. Minimum transparency is required on facades facing the front yard, corner side yard, and interior side yard. Minimum transparency of 15% is required on facades facing the front yard and corner side yard. Minimum transparency of 10% is required on facades facing the interior side and rear yards.

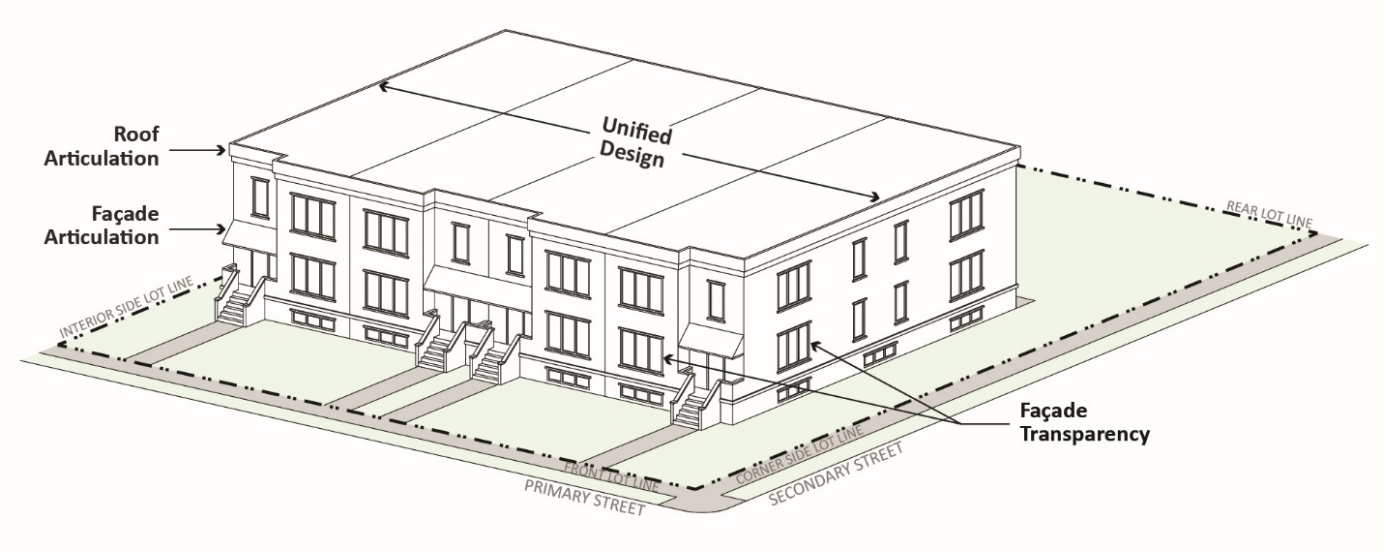
3. Unified Design. The façades of multiple-unit and townhouse dwelling units must utilize common architectural forms, elements, materials, and colors that wrap around all façades of the building to provide a unified architectural design when the development is viewed from all directions.

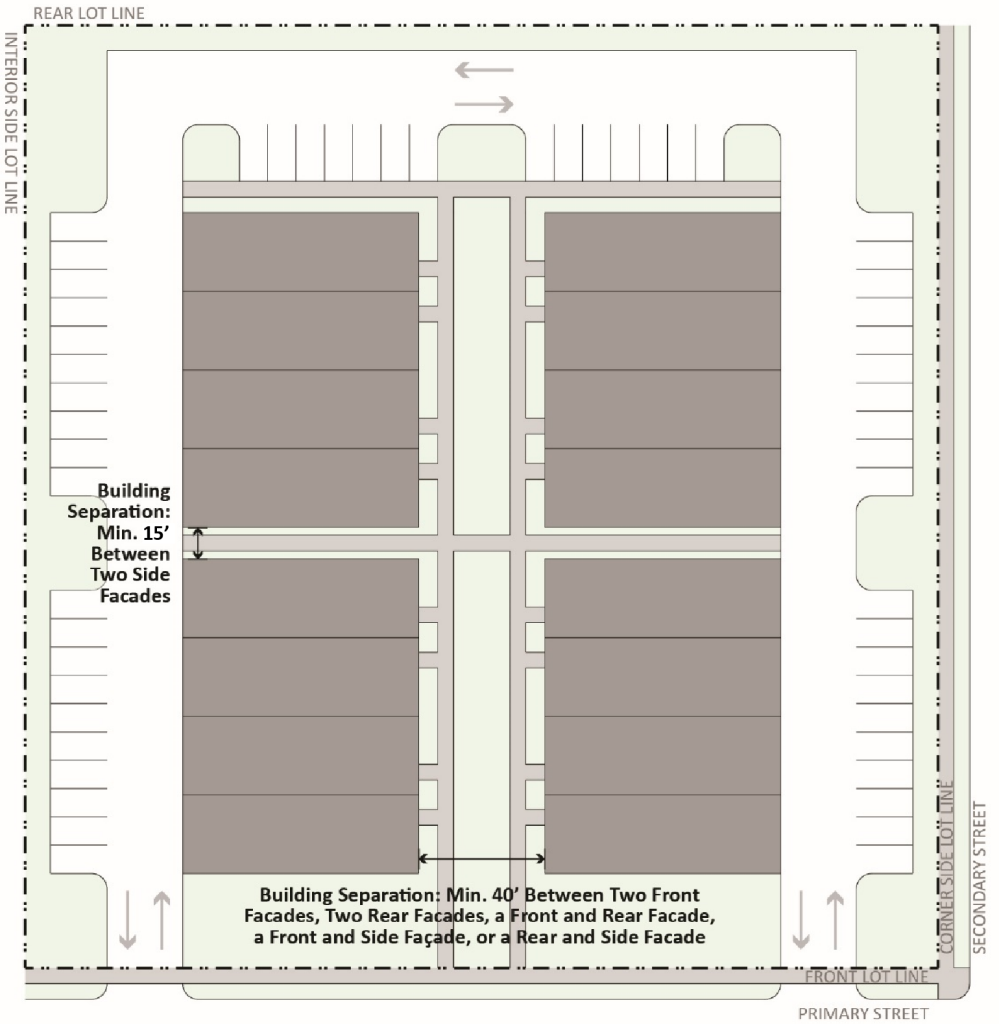
4. Building Separation. In developments with more than one building, there must be a minimum separation of 40 feet between two front facades, two rear facades, a front and rear façade, a front and side façade, or a rear and side façade. There must be a minimum separation of 15 feet between two side facades. Walkways, driveways and parking areas may be located within the minimum building separation areas.

5. Doors, Windows, and Balconies. Doors and windows must have frames with raised elements, such as jambs, entablatures, thresholds, and casings, to create articulation. Windows may be set back into or projected out from the façade to provide façade depth and shadow. Bay windows and balconies are encouraged to provide dimensional elements on a façade.

6. Roofs. Sloped roofs must include eaves of at least six inches in width. Roof forms must be articulated so that varied planes and massing within the overall roof are provided. Large monotonous roofs and simple pitched roofs without breaks in the expanse of the roof are prohibited. For flat roofs, the use of cornices and/or parapets is required to break up the roofline.

Figure 8.10.1 Multiple-Unit Dwelling and Townhouse Dwelling Unit Design Requirements





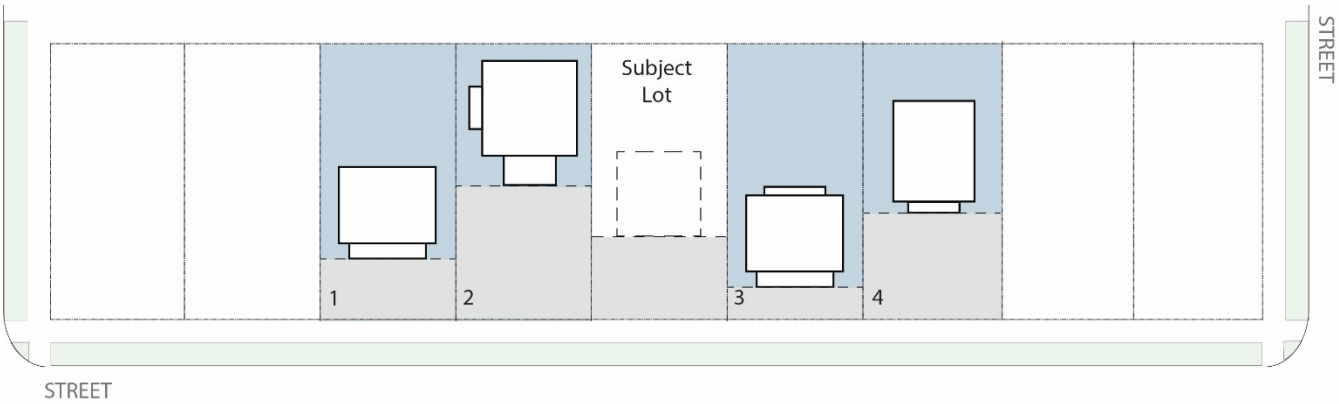
C. Front Setback Averaging in the R-1, R-2, and R-3 Districts. In situations where a block contains lots with buildings that have a difference in front setbacks of 15 feet or more, then a new building or an addition to an existing building, may be built to the average front setback of adjacent lots instead of the minimum front setback requirement. These setback averaging provisions may not be used to reduce the front setback to less than 20 feet. Refer to Figure 8.10.2 Setback Averaging.

1. Lots to Be Included. The average front setback must include the four lots closest to the subject lot that are on the same side of the block as the subject lot.

2. Lots Not to Be Included. Lots with frontage on a different street than the subject lot, or that are separated from the subject lot by a street or alley, may not be used in computing the front setback average.

3. Vacant Lots. Vacant lots used for averaging will be deemed to have a front yard setback equal to the minimum requirement of the subject zoning district.

Figure 8.10.2 Setback Averaging



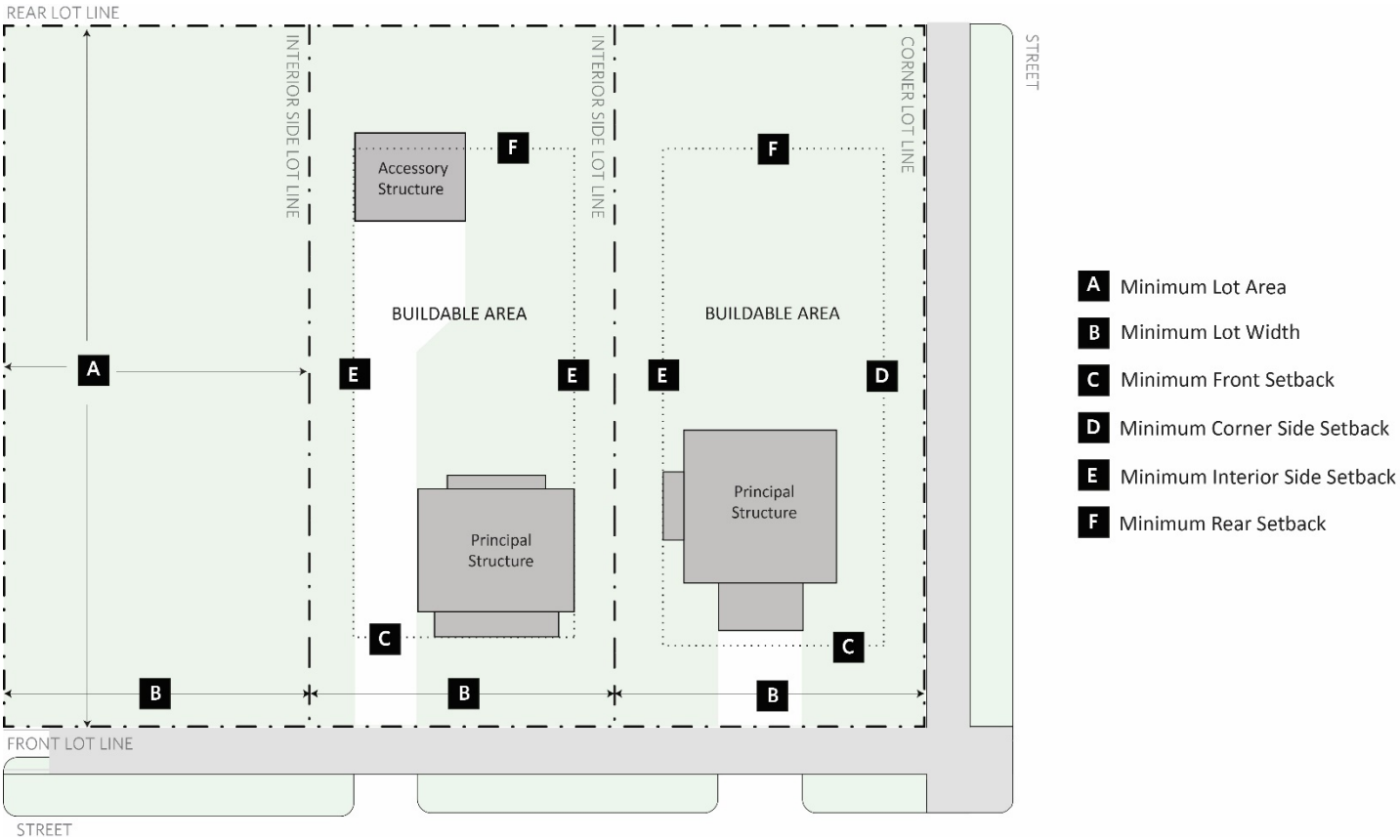
8.11 Residential Zoning Districts

Table 8.11.1 Residential Zoning District Requirements and Figure 8.11.1 Residential Zoning District Requirements establish bulk and setback regulations for the R-1, R-2, R-3, R-4, and R-5 Districts. See 9.03 (Accessory Structures and Uses) for provisions related to accessory structures.

Table 8.11.1 Residential Zoning District Requirements

		R-1	R-2	R-3	R-4	R-5
Bulk Requirements						
A	Minimum Lot Area	30,000 sf	10,000 sf	10,000 sf	11,000 sf	20,000 sf
B	Minimum Lot Width	120 ft	70 ft	70 ft	85 ft	100 ft
	Maximum Principal Building Height	2.5 stories and 35 ft	2.5 stories and 35 ft	2.5 stories and 35 ft	2.5 stories and 35 ft	4 stories and 60 ft
	Maximum Impervious Coverage – Principal Structure	15%	40%	45%	55%	65%
	Maximum Impervious Coverage – Total	25%	50%	55%	65%	75%
Setback Requirements						
C	Minimum Front Setback	50 ft	30 ft	30 ft	30 ft	30 ft
D	Minimum Corner Side Setback	50 ft	30 ft	30 ft	30 ft	15 ft
E	Minimum Interior Side Setback	20 ft	12 ft	7.5 ft	12 ft	10 ft
F	Minimum Rear Setback	50 ft	30 ft	30 ft	30 ft	40 ft

Figure 8.11.1 Residential Zoning District Requirements



8.12 Design Requirements for Business Zoning Districts

A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing structures within the Village's D-1 and B-1 Districts, except for single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings. For additional design requirements specific to each business zoning district, see Section 8.13 (D-1 Downtown District) and Section 8.14 (B-1 Regional Business District). For design requirements specific to townhouse dwelling units and multiple-unit dwellings within the Village's business zoning districts see Section 8.10 (Design Requirements for Residential Zoning Districts).

B. Design Requirements.

1. Façade Design.
   a. Defined Base, Middle, and Top. Buildings with multiple stories must be designed with a distinct base (ground story), middle, and top. The base of the building must be defined from the upper stories by a horizontal expression line, which is a decorative, three-dimensional linear element protruding or indented at least two inches from a building façade. The top of the building must be crowned with a similar expression line no less than six inches in width.
   b. Façade Articulation. For buildings with more than 50 feet of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals to divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.

2. Building Façade Materials.
   a. Allowed Materials. Durable and natural materials are allowed on any building façade, such as stone, brick, stucco, concrete, burnished concrete masonry units, fiber cement siding, and non-reflective glass, unless otherwise limited by Section 8.12.B.2.b (Limited Materials).
   b. Limited Materials. The following materials may only be utilized for trim or architectural details and must not exceed 20 percent of the total area of any building façade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems (EIFS), fiberglass, plastic, untreated wood, and mirrored glass. The painting of brick, limestone, or other natural stone is prohibited so that such materials retain their natural colors. If material was painted prior to this ordinance and is a legal nonconformity, surfaces may be repainted as part of normal maintenance.

3. Building Details. Pedestrian-scale elements are encouraged on any building façade fronting a public right-of-way, such as decorative lighting not more than nine feet in height, planters, and awnings.

4. Roof Design. Green roof, white roof, and blue roof designs are encouraged.

C. Explanation of Table Requirements. The following information explains the design requirements established in Tables 8.13.1 D-1 District Requirements and 8.14.1 B-1 District Requirements. Refer to Figure 8.12.1 Business District Design Requirements

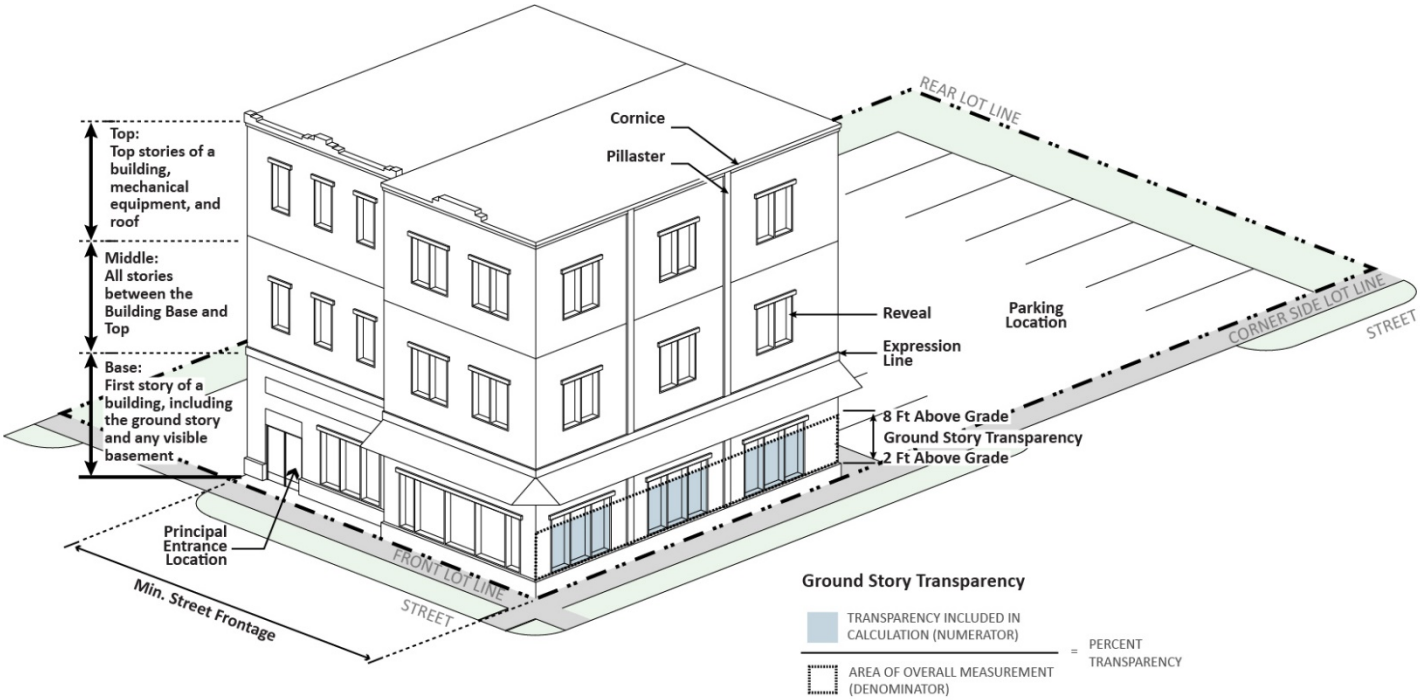
1. Minimum Street Frontage. The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.

2. Parking Location. The yards in which an off-street parking lot is allowed.

3. Minimum Transparency. The amount of highly transparent, non-reflective glass required as a percentage of the total area of the street-facing ground story façades between two and eight feet above grade. Tinting of glass in excess of 20 percent tint opacity is prohibited. Buildings larger than 30,000 square feet are exempt from these standards.

4. Principal Entrance Location. The façade on which the principal building entrance must be located.

Figure 8.12.1 Business Districts Design Requirements



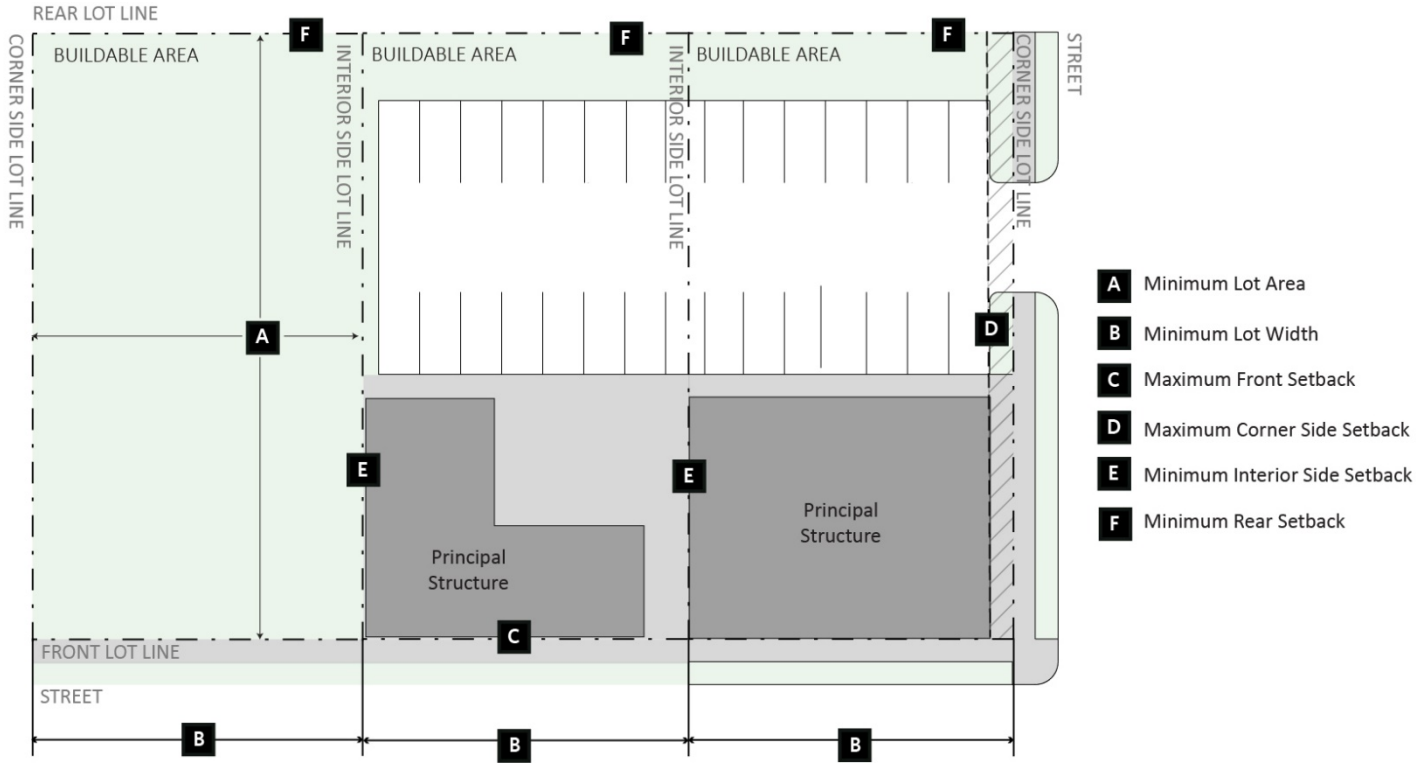
8.13 D-1 Downtown District

Table 8.13.1 D-1 District Requirements and Figure 8.13.1 D-1 District Requirements establish bulk and setback regulations for the D-1 District. See Section 9.03 (Accessory Structures and Uses) for provisions related to accessory structures.

Table 8.13.1 D-1 District Requirements

Bulk Requirements		
A	Minimum Lot Area	N/A
B	Minimum Lot Width	45 ft
	Maximum Principal Building Height	5 stories and 70 ft adjacent to Harrison Street or Washington Street 4 stories and 56 ft elsewhere in the D-1 District
	Maximum Impervious Coverage – Total	80%
	Minimum Additional Semi-Pervious Coverage	20%
Setback Requirements		
C	Maximum Front Setback	0 ft
D	Maximum Corner Side Setback	10 ft
E	Minimum Interior Side Setback	N/A
F	Minimum Rear Setback	N/A
	Minimum Setback Adjacent to a Residential District	10 ft
Design Requirements		
	Minimum Street Frontage on Primary Street	95%
	Parking Location	Rear yard
	Minimum Transparency	60%
	Principal Entrance Location	Front or corner side façade

Figure 8.13.1 D-1 District Requirements



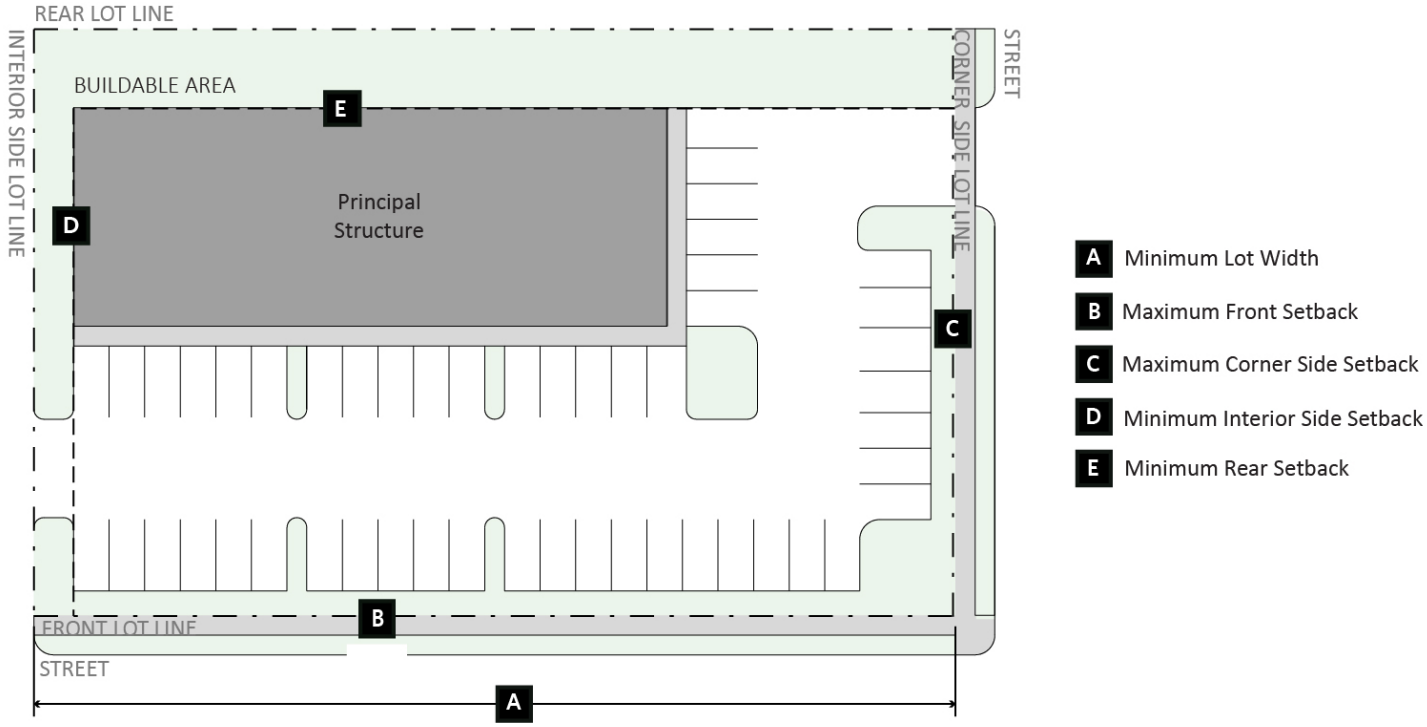
8.14 B-1 Regional Business District

Table 8.14.1 B-1 District Requirements and Figure 8.14.1 B-1 District Requirements establish bulk and setback regulations for the B-1 District. See Section 9.03 (Accessory Structures and Uses) for provisions related to accessory structures.

Table 8.14.1 B-1 District Requirements

Bulk Requirements		
	Minimum Lot Area	N/A
A	Minimum Lot Width	100 ft
	Maximum Principal Building Height	60 ft
	Maximum Impervious Coverage – Total	85%
Setback Requirements		
B	Maximum Front Setback	N/A
C	Maximum Corner Side Setback	N/A
D	Minimum Interior Side Setback	10 ft
E	Minimum Rear Setback	30 ft
	Minimum Setback Adjacent to a Residential District	20 ft
Design Requirements		
	Parking Location	Front, corner side, interior side, or rear yard
	Minimum Transparency	60%
	Principal Entrance Location	Front, corner side, or interior side façade

Figure 8.14.1 B-1 District Requirements



8.15 Design Requirements for Manufacturing Zoning Districts

A. Applicability. The design requirements in this section apply to all new construction and significant exterior renovation of existing structures within the Village's M-1 District, with the exception of single-unit dwellings, two-unit dwellings, townhouse dwelling units, and multiple-unit dwellings. See Section 8.16 (M-1 General Manufacturing District) for additional design requirements. Refer to Figure 8.15.1 Manufacturing Design Requirements.

B. Design Requirements.

1. Façade Articulation. For buildings with more than 100 ft of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing façades at regular intervals to vertically divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches.

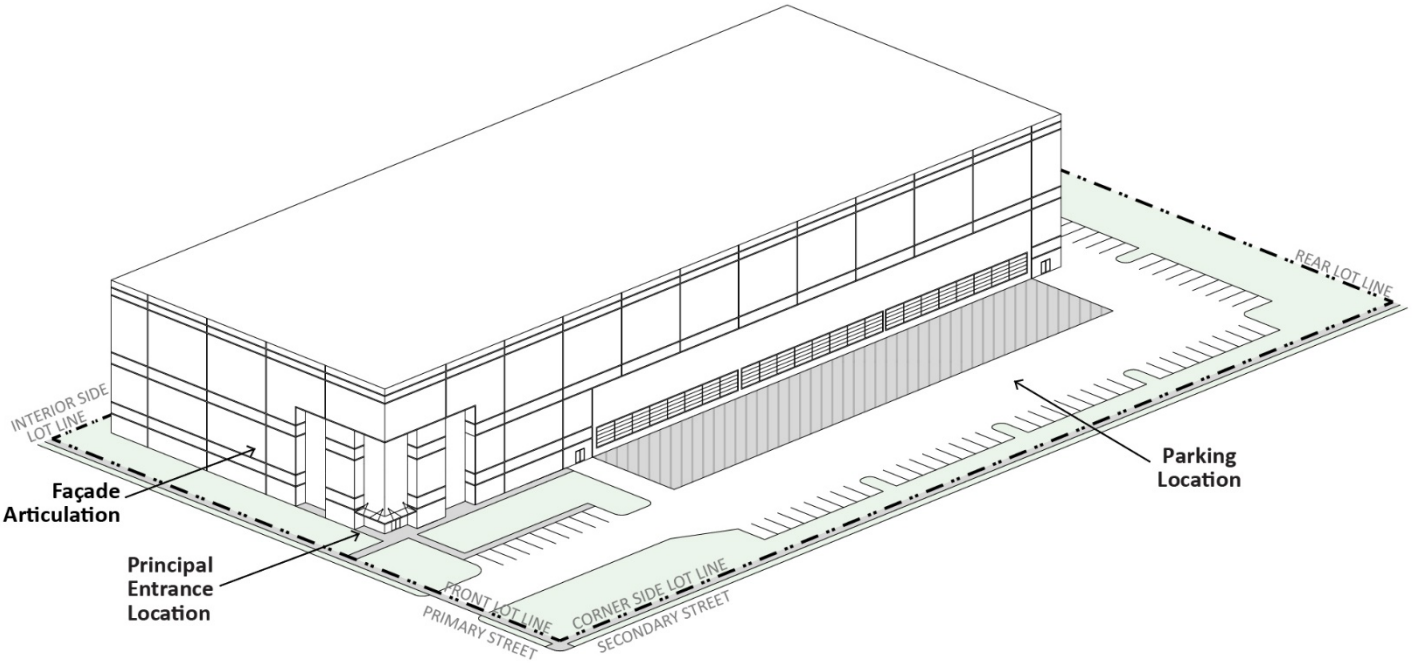
2. Building Façade Materials.
   a. Allowed Materials. Durable materials are allowed on any building façade, such as stone, brick (including utility brick), stucco, concrete (including exposed aggregate (rough finish) concrete wall panels), burnished concrete masonry units, exposed aggregate (stamped, textured, or imprinted) concrete wall panels, fiber cement siding, non-reflective glass, vinyl or metal siding, metal wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass.
   b. Accent Materials. Masonry materials must be utilized on 25 percent of the building façade in the front and corner side yard.
   c. Prohibited Materials. The painting of brick, limestone, or other natural stone is prohibited so such materials retain their natural colors. If material was painted prior to this ordinance and is a legal nonconformity, surfaces may be repainted as part of normal maintenance.

3. Roof Design. Green roof, white roof, and blue roof designs are encouraged.

4. Parking Location. Parking areas may be located in the front, corner side, interior side, or rear yards. Parking areas located in the front or corner side yard must not be the dominant visual element of the site when viewed from a right-of-way. Parking areas of 50 parking spaces or more must be located in interior side and rear yards, except if the primary use of the lot is a parking lot.

5. Principal Entrance Location. A principal entrance must be located on the front or corner side façade.

Figure 8.15.1 Manufacturing Design Requirements



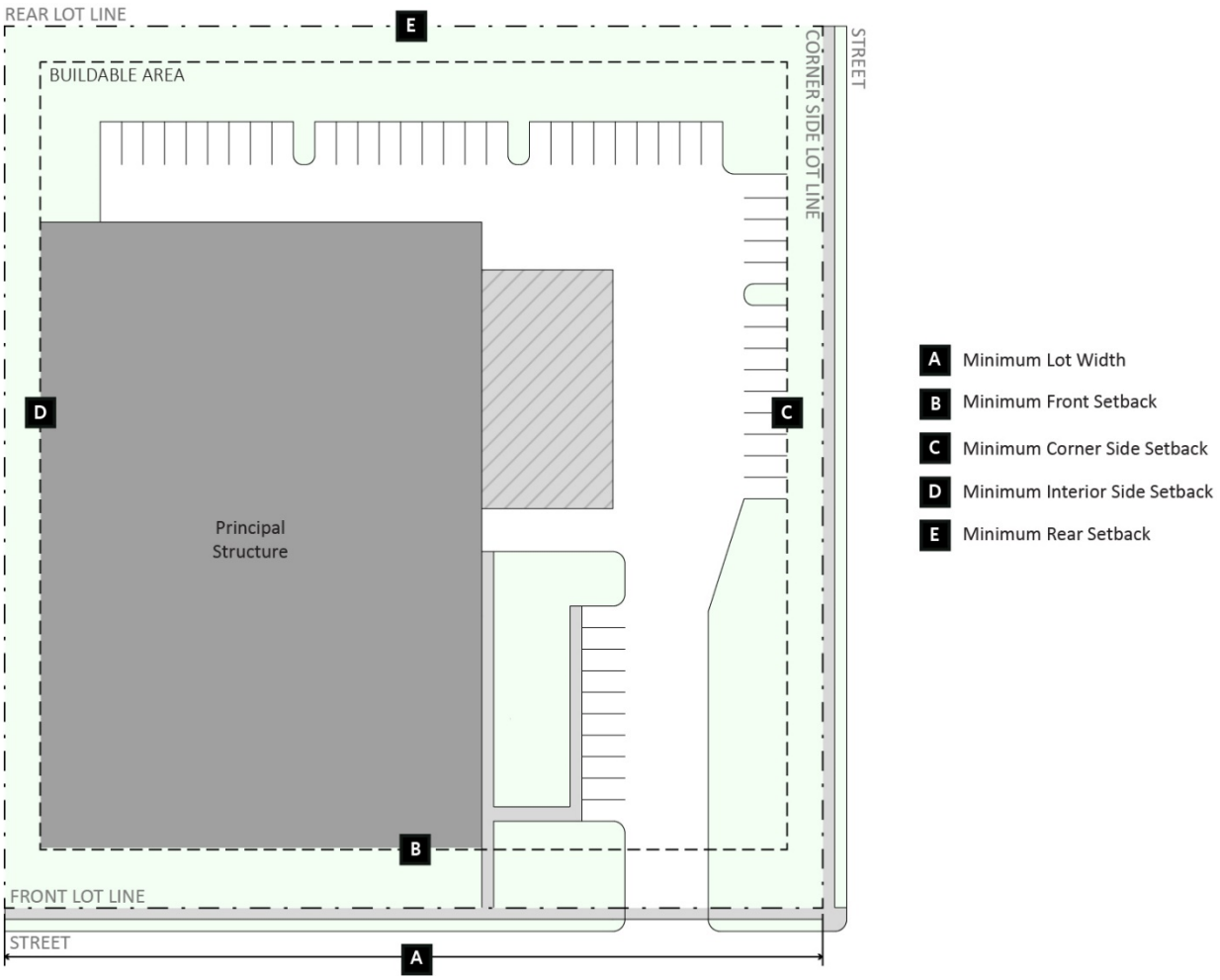
8.16 M-1 General Manufacturing District

Table 8.16.1 M-1 District Requirements and Figure 8.16.1 M-1 District Requirements establish bulk and setback regulations for the M-1 District. See Section 9.03 (Accessory Structures and Uses) for provisions related to accessory structures.

Table 8.16.1 M-1 District Requirements

Bulk Requirements		
	Minimum Lot Area	N/A
A	Minimum Lot Width	100 ft
	Maximum Principal Building Height	65 ft
	Maximum Impervious Coverage – Total	80%
Setback Requirements		
B	Minimum Front Setback	25 ft
C	Minimum Corner Side Setback	25 ft
D	Minimum Interior Side Setback	10 ft
E	Minimum Rear Setback	20 ft
	Minimum Setback Adjacent to a Residential District	30 ft

Figure 8.16.1 M-1 District Requirements



SECTION 9: USES

9.01 General Provisions
9.02 Principal Uses and Structures
9.03 Accessory Uses and Structures
9.04 Temporary Uses and Structures
9.05 Environmental Performance Standards

9.01 General Provisions

A. Purpose. The purpose of this Section is to protect and promote the health, safety, comfort, convenience, and general welfare of the public by providing clear standards for the use of the land within the Village.

B. General Standards. The following standards apply generally to the uses allowed by this Ordinance.

1. Federal, State, County, and Local Requirements. All uses must comply with relevant federal, state, county, and local standards including licensing, registration, health, and safety requirements.

2. Number of Principal Uses. A lot may contain more than one principal use.

3. Principal, Accessory, and Temporary Uses. Each use may function as a principal, accessory, or temporary use on a lot, unless otherwise specified.

4. Uses Within Enclosed Buildings or Structures. Each use must be primarily located within an enclosed building or structure. A use that typically includes an outdoor component is exempt from this requirement. Examples include, but are not limited to, community gardens, outdoor entertainment, outdoor recreation, outdoor storage areas, or parks. All buildings and structures must comply with the applicable requirements of this Section and Section 8 (Zoning District Regulations).

5. Exempt Public Uses. The following public uses are allowed to be erected, constructed, altered, or maintained in any zoning district with Village approval.
   a. Traffic signals, fire hydrants, and other similar public safety devices.
   b. Utility poles, wires, mains, drains, pipes, conduits, cables, wireless telecommunication small cells, and other similar public service devices.

C. Interpretation. Some of the uses and structures included in this Section are defined as broad categories that contain a group of similar uses. See Section 13 (Definitions) for definitions of the uses and structures included in this Section. Applicants may request an interpretation of the uses and structures in this Ordinance from the Zoning Administrator in accordance with Section 4.08 (Ordinance Interpretation).

1. Unlisted Similar Use or Structure. If a use or structure is not listed in this Section, but is similar in nature and impact to a use or structure allowed within a zoning district, the Zoning Administrator may interpret the unlisted use or structure as an allowed use.
   a. The unlisted use or structure is subject to any use standards that apply to the similar allowed use or structure.
   b. The Zoning Administrator may interpret an unlisted use as requiring the approval of a special use permit if the similar allowed use requires the approval of a special use permit.

2. Unlisted Dissimilar Use or Structure. If a use or structure is not listed in this Section and the Zoning Administrator does not deem the use or structure to be similar in nature and impact to a use or structure allowed within a zoning district, then the use is not allowed and may only be approved through an amendment of this Ordinance (refer to Section 4.06 (Text or Map Amendment)).

D. Incidental Use. A special use which is customarily associated with a permitted principle use and occupies a smaller area than the principal use may be considered an incidental use. Incidental uses may be permitted by the Zoning Administrator without a special use permit application, if the requirements below are met:
   1. Indoor uses: Square footage of incidental use occupies 25% or less of the gross floor area
   2. Outdoor uses:
      a. Square footage of incidental use must not exceed 25% of gross floor area
      b. Greater than 250 feet from a residential use as measured from the closest point of the incidental use to the residential property line

   This provision does not apply to adult uses, video gaming, and cannabis businesses.

E. Traffic Study. At the Zoning Administrator's discretion, the Village may require a traffic study to ensure that a proposed development does not adversely affect safe and efficient traffic circulation for motorists, bicyclists, or pedestrians.

9.02 Principal Uses and Structures

A. Use Table. Table 9.02.1 Principal Uses and Structures establishes the uses allowed in each zoning district. Each use is given one of the following designations for each zoning district.

1. Permitted Use ("P"). "P" indicates that a use is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in Section 9.02.B (Use Standards for Principal Uses and Structures).

2. Special Use ("S"). "S" indicates that the use requires the approval of a special use permit (refer to Section 4.03 (Special Use Permit)) in order to be allowed within the designated zoning district, and must meet all applicable use standards set forth in Section 9.02.B (Use Standards for Principal Uses and Structures).

3. No Designation. The absence of a letter (a blank space) or the absence of the use from the table indicates that the use is not allowed within the designated zoning district.

Table 9.02.1 Principal Uses and Structures

Principal Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Residential										
Community Residence (Large)					P	P				See 9.02.B.9
Community Residence (Small)		P	P	P	P	P				See 9.02.B.9
Dwelling Above the Ground Floor							P	P		None
Live/Work Dwelling							P			See 9.02.B.19
Mobile Home Dwelling		S	S	S	S	S				None
Residential Care Facility			S	S	S	S	S	S		None
Transitional Treatment Facility		S	S	S	S	S				None
Single-Unit Dwelling	P	P	P	P	S	S	S			None
Two-Unit Dwelling		S	S	P	P	P	S			None
Townhouse Dwelling		S	S	P	P	P	S			None
Multiple-Unit Dwelling		S	S	S	P	P	S			None
Civic and Institutional	**A**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**D-1**	**B-1**	**M-1**	**Use Standards**
Cemetery	S	S	S	S	S	S				None
College or University		S	S	S	S	S	S	S		None

Principal Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Community Garden		P	P	P	P	P	P	S		See 9.02.B.8
Cultural Facility		P	P	P	P	P	P	P		None
Elementary, Middle, or High School		P	P	P	P	P		S		See 9.02.B.14
Government Facility	P	P	P	P	P	P	P	P	P	See 9.02.B.16
Hospital								S		None
Park	P	P	P	P	P	P	P	P	P	None
Place of Worship (Large)		S	S	S	S	S	S	S		See 9.02.B.26
Place of Worship (Small)		S	S	S	S	S	S	S		See 9.02.B.26
Vocational School		S	S	S	S	S	S	S	S	See 9.02.B.14
Commercial	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**D-1**	**B-1**	**M-1**	**Use Standards**
Adult Use									S	See 9.02.B.1
Agritourism	P									See 9.02.B.2
Animal Boarding, Hospital, or Shelter								S	S	See 9.02.B.3
Bar/Tavern							P	P		None
Bee Colony	P									See 9.02.B.4
Body Art Establishment								S	S	None
Camp		S	S							See 9.02.B.5
Cannabis Craft Grower								S	S	See 9.02.B.6
Cannabis Dispensary								S	S	See 9.02.B.6
Car Wash								P		See 9.02.B.7
Contractor's Office								P	P	None
Currency Exchange								S		See 9.02.B.10
Day Care Center							S	P		See 9.02.B.11
Day Care Home		S	S	S	S	S				See 9.02.B.12
Drive-Through Facility								P		See 9.02.B.13
Event Space	S						S	P		None
Financial Institution							P	P		None
Funeral Home/Crematory								P		None
Garden Center								P	S	None
Gas Station							S	P		See 9.02.B.15
Golf Course		S	S	S						None
Hotel/Motel							S	P		None
Indoor Entertainment							S	S	S	See 9.02.B.17
Indoor Recreation							S	P	P	See 9.02.B.17
Laundromat								P		None
Massage Therapy Establishment							P	P		None
Microbrewery, Microdistillery, or Microwinery							P	P	S	None
Motor Vehicle Operations Facility									P	See 9.02.B.20
Motor Vehicle Rental								S	S	See 9.02.B.21
Motor Vehicle Repair and/or Service								P	P	See 9.02.B.20
Motor Vehicle Repair and/or Service Body Shop								S	P	See 9.02.B.20
Motor Vehicle Sales								P	P	See 9.02.B.21
Outdoor Dining							P	P		See 9.02.B.22
Outdoor Entertainment							S	S		See 9.02.B.23
Outdoor Recreation							S	S	S	See 9.02.B.23
Outdoor Storage Area								S	S	See 9.02.B.24
Pawn Shop								S		See 9.02.B.10
Payday or Title Loan Establishment								S		See 9.02.B.10
Personal Services Establishment							P	P		None
Professional Office							P	P	P	None
Research/Development Facility									P	None
Restaurant							P	P		None
Retail Goods Establishment							P	P	P	None

Principal Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Self-Service Storage								S	S	None
Video Gaming Establishment							S	S		See 9.02.B.31
Manufacturing	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**D-1**	**B-1**	**M-1**	**Use Standards**
Cannabis Cultivation Center									S	See 9.02.B.6
Cannabis Infuser									S	See 9.02.B.6
Cannabis Processor									S	See 9.02.B.6
Cannabis Transporter									S	See 9.02.B.6
Heavy Manufacturing									S	None
Landscape Business									P	See 9.02.B.18
Light Manufacturing								S	P	None
Machinery and Equipment Sales and Rental								S	P	None
Resource Extraction									S	None
Warehousing, Storage, or Distribution Facility									P	None
Other Uses	**A-1**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**D-1**	**B-1**	**M-1**	**Use Standards**
Agricultural Use	P									None
Club, Lodge, or Hall							S	S	S	None
Parking Garage (Primary Use)							S			None
Parking Lot (Primary Use)							S			See 9.02.B.25
Planned Unit Development	S	S	S	S	S	S	S	S	S	See 9.02.B.27
Stable – Commercial	P	S								None
Train Station							S	S		None
Utility	S	S	S	S	S	S	S	S	S	See 9.02.B.28
Utility-Scale Solar Energy System	S								S	See 9.02.B.29
Utility-Scale Wind Energy System	S								S	See 9.02.B.30
Wireless Telecommunication Facility	S	S	S	S	S	S	S	S	S	See 9.02.B.32
Wireless Telecommunication Tower	S	S	S	S	S	S	S	S	S	See 9.02.B.32

B. Use Standards for Principal Uses and Structures. The following standards apply to principal uses and structures as designated in the Use Standards column of Table 9.02.1 Principal Uses and Structures.

1. Adult Use.
   a. Location. An adult use must not be located within 1,200 feet of any residential zoning district, day care center, elementary school, middle school, high school, park, place of worship, another adult use, or any use where large numbers of minors regularly travel or congregate.
   b. Off-Site Observation. An adult use must be conducted in a manner that does not permit the observation of material relating to specified sexual activities or specified anatomical areas from any right-of-way or adjacent property.
   c. Screening. The street frontage adjacent to the adult use must be treated with landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.

2. Agritourism.
   a. Minimum Lot Size. The minimum lot size for agritourism is 20 acres.
   b. Building and Structure Location. All buildings and structures must be a minimum of 50 feet from any lot line.

3. Animal Boarding, Hospital, or Shelter.
   a. Location. Animal boarding facilities, hospitals, and shelters that are not entirely enclosed are not allowed directly adjacent to any residential use.
   b. Outdoor Boarding. Two outdoor dog runs per establishment are allowed. All outdoor animal boarding facilities must be located in the interior side and/or rear yard and must be enclosed

with a fence that is a minimum height of eight feet. See Section 9.03.C.17 (Fence or Wall) for additional fence standards.

c. Drainage. Drainage from outdoor dog runs or kennels must not drain onto adjacent properties, into the right-of-way, or into stormwater catchments.
d. Safety. All animal boarding facilities, hospitals, and shelters must be designed to ensure the safety, health, and well-being of the animals on-site, including protection from predators, the elements, and inclement weather.

4. Bee Colony.
   a. Permit and Registration. Prior to erecting a bee colony, an applicant must provide written notice to all adjacent property owners. Bee colonies must be registered with the Illinois Department of Agriculture and inspected as required. Proof of completed inspection must be submitted to the Zoning Administrator within 30 days of inspection.
   b. Location. Bee colonies are allowed in the rear yard of lots in the A District.
   c. Setback. Bee colonies must be located a minimum of 30 feet from any lot line.
   d. Number of Colonies. Two bee colonies are permitted for the first 20,000 square feet of lot area. Two additional colonies may be added for each additional 10,000 square feet thereafter.
   e. Training. Prior to the establishment of a colony, beekeepers must provide the Zoning Administrator with documentation that demonstrates completion of a beekeeping course.
   f. Safety. Beekeepers must requeen colonies that exhibit unusually aggressive behavior, such as stinging or swarming. Beekeepers must ensure that a source of water is accessible on the zoning lot within 50 feet of the colony.
   g. Insurance. Beekeeping insurance is required, and a copy of the insurance policy must be provided to the Zoning Administrator prior to the establishment of a colony.
   h. Maintenance. Bee colonies must be maintained so as not to become a nuisance. Colonies must be housed in hive structures with removable combs and adequate spacing to avoid overcrowding and swarming.
   i. Signs. Warning signs stating bees on premises must be posted on the property in accordance with Section 12.04.A.1.j (Warning Signs).
   j. Species. All bees kept within the Village must be of the species Apis mellifera (Western honey bee).
   k. Sales. The sale of honey or beeswax products produced on-site is allowed.

5. Camp.
   a. Buildings and Structures. Management buildings, recreational facilities, cabins, and other uses and structures customarily associated with the operation of a camp are permitted. All such structures must meet the requirements of with Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code.
   b. Storage. All storage must be within enclosed structures.
   c. Setback. All interior side and rear yards must be a minimum of 30 feet each, unless the zoning district requires a larger yard. Outdoor recreation areas, including playgrounds or recreation fields, are prohibited in a required yard.
   d. Not a Permanent Residence. A camp must not be used as a permanent residence.

6. Cannabis Craft Grower, Cannabis Dispensary, Cannabis Cultivation Center, Cannabis Infuser, Cannabis Processor, or Cannabis Transporter.
   a. Minimum Spacing. A cannabis craft grower, cannabis dispensary, cannabis cultivation center, cannabis infuser, cannabis processor, or cannabis transporter must not be located within 500 feet of a lot zoned or used for residential purposes, or any residential care facility, day care center, day care home, school, college, university, or park. If a lot zoned or used for residential purposes

is separated from a cannabis business by a major state roadway, the minimum spacing may be reduced to 250 feet.

b. On-Site Consumption. Cannabis products must not be consumed on-site.
c. Security. The site design of the establishment must incorporate adequate security measures, such as exterior lighting, surveillance cameras, and/or fencing.

7. Car Wash
   a. Stacking Spaces. Stacking spaces associated with a car wash must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements).
   b. Screening. The street frontage adjacent to any outdoor car wash area must be screened in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.
   c. Overhead Doors. All wash bays must be secured with overhead doors when the establishment is closed.
   d. Drainage. Drainage from a car wash must not drain onto adjacent properties, into the right-of-way, or into stormwater catchments.

8. Community Garden.
   a. Site Design. A community garden must be designed and maintained to minimize the amount of water and/or fertilizer that drains or runs off onto adjacent property.
   b. Sales. No retail sales are permitted on-site in any residential districts.

9. Community Residence (Large) or Community Residence (Small).
   a. Occupancy. A community residence (large) provides living accommodations for nine or more residents while a community residence (small) provides living accommodates for eight or fewer residents.
   b. Minimum Spacing. A community residence must not be located within 1,000 feet of another community residence, and more than one community residence must not be located on a block.
   c. Residential Character. The location and operation of the facility must not alter the residential character of the neighborhood, and the facility must incorporate a residential design that is compatible with the surrounding neighborhood.

10. Currency Exchange, Pawn Shop, Payday or Title Loan Establishment.
    a. Minimum Spacing.
       (1) A currency exchange, pawn shop, or payday or title loan establishment must not be located within 1,000 feet of another currency exchange, pawn shop, or payday or title loan establishment.
       (2) A currency exchange, pawn shop, or payday or title loan establishment must not be located within 500 feet of any residential district, school, day care center, park, or place of worship.
    b. Location of Transactions. All transactions must occur entirely inside the facility at a service counter. No transactions may be permitted through an exterior walk-up window or drive-through facility.

11. Day Care Center. Minimize Adverse Impacts. The design of the facility must minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.

12. Day Care Home.
    a. Residential Character. The location and operation of the facility may not alter the residential character of the neighborhood, and the facility must incorporate a residential design that is compatible with the surrounding neighborhood.

b. Residency of Operator. The day care home must be the primary residence of the operator.
c. Employees. Additional nonresident employees are allowed to work in a day care home.
d. Minimize Adverse Impacts. The design of the facility must minimize traffic congestion, pedestrian hazards, noise, and other adverse impacts on surrounding properties.
e. Home-Based Business Standards. Day care homes are not subject to the home-based business standards of Section 9.03.C.22 (Home-Based Business).

13. Drive-Through Facility.
    a. Access. Driveways must comply with the requirements of Section 10.06 (Driveways).
    b. Stacking Spaces. Stacking spaces must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements.
    c. Minimum Street Frontage Requirement. Drive-through facilities are exempt from the minimum street frontage requirements established in Section 8 (Zoning District Regulations).
    d. Minimize Adverse Impacts. The location of entrances and exits must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.

14. Elementary, Middle, High, or Vocational School.
    a. Minimize Adverse Impacts. The location of facilities, entrances, exits, service areas, parking areas, and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.
    b. Pedestrian Access. The location of entrances must be designed to allow students and employees to walk or bike to school.

15. Gas Station.
    a. Minimum Street Frontage Requirement. Gas stations are exempt from the minimum street frontage requirements established in Section 8 (Zoning District Regulations).
    b. Stacking Spaces. Stacking spaces must comply with the requirements of Section 10.07 (Vehicle Stacking Requirements).
    c. Canopy Height. The height of a gas station canopy must not exceed 30 feet.
    d. Light Pollution. Lighting must be designed with luminaires recessed under the canopy to minimize light pollution. The illuminance of the canopy must not exceed 20 foot-candles as measured at any location on the lot.
    e. Screening. Street frontage not occupied by building or driveways must be improved with landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.

16. Government Facility. Access. Government facilities are exempt from the maximum driveway widths established in Section 10.06 (Driveways).

17. Indoor Entertainment or Indoor Recreation. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.

18. Landscape Business.
    a. Storage. All vehicles and equipment associated with a landscape business must be stored entirely within an enclosed structure or in an allowed outdoor storage area.
    b. Preparation. Preparation, assembly, and processing of materials must occur indoors or within an allowed outdoor storage area.
    c. Sales. On-site retail sales are prohibited.

d. Landscape Waste. Zoning Administrator approval of a management plan is required for the collection, containment, and disposal of landscape wastes on-site.

19. Live/Work Dwelling.
   a. Sales. On-site retail transactions associated with a live/work dwelling are permitted.
   b. Residency of Operator. The live/work dwelling must be the primary residence of the operator. A portion of a live/work dwelling may be leased as a workspace to an operator that does not reside in the dwelling.
   c. Employees. Additional nonresident employees are allowed to work in a live/work dwelling.
   d. Space Limitation. No more than 50 percent of the total square footage of the dwelling may be used for residential uses.

20. Motor Vehicle Operations Facility, Motor Vehicle Repair and/or Service, or Motor Vehicle Repair and/or Service Body Shop.
   a. Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if the following conditions are met:
      (1) Location. Outdoor storage of vehicles is prohibited in the front yard and corner side yard.
      (2) Screening. All storage areas must be screened from view of the street by building and/or landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape).
      (3) Storage Duration. Motor vehicle repair and/or service facilities must not store the same vehicles outdoors for more than 30 days.
   b. Location for Repairs. All repairs must occur inside an enclosed building.
   c. Screening. Street frontage not occupied by buildings or driveways must be improved with landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.

21. Motor Vehicle Rental or Motor Vehicle Sales.
   a. Screening. The street frontage adjacent to any motor vehicle rental or motor vehicle sales use must be improved with landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.
   b. Light Pollution. The illuminance of any outdoor motor vehicle sales and display area must not exceed 10 foot-candles as measured at any location on the lot.
   c. Signs. See Section 12.08 (Motor Vehicle Sales Sign Standards) for information regarding signage.

22. Outdoor Dining.
   a. Location. Outdoor dining must be located on private property, unless otherwise allowed by the Village. Outdoor dining must not be located in any yard that is adjacent to a residential use or zoning district, except when such residential use is part of a mixed-use development. Outdoor dining areas must be delineated from the right-of-way and parking areas with masonry walls, planters, bollards, fencing, or similar elements.
   b. Sidewalk Clearance. A minimum of four feet of sidewalk clearance must remain available for pedestrians in accordance with the Americans with Disabilities Act Accessibility Guidelines.
   c. Parking Lot Clearance. Outdoor dining must not interfere with the drive aisles and required parking spaces of a parking lot.

23. Outdoor Entertainment or Outdoor Recreation. Minimize Adverse Impacts. The location of entrances and exits, service areas, and parking and loading docks must minimize traffic congestion, pedestrian hazards, and adverse impacts on surrounding properties.

24. Outdoor Storage Area.
    a. Location. Outdoor storage areas must be located on an improved surface in the interior side yard or rear yard. Outdoor storage areas must be located on an improved surface unless an alternative is approved by the Zoning Administrator.
    b. Height. Materials in an outdoor storage area must not exceed eight feet in height if they are 20 feet or less from a lot line. Materials in an outdoor storage area must not exceed 18 feet in height if they are more than 20 feet from a lot line.
    c. Uses. Outdoor storage areas are allowed as a principal use in association with the following principal uses: government facility, garden center, gas station, light manufacturing, heavy manufacturing, machinery and equipment sales and rental, and warehousing, storage, or distribution facility. Outdoor storage areas may be allowed as a principal use in association with other types of principal uses with prior written approval by the Zoning Administrator.
    d. Screening. The requirements of Section 11.08 (Screening Requirements) apply to outdoor storage areas.

25. Parking Lot (Primary Use). Screening. The requirements of Section 11.05.A (Parking Lot Perimeter Landscape) apply to all off-street parking lots.

26. Place of Worship (Large) or Place of Worship (Small). Capacity. A place of worship (large) accommodates a capacity of 250 or more people while a place of worship (small) accommodates a capacity of less than 250 people.

27. Planned Unit Development. Refer to the requirements of Section 5 (Planned Unit Developments).

28. Utility. Screening. The street frontage adjacent to the utility must be treated with landscape screening in accordance with the requirements of Section 11.06.A (Parking Lot Perimeter Landscape) or Section 11.07 (Buffer Yards), whichever requires more intensive screening.

29. Utility-Scale Solar Energy System.
    a. General Solar Energy System Regulations. The following regulations apply to both principal use and accessory use solar energy systems.
        (1) Wind Resistance. All supporting structures must be rated to withstand wind speeds of 110 miles per hour or greater.
        (2) Electrical Wiring. All electrical wiring must be located underground or inside the building on which the solar energy system is mounted.
        (3) Lighting. Solar energy systems must not be artificially illuminated.
        (4) Signs. No signs are permitted on solar energy systems or supporting structures, except for the manufacturer's safety information and warning signs in accordance with Section 12.04.A.1.j (Warning Signs).
        (5) Utility Interconnection. On-grid solar energy systems must not be installed until documentation has been provided by the utility company agreeing to interconnect with the system. Off-grid solar energy systems are not permitted.
        (6) Emergency Disconnection.
            (a) For principal use solar energy systems, an emergency disconnection switch must be provided in an easily-accessible outdoor location.
            (b) For accessory use solar energy systems, an emergency disconnection switch must be located near the electric meter.

(7) Solar Access Easements. Property owners may seek solar access easements from their neighbors and have those easements legally recorded with the applicable county.

b. Impervious Coverage. Maximum impervious coverage requirements do not apply to utility-scale solar energy systems.

30. Utility-Scale Wind Energy System.

a. General Wind Energy System Regulations. The following regulations apply to both principal use and accessory use wind energy systems.

(1) Tower Design. All wind energy system towers must be monopoles or latticed with no guyed wires. All wind energy systems must be painted a non-reflective white, off-white, or gray.

(2) Electrical Wiring. All electrical wiring must be located underground or inside the building on which the wind energy system is mounted.

(3) Lighting. Wind energy systems must not be artificially illuminated, unless required by the Federal Aviation Administration.

(4) Sound. All wind energy systems must comply with Section 9.05.A (Noise). Noise standards may be temporarily exceeded during severe weather such as tornados and thunderstorms.

(5) Signs. No signs are permitted on wind energy systems or supporting structures, except for the manufacturer's safety information and warning signs in accordance with Section 12.04.A.1.j (Warning Signs).

(6) Utility Interconnection. On-grid wind energy systems must not be installed until documentation has been provided by the utility company agreeing to interconnect with the system. Off-grid systems are not permitted.

(7) Emergency Disconnection.

(a) For principal use wind energy systems, an emergency disconnection switch must be provided in an easily accessible outdoor location.

(b) For accessory use wind energy systems, an emergency disconnection switch must be located near the electric meter.

(8) Clearance. All wind energy systems must have a minimum of 15 feet of clearance between the turbine blades and the ground.

(9) Access. Any external climbing apparatus associated with a wind energy system must be inaccessible to the public.

b. Height. The maximum turbine height for utility-scale wind energy turbines is 140 feet.

c. Quantity. There is no limit on the quantity of turbines that may be installed in a utility-scale wind energy system.

d. Setback. All utility-scale wind energy system towers must be setback a minimum of 1.1 times the tower height from any lot lines, above ground utility lines, and other utility-scale wind turbines.

e. Land Cover. Land surrounding turbines in utility-scale wind energy systems must be used for agriculture or open space.

31. Video Gaming Establishment. Video Gaming Establishments must comply with the requirements of the Municipal Code (see Title 3, Chapter 31 Video Gaming) and other local regulations.

32. Wireless Telecommunication Facility and/or Tower.

a. General Requirements.

(1) Lighting. Wireless telecommunication facilities and towers must not include artificial lighting, unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Village.

(2) Signs. Wireless telecommunication facilities and towers must not display signs except for information required for government regulation, such as Federal Communications Commission registration information.

(3) Screening. Wireless telecommunication facilities and towers must include landscape screening in accordance with the requirements of Section 11.07.B (Buffer Yard Requirements) or Section 11.07 (Buffer Yards), whichever requires more intensive screening, except for required fencing, which must be a minimum of eight feet and maximum of 10 feet in height.

b. Wireless Telecommunication Facility.
   (1) Height. The maximum height of a wireless telecommunication facility is 15 feet.
   (2) Use. Wireless telecommunication facilities may house equipment and supplies for the operation of wireless telecommunication towers. Such facilities must be unstaffed and must be used for equipment that is used as part of the operation of the facility.

c. Wireless Telecommunication Tower.
   (1) Height. The maximum height of a wireless telecommunication tower is 50 feet, unless a taller height is required to function satisfactorily; in such case, the applicant must present a report indicating the need for a height greater than 50 feet.
   (2) Design. Wireless telecommunication towers must be designed to accommodate at least three telecommunication providers and their accompanying wireless telecommunication facilities. Wireless telecommunication towers must have a galvanized gray or silver finish, unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the Village.

9.03 Accessory Uses and Structures

Accessory uses and structures are subject to the requirements of this Section.

A. General Provisions for Accessory Structures.

1. Construction Phasing. No accessory structure may be constructed prior to the construction of the principal building to which it is accessory.

2. Location. Accessory structures may be located in the front, corner side, interior side, and rear yards, unless otherwise established by this Ordinance. Accessory structures are not allowed in any easement, except fences and walls. Accessory structures are not allowed to substantially block drainage paths.

3. Setback. Accessory structures must be located a minimum of five feet from any interior lot line or rear lot line, except fences and walls, unless otherwise established by this Ordinance. In the front yard and corner side yard, accessory structures must meet the minimum setback of the zoning district, except fences and walls, unless otherwise established by this ordinance.

4. Building Separation. No part of the accessory structure shall be located closer than ten (10) feet to any principal structure unless it is attached to or forms a part of such principal structure, however if the accessory structure is properly fire rated it may be located closer to the principal building per the Village of Oswego's adopted building codes.

5. Height. The maximum height of an accessory structure is 15 feet, unless otherwise established in this Ordinance, as measured to the top of the structure.

B. Accessory Uses and Structures Table. Table 9.03.1 Accessory Uses and Structures includes accessory uses and structures that may be located in each zoning district within the Village.

1. Allowed ("A"). "A" indicates that the accessory use or structure does not require a building permit and is allowed by-right within the designated zoning district provided that it meets all applicable standards set forth in Section 9.03.C (Use Standards for Accessory Use and Structures).

2. Allowed with Building Permit ("BP"). "BP" indicates that the accessory use or structure requires the approval of a building permit in accordance with Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code and must meet the use standards set forth in Section 9.03.C (Use Standards for Accessory Uses and Structures) in order to be allowed within the designated zoning district.

3. No Designation. The absence of a letter (a blank space) indicates that the use or structure is not allowed within the designated zoning district.

Table 9.03.1 Accessory Uses and Structures

Accessory Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Accessibility Ramp	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.1
Accessory Dwelling Unit	BP	BP	BP	BP	BP	BP	BP			See 9.03.C.2
Arbor or Trellis	BP	BP	BP	BP	BP	BP	BP	BP	BP	None
Awning or Canopy	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.3
Balcony	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.4
Ball Court	BP	BP	BP	BP	BP	BP				See 9.03.C.5
Bay Window	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.6
Blue Roof or Green Roof	BP	BP	BP	BP	BP	BP	BP	BP	BP	None
Cabana, Gazebo, or Pergola	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.7
Chicken Coop	BP	BP	BP	BP						See 9.03.C.8
Chimney	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.9
Community Library Kiosk	A	A	A	A	A					See 9.03.C.10
Compost Bin	A	A	A	A	A	A	A	A	A	See 9.03.C.11
Deck	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.12
Dog Run	A	A	A	A	A	A		A	A	See 9.03.C.13
Donation or Collection Box		BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.14
Electrical Generator	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.15
Electric Vehicle Charging Station	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.16
Fence	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.17
Flagpole	A	A	A	A	A	A	A	A	A	See 9.03.C.18
Garage	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.19
Garden	A	A	A	A	A	A	A	A	A	See 9.03.C.20
Greenhouse	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.21
Home-Based Business	A	A	A	A	A	A	A	A		See 9.03.C.22
Hoophouse	A	A	A	A	A	A	A	A	A	See 9.03.C.23
Hot Tub	BP	BP	BP	BP	BP	BP	BP	BP		See 9.03.C.40
Mechanical Equipment	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.24
Outdoor Fireplace or Fire Pit	BP	BP	BP	BP	BP	BP	BP	BP		See 9.03.C.25
Outdoor Sales and Display Area							BP	BP	BP	See 9.03.C.26
Patio	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.27
Porch	BP	BP	BP	BP	BP	BP	BP	BP		See 9.03.C.28
Rain Barrel	A	A	A	A	A	A	A	A	A	None
Rainwater Cistern	BP	BP	BP	BP	BP	BP	BP	BP	BP	None.
Rain Garden	A	A	A	A	A	A	A	A	A	See 9.03.C.29
Recreation Equipment	A	A	A	A	A	A	A	A	A	See 9.03.C.30
Refuse Receptacle and Enclosure	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.31
Satellite Dish	A	A	A	A	A	A	A	A	A	See 9.03.C.32
Service Walk		BP	BP	BP	BP	BP	BP			See 9.03.C.33
Shed	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.34
Small Wind Energy System (Building-Mounted)	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.35

Accessory Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Small Wind Energy System (Ground-Mounted)	BP							BP	BP	See 9.03.C.36
Solar Energy System (Building-Mounted)	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.37
Solar Energy System (Ground-Mounted)	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.38
Stairs or Stoop	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.39
Swimming Pool	BP	BP	BP	BP	BP	BP	BP	BP		See 9.03.C.40
Treehouse	BP	BP	BP	BP	BP	BP				See 9.03.C.41
Wall	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.16
White Roof	A	A	A	A	A	A	A	A	A	See 9.03.C.42
Wireless Telecommunication Antenna	BP	BP	BP	BP	BP	BP	BP	BP	BP	See 9.03.C.43
Wireless Telecommunication Small Cell	BP	BP	BP	BP	BP	BP	BP	BP	BP	None

C. Use Standards for Accessory Uses and Structures. The following standards apply to accessory uses and structures in the Use Standards column of Table 9.03.1 Accessory Uses and Structures.

1. Accessibility Ramp. Location. Accessibility ramps may be located in any required yard and may encroach up to 5 feet from the property line. The Zoning Administrator may waive the 5 foot setback requirement.

2. Accessory Dwelling Unit. Accessory dwelling units are subject to approval of site plan review and must meet the following standards.
   a. Location. Accessory dwelling units are permitted within a principal structure on zoning lots that contain a single-unit dwelling in the A-1, R-1, R-2, R-3, R-4, R-5, or D-1 Districts. An accessory dwelling unit may be located anywhere within a principal structure. An accessory dwelling unit may not have a separate entrance. An accessory dwelling unit located in an accessory structure is not allowed.
   b. Number. One accessory dwelling unit is permitted per zoning lot.
   c. Size. The maximum size of an accessory dwelling unit is 900 square feet.
   d. Setback. Accessory dwelling units must meet the minimum setback of the zoning district.

3. Awning or Canopy
   a. Encroachment. Awnings and canopies may encroach up to four feet into any required yard, as long as the five-foot minimum setback is maintained.
   b. Ground Clearance. Awnings and canopies must have a minimum ground clearance of eight feet.
   c. Signs. For regulations pertaining to awning and canopy-mounted signs see Section 12.04.B.1 (Awning Signs) and Section 12.04.B.2 (Canopy-Mounted Signs).

4. Balcony.
   a. Encroachment. Balconies may encroach up to four feet into any required yard, as long as the five-foot minimum setback is maintained.
   b. Ground Clearance. In residential districts, balconies must have a ground clearance of two feet. In non-residential districts, balconies must have a ground clearance of eight feet.

5. Ball Court. Location. Ball courts are allowed in the rear yard, except that one fixed basketball standard and backboard are allowed in the front yard, corner side yard, interior side yard, or rear yard in the R-1, R-2, R-3, R-4, and R-5 Districts without a building permit. Fixed basketball standards and backboards must be located in a driveway and must be located at least six feet from any sidewalk and five feet from any lot line.

6. Bay Window. Encroachment. Bay windows may encroach up to three feet into any required yard, as long as the five-foot minimum setback is maintained.

7. Cabana, Gazebo, or Pergola.
   a. Location. Cabanas and gazebos are allowed in the rear yard only. Pergolas are allowed in the front, corner side, interior side, and rear yards.
   b. Number. A zoning lot may have two of either a cabana, gazebo, or pergola.
   c. Size. A cabana, gazebo, or pergola may be a maximum of 350 square feet.
   d. Design. Each side of a gazebo must be at least 25 percent open.

8. Chicken Coop.
   a. Height: The maximum height of a chicken coop is eight feet.
   b. Area: Chicken coops must provide a minimum of four square feet of floor area per hen. Chicken coops must provide a minimum of 32 square feet of adjacent outside fenced area in accordance with Section 9.03.C.17 (Fence or Wall).
   c. Location: Chicken coops must be located in the rear yard only. Chicken coops are prohibited inside a residential unit or attached garage.
   d. Setback: Chicken coops shall be located a minimum of 10 feet from any lot line, a minimum of 10 feet from the principal structure on the lot, and a minimum of 30 feet from a principal structure on any neighboring lot.
   e. Number: No more than six hens are permitted per zoning lot. Roosters are not permitted.
   f. Maintenance: Chicken coops must be maintained in a manner that provides adequate lighting and ventilation, and protects chickens from cold weather, precipitation, rodents, predators, and trespassers. Feed must be stored in a container with a tight-fitting lid. Chicken coops must be maintained in a sanitary condition and shall be cleaned of droppings, uneaten feed, feathers, and other waste so as not to become a nuisance.
   g. Sales: On-site retail sales of any products are allowed.
   h. Slaughter: On-site slaughtering of chickens is prohibited. Chickens shall be taken to a licensed live poultry establishment for slaughter, except for humane and religious reasons, in which case chickens may be slaughtered on-site in an enclosed building.

9. Chimney. Encroachment. Chimneys may encroach up to three feet into any required yard, as long as the five foot minimum setback is maintained.

10. Community Library Kiosk.
    a. Location. Community library kiosks must be located in the front or corner side yards. Five-foot setback requirement does not apply.
    b. Size. The enclosed area used for storing books and materials may be no larger than two feet on any side.
    c. Design. Community library kiosks must be constructed on a single post and securely attached.
    d. Maintenance. All community library kiosks must be maintained in a state of structural integrity and good repair, for example free from peeling paint and rotting wood.

11. Compost Bin.
    a. Location. Compost bins are allowed in the rear yard only.
    b. Enclosure. Compost must be contained in a fully enclosed receptacle with a tightly fitted lid.
    c. Maintenance. Compost bins must be maintained in a sanitary condition so as not to become a nuisance. Compost must not contain sewage, meat, bones, or grease.

12. Deck. Location. Covered and uncovered decks are allowed in the rear yard only.

13. Dog Run.
    a. Location. Dog runs may be located in the rear yard only.
    b. Coverage. Dog runs must be uncovered in the R-1, R-2, R-3, R-4, and R-5 Districts.
    c. Size. Dog runs must not exceed 48 square feet in the R-1, R-2, R-3, R-4, and R-5 Districts. Any dog run exceeding 48 square feet must meet the standards set forth in Section 9.03.C.17 (Fence or Wall).

14. Donation or Collection Box.
    a. Location.
        (1) In B-1 District. On any property 6 acres or larger.
        (2) All other zoning districts. For Civic and Institutional uses only.
    b. Size. Donation or Collection boxes are limited to 7 feet in height and 25 square feet in area.

15. Electrical Generator. Location. Electrical generators may be located in the interior side and rear yard only.

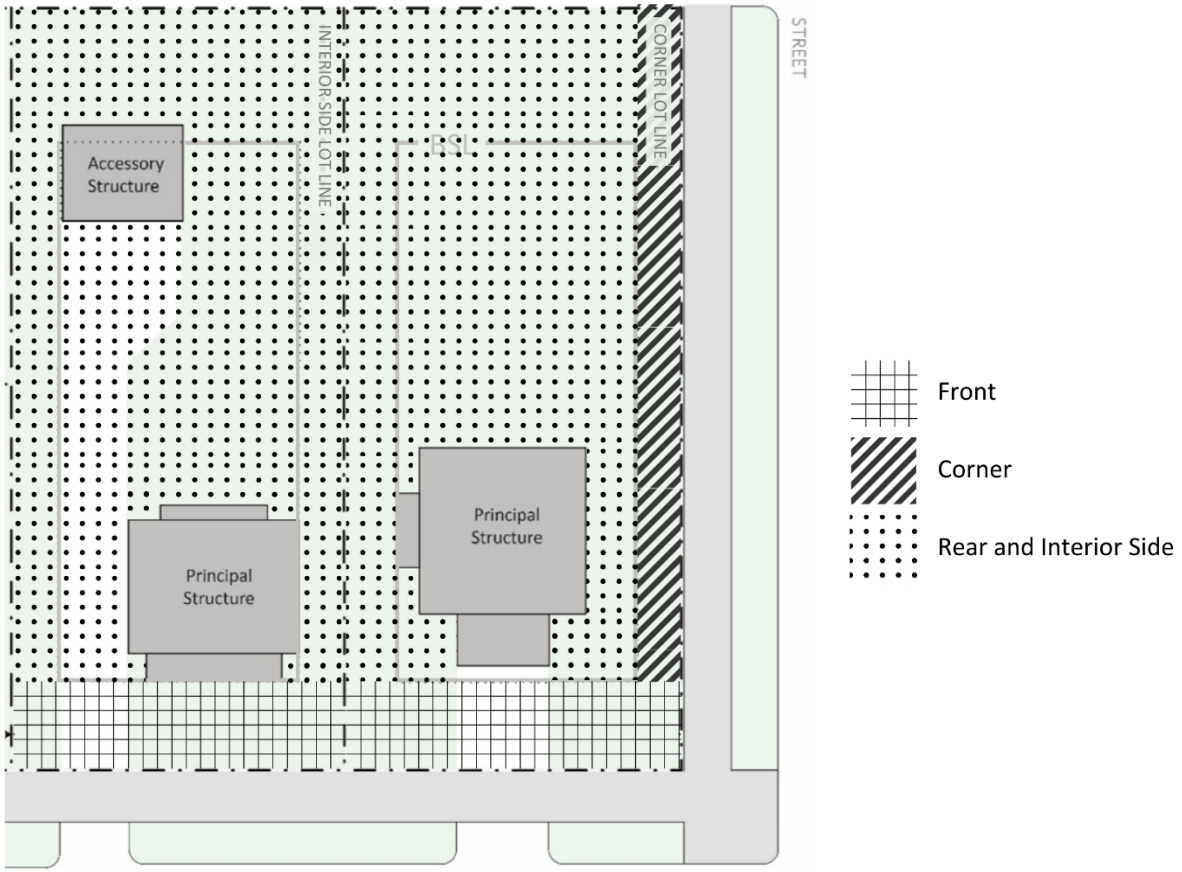
16. Electrical Vehicle Charging Station. Electric vehicle charging is regulated in accordance with Section 10.02.A.7 (Electric Vehicle Charging).

17. Fence or Wall.
    a. Height. Table 9.03.2 Maximum Fence Height and Figure 9.03.1 Yards for Fence Height and Style provides maximum height requirements for fences or walls by zoning district, unless otherwise stated in this Ordinance. Maximum fence heights shown are for both open fence and solid fence designs, unless otherwise noted. The maximum height of a fence or wall is measured from the ground at the base of the fence or wall.

Table 9.03.2 Maximum Fence Heights

Zoning District	Required Yard	Maximum Fence Height
R-1, R-2, R-3, R-4, R-5	Front	3 ft
	Corner Side	3 ft for solid designs 4 ft for open designs
	Interior Side	6 ft adjacent to residential districts 8 ft adjacent to non-residential districts
	Rear	6 ft adjacent to residential districts 8 ft adjacent to non-residential districts
D-1, B-1	Front	3 ft
	Corner Side	3 ft for solid designs 4 ft for open designs
	Interior Side	6 ft adjacent to non-residential districts 8 ft adjacent to residential districts
	Rear	6 ft adjacent to non-residential districts 8 ft adjacent to residential districts
A-1, M-1	All Yards	8 ft
All Zoning Districts	**Required Yard**	**Maximum Fence Height**
Parks and Schools	All Yards	8 ft
Utilities	All Yards	15 ft

Figure 9.03.1 Yards for Fence Height and Style



b. Access. Every fence with frontage on a right-of-way, except for corner lots, must include a gate that provides access to the right-of-way.
c. Construction, Design, and Appearance. In all zoning districts, both sides of a fence or wall must be similar in construction, design, and appearance. The finished side of a fence or wall must face outward from the zoning lot so that all posts are located on the property owner's side of the fence or wall. Fences shall be installed and maintained in a professional, workmanlike manner.
   (1) Residential Districts. In the R-1, R-2, R-3, R-4, and R-5 Districts, fences and walls may be constructed of treated wood, simulated wood, vinyl, decorative metal, brick, and stone. In residential zoning districts, fences may be constructed of vinyl-coated chain link for government facilities, parks, schools, and utilities only.
   (2) Business Districts. In the D-1 and B-1 Districts, fences and walls may be constructed of treated wood, simulated wood, vinyl-coated chain link, decorative metal, brick, stone, cinderblock, and concrete block.
   (3) Agricultural and Manufacturing Districts. In the A-1 and M-1 Districts, fences and walls may be constructed of treated wood, simulated wood, vinyl, vinyl-coated chain link, metal mesh, decorative metal, brick, stone, cinderblock, and concrete block.
   (4) Prohibited Materials. Fences must not be constructed of barbed wire, electrically charged wire, or razor wire, except for utilities in any district.
   (5) Second Fence. A second fence may be installed parallel to an existing fence at the same lot line.
d. Electric Pet Fence. Electric pet fences are allowed in the R-1, R-2, R-3, R-4, and R-5 Districts for single-unit dwellings, two-unit dwellings, and townhouse dwellings. Electric pet fences must

be installed underground and located three feet from all lot lines. At least one sign indicating the presence of an electric pet fence signs must be installed adjacent to a right-of-way in accordance with Section 12.05.B.2 (Yard Signs).

18. Flagpole.
    a. Location. Flagpoles may be located in any required yard. Flagpoles must be located at least five feet from the lot line.
    b. Number. A maximum of three flag poles are allowed per zoning lot
    c. Height. The maximum height of a flagpole is 30 feet in residential districts and 40 feet in non-residential districts.

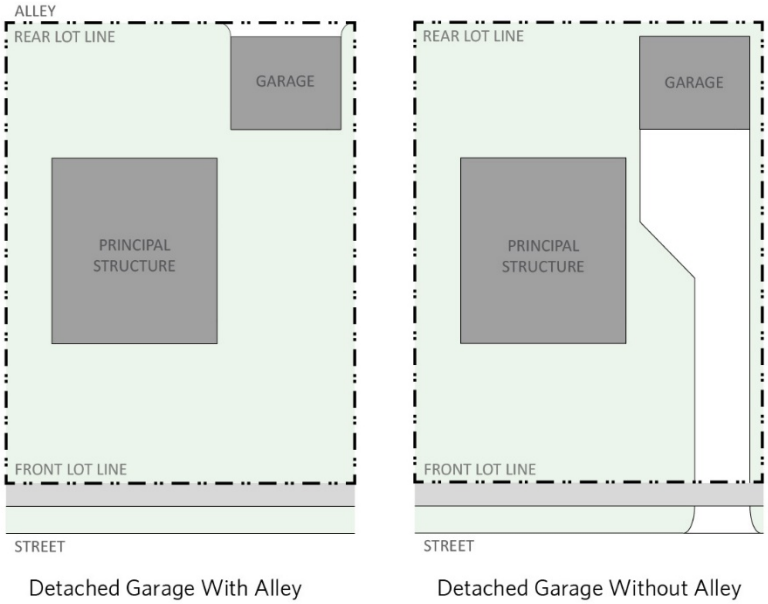
19. Garage.
    a. Single-Unit, Two-Unit, and Townhome Dwellings. Refer to Figure 9.03.2 Garage Location for Single-Unit, Two-Unit, and Townhome Dwellings.
        (1) Detached Garage Location. Detached garages are allowed in the rear yard only.
        (2) Number. One attached and one detached garage are allowed per dwelling unit.
        (3) Size and Height. Table 9.03.3 Garage Size and Height establishes the cumulative size and height of an attached and/or detached garage. The height of a garage is measured based on its roof type, like a principal building, see Section 13 (Definitions).

Table 9.03.3 Garage Size and Height

Dwelling Type	Lot Area	Maximum Garage Area	Maximum Garage Height
Single-Unit Dwelling	21,779 sf or less	720 sf	15 ft
	21,780 to 43,560 sf	960 sf	20 ft
	43,561 sf or greater	1,200 sf	25 ft
Two-Unit Dwelling Townhome Dwelling Multiple-Unit Dwelling	N/A	480 sf per dwelling unit	15 ft

    b. Multiple-Unit Dwellings. The exterior materials of a garage accessory to a multiple-unit dwelling must be compatible with the principal building. A garage accessory to a multiple-unit dwelling must have varied roofline.
    c. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to a garage must occur through the alley.

Figure 9.03.2 Garage Location for Detached Garage



20. Garden.
    a. Size. Gardens must be limited to 50 percent of the pervious area of the front yard and corner side yard. There are no size limitations for gardens in the interior side yard and rear yard.
    b. Height. The maximum height of any structure used to grow items in a garden, such as raised planting beds or hoophouses, is three feet in the front or corner side yard, and six feet in the interior side or rear yard.
    c. Loose Soil. Loose soil associated with a garden must be covered or confined so that the soil does not spillover from the garden area.

21. Greenhouse.
    a. Location. Greenhouses are allowed only in rear yards in the A-1, R-1, R-2, R-3, R-4, and R-5 Districts.
    b. Size. Greenhouses are limited to a maximum size of 200 square feet.

22. Home-Based Business.
    a. Location. A home-based business is permitted within any dwelling unit in the Village as part of a principal and/or accessory building in accordance with the following standards. Home-based business standards do not apply to day care homes which are regulated in accordance with the requirements of Section 9.02.B.12 (Day Care Home).
    b. Residential Character. The location and operation of a home-based business must not alter the residential character of the dwelling or neighborhood. A residence with a home-based business is still considered a residential use.
    c. Uses. Examples of allowed home-based businesses include, but are not limited to, artist, consultant, counselor, craftsperson, home kitchen operator, designer, tutor, writer, and instructor of music, craft, or fine art. Home-based businesses must not engage in manufacturing or industrial processes.
    d. Sales. On-site retail or wholesale transactions are allowed.
    e. Hours of Operation. Home-based businesses with outside visitors may operate from 7:00 AM to 9:00 PM.

f. Residency of Operator. The operator of the home-based business must reside in the dwelling unit in which the home-based business is located.
g. Employees. Two additional employees who do not reside in the dwelling unit are allowed to work in a home-based business.
h. Visitors. A maximum of three visitors (such as clients, customers, and pupils) associated with the home-based business may be present at any given time.
i. Parking. Any parking needs associated with the home-based business must be accommodated on-site within an existing driveway or garage.
j. Deliveries. Deliveries and shipments are not allowed to or from the premises, with the exception of carriers that typically provide service to residential neighborhoods, such as the U.S. Postal Service and/or express shipping services (e.g. UPS, FedEx, DHL).
k. Signs. Signs for home-based businesses are permitted in accordance with Section 12.04.A (Permanent Signs Allowed Without a Sign Permit). Permanent or temporary signage requiring a permit are prohibited.

23. Hoophouse.
a. Use Limitation. Hoophouses are only allowed in conjunction with agricultural uses, community gardens, gardens, and garden centers.
b. Size. Hoophouses are limited to a maximum size of 200 square feet.

24. Mechanical Equipment.
a. Location. Ground-mounted mechanical equipment may only be located in the interior side yard or rear yard. Roof-mounted mechanical equipment must be located a minimum of six feet from the edge of the supporting walls of any roof.
b. Screening. Roof-mounted mechanical equipment screening must surround the mechanical equipment on all sides and must equal the height of the tallest mechanical equipment installed on the roof of the building. The requirements of Section 11.08 (Screening Requirements) apply to ground-mounted mechanical equipment.

25. Outdoor Fireplace or Fire Pit.
a. Building Permit. A building permit is required for all outdoor fireplaces and fire pits that are of masonry construction. Portable fire pits do not require a building permit.
b. Height. The maximum height of outdoor fireplaces and fire pits is two feet.
c. Location. Outdoor fireplaces and fire pits are allowed in the rear yard only.
d. Setback. Outdoor fireplaces and fire pits must be located a minimum of 15 feet from any principal structure and 10 feet from any accessory structure or lot line.
e. Size. The maximum diameter of outdoor fireplaces and fire pits is three feet.

26. Outdoor Sales and Display Area.
a. Items Offered. The items permitted to be offered in outdoor sales and display areas include, but are not limited to, building or garden supplies for retail sale, nursery plants, equipment for household use, and other household items that are typically used or stored outdoors. Permanent outdoor sales and display areas for motor vehicle sales are subject to the requirements for Section 9.02.B.21 (Motor Vehicle Rental or Motor Vehicle Sales).
b. Size. Outdoor sales and display areas must not exceed 15 percent of the gross lot area in commercial zoning districts and 25 percent in industrial zoning districts.
c. Improved Surface. Outdoor sales and display areas must be paved.
d. Access. Outdoor sales and display areas must not obstruct driveways, parking areas, sidewalks, and landscaped yards.
e. Fencing. If an outdoor sales and display area is secured with a fence, it must be constructed of treated wood, simulated wood, or decorative metal.

27. Patio. Location. Open patios are allowed in any yard. Permanently roofed patios are allowed in any yard.

28. Porch. Encroachment. Porches may encroach up to four feet into any required yard.

29. Rain Garden. Loose Soil. Loose soil associated with a rain garden must be covered or confined so that the soil does not spill over from the garden area.

30. Recreation Equipment.
    a. Location. Recreation equipment is allowed in the rear yard only.
    b. Size. The maximum size of a children's playhouse is 144 square feet.

31. Refuse Receptacle and Enclosure.
    a. Location. Refuse receptacles and enclosures are prohibited in the front and corner side yards.
    b. Screening. The requirements of Section 11.08 (Screening Requirements) apply to refuse receptacles and enclosures.

32. Satellite Dish. Location. Ground-mounted satellite dishes are allowed in the rear yard. Building-mounted satellite dishes are allowed on the rear or interior side yard façade of a building or on the roof of a building.

33. Service Walk.
    a. Location: Service walks are permitted in any required yard.
    b. Size. A service walk must be a minimum of three feet in the R-1, R-2, and R-3 Districts, and five feet in the R-4, R-5 and D-1 Districts. If a driveway exceeds 25 feet in width, an adjacent service walk must be separated from the driveway by a minimum of five feet.

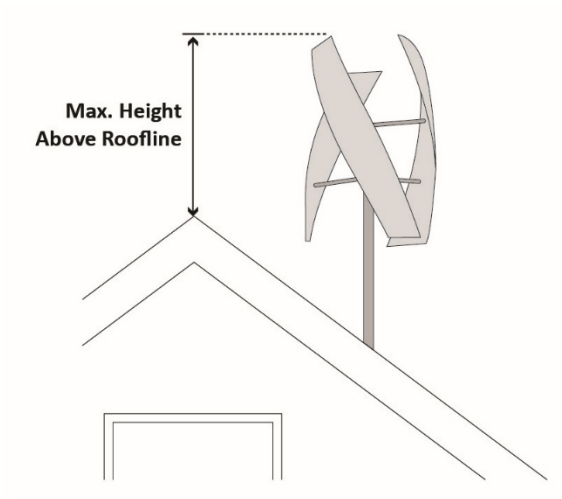
34. Shed.
    a. Location. Sheds are allowed only in rear yards.
    b. Number. One shed is allowed per zoning lot.
    c. Area. In the R-1, R-2, R-3, R-4, and R-5 Districts, the maximum area of a shed is 144 square feet.
    d. Motor Vehicle Storage. The storage of registered motor vehicles, including, but not limited to, cars, trucks, and vans, in sheds is prohibited.

35. Small Wind Energy System (Building-Mounted)
    a. General Wind Energy System Regulations. All building-mounted small wind energy systems must comply with the general wind energy system regulations in Section 9.02.B.30.a (General Wind Energy System Regulations). Refer to Figure 9.03.3 Small Wind Energy System (Building-Mounted).
    b. Quantity.
        (1) In the R-1, R-2, R-3, R-4, R-5, and D-1 Districts, one building-mounted small wind energy system is permitted per zoning lot.
        (2) In the B-1, A-1, and M-1 Districts, there is no maximum number of building-mounted small wind energy systems per zoning lot.
    c. Location.
        (1) In the R-1, R-2, R-3, R-4, and R-5 Districts, building-mounted wind energy turbines may be attached to the roof or walls of the rear 50 percent of the principal building.

(2) In the D-1, B-1, A-1, and M-1 Districts, building-mounted wind energy turbines may be attached to any portion of the roof of a flat roofed building or to the roof or walls of the rear 50 percent of a pitched roof building.

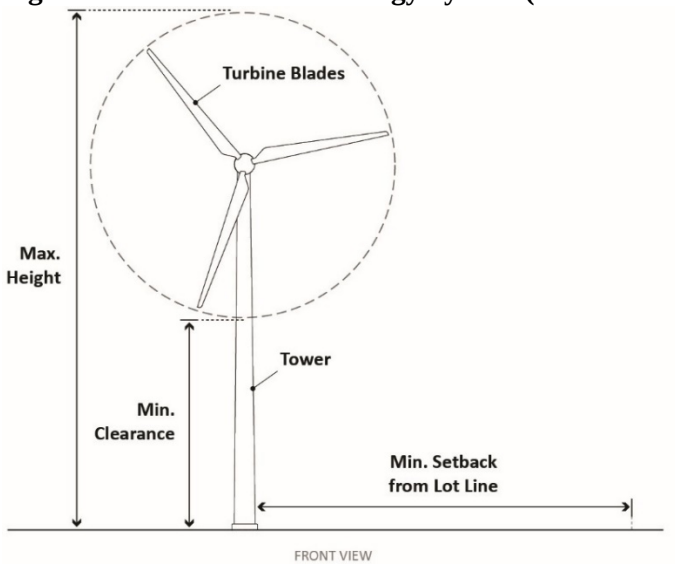
d. Setbacks. All building-mounted small wind energy systems must be setback a minimum of 1.1 times the turbine height from any lot lines, above ground utility lines, or tower-mounted wind energy turbines.
e. Height. Building-mounted small wind energy systems may extend no more than 10 feet above the height of the building's roofline.
f. Turbine Certification. All small wind energy systems must be approved by a small wind turbine certification program recognized by the American Wind Energy Association.

Figure 9.03.3 Small Wind Energy System (Building-Mounted)



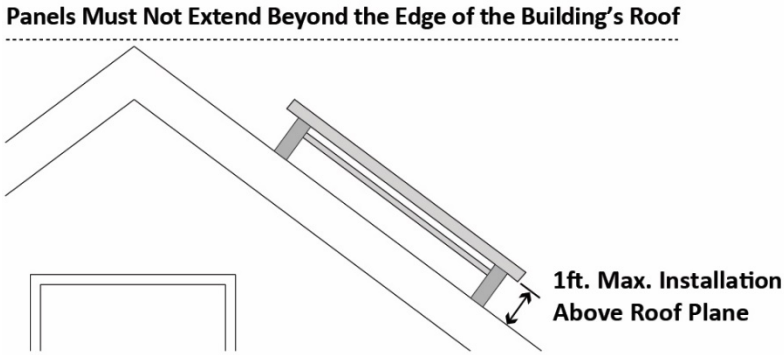
36. Small Wind Energy System (Ground-Mounted)
    a. General Wind Energy System Regulations. All ground-mounted small wind energy systems must comply with the general wind energy system regulations in Section 9.02.B.30.a (General Wind Energy System Regulations). Refer to Figure 9.03.35 Small Wind Energy System (Ground-Mounted).
    b. Location. Ground-mounted small wind energy systems are allowed only in the rear yard.
    c. Setbacks. All ground-mounted small wind energy systems must be setback a minimum of 1.1 times the turbine height from any lot lines, above ground utility lines, or tower-mounted wind energy turbines.
    d. Height. The maximum turbine height for a ground-mounted small wind energy system is the maximum building height of the zoning district in which the turbine is located.
    e. Turbine Certification. All small wind energy systems must be approved by a small wind turbine certification program recognized by the American Wind Energy Association.

Figure 9.03.4 Small Wind Energy System (Ground-Mounted)



37. Solar Energy System (Building-Mounted)
    a. General Solar Energy System Regulations. All building-mounted solar energy systems must comply with the general solar energy system regulations in 9.02.B.28.a (General Solar Energy System Regulations). Refer to Figure 9.03.4 Solar Energy System (Building-Mounted).
    b. Location. Building-mounted solar energy systems may be installed on principal or accessory structures in any district. Building-mounted solar energy systems located on a roof must not extend beyond the edge of the building's roof.
    c. Height. Building-mounted solar energy systems may be a maximum of one foot above the roof plane.
    d. Roof Coverage.
        (1) Pitched Roof. A building-mounted solar energy system may cover 75 percent of a pitched roof.
        (2) Flat Roof. There is no coverage limit for building-mounted solar energy systems on flat roofs.
    e. Roof Vents. Building-mounted solar energy systems must not be located within six inches of a roof vent.

Figure 9.03.4 Solar Energy System (Building-Mounted)



38. Solar Energy System (Ground-Mounted)
    a. General Solar Energy System Regulations. All ground-mounted solar energy systems must comply with the general solar energy system regulations detailed in Section 9.02.B.29.a (General Solar Energy System Regulations).
    b. Location. Ground-mounted solar energy systems are allowed in the rear yard of any zoning district.
    c. Height. The maximum height of ground-mounted solar energy systems is 12 feet.

39. Stairs or Stoop. Encroachment. Stairs and stoops may encroach up to five feet into any required yard, as long as the five foot minimum setback is maintained.

40. Swimming Pool or Hot Tub. The following standards apply to swimming pools and hot tubs, with a depth equal to or greater than two feet.
    a. Location. Swimming pools and hot tubs are allowed in the rear yard.
    b. Height. Aboveground swimming pools and hot tubs must not exceed six feet in height.
    c. Distance from Other Structures. A swimming pool or hot tub must be a minimum of 10 feet from any other structure or building on a zoning lot, with the exception of a permanent deck or patio. A swimming pool must be at least five feet from any buried utility lines or cables and 10 feet from any aerial utility lines or cables, as verified by the Zoning Administrator.

41. Treehouse.
    a. Location. Treehouses are allowed in the rear yard.
    b. Number. A maximum of one treehouse is allowed per zoning lot.
    c. Size. The maximum size of a treehouse is 100 square feet.
    d. Tree Incorporation. Treehouses must incorporate a planted tree as a critical structural element.

42. White Roof. Roof Types. White roofs are permitted on flat roofs in all districts, but must not be used on pitched roofs.

43. Wireless Telecommunication Antenna.
    a. General Requirements. Wireless telecommunication antennas must meet the general requirements for wireless telecommunication facilities and/or towers in Section 9.02.B.32 (General Requirements).
    b. Height. A wireless telecommunication antenna must not increase the height of any building, structure, or wireless telecommunication tower on which it is mounted by more than 10 percent.
    c. Stealth Design. All wireless telecommunication antennas must utilize stealth design to blend into the structure on which it is mounted, such as a rooftop, tower, spire, or other similar feature, including those co-located on a wireless telecommunication tower. A wireless telecommunication antenna must be enclosed, camouflaged, screened, or obscured so that it is not readily apparent to a casual observer.

9.04 Temporary Uses and Structures

Temporary uses and structures are subject to the requirements of this section.

A. Temporary Uses and Structures Table. Table 9.04.1 Temporary Uses and Structures establishes the allowed temporary uses and structures for each zoning district. Table 9.04.1. Temporary Uses and Structures is not an exhaustive list of temporary uses and structures that may be located within the Village. Each use or structure is given one of the following designations for each zoning district.

1. Allowed ("A"). "A" indicates that the temporary use or structure does not require a temporary use permit and is allowed by-right within the designated zoning district provided that it meets all applicable use standards set forth in Section 9.04.B (Use Standards for Temporary Uses and Structures). A building permit may be required even if a temporary use permit is not required.

2. Allowed with Temporary Use Permit ("TUP"). "TUP" indicates that the temporary use or structure requires the approval of a temporary use permit (refer to Section 4.11 (Temporary Use Permit)) and must meet any applicable use standards set forth in Section 9.04.B (Use Standards for Temporary Uses and Structures) in order to be allowed within the designated zoning district. A building permit may be required in addition to the temporary use permit.

3. No Designation. The absence of a letter (a blank space) indicates that the use is not allowed within the designated zoning district.

Table 9.04.1 Temporary Uses and Structures

Temporary Uses and Structures	A-1	R-1	R-2	R-3	R-4	R-5	D-1	B-1	M-1	Use Standards
Construction Trailer	A	A	A	A	A	A	A	A	A	See 9.04.B.1
Farmers Market	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP		See 9.04.B.2
Garage or Yard Sale	A	A	A	A	A	A	A			See 9.04.B.3
Mobile Food Vendors	A	A	A	A	A	A	A	A	A	See 9.04.B.4
Model Unit	A	A	A	A	A	A	A			See 9.04.B.5
Temporary Outdoor Entertainment	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See 9.04.B.6
Temporary Outdoor Sale	TUP						TUP	TUP	TUP	See 9.04.B.7
Temporary Storage Container	A	A	A	A	A	A	A	A	A	See 9.04.B.8

B. Use Standards for Temporary Uses and Structures. The following standards apply to temporary uses and structures designated as allowed ("A") or permitted with temporary use permit ("TUP") in the zoning districts noted in the "Use Standards" column of Table 9.04.1 Temporary Uses and Structures. Temporary uses may be located outdoors or within an enclosed building or structure.

1. Construction Trailer. Duration. Construction trailers are limited to the period of active construction of the project. Construction trailers must not contain accommodations for sleeping or cooking.

2. Farmers Market.
   a. Schedule. The schedule and duration of a farmers market will be determined as part of a temporary use permit. A temporary use permit for a farmers market can be issued on an annual basis, which allows for a schedule of days per week and number of weeks per year.
   b. Management Plan. A management plan that demonstrates the following must be submitted.
      (1) The on-site presence of a manager to direct the operation of vendors.
      (2) An established set of operating rules, days and hours of operation, vendor set-up and take-down times, a maintenance plan, and provisions for waste removal.
      (3) A site plan indicating vendor stalls, visitor facilities, seating areas, restrooms, parking, and all entrances and exits to the site.

3. Garage or Yard Sale.
   a. Eligibility. Only residential uses may hold garage or yard sales.
   b. Frequency. Garage and yard sales may be held for a two-day period twice per year per lot. Village-wide garage and yard sales do not count toward this total.
   c. Hours of Operation. Garage and yard sales may operate from 7:00 AM to 7:00 PM.

d. Signs. Garage and yard sale signs must be in accordance with Section 12.05.B.2 (Yard Signs).

4. Mobile Food Vendors. Mobile Food Vendors must comply with the requirements of the Municipal Code (see Title 3 Business, Chapter 33 Mobile Food Vendors) and other local regulations.

5. Model Unit. Duration. Model units are permitted only during the period of active selling and/or leasing of space in a development. Model units must not be used for sleeping, bathing, or cooking purposes.

6. Temporary Outdoor Entertainment. Temporary outdoor entertainment must comply with the requirements of the Municipal Code (see Title 3 Business, Chapter 2 Special Events) and other local regulations.

7. Temporary Outdoor Sale.
   a. Duration. Temporary outdoor sales for antiques markets, art fairs, craft fairs, and holiday sales are limited to a period of up to seven days. Temporary outdoor sales for pumpkin sales lots and Christmas tree lots are limited to a period of up to 45 days. The Zoning Administrator may grant additional time or successive permits through the temporary use permit process.
   b. Temporary Use Permit Application. Approval of a temporary use permit is based on the adequacy of the lot area, provision of parking, traffic access, and public safety, as well as the absence of adverse impacts on adjacent properties. The temporary use permit application must include a site plan submitted to the Village prior to the event that illustrates the location of major site components and ingress and egress routes for emergency vehicles.
   c. Sidewalk Clearance. A minimum of four feet of sidewalk clearance must remain available for pedestrians in accordance with the Americans with Disabilities Act Accessibility Guidelines.
   d. Storage. Merchandise must be stored inside the building during non-business hours where practical.

8. Temporary Storage Container.
   a. Number. One temporary storage container is permitted per zoning lot at any one time.
   b. Duration. Temporary storage containers must be located on a lot for a period of no more than 15 consecutive days unless used in conjunction with an approved building permit or if an extension of the duration is approved by the Zoning Administrator.
   c. Frequency. A maximum of two instances of temporary storage container installation are allowed per year.
   d. Improved Surface. The temporary storage container must be located on an improved surface. Containers must not be permanently attached to the ground, have permanent utility service, or be stacked on top of one another.

9.05 Environmental Performance Standards

All uses in all zoning districts must comply with the performance standards established in this Section, unless any federal, state, county, or local regulations establish a more restrictive standard, in which case the more restrictive standard applies.

A. Noise. 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 federal, state, county, and local regulations. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.

B. Odor. No activity or use may be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use must be stopped or modified so as to remove the odor.

C. Dust and Air Pollution. Dust and air pollution carried by the wind from sources such as storage areas, yards, parking areas, equipment, and the like, within lot boundaries, must be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.

D. Glare and Heat. No activity or use may be conducted in a manner that generates glare or heat that may be detected at any point off the lot on which the use is located. Light sources must be shielded so as not to cause a nuisance across lot lines.

E. Vibration. No activity or use may be conducted in a manner that generates earthborn vibration that can be detected at any point off the lot on which the use is located.

F. Fire and Explosion Hazards. Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, county, and local regulations.

G. Electromagnetic Interference. Electromagnetic interference from the operation of any use that is not in compliance with the rules and regulations of the Federal Communications Commission must not adversely affect the operation of any equipment located off the lot on which such interference originates.

H. Hazardous, Radioactive, and Toxic Materials. No activity or use may produce hazardous, radioactive, or toxic material without prior notice to the Village. Notice must be given to the Zoning Administrator at least 30 days before the operation is commenced. The transport, handling, storage, discharge, clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, must comply with applicable federal, state, county, and local regulations.

SECTION 10: OFF-STREET PARKING AND LOADING

10.01 General Provisions
10.02 Off-Street Parking Spaces
10.03 Bicycle Parking
10.04 Parking Design Standards
10.05 Pedestrian Circulation Systems
10.06 Driveways
10.07 Vehicle Stacking Requirements
10.08 Recreational Vehicle Parking and Storage
10.09 Off-Street Loading Facility Requirements

10.01 General Provisions

A. Purpose. The purpose of this Section is to promote the health, safety, and general welfare of the public by providing for safe and efficient traffic circulation, ensuring an appropriate quantity of vehicle and bicycle parking to support a variety of land uses, minimizing impervious surface coverage associated with parking and loading, and providing for adequate site access and loading facilities.

B. Applicability. The requirements of this Section apply to the following:

1. New construction of a principal structure or principal use.

2. Alteration of an existing principal structure or a change in principal use that results in an increase in the number of parking spaces.

3. The construction of new parking facilities, loading facilities, drive-throughs, and/or driveways.

4. The reconfiguration, expansion, or reconstruction of existing parking facilities, loading facilities, drive-throughs, and/or driveways.

C. General Requirements. The following requirements apply to all parking and loading areas.

1. Site Plan Review Approval. Site plan review approval is required prior to either the construction of a new parking lot, resurfacing of a parking lot, or the expansion of an existing parking lot (see Section 4.02 (Site Plan Review)).

2. Occupancy Permit. Construction of off-street parking lots and loading areas required by this Section must be completed prior to the issuance of an occupancy permit for the uses served by the parking and loading facilities.

3. Change in Use. When an existing use is changed to a new use, parking and loading spaces may be increased or decreased for the new use with an approved occupancy permit.

4. Encroachment. Parking facilities are allowed to encroach into the required front yard, corner side yard, interior side and/or rear yard unless otherwise limited in Section 8.13 (D-1 Downtown District), 8.14 (B-1 Regional Business District) or other provisions of this Ordinance. Parking facilities must be at least five feet from any lot line, provided no parking lot perimeter landscape (see Section 11.06.A (Parking Lot Perimeter Landscape)) or buffer yard (see Section 11.07 (Buffer Yards)) is required.

5. Maintenance Responsibility. All parking and loading facilities must be maintained and kept in good repair by the property owner.

6. Subdivision and Development Control Regulations. All parking and loading areas must be improved according to the requirements of the Subdivision and Development Control Regulations.

10.02 Off-Street Parking Spaces

A. General Requirements. Off-street parking spaces for motor vehicles must be provided in accordance with the following standards.

1. Availability of Spaces. All parking spaces approved as part of an approved occupancy permit must be made available to the users of the principal use. Required spaces must not be utilized for motor vehicle repair, service, or for long-term storage or display of vehicles, materials, or goods.

2. Accessible Parking.
   a. State Requirements. Accessible parking spaces must be designed and provided as required by the Illinois Accessibility Code and all additional applicable laws.
   b. Applicability. Accessible parking must be provided for all off-street parking lots that provide parking for employees and/or visitors with the exception of single-unit dwellings two-unit, and townhome dwellings.
   c. Minimum Parking Requirements. The number of accessible parking spaces are counted toward the total number of off-street parking spaces required.

3. Off-Premises Parking Facilities. Parking facilities for uses other than single-unit, two-unit, and townhouse dwellings may be provided off-premises with prior written approval by the Zoning Administrator provided that the following conditions are met:
   a. Residential Uses. Any off-premises parking facility for a multiple-dwelling unit must be located within 300 feet, along a pedestrian route, of the nearest principal entrance of the building for which the parking facilities are required.
   b. Non-residential Uses. Any off-premises parking facility for a non-residential use must be located within 500 feet, along a pedestrian route, of the nearest principal entrance of the building for which the parking facilities are required.
   c. Off-Premises Facility Agreement. A written agreement for off-premise parking facilities must be executed between the property owner and the lessee to guarantee that off-street parking spaces will be provided for the uses served for as long as such uses are in operation. The agreement must be in a format satisfactory to the Village Attorney and must be recorded in the Office of the Recorder of Deeds of Kendall or Will County, as applicable.

4. Tandem Parking. Tandem parking may be granted by the Zoning Administrator for residential uses only through an application for Site Plan Review (see Section 4.02 (Site Plan Review)). Both parking spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling unit.

5. Shared Parking Facilities. Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each are permitted.

6. Commercial Vehicles in Residential Districts. The following vehicles must not be parked in a residential zoning district unless the vehicle is parked in an enclosed garage, or is in use for deliveries, repairs, construction, maintenance, loading, or unloading: vehicles which exceed the standards of State of Illinois license plate classification "D" (8,001 – 12,000 pounds), taxicabs, limousines, buses, construction vehicles, trailers for landscaping equipment, agricultural vehicles, and other similar commercial vehicles.

7. Electric Vehicle Charging. Electric vehicle charging is allowed in accordance with Table 9.03.1 (Accessory Uses and Structures).
   a. Location. Electric vehicle charging stations may be located within any garage, parking garage, or parking lot.
   b. Type. Level 1 and 2 charging stations are allowed in residential zoning districts. Level 1, 2, and 3 (direct current fast charging (DCFC)) charging stations are allowed in non-residential zoning districts.
   c. Multiple-Unit Dwellings. Multiple-unit dwellings with parking areas of eight or more parking spaces must provide one electric vehicle charging station for every eight parking spaces.
   d. Non-Residential Uses. Non-residential uses with parking areas of 20 or more parking spaces are strongly encouraged to provide one electric vehicle charging station for every 20 parking spaces.

B. Computation. Off-street parking spaces are determined using the following standards.

1. Units of Measurement.
   a. Gross Floor Area. Unless otherwise stated, parking standards for non-residential uses must be calculated on the basis of gross floor area (GFA) in square feet (sf).
   b. Occupancy- or Capacity-Based Requirements. Parking spaces required per employee, student, or occupant must be calculated based on the maximum number of employees on the largest shift, maximum enrollment of students, or maximum fire-rated capacity of the building, whichever measurement is applicable.

2. Fractions of Parking Spaces. When computation of parking spaces results in a fraction, any fraction of less than one-half must be disregarded, and any fraction of one-half or more must be counted as one parking space.

3. Multiple Uses on a Lot. When there are multiple uses on a lot, the number of parking spaces required must be the sum of the parking requirements for each individual use.

4. Use of Off-Street Loading Area. Area allocated to any off-street loading spaces must not be used to satisfy parking space requirements.

C. Parking Standards. Table 10.02.1 Off-Street Parking Standards establishes the minimum and maximum vehicle parking requirements for the listed uses. Table 10.02.1 also establishes the minimum short-term and long-term bicycle parking requirements for the listed uses.

1. D-1 District. In the D-1 District, the requirements of Table 10.02.1 do not apply to non-residential uses. In the D-1 District, residential uses must provide a minimum of one parking space per dwelling unit.

2. Special Uses. In all zoning districts, approved special uses may be subject to minimum parking requirements established through the special use permit approval process (see Section 4.03 (Special Use Permit)).

3. Use Not Specified. Any use not specified in Table 10.02.1 Off-Street Parking Standards must adhere to the requirements provided for the most similar use as determined by the Zoning Administrator.

4. Justification for Intended Parking. The applicant for a use that does not have a minimum parking requirement must provide justification for its intended number of parking spaces based on a market study or other evidence approved by the Zoning Administrator.

5. When a use exceeds the maximum parking requirement, the applicant must provide justification for its intended number of parking spaces based on a market study or other evidence approved by the Zoning Administrator. If the justification is not approved by the Zoning Administrator, the applicant may request a Variation.

Table 10.02.1 Off-Street Parking Standards

	Vehicle Parking Requirement		Minimum Bicycle Parking Requirement	
Uses	**Minimum Parking**	**Maximum Parking**	**Short-Term**	**Long-Term**
Residential				
Community Residence	0.5 per bed	1.25 per bed	None	None
Dwelling Above the Ground Floor	1.5 per dwelling unit	2 per dwelling unit	None	None
Live/Work Dwelling	1 per dwelling unit	2 per dwelling unit	None	None
Mobile Home Dwelling	2 per dwelling unit	3 per dwelling unit	None	None
Residential Care Facility	1 per dwelling unit or bed, whichever is applicable	1.75 per dwelling unit or bed, whichever is applicable	1 per 10 parking spaces, minimum of 3	None
Transitional Treatment Facility	To be established as a condition of the Special Use Permit	To be established as a condition of the Special Use Permit		
Single-Unit Dwelling	2 per dwelling unit	5 per dwelling unit	None	None
Townhouse Dwelling	2 per dwelling unit	3 per dwelling unit	None	None
Two-Unit Dwelling	2 per dwelling unit	3 per dwelling unit	None	None
Multiple-Unit Dwelling	1.75 per dwelling unit	3 per dwelling unit	1 per 20 dwelling units	1 per dwelling unit
Civic and Institutional				
Cemetery	None	3 per 1,000 sf of GFA of office and/or preparation area	None	None
College or University	2 per classroom + 3 per 1,000 sf of office space + 1 per 4 students	None	10 per classroom	None
Community Garden	None	None	5 spaces	None
Cultural Facility	0.5 per 1,000 sf of GFA	2 per 1,000 sf of GFA	1 per 3,000 sf of GFA	None
Elementary or Middle School	1 per classroom + 3 per 1,000 sf of office space	None	4 per classroom	None
High School	30 per 100 students + 1 per classroom + 3 per 1,000 sq ft of office space*	None	4 per classroom	None
Government Facility	3 per 1,000 sf of GFA	None	1 per 10 parking spaces	None
Hospital	4 per bed	None	1 per 10 parking spaces	None

	Vehicle Parking Requirement		Minimum Bicycle Parking Requirement	
Uses	**Minimum Parking**	**Maximum Parking**	**Short-Term**	**Long-Term**
Park	None	None	5 spaces	None
Place of Worship (Large or Small)	10 per 1,000 sf of GFA of largest assembly area	20 per 1,000 sf of GFA of largest assembly area	1 per 10 parking spaces	None
Vocational School	2 per classroom + 3 per 1,000 sf of office space + 1 per 4 students	None	4 per classroom	None
Commercial				
Adult Use	2 per 1,000 sf of GFA	4 per 1,000 sf of GFA	1 per 10 parking spaces	None
Agritourism	None	None	5 spaces	None
Animal Boarding, Hospital or Shelter	1 per 1,000 sf of GFA of indoor area	4 per 1,000 sf of GFA of indoor area	1 per 10 parking spaces	None
Bar/Tavern	10 per 1,000sf of GFA	12 per 1,000 sf of GFA	1 per 10 parking spaces	None
Body Art Establishment	2 per 1,000 sf of GFA	4 per 1,000 sf of GFA	1 per 10 parking spaces	None
Camp	None	8 per 1,000 sf of GFA	5 spaces	None
Cannabis Craft Grower	1 per 1,000 sf of GFA	6 per 1,000 sf of GFA	1 per 10 parking spaces	None
Cannabis Dispensary	4 per 1,000 sf of GFA	16 per 1,000 sf of GFA	1 per 10 parking spaces	None
Car Wash	None	5 per bay	None	None
Contractor's Office	3 per 1,000 sf of GFA	6 per 1,000 sf of GFA	1 per 10 parking spaces	None
Currency Exchange	None	3 per 1,000 sf of GFA	1 per 10 parking spaces	None
Day Care Center	1 per 1,000 sf of GFA	2 per 1,000 sf of GFA	1 per 10 parking spaces	None
Day Care Home	None, to be established as a condition of the Special Use Permit	None, to be established as a condition of the Special Use Permit	None	None
Drive-Through Facility	None	None	None	None
Event Space	5 per 1,000 sf of GFA	14 per 1,000 sf of GFA	1 per 10 parking spaces	None
Financial Institution	1 per 1,000 sf of GFA	4 per 1,000 sf of GFA	1 per 10 parking spaces	None

	Vehicle Parking Requirement		Minimum Bicycle Parking Requirement	
Uses	**Minimum Parking**	**Maximum Parking**	**Short-Term**	**Long-Term**
Funeral Home/Crematory	20 per chapel or parlor	None	1 per 10 parking spaces	None
Garden Center	2 per 1,000 sf of GFA of indoor and outdoor areas	4 per 1,000 sf of GFA of indoor and outdoor areas	1 per 10 parking spaces	None
Gas Station	4 per 1,000 sf of GFA of a retail use	6 per 1,000 sf of GFA of any retail use	1 per 10 parking spaces	None
Golf Course	2 per hole	6 per hole	1 per 10 parking spaces	None
Hotel/Motel	None1 per room	3 per room	1 per 10 parking spaces	None
Indoor Entertainment	2 per 1,000 sf of GFA	10 per 1,000 sf of GFA	1 per 10 parking spaces	None
Indoor Recreation	2 per 1,000 sf of GFA	10 per 1,000 sf of GFA	1 per 10 parking spaces	None
Laundromat	2 per 1,000 sf of GFA	6 per 1,000 sf of GFA	1 per 10 parking spaces	None
Massage Therapy Establishment	2 per 1,000 sf of GFA	4 per 1,000 sf of GFA	1 per 10 parking spaces	None
Microbrewery, Microdistillery, or Mircowinery	4 per 1,000 sf of GFA	12 per 1,000 sf of GFA	1 per 10 parking spaces	None
Motor Vehicle Operations Facility	None	1 per 1,000 sf of GFA	None	None
Motor Vehicle Rental	None	5 per 1,000 sf of GFA	1 per 10 parking spaces	None
Motor Vehicle Repair and/or Service	3 spaces per service bay	5 per 1,000 sf of GFA	1 per 10 parking spaces	None
Motor Vehicle Repair and/or Service Body Shop	3 spaces per service bay	5 per 1,000 sf of GFA	1 per 10 parking spaces	None
Motor Vehicle Sales	None	8 per 1,000 sf of GFA	5 spaces	None
Multi-Tenant Commercial Center	4 per 1,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Outdoor Entertainment or Recreation	None, to be determined through special use.	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Pawn Shop	2 per 1,000 sf of GFA	4 per 1,000 sf of GFA	1 per 10 parking spaces	None

	Vehicle Parking Requirement		Minimum Bicycle Parking Requirement	
Uses	**Minimum Parking**	**Maximum Parking**	**Short-Term**	**Long-Term**
Payday/Title Loan Establishment	2 per 1,000 sf of GFA	3 per 1,000 sf of GFA	1 per 10 parking spaces	None
Personal Services Establishment	3 per 1,000sf of GFA	6 per 1,000 sf of GFA	1 per 10 parking spaces	None
Professional Office	3 per 1,000 sf of GFA	6 per 1,000 sf of GFA	1 per 10 parking spaces	None
Research/Development Facility	None	5 per 1,000 sf of GFA	1 per 10 parking spaces	None
Restaurant	10 per 1,000 sf of GFA	16 per 1,000 sf of GFA	1 per 10 parking spaces	None
Retail Goods Establishment	5 per 1,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Self-Service Storage	None	4 per 1,000 sf of GFA	1 per 10 parking spaces	None
Video Gaming Establishment	3 per 1,000 sf of GFA	12 per 1,000 sf of GFA	1 per 10 parking spaces, minimum of 3	None
Manufacturing				
Cannabis Cultivation Center	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Cannabis Infuser	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Cannabis Processor	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Cannabis Transporter	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Heavy or Light Manufacturing	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Landscape Business	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Machinery and Equipment Sales and Rental	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Resource Extraction	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Warehousing, Storage, or Distribution Facility	1 per 2,000 sf of GFA	8 per 1,000 sf of GFA	1 per 10 parking spaces	None
Other Uses				
Agricultural Use	None	None	None	None

	Vehicle Parking Requirement		Minimum Bicycle Parking Requirement	
Uses	**Minimum Parking**	**Maximum Parking**	**Short-Term**	**Long-Term**
Club, Lodge, or Hall	5 per 1,000 sf of GFA	10 per 1,000 sf of GFA	1 per 10 parking spaces	None
Stable – Commercial	None	3 per 1,000 sf of GFA	5 spaces	None
Train Station	None	None	20 spaces	20 spaces
Utility	None	1 per 4 employees	1 per 10 parking spaces	None
Utility-Scale Solar or Wind Energy System	None	1 per 4 employees	1 per 10 parking spaces	None
Wireless Telecommunication Facility or Tower	None	None	1 per 10 parking spaces	None

* For high schools, up to 15% of the required parking spaces can be on a gravel surface.

10.03 Bicycle Parking

A. Applicability. Minimum bicycle parking requirements apply to the use categories in Table 10.02.1 Off-Street Parking Standards, provided that those use categories meet the development thresholds listed in Section 10.01.B (Applicability).

B. Minimum Requirement. Where bicycle parking is required, a minimum of two spaces must be provided.

C. Bicycle Parking Design. Bicycle parking spaces must be designed in accordance with the following requirements:

1. Dimensions. Each bicycle parking space must have a minimum width of two feet, minimum length of six feet, and minimum vertical clearance of seven feet, see Figure 10.03.1 Bicycle Parking Design.

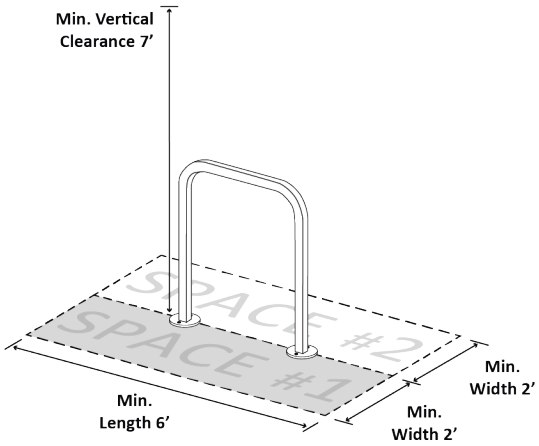
2. Safe Access. Bicycle parking spaces must be protected from motor vehicle traffic and located to permit safe access to and from the use served. A sidewalk, shared path, or other means of access, with a minimum width of five feet, must be provided adjacent to bicycle parking facilities to ensure adequate maneuvering space.

3. Racks and Structures. Secure racks and supporting structures must be provided for each bicycle parking space and must be designed to accommodate both chain and U-shaped locks. Bicycle parking spaces must permit the bicycle frame and one wheel to be locked to the rack and supporting structure. A locked bicycle must be supported in a stable position without damage to the wheels, frame, or components.

4. Visibility and Maintenance. Areas used for bicycle parking must be designed and maintained to be well-lit and reasonably free from standing water, mud, and dust.

5. Signage. If bicycle parking spaces for non-residential uses are not visible from the street, signs must be posted to indicate the location of such parking.

Figure 10.03.1 Bicycle Parking Design



D. Short-Term Bicycle Parking. The following standards apply to required short-term bicycle parking spaces, as established in Table 10.02.1 Off-Street Parking Standards.

1. Location. Short-term bicycle parking must be located in a highly visible, publicly accessible location within 50 feet of the principal entrance to a building containing the use it serves. For buildings or uses requiring more than eight short-term bicycle parking spaces, parking spaces in excess of these eight spaces may be located more than 50 feet from the principal building entrance.

2. Spaces Within the Right-Of-Way. With the permission of the Village Engineer, the property owner may install the required short-term bicycle parking spaces within the public right-of-way.

3. Credit for Existing Public Parking Facilities. With the permission of the Zoning Administrator, the property owner may receive credit for existing public bicycle parking spaces located in the right-of-way, or on Village property, to comply with the required short-term bicycle parking.

E. Long-Term Bicycle Parking. The following standards apply to required long-term bicycle parking spaces, as established in Table 10.02.1 Off-Street Parking Standards.

1. Location. Long-term bicycle parking must be located within an enclosed, limited-access area designed to protect bicycles from inclement weather, unauthorized use, and theft, and must adhere to the following:
   a. Long-term bicycle parking must be provided within the building containing the use that it is intended to serve, or within a structure that has a principal entrance 200 feet or less from the principal entrance to the building.
   b. Long-term bicycle parking serving multiple uses or buildings may be combined into a single area, enclosure, or facility.
   c. Where long-term bicycle parking is located adjacent to vehicle parking or loading facilities, a physical barrier must be provided to prevent damage to bicycles by motor vehicles.

2. Facilities. Long-term bicycle parking spaces may be provided within the following types of facilities:
   a. Enclosed spaces within a building, such as bicycle rooms or garages.
   b. Bicycle sheds.
   c. Bicycle lockers.
   d. Other enclosed or covered spaces as approved by the Zoning Administrator.

10.04 Parking Design Standards

A. Dimensions. All off-street parking aisles and spaces must be designed in compliance with the requirements established in Table 10.04.1 Off-Street Parking Dimensions and Figure 10.04.1 Parking Lot Layout.

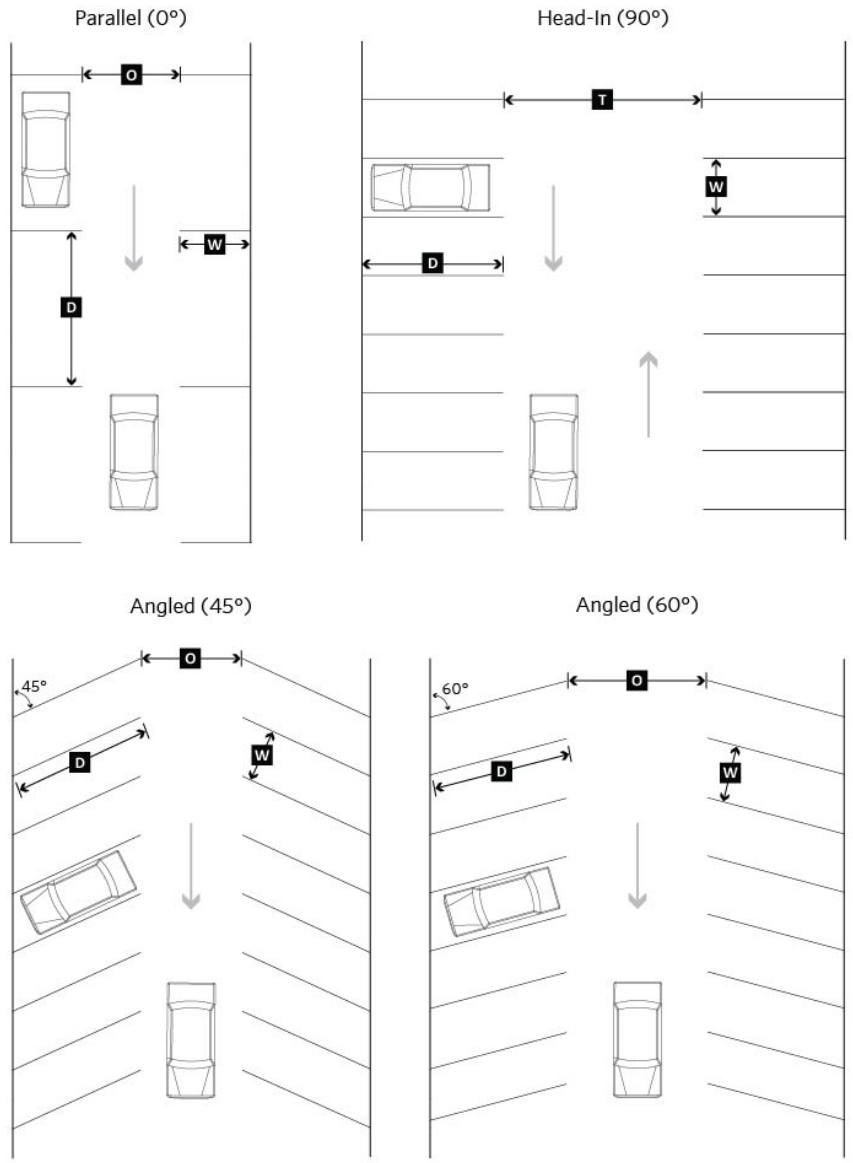
1. Vertical Clearance. Each parking space must have a minimum vertical clearance of seven feet.

2. Semi-Truck Trailers. The dimensions for a semi-trailer trucks are 12 feet in width, 60 feet in length, and 14 feet in vertical clearance.

Table 10.04.1. Off-Street Parking Dimensions

Angle	Space Width (W)	Space Depth (D)	Aisle Width: One-Way (O)	Aisle Width: Two-Way (T)
0° (Parallel)	9 ft	20 ft	12 ft	24 ft
45°	9 ft	18 ft	12 ft	24 ft
60°	9 ft	18 ft	18 ft	24 ft
90° (Head-In)	9 ft	18 ft	24 ft	24 ft

Figure 10.04.1. Parking Lot Layout



B. Materials. All off-street parking lots, loading areas, drive-through facilities, and driveways must be constructed using a hard surface, all-weather, dustless material.

1. Pervious Paving Materials. Pervious paving materials for parking facilities are encouraged. In all districts, the use of pervious paving materials is subject to the prior written approval of the Zoning Administrator.

2. Recycled Materials. Recycled materials are encouraged and may be used for parking facilities subject to the prior written approval of the Zoning Administrator.

C. Access.

1. Parking Lots. Parking lots must be designed with adequate means of vehicle access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out. Parking facilities that serve single-unit, two-unit, and townhouse dwellings are exempt from this requirement.

2. Parking Spaces. Each parking space within a parking lot must open directly onto an aisle or driveway of sufficient width to provide adequate means of vehicle access to the parking space.

3. Cross-Access Drives. Mixed-use and non-residential uses must provide a cross-access drive to allow circulation between adjacent sites when appropriate. Property owners who establish cross-access drives must record an easement allowing cross-access, receive written approval from the Zoning Administrator, and record a joint maintenance agreement that defines maintenance responsibilities.

D. Striping. Off-street parking lots must delineate parking spaces with paint or another permanent, durable material that is clearly visible.

E. Wheel Stops, Bumper Stops, and Curbing. Wheel stops, bumper stops, and/or curbing must be permanently and securely installed along the perimeter of parking lots to prevent vehicles from encroaching on sidewalks, landscape areas, fencing, walls, or buildings. The Zoning Administrator may waive this requirement after determining that appropriate stormwater infrastructure is present.

F. Drainage. Off-street parking lots must be graded for proper drainage so that water will not flow into adjacent properties, as approved by the Village Engineer. On-site retention and filtration of stormwater must be provided where practical.

G. Landscape Requirements. Parking facilities must meet the applicable landscape requirements of Section 11 (Landscape Standards).

H. Outdoor Lighting Requirements. Parking facilities must meet the applicable outdoor lighting requirements of Section 11.09 (Outdoor Lighting).

I. Sign Requirements. Parking facilities must meet the applicable sign requirements of Section 12 (Signs) .

J. Snow Storage. Snow storage areas must be provided on or adjacent to all off-street parking facilities. Snow removal equipment, salt, and de-icing agents must not be stored in off-street parking facilities.

1. Obstructions. Snow must be stored in a manner that does not restrict access or circulation for pedestrians or vehicles, and must not obstruct any part of an accessible parking space.

2. Storage in Landscape Areas. Landscape areas must not be used for snow storage unless designed for that purpose with non-compacted soils and plantings selected for salt-tolerance and durability.

3. Storage in Stormwater Management Facilities. Snow should not be stored on top of storm drain catch basins or within stormwater management facilities.

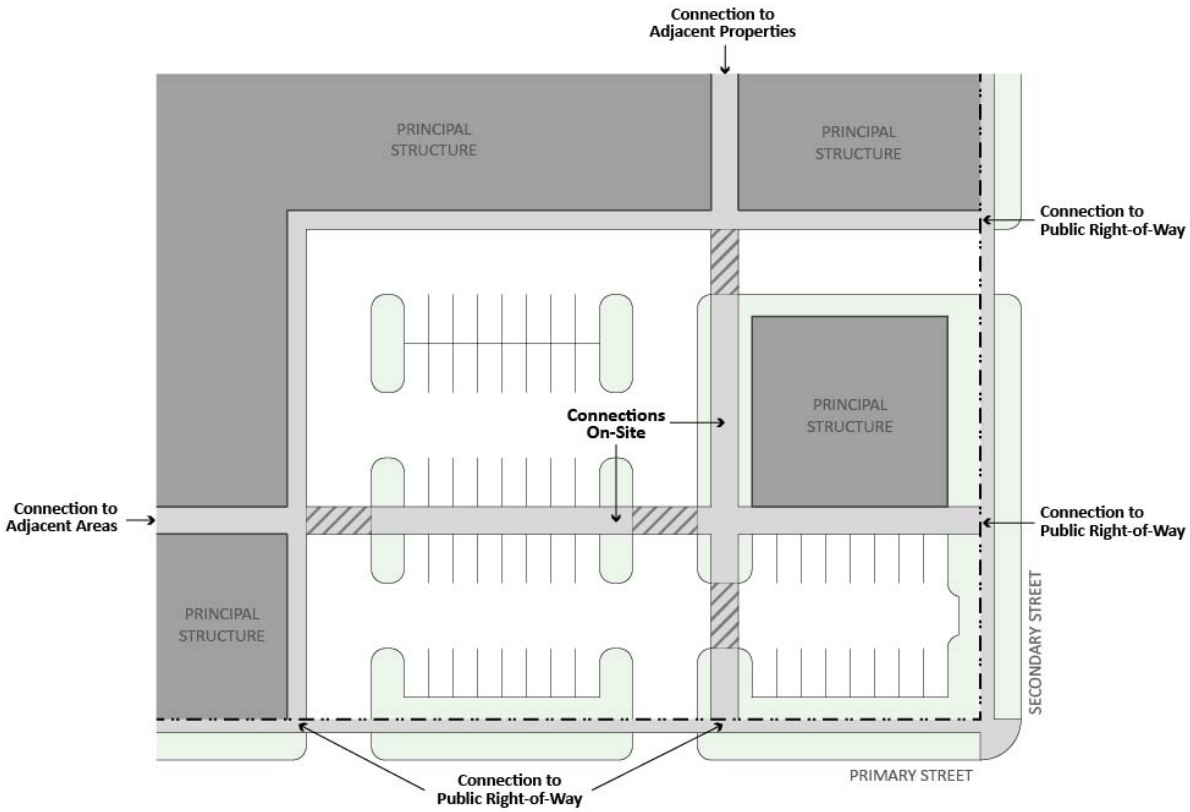
4. Off-Site Snow Storage. If snow storage cannot be accommodated on-site, the applicant must make arrangements for off-site snow storage with approval from the Zoning Administrator.

10.05 Pedestrian Circulation Systems

A. Applicability. Off-street parking areas require pedestrian circulation systems to ensure the safety of pedestrian, bicyclists, and motorists in accordance with the applicability standards of Section 10.01.B.1-3. Refer to Figure 10.05.1 On-Site Pedestrian Circulation.

B. Required Connections. The pedestrian circulation system must connect all buildings on the site to one another and provide walkway connections to vehicle parking facilities, bicycle parking facilities, adjacent public rights-of-way, and to adjacent properties along a shared street frontage. The Zoning Administrator may waive this requirement after determining that such connection would not be feasible or if it would create a safety hazard.

Figure 10.05.1 On-Site Pedestrian Circulation



C. Design Standards for On-Site Pedestrian Circulation Systems. On-site pedestrian circulation systems must be designed in accordance with the following requirements:

1. Width. The pedestrian circulation system must be paved with a minimum width of five feet.

2. Clear Markings. Where the pedestrian circulation system crosses driveways, drive aisles, or loading areas, it must be clearly marked by painted striping, a change in grade, a change in materials, or stamped asphalt or concrete.

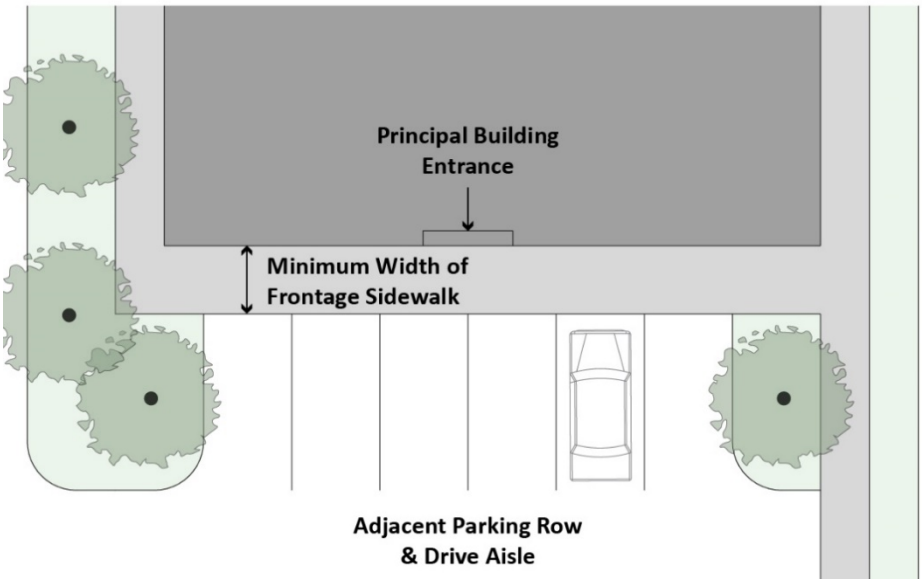
3. Raised Surface. Where the pedestrian circulation system is parallel to an adjacent driveway or drive aisle, it is encouraged to be raised at least four inches above the surface of the vehicle travel lane

and separated by a raised curb. The pedestrian circulation system may also include landscaping, decorative bollards, or other architectural features.

4. Frontage Sidewalk. A sidewalk with a minimum width of seven feet is required along the full length of any building frontage containing a primary entrance that is directly adjacent to a parking row, driveway, or drive aisle. Refer to Figure 10.05.2 Frontage Sidewalk.

5. Integrated Design. The design of pedestrian circulation systems must be integrated with parking lot landscaping in accordance with Section 11.06 (Parking Lot Landscaping), where appropriate.

Figure 10.05.2 Frontage Sidewalk



10.06 Driveways

Driveways providing access to a lot from a right-of-way, alley, or other vehicle access point must adhere to the following.

A. Location. Driveways are permitted to encroach into the required front yard, corner side yard, interior side yard and/or rear yard. Driveways must be at least five feet from the interior side lot line, except on pie-shaped lots, such as a cul-de-sac, where they must be at least one foot from the interior side lot line, or when the driveway provides shared access for two adjacent properties. Driveways must be essentially perpendicular to the right-of-way being accessed.

B. Quantity. One driveway per street frontage is allowed, provided that the minimum frontage requirements established in Section 8 (Zoning District Regulations) are met. Driveways must be located at least 60 feet from a signalized intersection, and 30 feet from all other intersections, measured from edge of pavement. Lots with at least 150 linear feet of frontage per block face may incorporate one additional driveway along that frontage. On properties for which more than one driveway is permitted, the distance between the driveways must be a minimum of 50 feet.

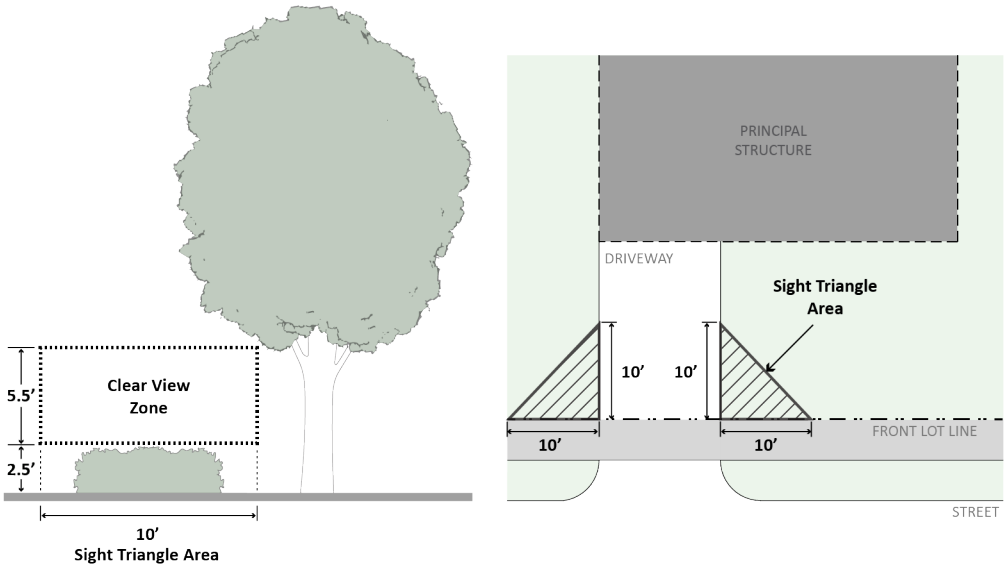
C. Driveway Width. Driveways must be constructed in compliance with Table 10.06.1 Maximum Driveway Width. Driveway width must be measured at the lot line.

Table 10.06.1 Maximum Driveway Width

Uses*	One-Way Driveway	Two-Way Driveway
Single-Unit	20 ft	N/A
Two-Unit Dwellings with Two-Car Garage Door	20 ft	N/A
Two-Unit Dwellings with One-Car Garage Door	12 ft	N/A
Townhouse Dwelling Units	20 ft	N/A
Multiple-Unit Dwellings	12 ft	26 ft
Commercial, Civic, and Institutional	12 ft	35 ft
Industrial	15 ft	35 ft
*Note: See Table 9.02.1 Principal Uses and Structures for more information on uses.		

D. Visibility. No building, structure, sign, or landscape element may obstruct the area between 2.5 feet and eight feet in height within the sight triangle area on each side of any driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle is formed by measuring 10 feet along the lot line in the opposite direction of the driveway and 10 feet along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject lot (refer to Figure 10.06.1 Visibility at Driveways).

Figure 10.06.1 Visibility at Driveways



E. Turning Radii.

1. Multiple-Unit Dwellings and Commercial Uses. Entrances to multiple-unit dwellings and commercial uses must have a minimum turning radii of 15 feet and a maximum turning radii of 35 feet.

2. Industrial Uses. Entrances to industrial uses must have a minimum turning radii of 25 feet and a maximum turning radii of 60 feet.

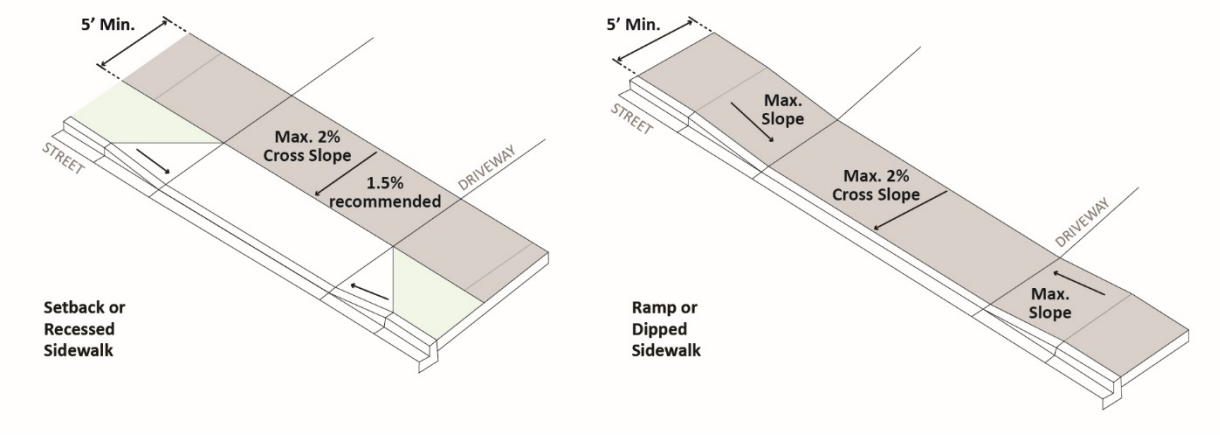
F. Intersection of Sidewalk and Driveway.

1. Sidewalk. In locations where a sidewalk is crossed by a driveway, the sidewalk must be constructed of a permanent, concrete surface with a minimum width of five feet.

2. Driveway Aprons. Driveway aprons must not exceed the width of a driveway by more three feet on each side of the driveway. Driveway aprons must be constructed of asphalt or concrete material as approved by the Village Engineer.

3. Slope. A sidewalk must remain level across the driveway with a running slope not to exceed 8.3 percent if there is a landing, or 5 percent if there is no landing. A landing is an area that is a minimum of five feet by five feet that has a cross slope of two percent or less at the top and bottom of the ramp. The cross slope must not exceed two percent, but a cross slope of 1.5 percent is recommended. Refer to Figure 10.06.2 Sidewalk and Driveway Intersection Designs.

Figure 10.06.2 Sidewalk and Driveway Intersection Designs



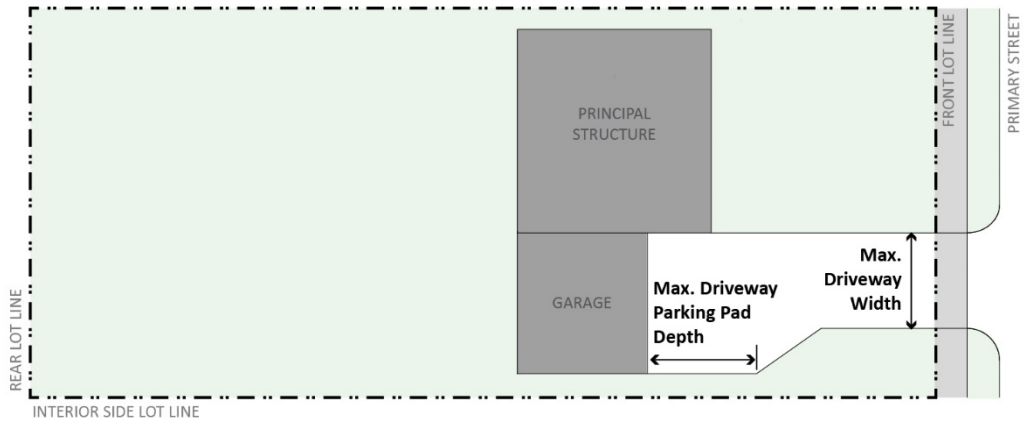
G. Residential Driveways. The following standards apply to driveways for single-unit, two-unit, and townhouse dwellings only.

1. Driveway Parking. Vehicles are permitted to park on driveways provided that the vehicles do not encroach into rights-of-way or block pedestrian facilities outside the right of way. Vehicles must be parked on improved surfaces; parking on grass or gravel is prohibited.

2. Alley Orientation. Where an alley exists adjacent to the side or rear lot line, all motor vehicle access to a garage must occur through the alley in accordance with Section 9.03.C.19 (Garage).

3. Driveway Parking Pad. A parking pad the width of the garage served by the driveway is permitted to extend up to 20 feet in depth from the garage doors before tapering back to the required driveway width, see Figure 10.06.3 Driveway Parking Pad Width.

Figure 10.06.3 Driveway Parking Pad Width



10.07 Vehicle Stacking Requirements

A. Space Requirements.

1. Coffee Shops. Coffee shops with a drive-through facility must provide a minimum of 10 stacking spaces per drive-through lane.

2. Restaurants. Restaurants with a drive-through facility must provide a minimum of eight stacking spaces per drive-through lane.

3. Car Wash. Car washes must provide a minimum of six stacking spaces per drive-through lane.

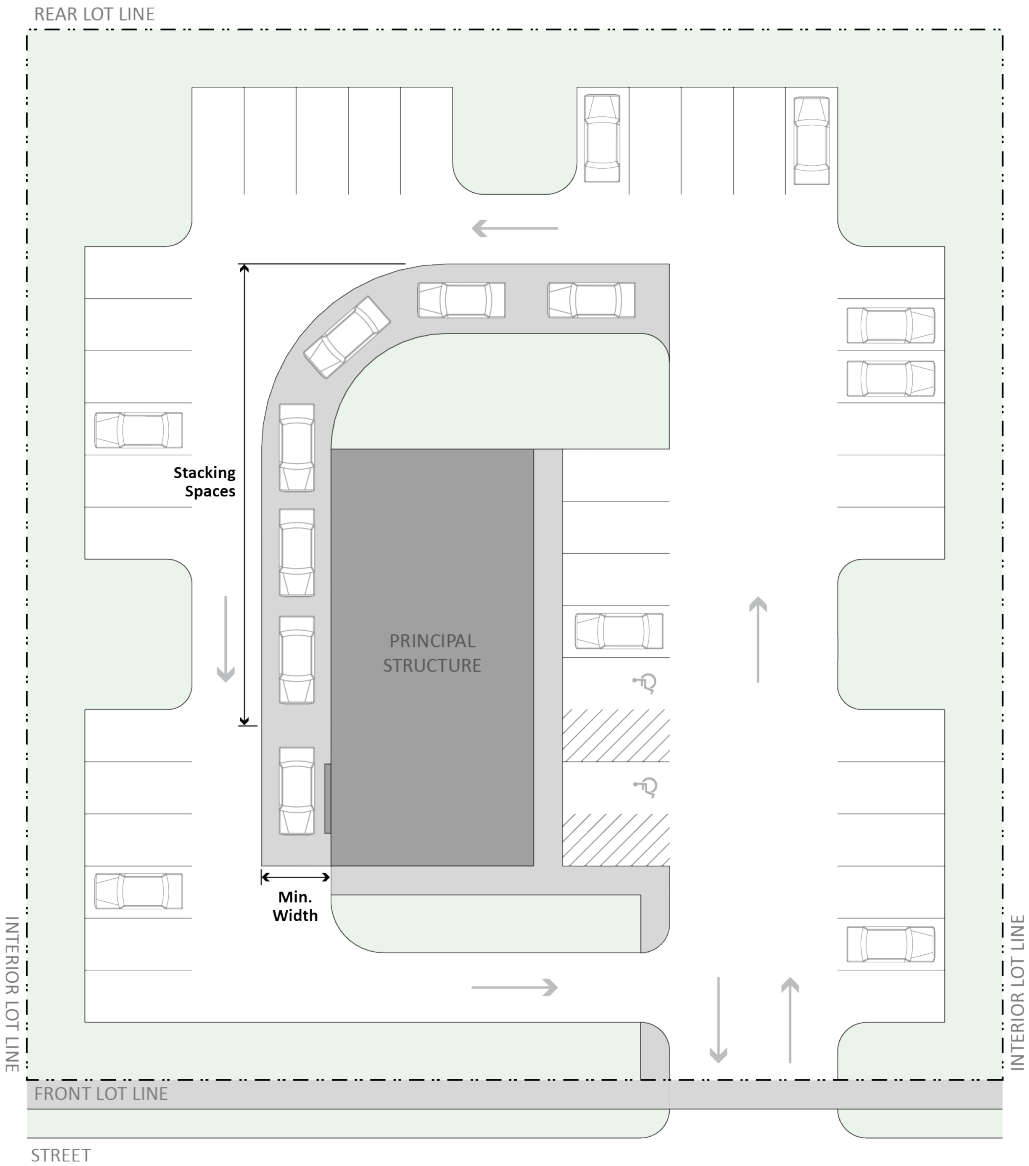
4. All Other Uses. All other uses with a drive-through facility must provide a minimum of two stacking spaces per drive-through lane.

B. Dimensions. All stacking spaces must have a minimum width of nine feet, as measured from the edge of the drive-through lane to the outermost edge of the last point of service, such as a drive-through window. Stacking spaces must have a minimum length of 18 feet.

C. Location. Stacking spaces must be located behind the vehicle parked at the last point of service, such as a drive-through window, and placed in a line within the drive-through lane. Stacking spaces must be located so that they do not obstruct access to the site or to parking and loading spaces. Refer to Figure 10.07.1 Stacking Spaces.

D. Bailout Lane. Drive through lanes must include a bailout lane, which must run parallel to the drive through lane, have a minimum width of 10 feet, and provide unobstructed exit capability to all vehicles that have entered the drive-through lane. A drive aisle may serve as a bailout lane provided that it meets the requirements of this section.

Figure 10.07.1 Stacking Spaces



10.08 Recreational Vehicle Parking

A. Number. No more than one recreational vehicle may be parked outdoors on a lot in any zoning district. Recreational vehicles parked in an enclosed permanent structure are exempt from this standard. A recreational vehicle and the trailer used to convey it must be considered one recreational vehicle.

B. Use. Recreational vehicles must not be used for living, sleeping or housekeeping purposes while located within Village boundaries. Recreational vehicles must not be connected to sewer, water, or other utilities for any period of time, except for temporary service connections for basic maintenance.

C. Principal and Accessory Structures. Recreational vehicles are not permitted on a lot without a principal structure. Recreational vehicles must not be used as accessory structures, but may be kept within an

enclosed accessory structure provided that the accessory structure is allowed in accordance with the requirements of Section 9.03 (Accessory Structures and Uses).

D. Operability. Recreational vehicles must remain operable at all times. Recreational vehicles must not be permanently affixed to the ground in a manner that would prevent timely removal.

E. Location. Recreational vehicle parking is allowed in the interior side yard and/or rear yard. Recreational vehicles in the interior side yard must be parked at least five feet from the interior side lot line, except on pie-shaped lots, such as on a cul-de-sac, where they must be at least one foot from the interior side lot line, or when the driveway provides shared access for two adjacent properties. Recreational vehicles in the rear yard must be parked at least three feet from the rear lot line. Recreational vehicles may park on a street within the Village between the hours of 5:00 am and 10:00 pm. Recreational vehicles must not park on any street in the Village between the hours of 10:00 pm and 5:00 am. Recreational vehicles must not park on, or block, any sidewalk in the Village at any time.

F. Loading and Unloading. A recreational vehicle may be parked in a driveway in any yard for a period of 72 hours in a one-week period for the purposes of maintenance, loading and unloading. An applicant may extend this 72-hour period by means of a written request filed with the Zoning Administrator at least 15 days prior to the expiration of the period. The Zoning Administrator must decide whether to grant or deny the applicant's request within 10 days of receipt of the applicant's written request.

G. Parking Surface and Dimensions. Recreational vehicles must be parked on a hard surface, all-weather, dustless material in accordance with Section 10.04.B (Materials) that is equal or greater in length and width to the recreational vehicles being parked.

10.09 Off-Street Loading Facility Requirements

A. Applicability. This Ordinance does not specify minimum requirements for off-street loading. The maximum number of loading spaces required for any zoning lot is four spaces, but this standard does not apply to the M-1 district.

B. Dimensions. Loading spaces must have a minimum width of 10 feet, minimum length of 25 feet, and minimum vertical clearance of 14 feet.

C. Location. All loading spaces must be located on the same zoning lot as the use served, unless an alternate location has been approved by the Zoning Administrator through the site plan review process (see Section 4.02 (Site Plan Review)).

1. Side or Rear Yard. Loading facilities must be located in the interior side and/or rear yard of the lot. A designated loading area may be located within a drive aisle with prior written approval from the Zoning Administrator.

2. Residential Districts. A loading space must not be closer than 50 feet from the lot line of a residential district, unless the space is screened in accordance with Section 11.08.C (Off-Street Loading Area Screening Requirements).

3. Intersections. Loading spaces must be located at least 50 feet from a signalized intersection, and 25 feet from all other intersections, measured from edge of pavement.

D. Access. Each required off-street loading space must have appropriate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. A loading space must not project into or block a street, sidewalk, alley, access drive, or parking area. Loading facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out.

SECTION 11: LANDSCAPE STANDARDS

11.01 General Provisions
11.02 Tree Preservation
11.03 Design, Installation, and Maintenance
11.04 Street Trees
11.05 On-Lot Planting Requirements
11.06 Parking Lot Landscaping
11.07 Buffer Yards
11.08 Screening Requirements
11.09 Outdoor Lighting

11.01 General Provisions

A. Purpose. The purpose of this Section is to establish landscape requirements that will enhance the Village's character and livability, improve water and air quality, mitigate the heat island effect, reduce the amount of stormwater conveyed to storm sewer systems, prevent erosion, expand and improve habitat for native plants and animals, and provide for transitions between zoning districts.

B. Applicability. The requirements of this Section apply to the following:

1. New developments that require site plan review approval (see Section 4.02 (Site Plan Review)).

2. Planned unit developments (see Section 5 (Planned Unit Developments)).

3. The construction, expansion, or reconstruction of any parking lot of 10 spaces or more.

4. The removal of existing trees from any lot, per the requirements of Section 11.02 (Tree Preservation).

C. Occupancy Permit. The requirements of this Section must be met and landscape elements must be fully installed in good health and condition, as determined by the Zoning Administrator, prior to the issuance of an occupancy permit.

1. Seasonal Conditions. If seasonal conditions preclude the completion of landscape installation and adequate surety has not already been collected, the applicant must provide the Village with a letter of credit, escrow, performance bond, or other surety, as approved by the Zoning Administrator, equal to 120 percent of the remaining costs of installation and material as estimated by a qualified landscape architect or similar professional, in order to receive a temporary occupancy permit.

2. Permit Revocation. Failure to implement the approved landscape plan or maintain installed landscape elements is cause for revocation of the occupancy permit and/or the application of fines and penalties. All landscape elements are subject to periodic inspection for compliance with the approved landscape plan.

D. Landscape Plan. A landscape plan must be submitted to the Village as part of any site improvement that meets the criteria of Section 11.01.B (Applicability) and be approved by the Zoning Administrator. The landscape plan will be evaluated and approved based on the standards included in this Section 11 (Landscape Standards).

1. Preparation of Landscape Plan. The landscape plan must be prepared and stamped by a licensed landscape architect registered in the State of Illinois, or another qualified professional, if the project meets the criteria of Section 11.01.B (Applicability).

2. Contents. The landscape plan must contain the following:
   a. Location and dimensions of all existing and proposed structures, parking spaces, landscape islands, buffer yards, street lights, utilities, easements, and other site elements.
   b. Location, quantity, size, spacing, and name, both botanical and common, of all existing plants, including trees and plants in the right-of-way. The landscape plan must indicate whether existing plants will be retained or removed, including information on how existing trees will be preserved and protected (see Section 11.02 (Tree Preservation)).
   c. Location, quantity, size, spacing, and name, both botanical and common, of all proposed plants including the type of tree stock.
   d. Planting details and best management practices for all plantings, including type, depth, and quantity of soil.
   e. A stormwater basin planting plan in accordance with the requirements of the Subdivision and Development Control Regulations.
   f. Existing and proposed grading of the site indicating contours at one-foot intervals and the area that extends 50 feet beyond the lot line.
   g. Elevations of all fences and retaining walls proposed for the site.
   h. Construction information, including the location of temporary roads, access points for construction equipment, staging areas, material storage areas, and other related information.
   i. To ensure ongoing compliance with this Section, a landscape plan must include an operations and maintenance plan that includes detailed information on operations and maintenance procedures, including the design specifications of any underground irrigation systems. The property owner is responsible for the maintenance of all elements of the landscape plan.

E. Credit for Existing Vegetation. The Zoning Administrator may credit existing landscape elements toward the requirements of Section 11.04 (Street Trees) , Section 11.06 (Parking Lot Landscaping), Section 11.07 (Buffer Yards), and/or Section 11.08 (Screening Requirements). The existing landscape elements must be acceptable species, adequately protected during the construction process, in good health, and must meet all applicable specifications of this Section. Existing trees will be credited toward the requirements of this section in accordance with Sec. 11.02.B.2.a (Replacement Rate) using the maximum size indicated in Table 11.03.1 Required Landscape Size at Installation.

F. Substitutions. For landscaping creativity, a mixture of canopy, ornamental, and evergreens trees; shrubs, perennials and grasses should be used. The following substitution rates may be used at the Zoning Administrator's discretion.
   a. 1 canopy tree – 2 evergreens
   b. 1 canopy tree – 3 ornamental trees
   c. 1 canopy tree – 12 shrubs
   d. 3 gal. ornamental grass – 1 shrub
   e. 3 gal. perennials – 1 shrub

G. Computation. When computation of required plant material results in a fraction, any fraction of less than one-half must be disregarded, and any fraction of one-half or more must be counted as one plant.

11.02 Tree Preservation

A. Applicability. Existing trees six inches in diameter or larger may not be removed from lots within the Village, wholly or in part, without a tree preservation and removal plan approved by the Zoning

Administrator. This Section does not apply to the removal of trees located on lots for single-unit or two-unit dwellings, including lots being subdivided as part of the major subdivision process, unless the trees to be removed have a diameter of 30 inches or more, measured at breast height.

1. Procedure. The tree preservation and removal plan must specify the tree to be removed and must be approved by the Zoning Administrator in writing. Such approval is not required if tree removal is performed by Village employees or contractors.

2. Criteria for Removal of Mature Trees. Every reasonable effort must be made to incorporate existing trees into the landscape plan for the proposed development. The Zoning Administrator must determine that one of the following criteria apply prior to granting approval to remove a mature tree:
   a. The tree is dead, dying, diseased, or a threat to public health or safety.
   b. The tree interferes with the provision of public services or is a hazard to traffic.
   c. The location of the tree prevents development or redevelopment that cannot be designed to protect the tree.
   d. The tree is not on Northern Illinois Tree Species List, as amended, or is not recommended for the planting site in which it is located.

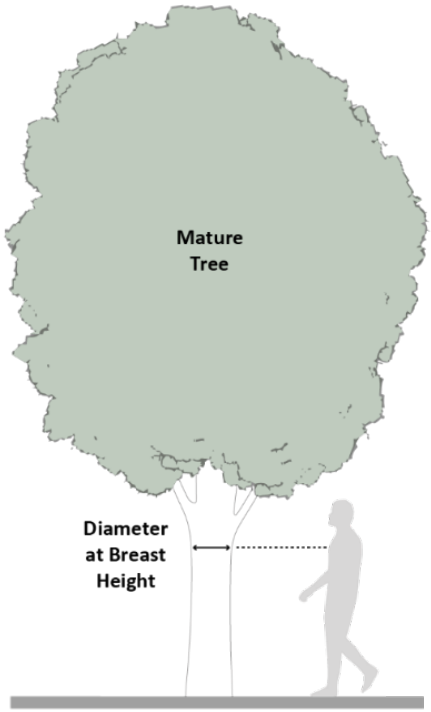
B. Replacement Standards. Mature trees to be removed must be replaced in accordance with the following standards.

1. Location. Replacement trees must be planted on the zoning lot in question to the greatest extent possible. If the replacement trees cannot be planted on the zoning lot in question then the Zoning Administrator will determine a suitable location for the replacement trees or a fee-in-lieu of the replacement trees in accordance with Section 11.02.B.3 (Tree Valuation).

2. Replacement Rate. The size of a mature tree is measured using its diameter at breast height (refer to Figure 11.02.1 Tree Measurement). The tree to be removed must be replaced within one year of the date of approval, or the applicant will be required to pay the Village an amount equal to the full value of the tree to be removed.
   a. Any tree designated for removal on an approved tree preservation and removal plan must be replaced by a sufficient number of new trees such that the aggregate caliper size of the replacement trees equals or exceeds the aggregate diameter at breast height of the tree being removed. For example, a tree with a diameter at breast height of 10 inches may be replaced by five 2-inch caliper tree or four 1.5 inch caliper trees and two 2-inch caliper trees.
   b. In the event that a tree designated for preservation is destroyed, damaged, or removed during the construction process, such tree must be replaced following the same, inch-for-inch replacement rate and pay a fee equal to the tree value identified in Section 11.02.B.3 (Tree Valuation).

3. Tree Valuation. The value of a tree will be determined by the Zoning Administrator in accordance with the methods developed by the Council of Tree and Landscape Appraisers in the most recent *Guide for Plant Appraisal* regarding the quality and desirability of the tree.

Figure 11.02.1 Tree Measurement



11.03 Design, Installation, and Maintenance

A. Design and Installation.

1. National Standards. All landscape elements must be installed in accordance with the practices and procedures established by the Illinois Landscape Contractors Association. Landscape elements must be healthy and hardy at installation and must be planted with appropriate space and soils to ensure sustained growth.

2. Soil Requirements. A minimum soil depth of three feet and minimum planting bed width of eight feet is required for all tree planting areas. Refer to Figure 11.03.1 Minimum Soil Depth and Figure 11.03.2 Minimum Planting Bed Width. In order to accommodate subsurface root expansion, a minimum volume of 1,000 cubic feet of soil is required per large shade tree or evergreen tree, and a minimum volume of 750 cubic feet of structural soil is required per medium shade tree. Whenever possible, tree plantings should be located to connect subsurface root spaces.

Figure 11.03.1 Minimum Soil Depth

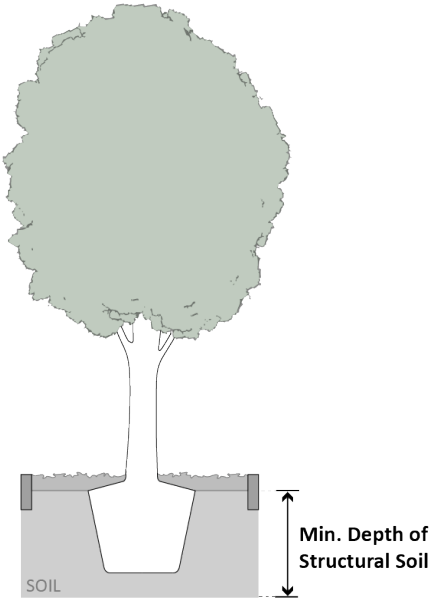
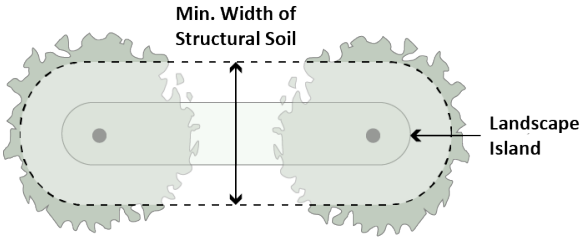


Figure 11.03.2 Minimum Planting Bed Width



3. Plant Size Requirements. Landscape elements must be installed in accordance with Table 11.03.1 Required Landscape Size at Installation, unless otherwise noted in this Ordinance, or unless otherwise approved by the Zoning Administrator.

Table 11.03.1 Required Landscape Size at Installation

Type	Minimum Size	Maximum Size
Shrubs	18 in height	36 in height
Ornamental Tree	1.5 in caliper	2.5 in caliper
Deciduous Shade Tree, Single Trunk	1.5 in caliper	2.5 in caliper
Deciduous Shade Tree, Multiple Trunks	6 ft height	10 ft height
Evergreen Tree	6 ft height	10 ft height

4. Tree Species Permitted and Species Diversity. Tree and plant species that are native or naturalized to northeastern Illinois, and drought- and salt-tolerant, are required, except for single-unit and two-unit dwellings. Refer to the Northern Illinois Tree Species List, as amended, for preferred species and Table 11.03.2 Species Diversity Requirements for specifications. Other species may be approved with the written approval of the Village Arborist.

Table 11.03.2 Species Diversity Requirements

Lot Size	Minimum Percent Drought- and Salt-Tolerant Species	Minimum Tree Species Diversity Requirement*	
Lot under 0.5 acres	50%	None	
Lot between 0.5 and 5 acres	60%	Species	20%
		Genus	40%
Lot over 5 acres	75%	Species	20%
		Genus	40%
* Trees from the genus *Quercus* (oaks) are exempt from these restrictions.			

5. Irrigation. Permanent irrigation systems are not required but may be installed as recommended by a landscape architect or the Zoning Administrator. All irrigation systems that are installed must comply with Title 8 (Public Ways and Properties) Chapter 7 (Water Regulations) of the Municipal Code and must be designed to minimize the use of water, and require certification that the system is water efficient (e.g. EPA WaterSense certified). Irrigation systems are not allowed in the right-of-way.

6. Utility Easements. Landscape elements may be installed within utility easements, but shade trees are not permitted under overhead utilities. Existing shade trees located beneath overhead utilities must not be counted as existing vegetation in a Landscape Plan. If it is not practical to locate shade trees away from overhead utilities, the property owner will be responsible for maintaining the trees in such a manner that will not interfere with the overhead utilities and for replacing any trees that are damaged during utility repairs.

B. Planting Location and Visibility. All landscape elements must be located in compliance with the visibility standards of Section 8.05.C (Visibility Obstruction) and Section 10.06.D (Visibility). Where practical, deciduous trees, shrubs and vines should be planted along the south and west sides of buildings to provide shade during the summer. Where practical, evergreens and other plant materials should be concentrated on the north side of buildings in a manner which dissipates the effect of winter winds.

C. Maintenance. All landscape elements must be maintained in good condition at all times to ensure healthy vegetation and an orderly appearance.

1. Maintenance Responsibility. Landscape elements, such as vegetation and trees, irrigation systems, fences, and walls, must be properly maintained. The property owner is responsible for the maintenance, repair, and replacement of landscape elements to keep them in good condition for the lifespan of the development and/or parking lot.

2. Surety. A letter of credit, escrow, performance bond, or other surety, as approved by the Zoning Administrator and subject to periodic inspection, equal to 120 percent of the value to purchase, plant, and maintain landscaping, will be collected at issuance of building permit. 20 percent of the value will remain in place for two years after installation to ensure proper maintenance in accordance with this Section.

3. Establishment of Landscape Elements. All installed landscape elements must be watered, mulched, and replaced as needed until fully established.

4. Ongoing Maintenance. All landscape elements must be maintained in good condition in perpetuity and must have a healthy, neat, and orderly appearance. Any landscape element that is removed due to disease, damage, death, or any other reason must be replaced within 30 days after the beginning of the growing season, in accordance with the requirements of this Section and the approved landscape plan.

11.04 Street Trees

A. Applicability. Street trees aid in beautifying and shading the Village by providing consistent and appropriately spaced trees. The requirements of this Section apply to existing and proposed parkway areas adjacent to new developments that require approval of site plan review (see Section 4.02 (Site Plan Review)) or planned unit development (see Section 5 (Planned Unit Developments)).

B. Street Tree Requirements.

1. Frequency. Street trees must be installed at a minimum rate of one large shade tree per 40 linear feet of parkway. Trees must be selected for appropriate size at maturity for the subject parkway width, as determined by the Zoning Administrator in consultation with the Village Engineer and Village Arborist. Trees must be spaced on center, or at a rate that matches the existing tree spacing pattern on adjacent parkways, whichever results in a greater density of tree plantings. Spacing may be adjusted to ensure adequate room for streetlights, signs, and utilities.

2. Spacing. Landscape elements must be installed in accordance with Table 11.03.1 Required Landscape Size at Installation, unless otherwise noted in this Ordinance. Street tree spacing must adhere to the spacing requirements of Table 11.04.1 Street Tree Spacing.

Table 11.04.1 Street Tree Spacing

Streetscape Element	Minimum Spacing Required
Driveway	5 ft
Fire Hydrant	5 ft
Overhead Utility Pole	15 ft
Street Light	15 ft
Intersection(from edge of pavement)	40 ft

3. Tree Wells. Tree wells must be utilized in locations where the sidewalk extends from the back of the curb to the lot line and there is no parkway present. Tree wells in sidewalks must provide a continuous trench with a depth of at least three feet to allow for better root growth and healthier trees. Tree wells must meet the standards of the Americans with Disabilities Act.

4. Jurisdictional Control. If a County or State has jurisdiction over a public right-of-way which prevents the installation of the required number of street trees, then the trees must instead by planted within the front yard of the adjacent zoning lots. These street trees are required in addition to other applicable landscape requirements.

11.05 On-Lot Planting Requirements

A. Required Residential Trees. All new residential developments must include canopy trees according to the rates shown in Table 11.05.1 Required Trees. All required trees must comply with the requirements of Section 11.03 (Design, Installation, and Maintenance).

Table 11.05.1 Required Trees

Housing Type	Trees Required
Single- or Two-Unit Dwelling	2
Townhome or Multiple-Unit Dwelling	1 per 4 units

B. Foundation Planting.

1. Location. Foundation planting must be installed for all multiple-unit dwellings and for development in the B-1 and M-1 Districts. Foundation planting must be installed along the front and corner side facades of all buildings, except entrances and other areas where it may be impractical. At a

minimum, foundation plantings shall front not less than eighty (80) percent of the front and sides of all buildings and along the rear walls wherever feasible.

2. Size. Foundation planting must have a minimum width of eight feet.

3. Landscaping Materials. Foundation plantings must include a mixture of ornamental trees, native or ornamental grasses, shrubs, and perennials. Turf or other live groundcover may be also be planted.

11.06 Parking Lot Landscaping

A. Parking Lot Perimeter Landscape. Refer to Figure 11.06.1. Location of Landscape Requirements and Figure 11.06.2. Parking Lot Perimeter Landscape.

1. Location. Parking lot perimeter landscape requirements apply to lots in all zoning districts in which parking facilities are located adjacent to a lot line. Parking lot perimeter landscape must be located directly adjacent to the lot line.

2. Minimum Parking Lot Perimeter Landscape. A parking lot perimeter landscape with a minimum depth of eight feet is required along the length of the parking lot that is adjacent to the lot line, excluding any driveways.

3. Landscape Elements. The parking lot perimeter landscape must meet all of the standards of Section 11.03 (Design, Installation, and Maintenance) and include the following:

   a. Parking lot perimeter landscaping must provide:
      (1) One large shade tree per 30 linear feet of perimeter area, or one medium shade tree per 25 linear feet of perimeter area, or any combination thereof is required. Trees may be spaced evenly or grouped.
      (2) 1 ornamental tree per 100 feet
      (3) 15 shrubs per 100 feet
   b. Other landscaping features may include berms, groundcover, perennials, and native grasses.
   c. Any portion of the parking lot perimeter landscape not covered by shrubs and trees must be planted with turf, clump or no-mow grasses, other perennial groundcover, or mulch.

4. Fence. Parking lot fencing may be installed to further screen the parking lot from view of the street and is subject to the following. Fences must be installed in accordance with Section 9.03.C.17.c (Construction, Design, and Appearance), unless otherwise specified in this section. The fence must be located a minimum of two feet from the back of the parking lot curb to allow for vehicle overhang. The required parking lot perimeter landscape must be located between the fence and sidewalk to provide visual interest from the street.

Figure 11.06.1 Location of Landscape Requirements

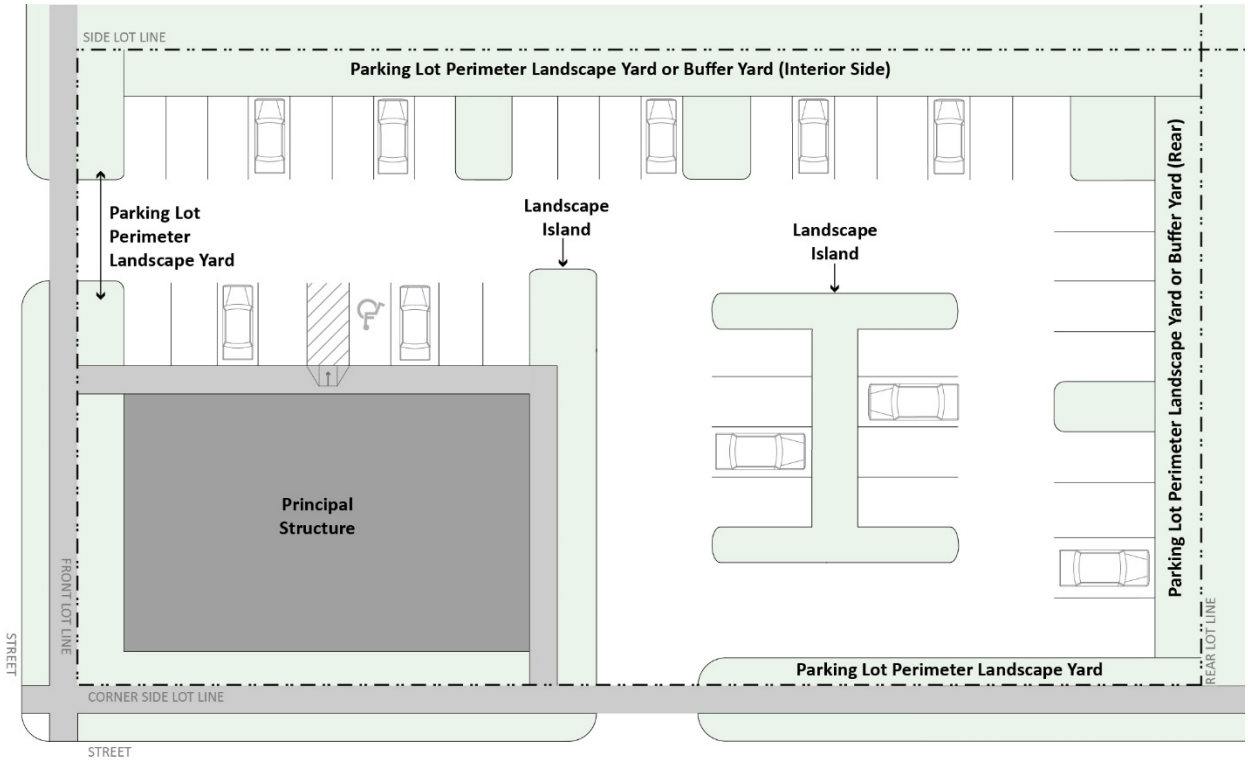
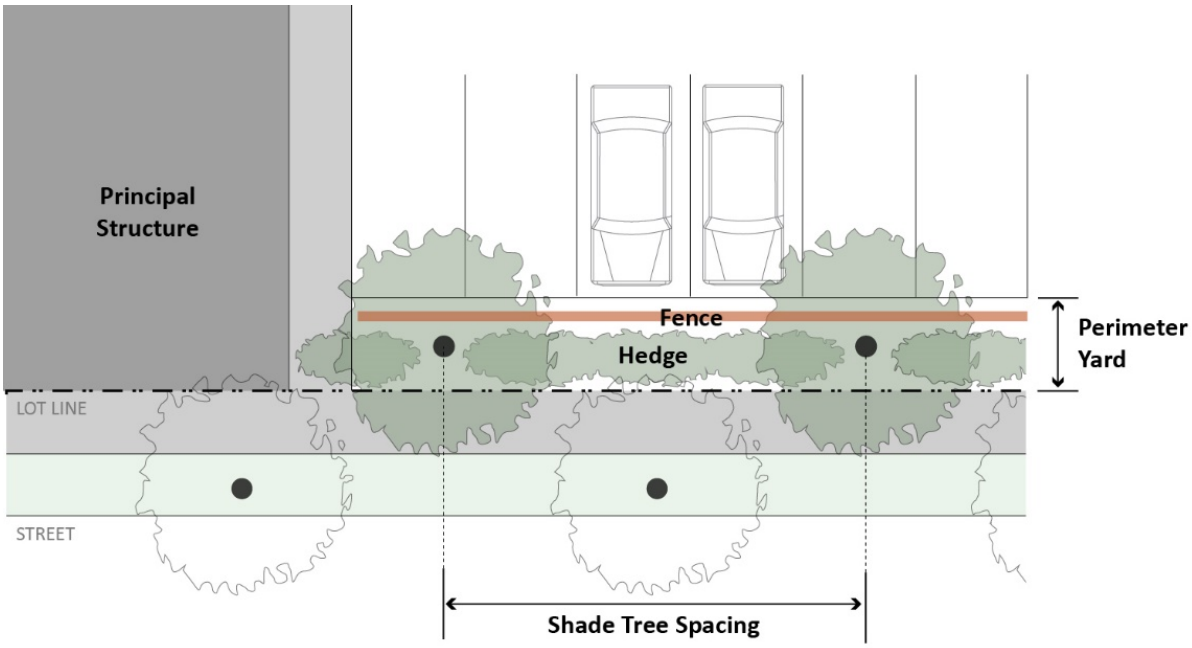


Figure 11.06.2 Parking Lot Perimeter Landscape



B. Parking Lot Interior Landscape Islands. Refer to Figure 11.06.4 Parking Lot Interior Landscape Islands and Figure 11.06.1 Location of Landscape Requirements.

1. Spacing. All rows of parking must be terminated by an end landscape island or landscape area.
   a. For parking lots of less than 200 spaces: 1 parking island is required per 10 spaces (end landscape islands count toward required number of islands).
   b. For parking lots of 200 spaces or more: 1 parking island is required per 8 spaces (end landscape islands or count toward required number of islands).

2. Size. For a single parking row, the landscape island must have a minimum length equal to the length of the adjacent parking space and a minimum area of 180 square feet. When double rows of parking are provided, the required landscape islands must have a minimum length equal to the total length of the adjacent parking spaces and a minimum area of 360 square feet.

3. Alternate Configuration. In conjunction with landscape plan approval (see Section 11.01.D (Landscape Plan)), the Zoning Administrator may permit a different configuration of landscape islands to allow for more efficient site design or to permit larger landscape areas. Regardless, the overall area and number of plantings required for landscape islands must be met.

4. Trees. A minimum of one shade tree must be provided per landscape island. Landscape islands provided for double rows of parking must include a minimum of two shade trees.

5. Groundcover. A minimum of 80 percent of each landscape island must be planted with ornamental or native grasses, perennials, turf, or other live groundcover. Shrubs are not permitted in landscape islands.

6. Curb Design. Landscape areas must be protected with concrete curbing and have a minimum height of six inches as measured from the parking lot surface. Curbing must contain inlets to accept drainage, unless it is determined by the Zoning Administrator that inlets would result in greater runoff inflow than could be supported by the landscape island. Refer to Figure 11.06.3 Curb Inlet Design. Wheel stops and other alternate landscape protections may be approved by the Zoning Administrator to facilitate certain stormwater management facilities.

7. Parking lot interior landscape island requirements do not apply to parking areas which are acting as outdoor storage, such as truck parking or motor vehicle sales and rental.

Figure 11.06.3 Curb Inlet Design

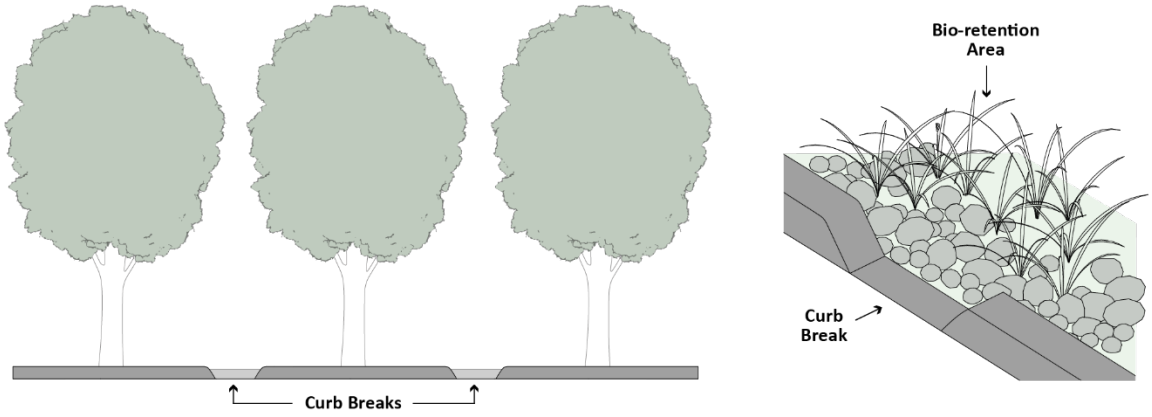
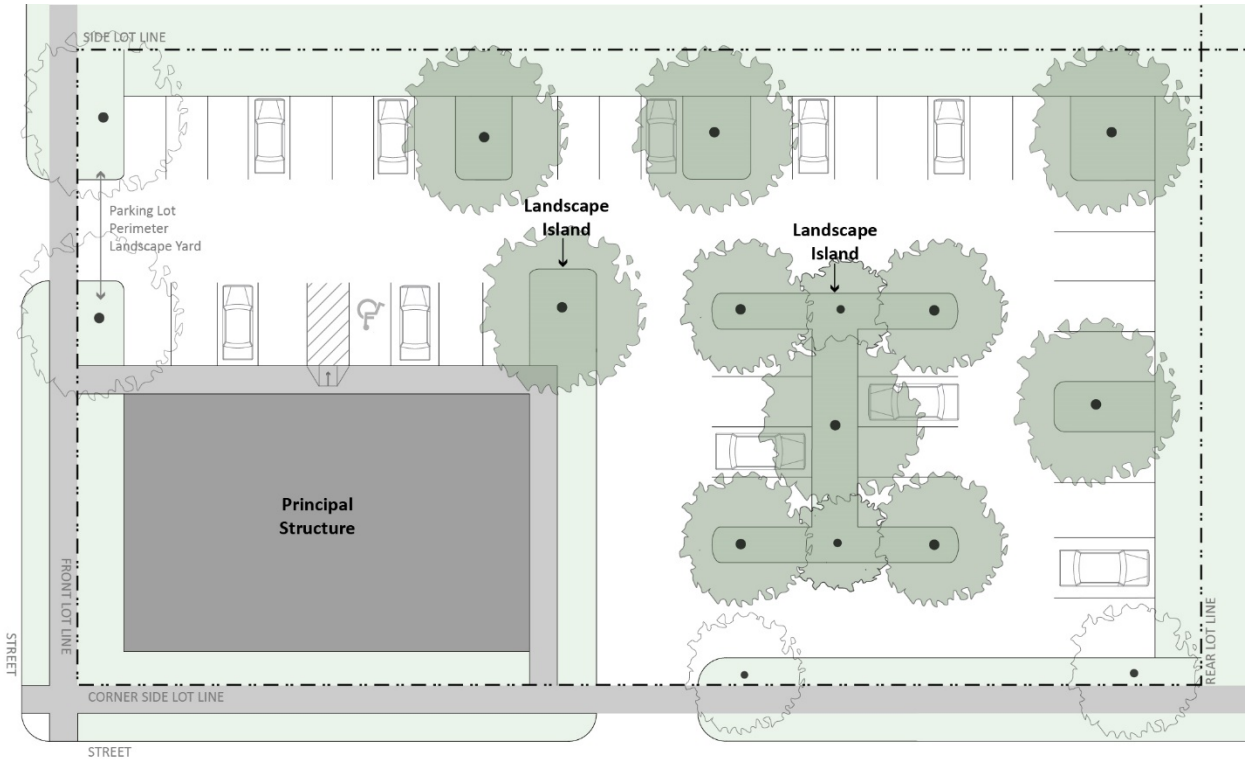


Figure 11.06.4 Parking Lot Interior Landscape Islands



C. Runoff Infiltration. All required parking lot landscape areas must be designed to accept and facilitate stormwater runoff infiltration through curb design, adequate soil depth, appropriate plant selection, and site grading to convey stormwater to the landscaped areas in accordance with the Kendall County Stormwater Management Ordinance. Landscaped areas must include depressed planters with bioretention and infiltration areas to assist in water quality protection and facilitate groundwater recharge.

11.07 Buffer Yards

A. Applicability. Buffer yards are used to separate more intensive zoning districts and uses from less intensive zoning districts and uses. A buffer yard in accordance with Table 11.07.1 Buffer Yard Types is required. Bufferyard requirements may be waived by the Zoning Administrator for properties in the D-1 District.

Table 11.07.1 Buffer Yard Types

		Adjacent Land use								
		Single Family / Duplex Residential	Multi-family / Townhome residential	Commercial or Non-residential use in a residential district	Industrial	Vacant – Residential (per Comprehensive Plan)	Vacant – Non-Residential (per Comprehensive Plan)	Collector	Arterial	Local*
Proposed land use	Single Family / Duplex Residential	N/A	A	B	C	A	B	B	C	N/A
	Multi-family / Townhome Residential	A	A	B	C	A	B	B	C	N/A
	Commercial or Non-residential use in a residential district	B	B	N/A	B	B	N/A	A	A	A
	Industrial	C	C	B	N/A	C	B	B	B	A

* Only applies to local streets where the use is the same on both sides. If the uses are different, provide the buffer yard as if the road is not there.

B. Buffer Yard Requirements.

1. Location. The buffer yard must be located directly adjacent to the affected front, corner side, interior side, and/or rear lot line, along the entire length of the lot line.

2. Landscaping that is provided as part of required parking lot perimeter landscape, see Section 11.06. A (Parking Lot Perimeter Landscape), shall count towards the minimum buffer yard requirement.

3. Against a vacant property, proposed development may only be required to provide half of the buffer yard in width and required plantings if approved by the Zoning Administrator.

4. Landscape Elements. The buffer yard must include the following, as required by Table 11.07.1 Buffer Yard Types:
   a. Buffer Yard A:
      (1) Minimum Width: 20 feet
      (2) Number of Plantings per 100 linear feet:
         (a) 1 canopy tree
         (b) 1 evergreen tree
         (c) 0.5 ornamental trees
         (d) 12 shrubs
   b. Buffer Yard B:

(1) Minimum Width: 20 feet
(2) Number of Plantings per 100 linear feet
(a) 2 canopy trees
(b) 2 evergreen trees or ornamental trees
(c) 20 shrubs

c. Buffer Yard C:
(1) Minimum Width: 30 feet
(2) Number of Plantings per 100 linear feet:
(a) 2 canopy trees
(b) 1 ornamental tree
(c) 3 evergreen trees
(d) 30 shrubs

5. Fence. Fences in buffer yards are required in the M-1 District when the subject lot is directly adjacent to a lot located in the R-1, R-2, R-3, R-4, or R-5 District. Fences in buffer yards are optional in all residential and business zoning districts, and in manufacturing zoning districts when the subject lot is not adjacent to a lot located in a residential district. Fences must be installed in accordance with Section 9.03.C.17.c (Construction, Design, and Appearance), unless otherwise specified in this Section.
a. Location. The fence must be located along the entire length of the affected interior side or rear lot line. Required buffer yard landscaping must be located on the exterior side of the fence. Height. Required buffer yard fences must be a minimum of six feet in height. Type. Required buffer yard fences must be solid fences.
b. Reduction in Planting. A fence which meets the requirements of this section may result in a reduction of required plantings up to 30%.

11.08 Screening Requirements

A. Applicability. The requirements of this Section apply to refuse areas, ground-mounted mechanical equipment, ground-mounted utilities, outdoor storage areas, and off-street loading areas to screen them from view of the street and adjacent lots.

B. Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening Requirements. Refer to Figure 11.08.1 Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening.

1. Location. Refuse areas must be located in the interior side yard or rear yard. Refer to Section 9.02.B.24 (Outdoor Storage Area) and Section 9.03.C.24 (Mechanical Equipment) for location requirements for outdoor storage and ground-mounted mechanical equipment standards.

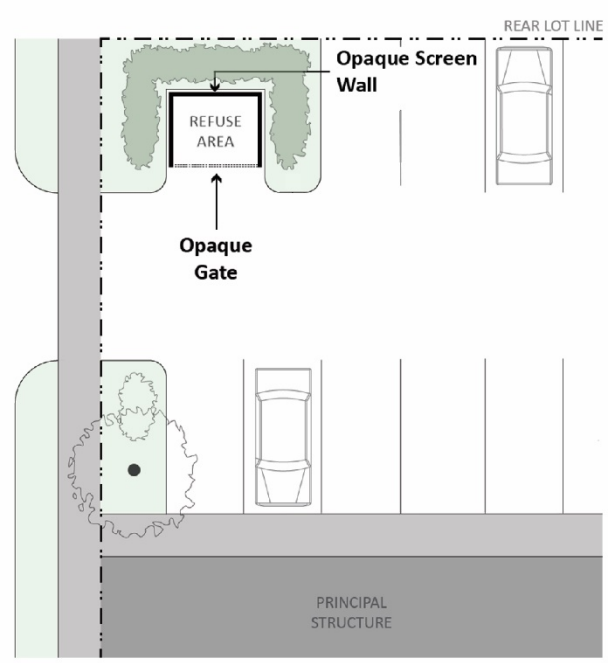
2. Fences and Walls. The refuse area or outdoor storage area must be completely screened by either a wood fence or masonry wall on three sides, and an opaque gate on the fourth side. Fences and walls must be installed in accordance with Section 9.03.C.17.c (Construction, Design, and Appearance), unless otherwise specified in this section. The wall of a principal structure may serve as a screening wall.
a. Height. The fence or wall must be a minimum of six feet in height, but must not exceed ten feet in height.
b. Complementary Design. Screening elements must complement the architectural style of the primary building on-site and use building materials similar to those used for the primary building.

c. Gate. The enclosure of the refuse area or outdoor storage area must be gated, and remain closed except during times of refuse deposit or collection.

3. Landscape Elements.
   a. Refuse area, ground-mounted mechanical equipment, and ground-mounted utilities: Landscape shrubs or native grasses must be installed on all exposed sides of the area with the exception of the gate, with plantings located between the wall and back of curb, and screening the full length of each side. Installed shrubs must form a continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of two feet, spaced three feet on center.
   b. Outdoor storage areas: No additional landscaping is required; must provide buffer yard in accordance with Section 11.07 (Buffer Yards), if applicable.

C. Off-Street Loading Area Screening Requirements. The area adjacent to any off-street loading areas must include buffering and landscaping in accordance with Section 11.06.A (Parking Lot Perimeter Landscape).

Figure 11.08.1 Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, and Outdoor Storage Area Screening



11.09 Outdoor Lighting

A. Applicability. Outdoor lighting standards prevent light trespass, promote energy efficiency, minimize light pollution, and enhance public safety. The requirements of this Section apply to all new or replacement outdoor lighting, with the exception of unshielded lighting for holiday decorations or permitted temporary uses as established in Section 9.04 (Temporary Structures and Uses). The Zoning Administrator may impose reasonable restrictions on the use of such lighting for temporary uses as necessary to protect the health, safety, and welfare of the public.

B. General Requirements.

1. Applicability. This section applies to all new and replacement outdoor lighting for non-residential uses, townhomes, and multi-family residential.

2. Photometric Plan. A photometric plan prepared by a professional must be approved by the Zoning Administrator prior to installation of outdoor light fixtures.

3. Prohibited Lighting. Any outdoor lighting that may be confused with a traffic control device is prohibited except if it is authorized by federal, state, county, or local government. Flashing lights, strobe lights, and laser lights are prohibited.

4. Design That Prevents Glare. All lighting must be designed to prevent glare and interference with residential lots and motor vehicle, bicycle, and pedestrian traffic.

5. Fixtures. All new and replacement outdoor lighting must have full cut-off or fully shielded fixtures. For non-residential uses, fixtures located within 20 feet of a residential lot line must be directed toward the interior of the property and fully shielded from view of the adjacent residential property. For outdoor recreational uses, fixtures must be aimed toward the interior of the property. Cut sheets or other details for every fixture must be submitted with the photometric plan.

6. Automatic Lighting Controls. All outdoor lighting on non-residential lots must be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically turn off lights no more than one hour following the close of business, excluding security lighting.

7. Façade Illumination. Building façade illumination must be limited to fully shielded fixtures directed towards the façade. All light from such fixtures must be concentrated on the exterior wall surface of the building being illuminated.

8. Energy-Efficient Technology. The use of Light Emitting Diodes (LED) or similar technology is encouraged.

C. Illumination Standards.

1. Illumination.
   a. Non-Residential Uses. Outdoor lighting must not exceed one foot-candle at any point on a lot line for a lot containing a non-residential use, unless otherwise specified in this Ordinance. Gas stations, motor vehicle sales, and manufacturing uses that operate overnight may exceed one foot-candle of illumination with prior approval of the Zoning Administrator. Outdoor lighting must not exceed 0.5 foot-candle at any point on a lot line for a lot adjacent to a residential use, in accordance with Section 11.09.C.1.b (Residential Uses), unless otherwise specified in this Ordinance. Where a non-residential use is adjacent to a vacant property, the future use shall be determined by the Comprehensive Plan.
   b. Residential Uses. Outdoor lighting must not exceed two-tenths foot-candle at any point on a lot line for a lot containing a residential use, unless otherwise specified in this Ordinance.
   c. Recreational Facilities. The average outdoor lighting level for recreational uses must not exceed 50 foot-candles, with the exception of golf-related facilities, which are limited to a maximum average lighting level of five foot-candles for courses and 20 foot-candles for driving ranges.
   d. Sign Illumination. Sign illumination must conform to the provisions of Section 12 (Signs).

2. Height.

a. Non-Residential Uses. Light poles and building-mounted fixtures must not exceed 20 feet in height in business districts and 30 feet in manufacturing districts. Light poles for educational facilities or outdoor recreational facilities must not exceed 60 feet in height. Outdoor lighting for all outdoor recreation areas is subject to review of building permit and photometric plan.
b. Residential Uses. Light poles must not exceed 20 feet in height for residential uses. Building-mounted fixtures, including under-soffit lighting, must not exceed 10 feet in height.

SECTION 12: SIGNS

12.01 Purpose
12.02 General Construction and Design Standards
12.03 Sign Measurement Standards
12.04 Permanent Signs
12.05 Temporary Signs
12.06 Prohibited Signs
12.07 Downtown Sign District
12.08 Motor Vehicle Sales Sign Standards

12.01 Purpose

A. Purpose. The purpose of this Section is to establish regulations to govern the display, design, construction, installation, maintenance, alteration, and removal of signs. The regulations in this Section:

1. Promote and protect the health, safety, and general welfare of the Village from signs that are unsafe, conflict with traffic control devices, or distract motorists, bicyclists, or pedestrians.

2. Enhance economic development and community activities by promoting the reasonable, orderly, and effective display of signs, and encouraging better communication with the public.

3. Improve the appearance of signs to create a more attractive economic climate in the Village.

4. Ensure that signs are compatible with surrounding land uses and architecture.

5. Discourage signs that are unsightly, inappropriate, or excessive in area or number.

6. Ensure that the right to free speech is protected through the display of signs that are content-neutral to the greatest degree possible.

12.02 General Construction and Design Standards

A. General Requirements. All signs must meet the construction and design standards of this Section and of Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code.

B. Unlisted Similar Sign. If a sign is not listed in this Section, but is similar in nature and impact to a sign permitted within a zoning district, the Zoning Administrator may interpret the unlisted sign as a permitted sign.

C. Installation. All signs must be installed so that necessary supports and braces are an integral part of the sign design.

D. Location. All signs must comply with the following standards.

1. Public Property. Except as required by 10 ILCS 5/7-41 (Election Polling Place Signage), signs may only be placed on public property, including the right-of-way, by a government agency, as authorized by this Section, or by the Zoning Administrator. Any sign placed on public property without authorization may be removed without notice.

2. Private Property. Signs may only be placed on private property with prior consent of the property owner and, if applicable, pursuant to an approved sign permit issued by the Village in accordance with Section 4.10 (Sign Permit).

3. Building Exterior. A sign mounted on the exterior of a building must not conceal any windows, doors, fire escapes, or unique architectural features. This standard does not apply to window signs.

4. Visibility Obstruction. Minimum clear sight distance at all intersections must be in accordance with Section 8.05.C (Visibility Obstruction) and other applicable guidelines, whichever is greater.

E. Illumination. All signs must comply with the following illumination standards.

1. Electrical Components. All electrical components used in the construction of a sign must be installed and maintained as required by Title 4 (Building Regulations) Chapter 1 (Building Code) of the Municipal Code.

2. Light Level.
   a. LED Lighting. The light level of an illuminated sign lit with LED bulbs must be no greater than 5,000 nits of luminance from dawn to dusk, and no greater than 500 nits of luminance from dusk to dawn.
   b. Non-LED Lighting. The light level of an illuminated sign lit with bulbs other than LED bulbs must be no greater than one foot-candle at any time of day as measured at the curb line.

3. Direct Light and Glare. All sign illumination must be located, shielded, and directed to illuminate only the sign face and to prevent direct light or glare from being cast upon adjacent rights-of-way and surrounding properties. Neon tubing for neon signs and bare bulbs for marquee signs are exempt from this requirement. No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly-glazed tiles, which would increase glare.

4. Steady Illumination. Illuminated signs must be illuminated by steady, stationary, fully shielded light sources concentrated on the face of the sign so as not to cause glare. The source of illumination should be kept in safe working order at all times.

5. Neon Signs. Marquee signs and window signs may be illuminated with neon. Window signs that are illuminated with neon are allowed in accordance with the standards of Section 12.04.A.2.b (Window Signs). Neon tubing must not be used to trim windows or architectural features.

F. Maintenance, Inspection, and Removal.

1. Maintenance. All signs, support structures, background, anchors, wiring systems, and the area immediately adjacent to signs must be regularly maintained, including cleaning, painting, and repairs to prevent rusting, rotting, illegible text, or other deterioration. All broken or missing parts must be promptly replaced. No sign may be constructed, erected, or maintained in a manner that is unsafe or a danger to the public.

2. Inspection. The Village may inspect any sign regulated by this Section at any time to determine whether the sign is in need of repair or removal, or whether it is in conformance with the provisions of this Section.

3. Removal of Unsafe Signs. Any sign that is an immediate peril to people or property may be removed by the Village without prior notice to the owner thereof. The cost of removal will be billed to the property owner.

4. Removal of Signs. When a use ceases to operate for 15 consecutive days, any sign associated with the use must be removed or replaced within 30 days after the initial 15-day period.
   a. When a wall sign is removed, all surfaces of the wall must be restored to match the existing wall surface.
   b. When a manually changeable copy sign is removed, a blank panel must be installed until a new sign panel is installed.

12.03 Sign Measurement Standards

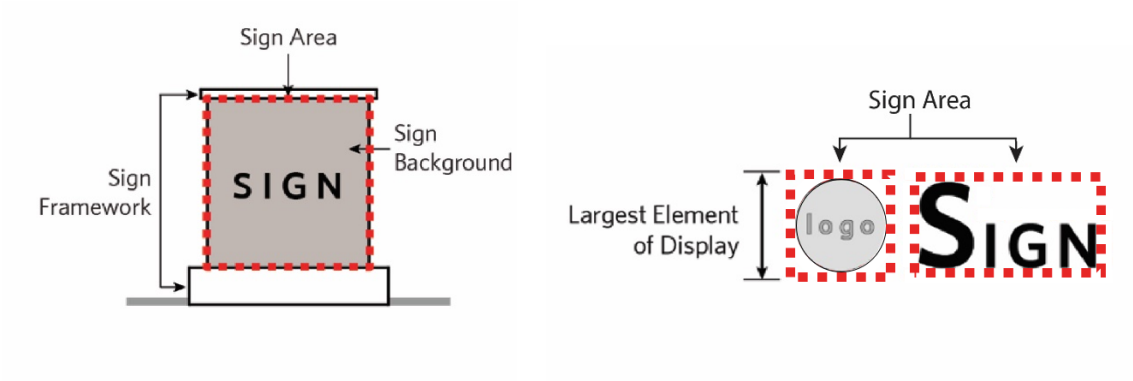
The following standards control the measurement of sign area and sign height.

A. Measurement of Sign Area. Refer to Figure 12.03.1 Sign Area Measurement.

1. Signs with Backgrounds. For signs mounted upon a background, sign area is measured as the entire area of the sign face or background of the sign used to distinguish the sign from the structure upon which it is placed, unless otherwise noted in this Section. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.

2. Signs with Freestanding Letters and/or Logos. For signs consisting of freestanding letters and/or logos, sign area is measured as the total area of the smallest rectangle that will enclose each word and graphic in the display. Sign area does not include any supporting framework or bracing, unless the framework or bracing is part of the message or sign face.

Figure 12.03.1. Sign Area Measurement



Measuring a Sign on a Background

Measuring a Sign with Freestanding Letters and/or Logos

B. Measurement of Sign Height.

1. Ground-Mounted Signs. The height of a ground-mounted sign is the vertical distance measured from grade to the highest point of the sign.

2. Building-Mounted Signs. The height of a building-mounted sign is the vertical distance from the base of the sign face to the highest point of the sign face, unless otherwise noted in this Section.

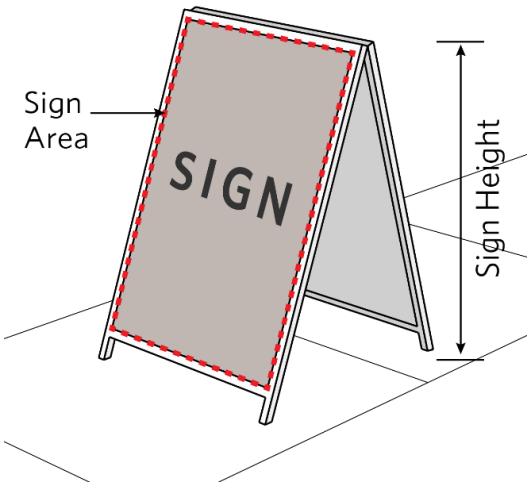
12.04 Permanent Signs

A. Permanent Signs Allowed Without Sign Permit. The following types of permanent signs are allowed without a sign permit and are allowed in all zoning districts provided that they comply with the following standards.

1. In any zoning district:
   a. Entry Door Signs.
   b. Flags. Flags must not exceed 15 square feet in area in residential zoning districts and 40 square feet in area in non-residential zoning districts with a maximum of four flags per zoning lot in all zoning districts. See Section 9.03.C (Use Standards for Accessory Uses and Structures) for information regarding flagpole location and height.
   c. Government Signs.
   d. Hanging Signs. One hanging sign is allowed per zoning lot in the D-1 and B-1 Districts. Hanging signs must not exceed four square feet in area. Hanging signs must be located at least seven feet above grade.
   e. Headstones.
   f. Historical Markers. Historical markers must be constructed of bronze or other similar materials, and must not exceed five square feet in area per sign.
   g. Parking Lot Signs. Parking lot signs must not exceed six square feet in area per sign.
   h. Residential Signs. One wall or window sign is allowed per lot in a residential zoning district. Residential signs must not exceed two square feet in area and must not be illuminated.
   i. Street Address Signs. Street address signs must not be internally illuminated. Street address signs must not exceed two square feet in area in the R-1, R-2, and R-3 Districts, three square feet in area in the R-4 and R-5 Districts and six square feet in area in non-residential zoning districts.
   j. Warning Signs. Two warning signs are allowed per zoning lot. Warning signs must not exceed two square feet in area per sign in residential zoning districts and six square feet in area in all other zoning districts.

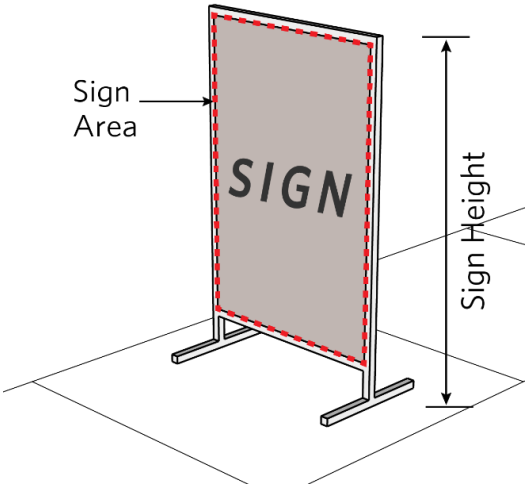
2. In D-1, B-1, and M-1 districts only.
   a. A-Frame and T-Frame Signs. Refer to Figure 12.04.1 A-Frame Sign and Figure 12.04.2 T-Frame Sign.
      (1) Location. A-Frame and T-Frame signs are allowed in the D-1, B-1, and M-1 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses. A-Frame and T-Frame signs must allow at least four feet of unobstructed sidewalk or walkway.
      (2) Quantity. One A-Frame or T-Frame sign is permitted per building tenant per street frontage.
      (3) Size.
         (a) Area. The total area must not exceed six square feet per sign face.
         (b) Height. The total height must not exceed four feet in height.
      (4) Illumination. Illumination of A-Frame and T-Frame signs is prohibited.
      (5) Display Standards. A-Frame and T-Frame signs must be movable and must be displayed only during the hours of operation of the establishment. A-Frame and T-Frame signs must be located a maximum of 10 feet from the entrance of the establishment using the sign.

Figure 12.04.1 A-Frame Sign



A-Frame Sign

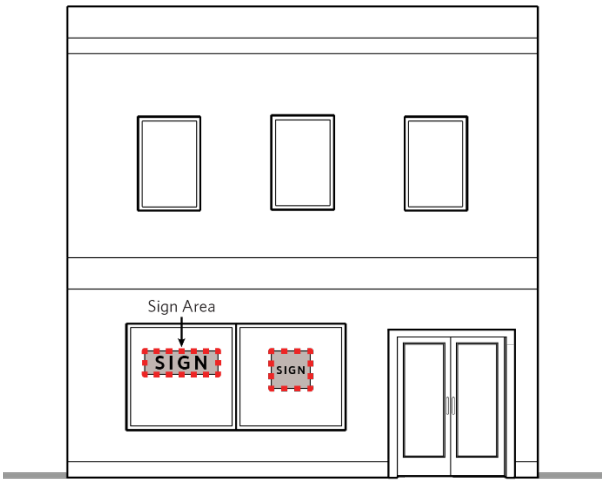
Figure 12.04.2 T-Frame Sign



T-Frame Sign

b. Window Signs. Refer to Figure 12.04.3 Window Signs.
   (1) Location. Window signs are allowed in the D-1, B-1, and M-1 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses, for establishments facing a public street or on a public entrance.
   (2) Size. Window signs may occupy a maximum of 35 percent of the total window area per floor for each building façade.
   (3) Illumination. Internally illuminated window signs, including neon signs, are allowed only in accordance with Section 12.02.E (Illumination). One neon sign is allowed for uses in the D-1 and B-1 Districts and must not exceed 10 square feet in area.

Figure 12.04.3 Window Signs



B. Permanent Signs with Permit Requirement. The following permanent signs require a sign permit, in accordance with Section 4.10 (Sign Permit), and must comply with the following standards. Table 12.04.1 Permanent Signs Permitted by District establishes the permitted districts for the listed sign types.

Table 12.04.1 Permanent Signs Permitted by District

Sign Type	District					
	A-1	R-1, R-2, R-3	R-4, R-5	D-1*	B-1**	M-1**
Awning Signs (Section 12.04.B.1)		●	●	●	●	●
Canopy-Mounted Signs (Section 12.04.B.2)		●	●	●	●	●
Drive-Through Signs (Section 12.04.B.3)					●	
Driveway Access Signs (Section 12.04.B.4)					●	●
Electronic Message Signs (Section 12.04.B.5)		●	●		●	●
Manually Changeable Copy Signs (Section 12.04.B.6)		●	●		●	●
Marquee Signs (Section 12.04.B.7)				●	●	
Monument Signs (Section 12.04.B.8)	●	●	●	●	●	●
Projecting Signs (Section 12.04.B.9)				●	●	
Wall Signs (Section 12.04.B.10)		●	●	●	●	●
● = Permitted subject to the requirements of this Section 12 (Signs). *See Section 12.07 Downtown Sign District for additional details **See Section 12.08 Motor Vehicle Sales Sign Standards for additional details						

1. Awning Signs. Awnings that do not display signs are not subject to the regulations of this Section. Refer to Figure 12.04.4. Awning Signs.
   a. Location.
      (1) Awning signs are allowed in the D-1, B-1, and M-1 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
      (2) An awning sign may project from the front, side, rear, or corner side façade of the building to which it is attached.
      (3) An awning sign may project over the lot line, but must not project more than eight feet from the façade of the building to which it is attached and must be at least two feet from the curb of a street or the edge of a driveway.
      (4) No portion of the awning on which the awning sign is attached may be located lower than seven feet above grade.
      (5) The height of an awning containing an awning sign must not exceed 16 feet as measured from grade to the highest point of the awning.
      (6) Awning signs must be generally aligned with awning signs that are attached to adjacent buildings to maintain a sense of visual continuity.
   b. Quantity. One awning sign is allowed per awning face and per awning apron.
   c. Size.

(1) An awning sign must not exceed six feet in height. An awning sign must not exceed 75 percent of the area of the awning face or the awning apron for the awning on which it is located. For awnings extending across the building frontage of more than one ground floor tenant, the awning area for each tenant is measured from the limits of each building frontage. Awning signs are exempt from the measurement standard of Section 12.03.A.1 (Signs with Backgrounds) and follow the measurement standard of Section 12.03.A.2 (Signs with Freestanding Letters and/or Logos). Sign area shall be included in the total wall sign area permitted for a building.

(2) In the D-1 District, lettering shall not exceed 18 inches in height, and overall sign height shall not exceed 30 inches.

c. Illumination. Externally illuminated awning signs are allowed only in accordance with Section 12.02.E (Illumination). Awning signs must not be back-lit.

d. Display Standards.

(1) Awning signs must be displayed on awnings constructed out of durable, weather-resistant material such as canvas, nylon, vinyl-coated fabric, or metal.

(2) Awning signs must not be displayed on round, arched, bubble, box, or waterfall awnings.

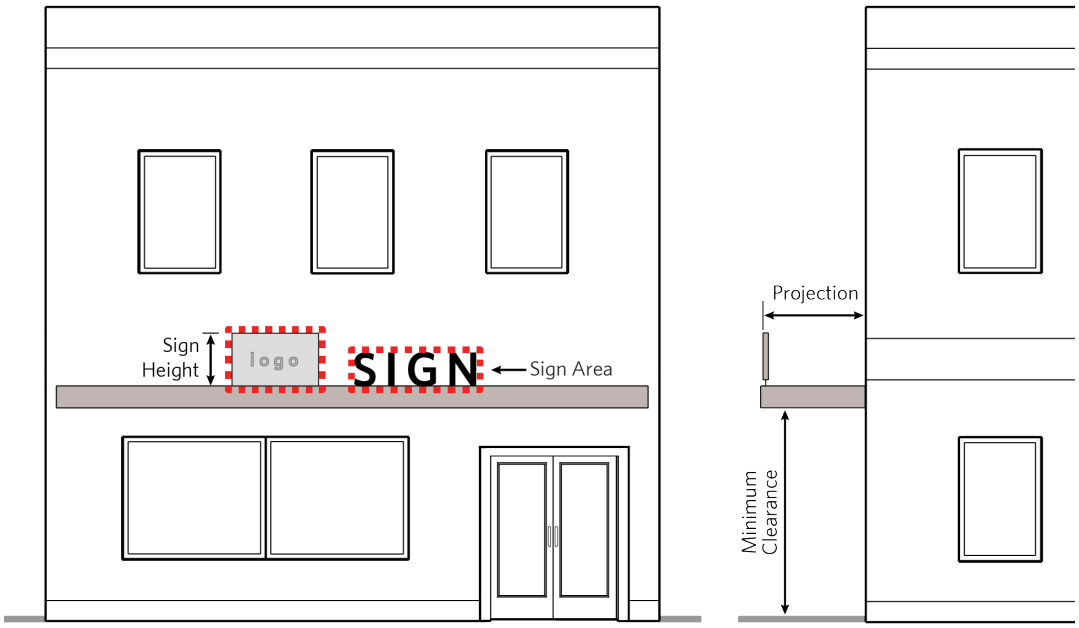
(3) Awnings should be complimentary in placement and proportion to existing awnings of adjacent buildings.

Figure 12.04.4 Awning Signs

Front View *Side View*

2. Canopy-Mounted Signs. Refer to Figure 12.04.5 Canopy-Mounted Signs.
   a. Location.
      (1) Canopy-mounted signs are allowed in the D-1, B-1, and M-1 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.
      (2) The canopy upon which the canopy-mounted sign is displayed may project from the front, side, rear, or corner side façade of the building to which it is attached.
      (3) A canopy-mounted sign may project over the lot line, but must not project more than four feet from the façade of the building to which it is attached.
      (4) The canopy upon which the canopy-mounted sign is displayed must be located at least eight feet above grade, and the canopy-mounted sign must not extend below the lowest point of the canopy on which it is displayed.
      (5) Canopy-mounted signs must be generally aligned with canopy-mounted signs that are attached to adjacent buildings to maintain a sense of visual continuity.
   b. Quantity. One canopy-mounted sign is allowed per tenant entrance.
   c. Size.
      (1) Area. The total area of canopy-mounted signs must not exceed one square foot of sign area per linear foot of the building façade to which the sign will be affixed.
      (2) Height. Canopy-mounted signs must not exceed two feet in height as measured from the top of the canopy.
   d. Illumination. Internally and externally illuminated canopy-mounted signs are allowed only in accordance with Section 12.02.E (Illumination).
   e. Display Standards. Canopy signs should be complimentary in placement and proportion to existing canopies of adjacent buildings.
   f. Gas Station Canopies. Gas station canopies may have one sign per canopy façade, the total area of which must not exceed 40 square feet in area per sign. Gas station canopy signs must not exceed four feet in height and must not project above or below the canopy. Externally illuminated gas station canopy signs are allowed only in accordance with Section 12.02.E (Illumination).

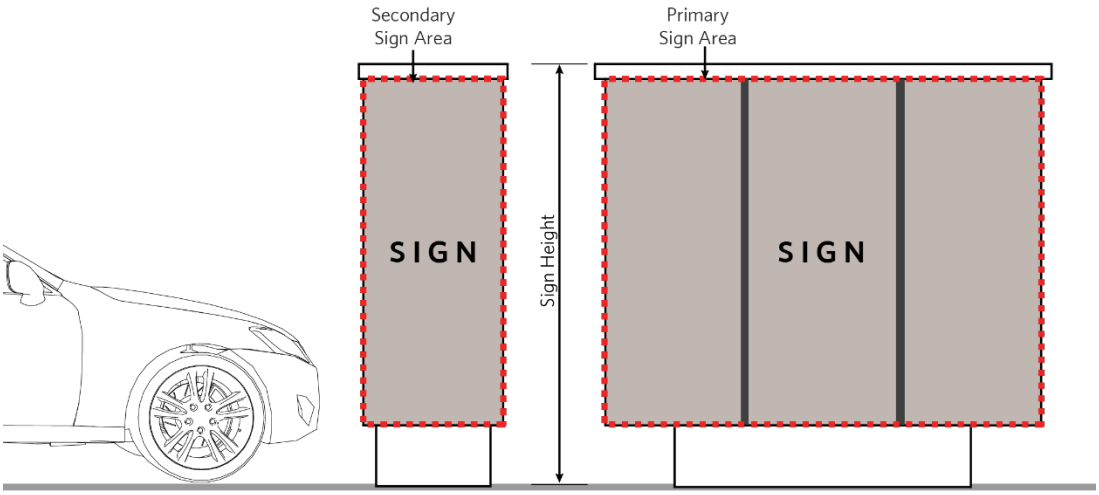
Figure 12.04.5 Canopy-Mounted Signs



Front View *Side View*

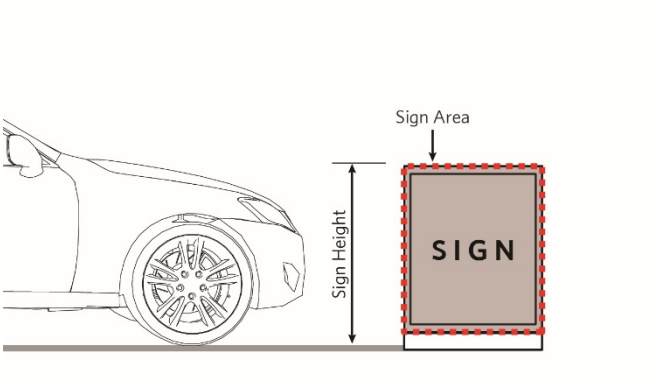
3. Drive-Through Signs. Refer to Figure 12.04.6 Drive-Through Signs.
   a. Location.
      (1) Drive-through signs are allowed for drive-through establishments located in the B-1 District.
      (2) Drive-through signs must be located a minimum of 15 feet from the lot line of any lot in a residential zoning district.
   b. Quantity. One primary drive-through sign and one secondary drive-through sign is allowed per drive-through lane.
   c. Size. Together, the primary and secondary drive-through signs must not exceed 50 square feet in area and eight feet in height.
   d. Illumination.
      (1) Internally illuminated drive-through signs are allowed only in accordance with Section 12.02.E (Illumination).
      (2) Drive-through signs may include a speaker and an electronic screen to display information to customers.
   e. Display Standards. Drive-through signs must be displayed as wall signs or monument signs. In the event of a conflict between the provisions of Section 12.04.B.3 (Drive-Through Signs) and the applicable provisions of Section 12.04.B.8 (Monument Signs), the provisions of this Section 12.04.B.3 (Drive-Through Signs) control.

Figure 12.04.6 Drive-Through Signs



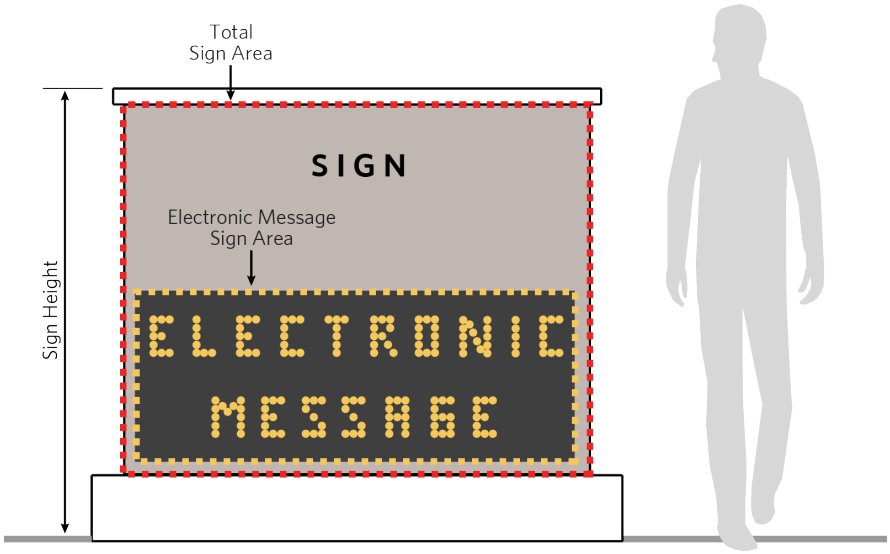
4. Driveway Access Signs. Refer to Figure 12.04.7 Driveway Access Signs.
   a. Location. Driveway access signs are allowed in the B-1 and M-1 Districts.
   b. Quantity.
      (a) Two on-site driveway access signs are allowed per driveway accessed from a public street.
      (b) One off-site driveway access signs is allowed per driveway accessed from a public street.
      (c) One driveway access sign is allowed per intersection of internal driveways.
   c. Size. Driveway access signs must not exceed four square feet in area and four feet in height per sign.
   d. Illumination. Illumination of driveway access signs is prohibited.

Figure 12.04.7 Driveway Access Signs



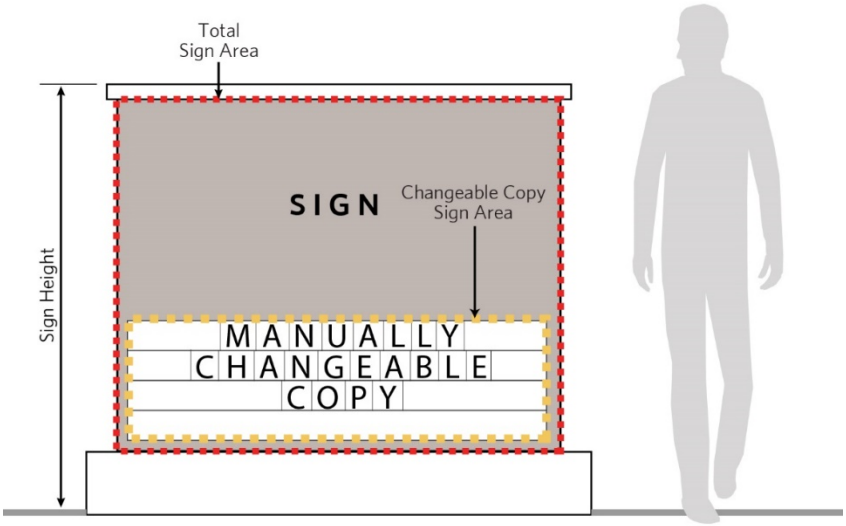
5. Electronic Message Signs. Refer to Figure 12.04.8 Electronic Message Signs.
   a. Location.
      (1) Electronic message signs are allowed in the B-1and M-1 Districts for all uses, and in all other districts only for parks, schools, libraries, government facilities, places of worship, or similar uses with review by the Zoning Administrator.
      (2) Electronic message signs (or other manually changeable copy signs) are allowed for gas stations in any district as permitted by law to display fuel prices.
      (3) Electronic message signs are allowed as components of marquee signs or the lower portion of monument signs. An electronic message sign is subject to the regulations pertaining to the sign type upon which it is located.
   b. Quantity. One electronic message sign is allowed per zoning lot.
   c. Size. An electronic message sign must not occupy more than 25 percent of the total sign area of the marquee or monument sign on which it is displayed. An electronic message sign must occupy the lower portion of the sign on which it is displayed.
   d. Illumination.
      (1) Internally illuminated electronic message signs are allowed only in accordance with Section 12.02.E (Illumination).
      (2) Electronic message signs are allowed to change their message once every 20 seconds, and the transitions between messages must be instantaneous.
      (3) Electronic message signs must display static messages that do not contain a light source that flashes, blinks, strobes, travels, chases, rotates, or changes in intensity, brightness, or color.
      (4) Electronic message signs must be designed to default to a static display in the event of mechanical failure.

Figure 12.04.8 Electronic Message Signs



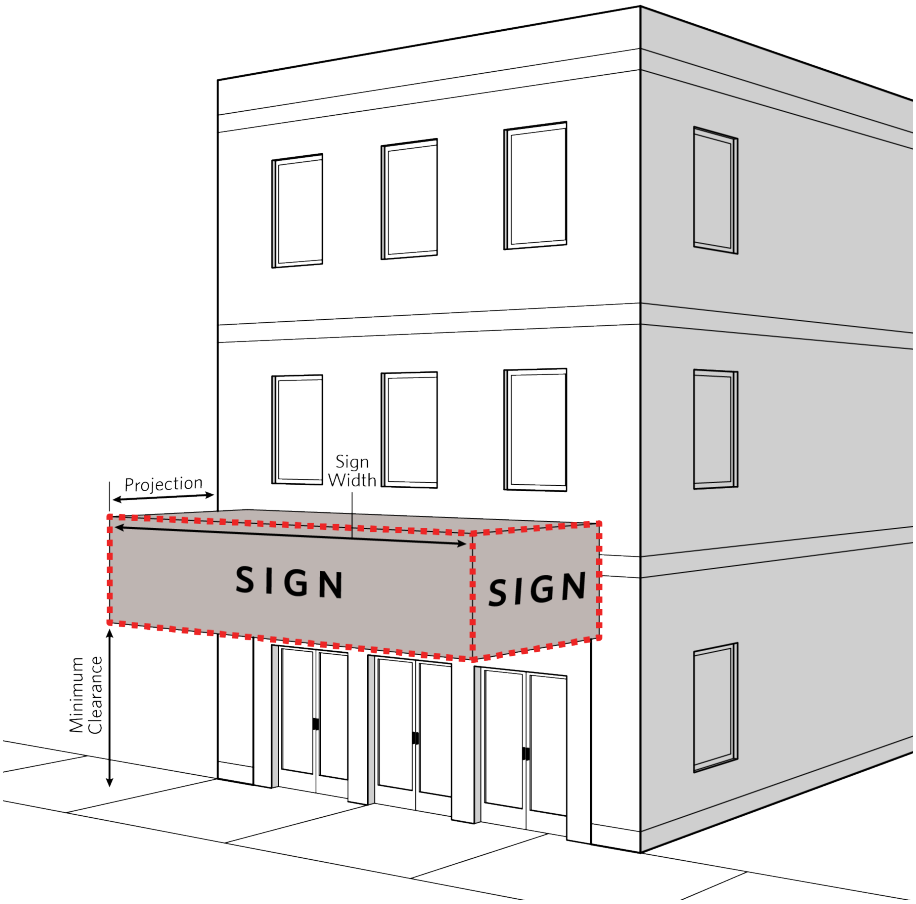
6. Manually Changeable Copy Signs. Refer to Figure 12.04.9. Manually Changeable Copy Signs.
   a. Location.
      (1) Manually changeable copy signs are allowed in the B-1, and M-1 Districts, and in all residential districts for non-residential uses.
      (2) Manually changeable copy signs are allowed as components of marquee or monument signs. A manually changeable copy sign is subject to the regulations pertaining to the sign type upon which it is located.
   b. Quantity. One manually changeable copy sign is allowed per zoning lot.
   c. Size. A manually changeable copy sign must not occupy more than 25 percent of the total sign area of the marquee, monument, or wall sign on which it is displayed. A manually changeable copy sign must occupy the lower portion of the sign on which it is displayed.
   d. Illumination. Internally illuminated manually changeable copy signs are allowed only in accordance with Section 12.02.E (Illumination).

Figure 12.04.9 Manually Changeable Copy Signs



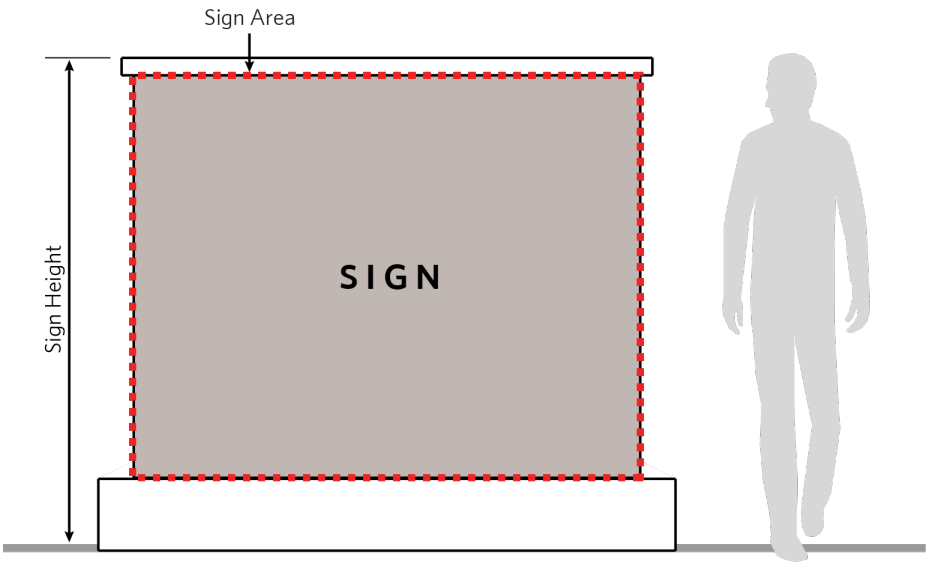
7. Marquee Signs. Refer to Figure 12.04.10. Marquee Signs.
   a. Location.
      (1) Marquee signs are allowed in the D-1 and B-1 Districts.
      (2) A marquee sign may project from the front or corner side façade of the building to which it is attached, but must not project beyond the curb line.
      (3) A marquee sign must be located a minimum of one foot from the edges of the façade to which it is attached, except for marquee signs that wrap around a building corner.
      (4) Marquee signs must be located at least eight feet above grade.
   b. Quantity. One marquee sign is allowed per frontage containing a primary tenant entrance.
   c. Size. Marquee signs must not exceed three square feet of sign area per one linear foot of building frontage, including any individual letters, logos, and/or representation mounted on top of the roof of the marquee.
   d. Components. An electronic message sign or manually changeable copy sign is allowed as a component of a marquee sign, in accordance with Section 12.04.B.5 (Electronic Message Signs) and Section 12.04.B.6 (Manually Changeable Copy Signs).
   e. Illumination. Internally illuminated marquee signs are allowed in accordance with Section 12.02.E (Illumination).
   f. Display Standards. A marquee sign must be supported solely by the building to which it is attached, and cannot be supported by ground-mounted columns or posts.

Figure 12.04.10 Marquee Signs



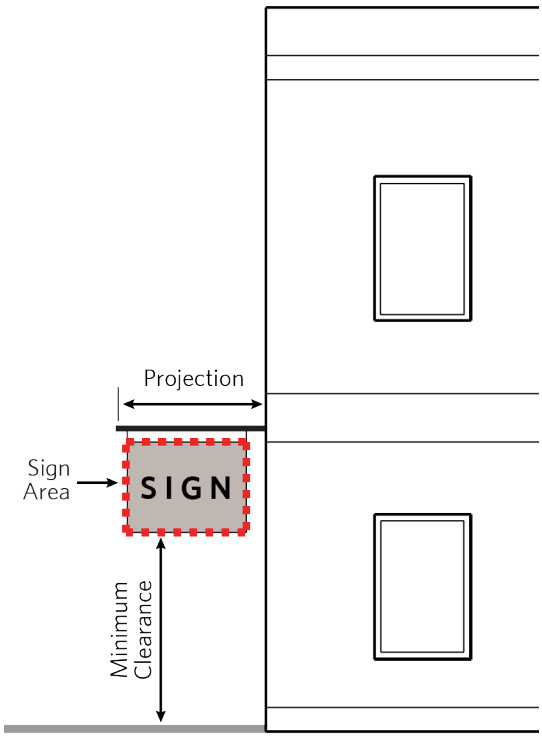
8. Monument Signs. Refer to Figure 12.04.11. Monument Signs.
   a. Location.
      (1) Monument signs are allowed in the A-1, D-1, B-1, and M-1 Districts, and in all residential districts for residential development identification and non-residential uses.
      (2) In the D-1 District, monument signs must be located a minimum of five feet from any lot line. In all other districts, monument signs must be located a minimum of 10 feet from any lot line.
   b. Quantity. One monument sign is allowed per street frontage on a zoning lot, except for residential subdivisions where two monument signs are allowed at both the primary and secondary entrance to a residential subdivision on each side of the entrance.
   c. Size.
      (1) In residential districts, monument signs must not exceed 80 square feet in area per sign and 8 feet in height. For subdivisions, monument signs at a primary entrance must not exceed 40 square feet in area per sign and 10 feet in height; monument signs at a secondary entrance must not exceed 20 square feet in area per sign and five feet in height.
      (2) In non-residential districts, multi-tenant monument signs for developments with five tenants or more in two or more buildings must not exceed 240 square feet in area per sign and 20 feet in height. In non-residential districts, multi-tenant monument signs for developments with two tenants or more in one building must not exceed 140 square feet in area per sign and 14 feet in height. In non-residential districts, single-tenant monument signs must not exceed 50 square feet in area per sign and 10 feet in height.
      (3) In downtown districts, single-tenant monument signs must not exceed 10 square feet in area per sign and 3.5 feet in height. Multi-tenant monument signs must not exceed 30 square feet in area per sign and 5 feet in height.
      (4) If grade at the sign location is below the grade of the adjacent street, then grade at the sign location may be elevated to the same height as the grade of the adjacent street.
   d. Components. An electronic message sign or manually changeable copy sign is allowed as a component of a monument sign, in accordance with 12.05.B.5 (Electronic Message Signs) and Section 12.05.B.6 (Manually Changeable Copy Signs).
   e. Illumination. Internally and externally illuminated monument signs are allowed only in accordance with Section 12.02.E (Illumination).
   f. Landscape. The area surrounding the base of all monument signs must be landscaped. The landscape area must extend a minimum of three feet in width on all sides of the sign base and consist of shrubs, perennials, and/or other vegetative groundcover. A landscape plan must be submitted as part of any sign permit application (see Section 4.10 (Sign Permit)) and approved by the Zoning Administrator. The landscape plan must show that the landscaping will not obstruct the sign. The Zoning Administrator may approve alternative landscape designs when soil conditions, space constraints, or other factors beyond reasonable control of the applicant preclude the applicant from meeting the requirements set forth in this Section. Inhibit
   g. Materials. Monument signs must have a continuous base and must be constructed of masonry, finished split face block, stone, hardwood, polymer material with a wood appearance, metal, or other sturdy material that matches or complements the face of the sign. If the primary building on-site uses decorative masonry, the sign base should use the same material.

Figure 12.04.11 Monument Signs



9. Projecting Signs. Refer to Figure 12.04.12 Projecting Signs.
   a. Location.
      (1) Projecting signs are allowed in the D-1 and B-1 Districts.
      (2) A projecting sign must not project more than six feet from the face of the building to which it is attached, including the area between the sign and the face of the building. Projecting signs must be at least two feet from the curb of a street or the edge of a driveway.
      (3) Projecting signs must be located at least eight feet above grade. Projecting signs must not be located more than 14 feet above grade.
      (4) A projecting sign must not project above the roof of the building to which the sign is attached. All structural supports must be attached to the façade of the building, and must not be attached to the roof.
   b. Quantity.
      (1) In B-1 district. One projecting sign is allowed per street frontage per tenant located on the ground floor. Projecting signs are allowed on façades that do not display wall signs.
      (2) In D-1 district. One projecting sign per business is allowed. Second floor businesses may also be permitted one projecting sign, provided the sign is located directly above or within five feet of the first-floor entrance. Projecting signs are allowed on façades that do not display wall signs.
   c. Size. Projecting signs must not exceed 10 square feet in area per sign.
   d. Illumination. Internally illuminated projecting signs are allowed in the B-1 District and externally illuminated projecting signs are allowed in the D-1 and B-1 Districts only in accordance with Section 12.02.E (Illumination).
   e. Material. Projecting signs must be constructed of wood, wood composite, or metal.

Figure 12.04.12 Projecting Signs



Side View

10. Wall Signs. Refer to Figure 12.04.13 Wall Signs.

a. Location.

(1) Wall signs are allowed in the D-1, B-1, and M-1 Districts, and in all residential districts for non-residential uses and multiple-unit dwelling uses.

(2) Wall signs must be installed on the building façade and must not project more than 18 inches from the face of the building.

(3) Wall signs may be displayed on 75 percent of the width of the building façade.

(4) A wall sign must not project above the top of the wall to which it is attached.

(5) Wall signs must be located at a generally uniform height throughout multi-tenant commercial developments.

(6) Wall signs must be located on an elevation directly adjacent to a street or on an elevation containing a public entrance.

b. Size.

(1) The total area of wall signs on the front or corner side façade must not exceed one square foot of sign area per linear foot of the building façade to which the sign will be affixed, as measured along the front or corner side façade, or 40 square feet, whichever is greater.

(2) The total area of wall signs on the rear or interior side façade must not exceed one-half square foot of sign area per linear foot of the building façade to which the sign will be affixed.

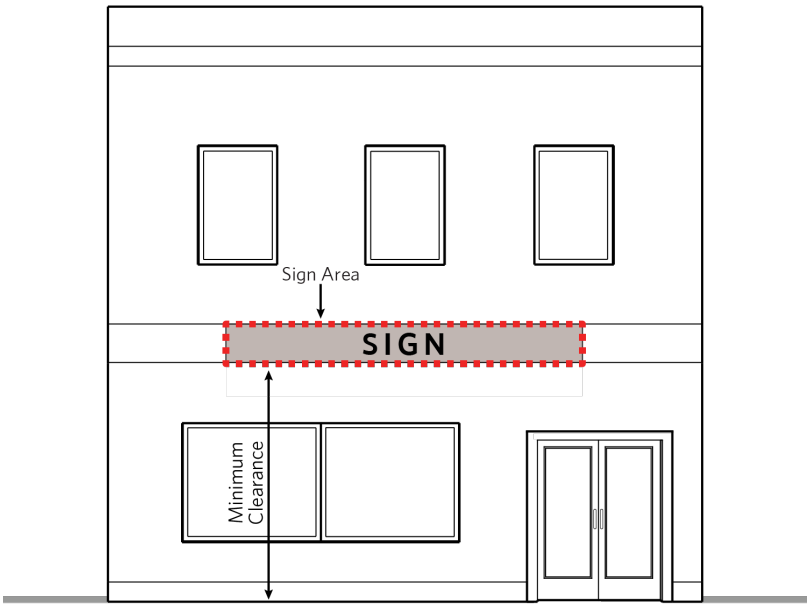
(3) The height of a wall sign must not exceed 10 feet.

(4) In the D-1 District, lettering shall not exceed 18 inches in height, and overall sign height shall not exceed 30 inches.

c. Illumination. Internally and externally illuminated wall signs are allowed only in accordance with Section 12.02.E (Illumination).

d. Painted Wall Signs. Painted wall signs displaying a business name, products, or services may be displayed on building façades facing a corner side, interior side, or rear yard, if such signs are professionally painted.

Figure 12.04.13 Wall Signs



12.05 Temporary Signs

Temporary signs are allowed in accordance with the provisions of this Section, except where other sections of this Section regulate such signs, the more restrictive regulation applies.

A. General Provision. All temporary signs must comply with the following standards.

1. Illumination. Temporary signs must not be illuminated.

2. Relation to Products or Services. Temporary commercial signs must be related to the products or services sold on the premises. This regulation does not apply to temporary residential signs.

3. Location. Temporary signs shall be located entirely within the zoning lot of the business or activity for which the sign, banners, streamers or pennants are being requested. Temporary signs must be located a minimum of one foot from any lot line unless otherwise noted in this Section.

4. Maintenance: Temporary signs must be maintained in accordance with Section 12.02.F.1 (Maintenance).

B. Temporary Signs Allowed Without Sign Permit. The following types of temporary signs are allowed without a sign permit and must comply with the following standards.

1. Vehicle for Sale Signs.
   a. Location. Vehicle for sale signs are allowed in the B-1 District for motor vehicle sales uses on vehicles that are parked legally.
   b. Quantity. One vehicle for sale sign is allowed per vehicle.

2. Yard Signs.
   a. Location. Yard signs are allowed in residential zoning districts only.
   b. Quantity. Two yard signs are allowed per street frontage per parcel. Additionally, one yard sign is allowed per street frontage for each of the following qualifying conditions, limited to the display period and maximum sign area listed for each in this Section:
      (1) The applicant has an active, approved building permit for activities on the property on which the sign is located. Such yard sign must be removed no later than 10 days after expiration of the building permit, or issuance of an occupancy permit, whichever occurs first.
      (2) The applicant is conducting a garage or yard sale on the property on which the sign is located. Such yard sign may be installed two days prior to the garage or yard sale and must be removed on the final day of the garage or yard sale.
      (3) The subject property, or buildings located on the property, are currently for sale, lease, or rent. Such yard sign must be removed no later than one day after the sale, rental, or lease agreement signing for the subject property.
      (4) This Ordinance does not limit the number of yard signs allowed prior to or following an election, but the display of such signs is limited by the aggregate area of all yard signs in accordance with Section 12.05.B.2.c (Size).
   c. Size. Individual yard signs must not exceed six square feet in area per sign and six feet in height. The aggregate area of all yard signs must not exceed 18 square feet.

3. Municipal Signs. The Village of Oswego may post temporary signs within the public right-of-way.
   a. Location. Municipal signs shall not be erected within sight triangle areas or other areas where safety concerns exist.

b. Size. The size of the sign shall be approved by the Zoning Administrator.

C. Temporary Signs with Permit Requirement. The following temporary signs require a Temporary Sign Permit, per Section 4.10 (Sign Permit), and must comply with the following standards.

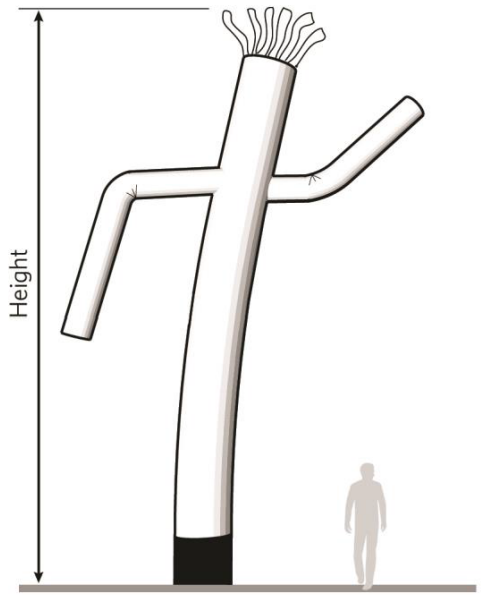
1. Banner Signs.
   a. Location.
      (1) Banner signs are allowed for non-residential uses in all zoning districts. Uses that have an electronic message sign or a manually changeable copy sign shall not have a banner sign.
      (2) Banner signs must not project above the roof of the building to which it is attached.
      (3) A banner sign may be displayed as a monument sign, wall sign, or staked to the ground.
   b. Quantity. One banner sign is allowed per business.
   c. Size. Banner signs must not exceed 32 square feet in area and must not exceed 10 feet in height.
   d. Display Period.
      (1) All zoning districts, except D-1: Banner signs are limited to a display period of 15 days per sign permit. A maximum of 3 banner sign permits are allowed per business per calendar year. Banner sign permits may run consecutively.
      (2) D-1 Zoning District: Banner signs are limited to a display period of 15 days per sign permit. A maximum of 6 banner sign permits are allowed per business per calendar year. Banner sign permits may run consecutively.

2. Developer-Erected Signs.
   a. Location.
      (1) Developer-erected signs must be located a minimum of 10 feet from any lot line.
      (2) A developer-erected sign must be located a minimum of one-quarter mile from another developer-erected sign.
      (3) Developer-erected signs must be located a minimum of 100 feet from an existing residential dwelling unit.
   b. Quantity. One developer-erected sign is allowed per entrance to the development.
   c. Size. Developer erected signs must not exceed 100 square feet in area and 20 feet in height.
   d. Display Period.
      (1) In residential zoning districts, developer-erected signs are limited to a display period of 12 months. The sign(s) shall be removed within six (6) months of ninety (90) percent of the lot sales or lease within the subdivision or upon the subdivision being turned over to the homeowners' association, whichever occurs first.
      (2) In non-residential zoning districts, developer-erected signs are limited to a display period of six months.
      (3) Before the display period expires, the applicant must submit a new sign permit application for an additional display period. Failure to properly maintain the sign may result in denial of permit.
   e. Materials. The construction materials of a developer-erected sign will be approved by the Zoning Administrator as part of sign permit approval.

3. Inflatable Devices. Refer to Figure 12.05.1 Inflatable Devices.
   a. Location. Inflatable devices are allowed for Motor Vehicle Sales uses. Inflatable devices shall be ground-mounted, and shall not be mounted to any structure or vehicle. Inflatable devices shall be located a minimum of 20 feet from the front lot line.
   b. Quantity. One inflatable device is allowed per zoning lot.
   c. Size. Inflatable devices shall not exceed 25 feet in height.

d. Display Period. Inflatable devices are limited to a display period of 15 days per sign permit. A maximum of one inflatable device sign permits is allowed per zoning lot per year.

Figure 12.05.1 Inflatable Devices



12.06 Prohibited Signs

It is unlawful to erect the following prohibited signs or devices in any zoning district.

A. Bench Signs.

B. Flashing Signs.

C. Moving Signs. No sign or other advertising device may have moving, revolving, or rotating parts. Moving signs does not include barber poles, electronic message signs, flags, inflatable devices, pennant signs, and signs displaying time and temperature, street clocks, and other signs as established by this Section.

D. Obscene Signs.

E. Off-Premises Signs.

F. Pole Signs.

G. Portable signs.

H. Roof Signs.

I. Signs that Interfere with Traffic. No sign or other advertising device may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device because of its position, shape, illumination, or color.

J. Snipe Signs.

K. Vehicle Signs. Signs mounted on trailers or motor vehicles where the primary use is to display signage rather than the operation of personal or business transportation uses.

L. Video Display Signs.

M. Wind-Driven Signs.

N. Banner Flag Signs and Feather Flags

12.07 Downtown Sign District

A. Applicability. Unless otherwise stated in this section, signs shall meet the requirements of Section 12: Signs.

B. Lettering and Graphics. Certain lettering and graphics may not be appropriate in the Downtown Sign District. Contact the Village or refer to the Downtown Oswego Design Guidelines for information.

C. Lighting. Certain backlit signs may not be appropriate in the Downtown Sign District. Contact the Village or refer to the Downtown Oswego Design Guidelines for information.

D. Design and Construction. Signs constructed within the Village's Downtown Area shall be designed in a manner representative of or complementary to the historic period of the area. When appropriate, restoring a historic downtown Oswego sign shall be considered.

12.08 Motor Vehicle Sales Sign Standards

A. Applicability. For Motor Vehicle Sales uses in excess of four (4) acres in size, the following regulations shall apply. Unless otherwise stated in this section, signs shall meet the requirements of Section 12: Signs.

B. Monument Signs.
   1. Area.
      a. Primary. One (1) primary sign not to exceed two hundred and twenty (220) square feet in area.
      b. Secondary. Two (2) secondary signs not to exceed one hundred (100) square feet in area.
   2. Height.
      a. Primary. One (1) sign not to exceed twenty-five (25) feet.
      b. Secondary. One (1) sign not to exceed ten (10) feet.

C. Temporary Signs.
   1. Banner Signs. Display period. Banner signs are limited to a display period of 15 days per sign permit. A maximum of eight banner sign permits are allowed per zoning lot per year. Banner sign permits may run consecutively.

SECTION 13: DEFINITIONS

13.01 Purpose
13.02 Definition of Terms

13.01 Purpose

The purpose of this Section is to define the terms used throughout this Ordinance.

13.02 Definition of Terms

A-Frame Sign: A movable sign placed on the ground and constructed in the shape of an "A" or some variation thereof.

Accessibility Ramp: An inclined structure that allows increased access to a building or structure.

Accessory Dwelling Unit (ADU): A small, residential dwelling unit that is secondary to and located inside of a larger residential dwelling unit located.

Accessory Structure: A structure located on the same lot as a principal structure that is subordinate in structure and use to the principal structure.

Accessory Use: A use located on the same zoning lot as a principal use that is subordinate to the principal use.

Addition: Construction that increases the size of a building or structure in terms of height, length, depth, width, floor area, or impervious coverage.

Adjacent: Property or a right-of-way that touches a lot line of the subject property or is separated by a public alley. Properties are not considered adjacent to one another if a street separates the properties.

Administrative Adjustment: Authorization granted by the Zoning Officer to allow development that deviates from the specific regulations of this Ordinance within a narrowly defined set of circumstances.

Adult Cabaret: An establishment that features any of the following: people who appear nude or seminude; live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of "Specified Anatomical Areas" or the conduct or simulation of "Specified Sexual Activities"; or films, motion pictures, videos, or other visual representations or recordings that emphasize "Specified Anatomical Areas" or "Specified Sexual Activities."

Adult Store: An establishment having a substantial or significant portion of its sales or stock in trade devoted to books, magazines, periodicals, other printed matter, instruments, novelties, devices, paraphernalia, films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." This includes any establishment with a segment or section devoted to the sale or display of such materials, or an establishment that publicly claims itself as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of booths, or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Theater: An establishment that, as a substantial or significant portion of its business, presents films, motion pictures, videos, digital materials, or other visual representations that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Use: "Adult Use" includes "Adult Cabarets," "Adult Stores," "Adult Theaters," and other similar uses.

Agricultural Use: The use of land for farming, including, but not limited to animal husbandry, dairying, pasturage, horticulture, floriculture, viticulture, apiculture, aquaculture, hydroponics, tree farms, and sod farms, where these uses are the principal use of the land. "Agriculture Use" does not include "Garden Center" or "Resource Extraction."

Agritourism: A commercial enterprise at a working farm conducted for the enjoyment or education of visitors to attract visitors to a farm. Agritourism activities may include, but are not limited to, tours, classes, demonstrations, displays, picnic areas, petting zoos featuring farm animals, farm stands, U-pick, corn mazes, tractor rides, pumpkin patches, and Christmas tree farms. Agritourism may include the sale of locally grown products, arts and crafts, and food and drink.

Alley: A narrow right-of-way that provides a means of access to adjacent properties typically located at the side or rear of a lot.

Alteration: A change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or a substantial change to the roof or exterior walls.

Animal Boarding, Hospital, or Shelter: An establishment where pet animals are temporarily boarded, treated for illness or injury, and/or temporarily cared for while permanent homes are found for them.

Arbor: A freestanding structure that serves to support climbing plants, often used to define an access point to a garden.

Arterial Street: Streets for regional traffic that provide significant mobility and access to larger-scale destinations and lots within a community.

Assisted Living Facility: A residential facility that provides daily assistance and long-term residence for three or more disabled and/or elderly individuals, but does not provide regular in-patient medical or nursing care. Such facilities provide a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individuals who need help with common daily activities, such as dressing, grooming, and bathing. An "Assisted Living Facility" does not include "Community Residence," "Independent Living Facility," or "Nursing Home."

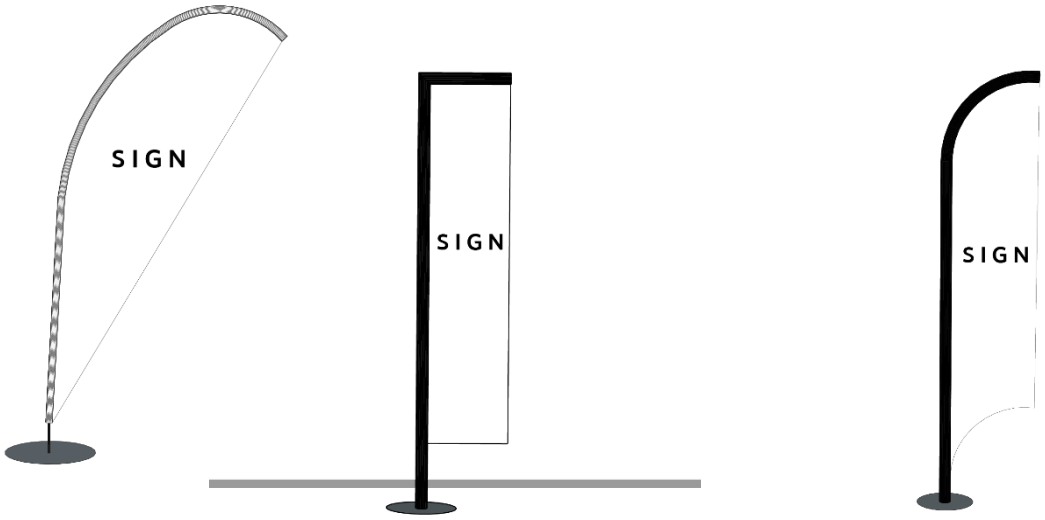
Awning: A roof-like cover, often constructed of flexible fabric and/or metal, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element.

Awning Sign: A sign that is displayed on an awning.

Balcony: A platform that projects from the exterior wall of a building, which is exposed to the open air, has direct access to the interior of a building, and is not supported by columns extending to the ground.

Banner Flag Sign: A sign typically made of lightweight fabric or other flexible material that is mounted to a pole and designed to move in the wind. Also known as feather flag signs. “Banner Flag Sign” does not include “Wind-Driven Sign.” See Figure 13.02.1 Banner Flag Signs.

Figure 13.02.1 Banner Flag Signs



Banner Sign: A sign typically made of lightweight fabric or other flexible material with or without a frame. “Banner Sign” does not include “Wind-Driven Sign.”

Basement: A portion of a building located underground. A basement is counted as a story for the purpose of measuring building height if more than half of its height is above grade.

Ball Court: A paved area used to play sports and/or games.

Bar/Tavern: An establishment that sells alcoholic beverages for consumption on the premises, and may serve food for consumption on the premises in a manner that is incidental to the sale of alcoholic beverages.

Bay Window: A window built to project outward from an exterior wall, often with a flat front and angled sides.

Bee Colony: An enclosure used to house bees.

Bench Sign: A sign located on a bench, seat, or similar structure which directs attention to a business, product, or service.

Berm: An earthen mound designed for screening, providing visual interest, and/or decreasing noise.

Bicycle Lane: A portion of the roadway that has been designated for the use of bicyclists.

Bicycle Parking Sign: A sign indicating the location of bicycle parking facilities.

Bicycle Parking Space: An area used to park a bicycle that may or may not be located on a right-of-way.

Bioretention: The process of utilizing a shallow vegetated basin to collect and absorb stormwater runoff as part of systems such as bioretention cells, bioretention curb extensions, and bioretention planters.

Block: Land bounded on all sides by street rights-of-way, utility rights-of-way, and/or physical barriers such as bodies of water or public open spaces.

Blue Roof: A roof that is designed to store and discharge rainfall.

Body Art Establishment: An establishment that provides physical body adornment, alteration or modification that may include, but is not limited to, tattooing, piercing, branding, braiding, implantation, or scarification.

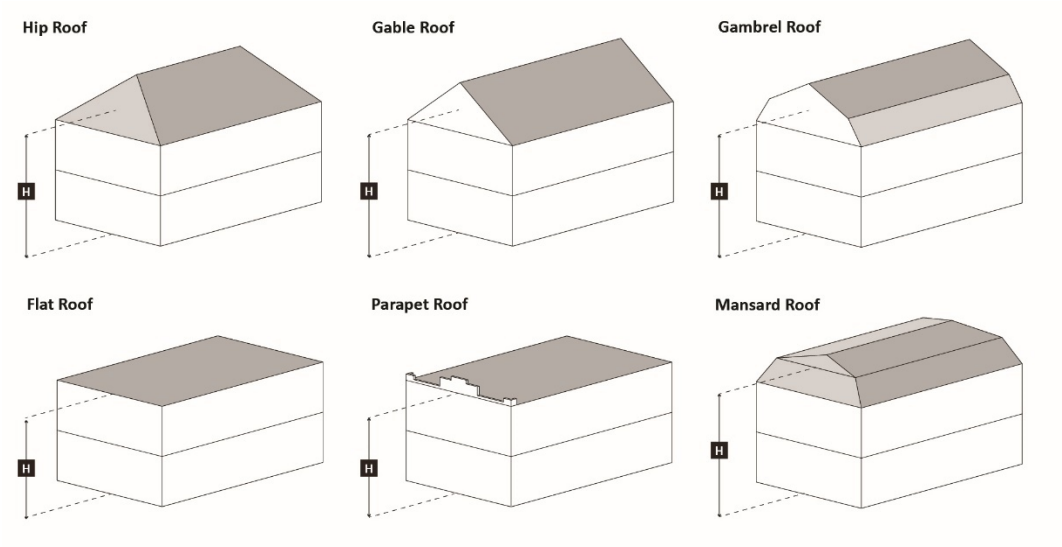
Buffer Yard: A yard or landscape component used to separate uses or structures, provide a visual barrier, diminish light trespass, or for other similar purposes.

Buildable Area: The space remaining on a lot for a building or structure after the minimum setback requirements of this Ordinance are met.

Building: A structure with substantial walls and a substantial roof that is securely affixed to land and separated on all sides from similar structures by space or by walls that do not have communicating doors, windows, or similar openings.

Building Height: The vertical distance measured from the mean average elevation of finished grade at the front building line to the mean point between the eaves and the ridge for a building with a hip, gable, or gambrel roof; to the highest point of a flat roof; and to the deck line for a building with a mansard roof. Regardless of roof type, the following projections shall not be included when determining building height: chimneys, towers, spires, steeples, parapet walls, staircase enclosures, elevator enclosures, tanks, cooling towers, green roofs, blue roofs, mechanical equipment, and similar projections. See Figure 13.02 .2 Building Height by Roof Type.

Figure 13.02.2 Building Height by Roof Type



Building Line: A line measured at the building wall of a structure that is parallel or nearly parallel to a lot - line. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, stairs, and stoops.

Bulk: The size and shape of a building or structure as defined by its lot area, lot width, height, and proportion of impervious coverage.

Cabana: A portable or semi-permanent structure often used as a changing room for a swimming pool or other recreational use.

Camp: Facilities providing recreational and educational activities during the day or for extended stays within a designated campground area, which may include campsites and/or permanent structures for campers. Campers cannot designate a campsite as a permanent residence.

Candela: The base unit of measuring luminous intensity according to the International System of Units. A typical candle emits light with a luminous intensity of approximately one candela.

Cannabis Business: "Cannabis Business" includes "Cannabis Craft Grower," "Cannabis Cultivation Center," "Cannabis Dispensary," "Cannabis Infuser," "Cannabis Processor," or "Cannabis Transporter."

Cannabis Craft Grower: An establishment licensed, certified, or accredited by the appropriate local and state agencies that cultivates, dries, cures, packages, and/or performs activities to produce cannabis products to provide to "Cannabis Dispensaries" or "Cannabis Processors."

Cannabis Cultivation Center: An establishment licensed, certified, or accredited by the appropriate local and state agencies that cultivates, processes, transports, and /or performs activities to produce cannabis products to provide to other "Cannabis Businesses."

Cannabis Dispensary: A commercial establishment licensed, certified, or accredited by the appropriate local and state agencies that provides cannabis products, paraphernalia, and/or related supplies directly to the consumer for purchase and removal from the premises by the purchaser.

Cannabis Infuser: An establishment licensed, certified, or accredited by the appropriate local and state agencies that incorporates cannabis into products to provide to other "Cannabis Businesses."

Cannabis Processor: An establishment licensed, certified, or accredited by the appropriate local and state agencies that produces cannabis concentrate or incorporates cannabis into products to provide to other "Cannabis Businesses."

Cannabis Transporter: An establishment licensed, certified, or accredited by the appropriate local and state agencies that transports cannabis to provide to other "Cannabis Businesses" or licensed "College or University" under the Cannabis Vocational Training Program.

Canopy: A rigid roof-like cover, often constructed of metal and/or glass, which projects from the wall of a structure over a window, sidewalk, or door and is designed for protection from the weather or as a decorative element. A canopy may include ground-mounted support posts.

Canopy-Mounted Sign: A sign that is mounted on top of a canopy.

Car Wash: An establishment engaged in the cleaning or detailing of motor vehicles, recreational vehicles, and/or other similar vehicles whether automatic or by hand.

Cemetery: Land used for the burial of the deceased, which may include offices, structures for performing religious ceremonies related to the entombment of the deceased, such as mausoleums, and related accessory structures for the storage of maintenance equipment.

Certificate of Appropriateness: A certificate issued by the Historic Preservation Commission authorizing alterations, construction, removal, or demolition of a historic landmark or a site within a historic district.

Certificate of Economic Hardship: A certificate issued by the Historic Preservation Commission authorizing an alteration, relocation, construction, removal or demolition of a landmark or structure within a historic district for which a Certificate of Appropriateness has previously been denied, but for which economic hardship has been determined.

Chicken Coop: An enclosure used to house chickens.

Chimney: A vertical structure used to remove smoke and combustion gases from a building that is often of masonry construction.

Club, Lodge, or Hall: A meeting, recreational, or social facility established for the use of the members and guests of a non-profit or private organization.

Cluster Subdivision Design: A subdivision process that allows for groupings of smaller lots that do not increase the overall density of lots within a development as compared to conventional subdivision layout. Cluster subdivision design is intended to promote environmentally sensitive development, preserve common open space, and achieve a balance between well-designed neighborhoods and natural resource protection.

Collector Street: Streets that connect local streets to arterial streets that provide moderate mobility and access to smaller-scale destinations and lots within a community.

College or University: A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and

doctoral degrees. “College or University” includes ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

Commercial Vehicle: A motor vehicle operated for the transportation of people or material as part of a commercial enterprise. Commercial vehicle does not include motor vehicles used for ridesharing purposes.

Community Bee Colony: A bee colony that is collectively cultivated and maintained by a group of people.

Community Garden: Land that is collectively cultivated and maintained by a group of people.

Community Library Kiosk: A small, freestanding structure used for exchanging books and reference materials within a community.

Community Residence: A group residence consisting of a group home or specialized residential care home serving people with disabilities that is licensed, certified, or accredited by the appropriate state or federal agencies. Such residence serves as a single housekeeping unit for the housing of unrelated people with functional disabilities who share responsibilities, meals, social activities, and other aspects of residential living. A “Community Residence (Large)” provides living accommodations for nine or more residents while a “Community Residence (Small)” provides living accommodates for eight or fewer residents. “Community Residence” does not include “Assisted Living Facility,” “Independent Living Facility,” “Nursing Home,” or “Residential Care Facility” and does not include ”Transitional Treatment Facility”, or a residence that serves as an alternative to incarceration for a criminal offense.

Compost Bin: A container used to store and break down organic matter to produce material that facilitates fertilizing and conditioning soil.

Comprehensive Plan: The comprehensive plan of the Village of Oswego.

Conforming Structure: A structure that complies with the bulk and setback regulations of this Ordinance for the zoning district in which the structure is located.

Conforming Use: A use that complies with the use regulations of this Ordinance for the zoning district in which such use is located.

Conservation Subdivision Design: A subdivision process that requires a percentage of open space to be conserved while allowing for an increase in the density of lots in a development as compared to conventional subdivision design. Conservation subdivision design is intended to promote environmentally sensitive development, preserve common open space, and achieve a balance between well-designed neighborhoods and natural resource protection.

Construction Trailer: A portable building or structure that may include office space and/or facilities for equipment storage for a construction project.

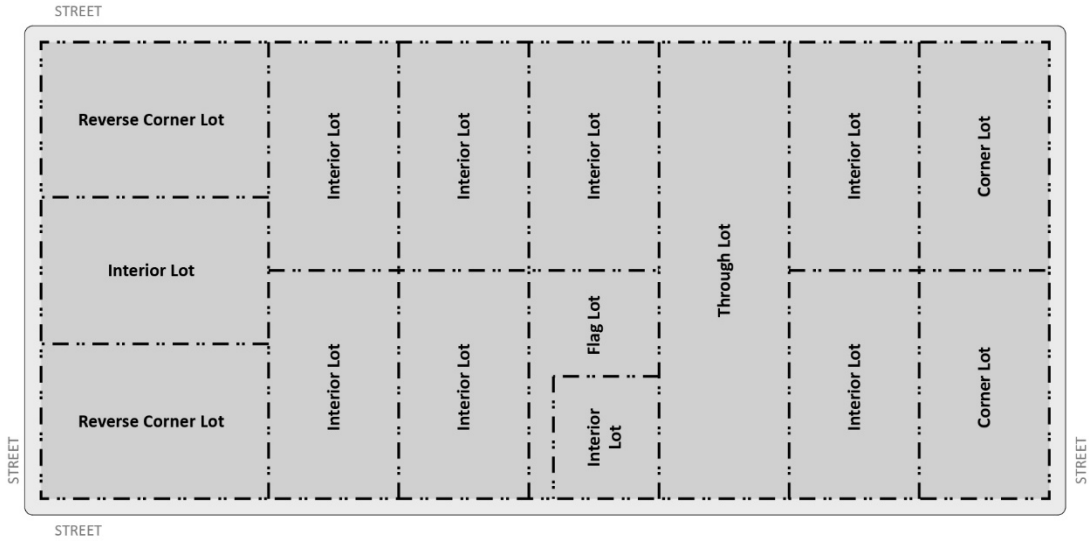
Contractor’s Office: Office or shop for construction trade including but not limited to construction, electrical, refrigeration, masonry, plumbing, roofing, and air conditioning, where no fabricating is done on the premises and where all storage of material is within a building unless otherwise approved.

Contributing Structure: A regulated structure that is located within a historic district which is either a designated historic landmark; meets the standards for a historic landmark, but has not been designated as

a historic landmark; or does not meet the criteria for a historic landmark, but contributes to the overall historic and cultural characteristics of the historic district.

Corner Lot: A parcel of land located at the intersection of two or more streets that has more than one street frontage, or a lot located at the bend of one street that has an interior angle no greater than 135 degrees. See Figure 13.02.3 Lot Types.

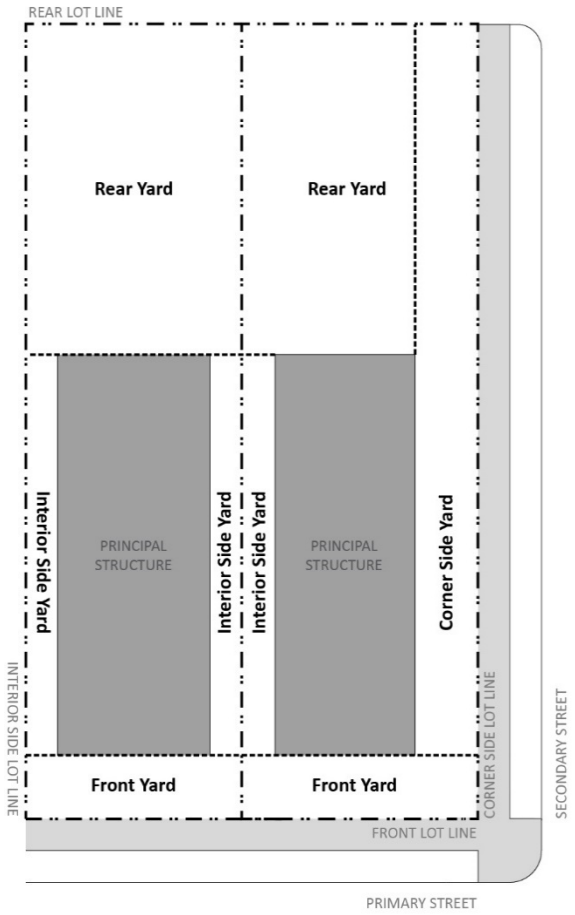
Figure 13.02.3 Lot Types



Corner Side Façade: Any façade that faces and is most closely parallel to the corner side lot line.

Corner Side Lot Line: The boundary of a lot that is approximately perpendicular to the front and rear lot lines, which separates the longest street right-of-way frontage of a corner lot from the street right-of-way. Refer to Figure 13.02.4 Lot Lines and Yards.

Figure 13.02.4 Lot Lines and Yards



Corner Side Yard: The area on a lot extending from the corner side façade of a building to the corner side lot line between the front yard and the rear lot line. Refer to Figure 13.02.4 Lot Lines and Yards.

Cornice: A projecting horizontal architectural feature, often located on the wall of a building or structure below the roofline.

Cross-Access: A vehicular and/or pedestrian connection between adjacent properties that allows circulation between the sites without using the sidewalk or street.

Cross Slope: The incline of a path perpendicular to the direction of travel.

Cultural Facility: A use that provides cultural services including, but not limited to, museums, cultural centers, historical societies, and libraries.

Currency Exchange: An establishment engaged in providing services to cash checks, issue money orders, and prepare cashier's checks for a fee. "Currency Exchange" does not include "Financial Institution" or "Payday or Title Loan Establishment."

Day Care Center: An establishment providing care for more than three adults or children in a protective setting for less than 24 hours per day that is not located within a residential dwelling unit. "Day Care Center" does not include day care programs operated by an "Elementary, Middle, or High School," "Park," or "Place of Worship."

Day Care Home: A facility within a residential dwelling unit that provides care for 3 to 12 adults or children from more than three households, including the family's children, in a protective setting for less than 24 hours per day.

Deck: A roofless outdoor platform often constructed of wood or composite wood that is elevated from the ground and connects to the exterior wall of a building.

Developer-Erected Sign: A temporary monument sign located at the entrance to a subdivision or similar unified improvement of land.

Development: Any human-made change to improved or unimproved real estate, including, but not limited to construction of, or substantial improvements to, buildings or other structures.

Dog Run: An enclosed area located within a yard that provides space for a dog to exercise.

Drive-Through Facility: A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A "Drive-Through Facility" may be established in combination with other uses, such as a "Financial Institution," "Personal Services Establishment," "Restaurant," or "Retail Goods Establishment." A "Drive-Through Facility" is not considered to be established in combination with a "Car Wash," "Gas Station," or "Motor Vehicle Repair and/or Service."

Drive-Through Sign: A sign that is located adjacent to a drive through lane that accompanies an establishment with "Drive-Through Facilities."

Driveway: An unobstructed area that provides access to a parking or loading space.

Driveway Access Sign: A sign that guides the circulation of motorists, bicyclists, and pedestrians to or through a site, such as signs indicating parking lot entrances and exits, loading zones, and restrooms.

Driveway Apron: The portion of a driveway that passes through the sidewalk, parkway, and curb into the adjacent street.

Driveway Parking Pad: A portion of a driveway used to park a motor vehicle that is generally wider than the portion of the driveway used to access the lot.

Dwelling Above the Ground Floor: A dwelling unit located on the upper floor of a building that contains non-residential uses on its ground floor.

Dwelling Unit: 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" does not include "Hotel/Motel," "Model Unit," "Recreational Vehicle," or tent.

Easement: Land that has been designated by lawful agreement between the owner of the land and another entity for a specified use by such entity.

Eave: The projecting lower edge of a roof that overhangs the wall of a building.

Electric Pet Fence: An electronic system designed to keep a pet within a defined location without using a physical barrier fence.

Electric Vehicle Charging Station: A location used to supply energy to electric vehicles.

Electrical Generator: A device that generates electrical power.

Electronic Message Sign: A sign that displays a changeable message with text, or simple images using an electronic display. "Electronic Message Signs" does not include "Video Display Signs."

Elementary, Middle, or High School: A public or private educational facility offering instruction to preschool, elementary school, middle school, junior high school, and/or high school students with a full range of curricular programs.

Encroachment: The location of a structure within a required setback.

Entry Door Sign: A sign that appears on or adjacent to entry doors or in display windows, which may display information such as hours of operation, credit cards accepted, open/closed signs, and push/pull signs.

Environmental Performance Standards: Criteria established to regulate noise, odor, dust, air pollution, glare, heat, vibration, fire, explosion hazards, or hazardous materials generated by the use of land or buildings.

Event Space: An establishment that provides accommodations for private functions, such as weddings, anniversaries, or other similar celebrations. Such use may include facilities for the preparation of food, providing of alcoholic beverages for on-premises consumption, and outdoor reception facilities.

Externally Illuminated Sign: A sign that is lit by a source of light located outside the sign so that light shines onto the sign face.

Façade: The exterior face of a building, including, but not limited to, the walls, windows, windowsills, doorways, and design elements.

Fence: A barrier typically constructed of treated wood, simulated wood, PVC, steel, or a combination of materials, that is erected to separate, screen, or enclose an area.

Farmers Market: An outdoor market located in a designated area for the sale of agricultural products, such as fruits, vegetables, juices, flowers, plants, herbs, spices, dairy goods, and meats, by the vendors who typically produce such items. "Farmers Markets" typically offer for sale items such as baked goods, arts and crafts, and other value-added goods.

Financial Institution: A bank, credit union, or savings and loan office, or an automated teller machine established by such an entity. "Financial Institution" does not include "Currency Exchange" or "Payday or Title Loan Establishment."

Flag: A sign made of flexible material which is mounted on a pole and symbolizes any governmental, political, civic, educational, religious, or corporate organization.

Flag Lot: A lot where the vast majority of the lot can only be accessed from the right-of-way by means of a narrow strip of land between adjacent lots. See Figure 13.02.3 Lot Types.

Flagpole: A ground-mounted or building-mounted structure used to display a flag.

Flashing Sign: A sign which contains an intermittent or sequential light source that may flash, blink, strobe, travel, chase, rotate, or change in intensity, brightness, or color. "Flashing Signs" do not include "Electronic Message Signs," or "Video Display Signs."

Flat Roof: A flat roof structure with no visible slope, which is located on all street-facing façades and may or may not have overhanging eaves.

Foot-Candle: A measure of the illuminance cast on a surface that is one foot from a uniform light source of one candela, and which is equal to one lumen per square foot.

Front Façade: Any façade that faces and is most closely parallel to the front lot line.

Front Lot Line: The boundary of a lot that is adjacent to a street right-of-way. For corner lots, the property owner may select either street right-of-way as the front lot line, provided that applicable setback requirements are met. For irregular lots, the front lot line is the entire length of the lot line that is adjacent to a street right-of-way. Refer to Figure 13.02.4 Lot Lines and Yards.

Front Yard: The area on a lot extending from the front façade of a building to the front lot line between the side lot lines. Refer to Figure 13.02.4 Lot Lines and Yards.

Fully Shielded Lighting: A fixture that prevents light from being emitted above a horizontal plane running from the lowest point of the fixture that emits light.

Funeral Home/Crematory: An establishment where services are conducted for the deceased, including facilities to prepare the deceased for display, burial, and/or cremation.

Garage: A building, either attached or detached, which is used or designed for the parking and storage of motor vehicles, and the storage of various equipment.

Garage or Yard Sale: The sale of a variety of used household items, which is typically held in the garage or front yard of a residential dwelling unit.

Garden: An area dedicated to the cultivation of plants.

Garden Center: An establishment that sells plants grown or stored on site.

Gas Station: An establishment where motor vehicle fuel, including electric charging and non-petroleum fuel, is stored and dispensed from fixed equipment into motor vehicles. A "Gas Station" may also include accessory activities such as restaurants, car washes, and convenience retail stores. "Gas Station" does not include "Motor Vehicle Repair and/or Service."

Gazebo: A freestanding open-sided structure, often hexagonal or octagonal in shape, that provides shade and shelter in outdoor areas.

Golf Course: A tract of land designed with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, driving range, restrooms, and related accessory structures for the storage of maintenance equipment.

Government Facility: A building or structure owned, operated, and/or occupied by a governmental agency to provide services to the public. "Government Facility" includes public safety facilities, public works facilities, post offices, and administrative offices, but does not include "Park," "Elementary, Middle, or High School."

Government Sign: A sign, such as a traffic control sign, public safety sign, emergency sign, or public notice that is erected by a governmental body or under the direction of such body.

Grade: The average level of the finished surface of the ground adjacent to the exterior wall of a building or structure.

Grading: Altering the shape of the ground surface to a predetermined condition, which may include stripping, cutting, filling, stockpiling, and shaping or any combination of these practices.

Greenhouse: A building for the cultivation and protection of plants, which is typically constructed of transparent glass, metal, and/or plastic.

Green Roof: A roof that is partially or completely covered with vegetation, a growing medium, and a waterproof membrane, that absorbs rainwater and reduces the heat absorbed by a building or structure.

Gross Floor Area: The total horizontal area of the floors of a building as measured from the exterior face of the exterior walls, or from the centerline of a party wall to the exterior face of the exterior walls.

Gutter: A structure used to convey stormwater that is located at the eave of a roof.

Half Story: The portion of a building located under a pitched roof.

Half Street: A portion of the width of a street, often along the edge of a subdivision, the remaining portion of which could be provided as part of another subdivision.

Hanging Sign: A sign suspended from an architectural feature of a building, such as an awning, canopy, or marquee, which is typically oriented perpendicular to the façade of the building.

Headstone: A non-commercial sign in the form of a tombstone, tablet, grave marker, statuary, or memorial, that offers a remembrance of people or events.

Heavy Manufacturing: A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products from unprocessed or raw materials, which may include the use of highly flammable material, or toxic matter. "Heavy Manufacturing" uses may be engaged in processes that are likely to have a substantial impact on the environment or on adjacent properties. Typical "Heavy Manufacturing" uses include, but are not limited to, chemical processing, grain milling, metal casting, metal smelting, motor vehicle assembly, motor vehicle wrecking, petroleum refining, rendering, tire assembly, and asphalt, brick, concrete, or tile manufacturing. "Heavy Manufacturing" does not include "Cannabis Cultivation or Processing Center."

Historic District: An area designated as a historic district by the Village because of its historic and/or cultural significance.

Historic Landmark: A lot, building, structure, landscaping, or similar element designated as a historic landmark by the Village because of its historic and/or cultural significance.

Historic Preservation Commission: The Historic Preservation Commission of the Village of Oswego, Illinois.

Historical Marker: A sign displaying information of historic significance such as a building's name, date of erection, or location.

Home-Based Business: An occupation carried on in a dwelling unit by a resident, which is accessory to the residential use of the dwelling unit.

Hoophouse: A structure used to extend the growing season of agricultural crops that is generally made of plastic and semicircular in shape.

Hospital: An institution that provides healthcare and medical services for the sick and injured, which may include, but are not limited to, in-patient facilities, out-patient facilities, training facilities, offices, and laboratories. The distinguishing difference between a hospital and a medical office ("Professional Office") is that a hospital provides in-patient facilities.

Hot Tub: An in-ground or aboveground basin of water that includes an air-injection system and/or water heating system that is intended for soaking.

Hotel/Motel: An establishment that provides sleeping accommodations and lodging services on a short-term basis for a fee and amenities which may include, but are not limited to, restaurants, meeting rooms, health clubs, and swimming pools.

Illegal Structure: A structure that did not legally exist prior to the adoption of this ordinance and does not conform with the current ordinance requirements for the district in which it is located.

Illegal Use: An activity or facility that does not enjoy a legal conforming or legal nonconforming status, as defined in this ordinance.

Impervious Coverage: The proportion of the area of a zoning lot occupied by surfaces that do not allow stormwater infiltration to the lot area of the zoning lot. Surfaces that do not allow stormwater infiltration may include, but are not limited to, principal structures, accessory structures, decks, walkways, paved parking lots, and paved driveways.

Improved Surface: An area that is covered by a permanent hard surface, such as concrete or asphalt, designed to support the weight of the items placed on top of the surface.

Independent Living Facility: A residential facility that contains dwelling units where at least one of the residents occupying a unit is 55 years or older. Such facilities do not provide regular in-patient medical or nursing care but may provide common areas for meals or socializing and limited convenience services. An "Independent Living Facility" does not include "Assisted Living Facility," "Community Residence," or "Nursing Home."

Indoor Entertainment: An enclosed building where spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Indoor Entertainment" uses include, but are not limited to, indoor theaters, indoor music venues, and indoor sports arenas. "Indoor Entertainment" uses

may include refreshment stands that provide products for consumption on the premises. “Indoor Entertainment” does not include “Adult Use” or “Indoor Recreation.”

Indoor Recreation: An enclosed building where recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical “Indoor Recreation” uses may include, but are not limited to, health clubs, bowling alleys, pool halls, children’s play facilities, sporting or training facilities, arcades, indoor miniature golf courses, indoor swimming pools, indoor tennis courts, and indoor skating facilities. “Indoor Recreation” uses may include refreshment stands that provide products for consumption on the premises. “Indoor Recreation” does not include “Indoor Entertainment,” “Park,” or “Elementary, Middle, or High School.”

Inflatable Device: An advertising display that consists of flexible fabric or similar material that can be filled with air or gas and that may or may not be tethered to a specific location, and may move using a fan. “Inflatable Sign” does not include “Wind-Driven Sign.”

Interior Lot: A parcel of land that has street frontage along at least one lot line and is flanked by lots along its side lot lines. See Figure 13.02.3 Lot Types.

Interior Side Façade: Any façade that faces and is most closely parallel to the interior side lot line.

Interior Side Lot Line: The boundary of a lot that is approximately perpendicular to the front and rear lot lines and is not adjacent to the street right-of-way. Refer to Figure 13.02.4 Lot Lines and Yards.

Interior Side Yard: The area on a lot extending from the interior side façade of a building to the interior side lot line between the front yard and the rear yard. Refer to Figure 13.02.4 Lot Lines and Yards.

Internally Illuminated Sign: A sign that is lit by a source of light located inside the sign so that light shines outward from within the sign.

Irregular Lot: A lot whose opposing lot lines are generally not parallel, such as a pie-shaped lot, or where one or more lot lines are curvilinear.

Landscape Business: A business that provides services designing, installing, planting or maintaining yards, gardens, or other outside grounds, and where equipment, supplies and plant material may be stored on-site. A landscape business includes installation, care, and maintenance services for landscape and hardscape.

Landscaped Setback: A planted area used to improve the safety, appearance and environment of major transportation arterials and collector streets.

Laundromat: An establishment that provides washing, drying, and/or ironing machines for use by customers on the premises.

Light Manufacturing: A use engaged in manufacturing, assembly, fabrication, packaging, storage, handling, or other industrial processing of products primarily from prepared materials or finished products, which does not include the use of highly flammable material, or toxic matter. “Light Manufacturing” uses may be engaged in processes that have a minimal impact on the environment and adjacent properties. Typical “Light Manufacturing” uses include, but are not limited to contractors, equipment suppliers, commercial kitchens (such as caterers and delivery-only kitchens) and commercial printing. “Light Manufacturing” does not include “Cannabis Cultivation or Processing Center.”

Live/Work Dwelling: A dwelling unit that has both residential and commercial components.

Loading Space: An unobstructed area provided and maintained for the temporary parking of motor vehicles in order to load and unload materials.

Local Street: Streets for local traffic that provide limited mobility and access to lots within a community.

Lot: A parcel or tract of land intended to be separately owned, developed, or otherwise used.

Lot Area: The area of a zoning lot contained within its lot lines.

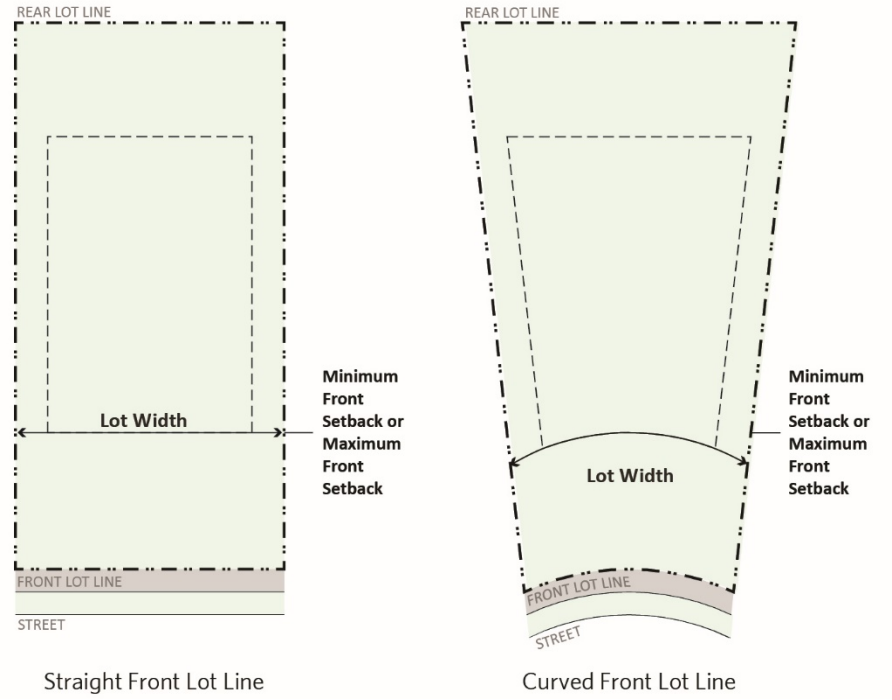
Lot Depth: The mean distance between the front and rear lot lines of a lot.

Lot Line: The boundary line of any lot.

Lot of Record: A legally created lot established by plat, deed, or contract, as recorded by the Kendall and/or Will County Recorder of Deeds.

Lot Width: The minimum horizontal distance between the side lot lines of a lot measured at the front setback line. For lots with curved front lot lines, the lot width must be calculated as the arc measurement at the front setback line. See Figure 13.02.5 Lot Width.

Figure 13.02.5 Lot Width



Long-Term Bicycle Parking: Bicycle parking intended for long-term or overnight storage, typically provided for employees, residents, or others requiring storage of a bicycle for a substantial portion of the day.

Machinery and Equipment Sales and Rental: Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. “Machinery and

Equipment Sales and Rental" includes the incidental storage, maintenance, and servicing of such equipment.

Manually Changeable Copy Sign: A sign designed to allow modifications of messages, letters, characters, illustrations, or other symbols by hand. "Manually Changeable Copy Signs" do not include "Electronic Message Signs."

Marquee Sign: A sign with two or three sign faces that is mounted to a permanent roof-like structure extending from the façade of a building.

Massage Therapy Establishment: An establishment that provides services for the manipulation of tissues for relaxation or therapeutic purposes. "Massage Therapy Establishment" does not include "Adult Use."

Maximum Corner Side Setback: The maximum distance that a building or structure is located from a corner side lot line, as required by the zoning district regulations.

Maximum Front Setback: The maximum distance that a building or structure is located from a front lot line, as required by the zoning district regulations.

Mechanical Equipment: Ground-mounted and roof-mounted equipment such as heating, ventilating, and air-conditioning (HVAC) units.

Microbrewery: A facility for the production and packaging of malt beverages of alcoholic content with a capacity of less than 30,000 barrels per year. Microbreweries include a tasting room, which allows customers to consume products manufactured on site, and/or a retail space for purchase of products manufactured on site and related items. Breweries that exceed a capacity of 30,000 barrels per year, or facilities that only manufacture for distribution are considered either "Light Manufacturing" or "Heavy Manufacturing" depending on capacity.

Microdistillery: A facility for the production and packaging of spirits and liquors with a capacity of less than 50,000 gallons per year. Microbreweries or Microdistilleries include a tasting room, which allows customers to consume products manufactured on site, and/or a retail space for purchase of products manufactured on site and related items. Distilleries that exceed a capacity of 50,000 gallons per year, or facilities that only manufacture for distribution are considered either "Light Manufacturing" or "Heavy Manufacturing" depending on capacity.

Microwinery: A facility for the production and packaging of wine with a capacity of less than 25,000 gallons per year. Microwineries include a tasting room, which allows customers to consume products manufactured on site, and/or a retail space for purchase of products manufactured on site and related items. Wineries that exceed a capacity of 25,000 gallons per year, or facilities that only manufacture for distribution are considered either "Light Manufacturing" or "Heavy Manufacturing" depending on capacity.

Minimum Corner Side Setback: The minimum distance that a building or structure is located from a corner side lot line, as required by the zoning district regulations.

Minimum Front Setback: The minimum distance that a building or structure is located from a front lot line, as required by the zoning district regulations.

Minimum Interior Side Setback: The minimum distance that a building or structure is located from an interior side lot line, as required by the zoning district regulations.

Minimum Rear Setback: The minimum distance that a building or structure is located from a rear lot line, as required by the zoning district regulations.

Minimum Setback Adjacent to a Residential District: The minimum distance that a building or structure is located from any lot line shared with a lot located in a residential district, as required by the zoning district regulations.

Minimum Street Frontage: The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.

Mobile Food Facility: A motorized vehicle or mobile food unit, such as a pushcart, that is used to sell food and beverage items.

Mobile Home Dwelling: A trailer or transportable structure designed for dwelling purposes which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

Mobile Home Park: A zoning lot with facilities for the long-term occupancy of mobile home dwellings.

Model Unit: A building or structure displayed as an example of the dwelling units available for sale or for rent in a residential development. A "Model Unit" may include sales or rental offices. "Model Unit" does not include "Dwelling Unit."

Monument Sign: A sign mounted to a freestanding base with a width equal to or greater than the width of the sign. A monument sign does not include freestanding poles and is not attached to a building.

Motor Vehicle Operations Facility: A facility for the dispatch, storage, and maintenance of emergency medical vehicles, taxis, school buses, and livery vehicles. "Motor Vehicle Operations Facility" does not include "Motor Vehicle Rental," Motor Vehicle Repair and/or Service," "Motor Vehicle Sales," or "Government Facilities" that dispatch, store, and maintain fire, police, public works, and other municipal vehicles.

Motor Vehicle Rental: An establishment that rents motor vehicles, including moving trucks, and includes incidental facilities for parking and servicing such vehicles. "Motor Vehicle Rental" does not include "Motor Vehicle Operations Facility."

Motor Vehicle Repair and/or Service: An establishment that provides services to adjust, align, repair, repaint, and/or replace motor vehicle parts and systems. "Motor Vehicle Repair and/or Service" includes facilities that sell motor vehicle parts and supplies in an incidental manner to the establishment's repair facilities. "Motor Vehicle Repair and/or Service" does not include "Gas Station," "Motor Vehicle Rental," "Motor Vehicle Repair and/or Service Body Shop," or "Motor Vehicle Sales."

Motor Vehicle Repair and/or Service Body Shop: An establishment that provides services to adjust, align, repair, repaint, and/or replace motor vehicle parts and systems, including body work. "Motor Vehicle Repair and/or Service Body Shop" includes facilities that sell motor vehicle parts and supplies in an incidental manner to the establishment's repair facilities. "Motor Vehicle Repair and/or Service, Body Shop" does not include "Gas Station," "Motor Vehicle Rental," "Motor Vehicle Repair and/or Service," or "Motor Vehicle Sales."

Motor Vehicle Sales: An establishment that sells or leases new or used motor vehicles, including incidental facilities for parking and servicing such vehicles.

Moving Sign: A sign that moves or gives the appearance of movement, including any sign that revolves, rotates, or in any way alters position by natural or artificial means. "Moving Signs" do not include barber poles, "Electronic Message Signs," "Flags," "Inflatable Devices," "Pennant Signs," signs displaying time and temperature, street clocks, and similar such signs.

Multiple-Unit Dwelling: A building that contains five or more dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. "Multiple-Unit Dwelling" does not include "Two-Unit Dwelling" or "Townhouse Dwelling."

Nit: A unit of luminous intensity equal to one candela per square meter.

Nonconforming Lot: A lot of record that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

Nonconforming Site Element: A site characteristic that at one time conformed to applicable development regulations, but no longer conforms due to subsequent amendments to this Ordinance, including impervious coverage, off-street parking and loading, landscaping, lighting, signs, or other similar characteristics of a site.

Nonconforming Structure: A principal or accessory structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

Nonconforming Use: A use of land or a structure that at one time conformed to applicable zoning regulations, but no longer conforms due to subsequent amendments to this Ordinance.

Noncontributing Structure: A regulated structure that is located within a historic district which does not represent the historic significance of the district and does not contribute to the overall historic and cultural characteristics of the historic district.

Nursing Home: A residential facility that provides ongoing medical care and inpatient services for people requiring regular medical attention. Such facilities do not provide emergency medical services, surgical services, or treatment for alcoholism, drug addiction, or mental illness. A "Nursing Home" does not include "Assisted Living Facility," "Community Residence," or "Independent Living Facility."

Obscene Sign: A sign that displays content in which the dominant theme of the material depicts prurient representations of sexual matters that affront contemporary community standards and do not possess redeeming social value.

Off-Premises Parking Facility: A parking facility that is not located on the same premises as the use which it serves.

Off-Premises Sign: A sign that directs attention to a business, product, service, or other commercial activity that is conducted, sold, or offered at a location other than the premises where such sign is located. "Off-Premises Sign" does not include "Driveway Access Sign."

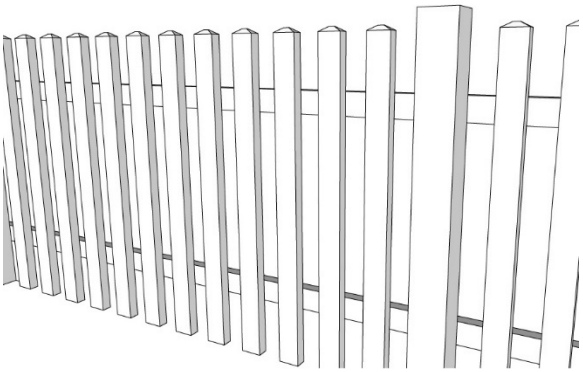
Off-Street Loading Facility: An area not located within a right-of-way that is provided and maintained for the temporary parking of motor vehicles in order to load and unload materials for commercial, civic, institutional, industrial, and multiple-unit dwelling uses.

Off-Street Parking: An area used to park a motor vehicle that is not located within a right-of-way.

On-Street Parking: An area located within a right-of-way that is used to park a motor vehicle.

Open Fence: A barrier typically constructed of treated wood, simulated wood, PVC, steel, or a combination of materials, that is erected to separate, screen, or enclose an area, which has at least 50 percent open spaces. Refer to Figure 13.02.6 Open Fence.

Figure 13.02.6 Open Fence.



Ornamental Tree: A self-supporting woody plant having at least one well-defined stem or trunk and normally attaining a mature height and spread of less than thirty (30) feet with branching less than eight (8) feet above grade.

Outdoor Dining: An outdoor seating area that is typically connected to an indoor seating area for a "Restaurant" or "Bar/Tavern."

Outdoor Entertainment: An open air or partially enclosed structure in which spectator uses are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Outdoor Entertainment" uses include, but are not limited to, outdoor theaters, outdoor music venues, outdoor sports arenas, and amusement parks. "Outdoor Entertainment" uses may include refreshment stands that provide products for consumption on the premises. "Outdoor Entertainment" does not include "Outdoor Recreation."

Outdoor Fireplace or Fire Pit: An outdoor area to burn materials that is equipped with a hearth and chimney, or that is open in design, and is generally constructed of steel, concrete, clay, or other noncombustible material.

Outdoor Recreation: An open air or partially enclosed structure in which recreational activities are conducted by a for-profit entity that typically charges patrons a fee to enter. Typical "Outdoor Recreation" uses may include, but are not limited to, outdoor miniature golf courses, outdoor swimming pools, outdoor tennis courts, and outdoor skating facilities. "Outdoor Recreation" uses may include refreshment stands that provide products for consumption on the premises. "Outdoor Recreation" does not include "Outdoor Entertainment," "Park," "Elementary, Middle, or High School."

Outdoor Sales and Display Area: An area for the sales and display of products and services outside of a building or structure that is accessory to a principal use.

Outdoor Storage Area: An area for the storage of materials, equipment, machinery, or recreational vehicles used in the conduct of a business.

Outlot: A lot adjacent to a right-of-way that is intended for one or more buildings within a development.

Owner: The legal or beneficial titleholder of land, or the holder of a written option to contract or purchase the land.

Parapet Roof: A low wall that projects above a roof along the perimeter of a building.

Painted Wall Sign: A sign painted directly on the surface of the wall of a building, structure, or environmental feature.

Park: An area for active recreation, passive recreation, and/or resource protection that is open to the public. "Park" may include, but are not limited to, baseball fields, football fields, soccer fields, basketball courts, tennis courts, playgrounds, water parks, dog parks, and field houses. "Park" does not include "Indoor Recreation" or "Outdoor Recreation."

Parking Garage (Primary Use): A structure with two or more levels that is used to park motor vehicles.

Parking Lot (Primary Use): A paved area not located within a right-of-way that is used to park motor vehicles and is not ancillary to any other use on the same lot. "Parking Lot (Primary Use)" does not include "Outdoor Storage Area."

Parking Lot Perimeter Landscape: A planted area located between the boundary of a parking lot and a right-of-way.

Parking Lot Sign: A sign regulating a parking lot, with a message such as "No Parking" or "Tow Zone," or that indicates parking spaces for electric vehicle charging, that is oriented to an off-street parking area.

Parkway: The portion of the public right-of-way located between the sidewalk and the street curb, often planted with landscaping and/or street trees.

Patio: A hard surfaced area typically constructed of masonry, brick, or concrete that is attached to the ground adjacent to the wall of a building. A patio is generally at ground-level.

Pawn Shop: An establishment licensed, certified, or accredited by the appropriate local and state agencies that lends money in exchange for personal property that is used as collateral. "Pawn Shops" may purchase personal property outright or on the condition of selling it back to a customer with interest. "Pawn Shops" may include cash for gold establishments, which have the primary business of purchasing precious metals, jewelry, watches, and other similar items. "Pawn Shop" does not include "Retail Goods Establishments" such as antique stores and consignment stores.

Payday or Title Loan Establishment: An establishment that provides loans to individuals in exchange for personal checks or titles to motor vehicles. "Payday or Title Loan Establishment" does not include "Currency Exchange" or "Financial Institution."

Pennant Sign: A sign consisting of tapered flags made of lightweight material that are hung in a series and may or may not contain a message. “Pennant Signs” do not include “Banner Flag Signs,” “Flags,” or “Wind-Driven Signs.”

Pergola: A freestanding structure with columns or posts topped with beams and open rafters, which may or may not be connected to the wall of a building.

Permanent Sign: A sign constructed of durable materials that is intended to be displayed for the duration of time that the use or occupant is located on the premises.

Permitted Use: A use that is allowed to be established by-right in a zoning district, and does not require administrative review or approval.

Person: An individual, firm, corporation, partnership, or other similar entity.

Personal Services Establishment: An establishment primarily engaged in the provision of services of a personal nature. “Personal Service Establishment” includes facilities that sell products and goods in an incidental manner to the establishment’s provision of services. “Personal Service Establishment” uses may include, but are not limited to, dry cleaners, barbershops, beauty salons, animal day care establishments, animal grooming establishments, express shipping services (e.g. UPS, FedEx, DHL), electronics repair, shoe repair shops, and tailor shops. “Personal Service Establishment” also includes commercial educational facilities, such as driving schools, dance schools, and tutoring facilities. “Personal Services Establishment” does not include “Adult Use,” “Animal Boarding, Hospital, or Shelter ,” “Body Art Establishment,” or “Massage Therapy Establishment.”

Pitched Roof: A pitched or sloped roof, including hipped roofs, gabled roofs, roofs with a combination of hips and gables, gambrel roofs, and mansard roofs.

Place of Worship: An institution maintained by a religious body where people assemble for religious purposes, ceremonies, and other similar events. A “Place of Worship (Large)” accommodates a capacity of 250 or more people while a “Place of Worship (Small)” accommodates a capacity of less than 250 people. “Place of Worship” may include housing for members of religious orders, “Day Care Centers,” “Preschools,” or “Elementary, Middle, or High Schools.”

Planned Unit Development: A distinct category of special use permit intended to allow flexibility in the application of the standards of this Ordinance. “Planned Unit Developments” are intended for significant development proposals that provide amenities to the community which are not required from conventional development applications.

Planning and Zoning Commission: The Planning and Zoning Commission of the Village of Oswego, Illinois.

Plat: A document that displays lot lines and other information for the purpose of identifying and/or dividing land.

Pole Sign: A sign mounted to one or more freestanding poles that does not include a freestanding base and is not attached to a building. “Pole Sign” does not include “Driveway Access Sign.”

Porch: An unenclosed roofed platform projecting from the exterior wall of a building. A porch is often constructed of concrete or masonry and is elevated above ground level.

Portable Sign: A sign with a supporting structure that is designed to be moved or relocated for display. Portable signs include, but are not be limited to, signs mounted on a trailer or other non-motorized mobile structure, which may or may not possess wheels. "Portable Signs" do not include "A-Frame Signs" or "Manually Changeable Copy Signs."

Principal Structure: A structure where the primary use of the lot is conducted.

Principal Use: The primary use of a lot or building as distinguished from an accessory use, which may be designated as a permitted use or a special use.

Professional Office: An establishment that engages in the application, processing, or manipulation of business information or professional expertise, or that offer health-related outpatient treatment by licensed health professionals. A "Professional Office" must not manufacture, assemble, warehouse, or repair goods and products for the retail or wholesale market, or engage in the repair of products or the provision of retail services. "Professional Office" may include, but is not limited to, medical offices, dental offices, law firms, insurance agencies, accounting firms, real estate agencies, investment firms, and non-profit organizations. "Professional Office" does not include "Government Facility" or "Contractor's Office".

Projecting Sign: A sign attached to a building or other structure that extends beyond the surface of the building and is typically oriented perpendicular to the façade of the building. "Projecting Signs" do not include "Awning Signs" or "Marquee Signs."

Public Improvement: A structure or improvement, such as a street, curb, sidewalk, path, streetlight, street tree, water main, sanitary sewer, or storm sewer within the right-of-way, which is generally located on public property and maintained by the Village. A public improvement does not include a structure or improvement, such as a service line or detention basin, which is generally located on private property.

Rain Barrel: A container for storing rainwater installed above-grade that generally has a capacity of less than 500 gallons.

Rain Garden: A shallow vegetated basin that collects and absorbs stormwater runoff.

Rainwater Cistern: A container for storing rainwater that may be installed either above or below grade.

Rear Façade: Any façade that faces and is most closely parallel to the rear lot line.

Rear Lot Line: The boundary of a lot that is most distant from and approximately parallel to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point in the rear, then the rear lot line is considered a line that is 10 feet in length between the side lot lines that is most distant from and approximately parallel to the front lot line. Refer to Figure 13.02.4 Lot Lines and Yards.

Rear Yard: The area on a lot extending from the rear façade of a building to the rear lot line between the side lot lines on an interior lot, and between the side lot line and the corner side yard on a corner lot. Refer to Figure 13.02.4 Lot Lines and Yards.

Recreation Equipment: Structures typically used for children's active recreation, which may include, but not be limited to swing sets, jungle gyms, and children's playhouses. "Recreation Equipment" does not include "Treehouse."

Recreational Vehicle: Vehicles or trailers for recreational or utilitarian uses that can be driven, towed, hauled, sailed, or flown. "Recreational Vehicle" includes, but is not limited to, snowmobiles, all-terrain

vehicles, race cars, off-road vehicles, travel trailers, pull campers, motorhomes, tent trailers, special purpose trailers, cargo trailers, utility trailers, vehicle trailers, power boats, cruisers, jet skis, fishing boats, hunting boats, pontoon boats, personal watercraft, row boats, and sail boats. “Recreational Vehicle” does not include “Dwelling Unit.”

Refuse Receptacle and Enclosure: A container and area to store, contain, and dispose of garbage, recyclables, grease, and similar refuse.

Regulated Structure: A lot, building, structure, landscape, or similar element that is a historic landmark and/or part of a historic district.

Research/Development Facility: A facility in which ideas and technologies are investigated, tested, and refined in industries that may include, but is not limited to, electronics, computer hardware and software, communications, information technology, biotechnology, and pharmaceuticals. “Research/Development Facility” may include the incidental manufacture and/or sale of products developed at the facility.

Reserve Strip: A portion of land used to control access to adjacent properties or rights-of-way.

Residential Care Facility: A group care facility licensed for 24-hour medical or non-medical care of people in need of supervision or assistance essential for daily living, or for the protection of the individual. A “Residential Care Facility” includes “Assisted Living Facility,” “Independent Living Facility,” “Nursing Home,” hospice, and continuum of care facilities. A “Residential Care Facility” does not include “Community Residence” or “Transitional Treatment Facility.”

Residential Sign: A permanent sign located on a lot in a residential zoning district.

Resource Extraction: The extraction and processing of mineral, aggregate, or other resources from the earth.

Restaurant: An establishment that prepares and sells food and beverages for consumption on the premises and/or for carry-out. “Restaurant” does not include refreshment stands incidental to “Indoor Entertainment,” “Indoor Recreation,” “Outdoor Entertainment,” or “Outdoor Recreation” uses.

Retail Goods Establishment: An establishment that provides physical goods, products, or merchandise directly to the consumer for purchase and removal from the premises by the purchaser. “Retail Goods Establishment” may include, but is not limited to, grocery stores, clothing stores, jewelry stores, appliance stores, electronics stores, furniture stores, office supply stores, bookstores, and sporting goods stores. “Retail Goods Establishment” may include “Corner Store.” “Retail Goods Establishment” does not include “Adult Use,” “Cannabis Dispensary” or “Pawn Shop.”

Reverse Corner Lot: A type of corner lot where the corner side lot line is adjacent to the front lot line of the lot to its rear. See Figure 13.02.3 Lot Types.

Right-of-Way: Land dedicated or utilized for a street, trail, sidewalk, utility, railroad, or other similar purpose.

Roof Sign: A sign erected on the roof of a building that projects above the highest point of the roofline or parapet wall.

Satellite Dish: A parabolic antenna designed to send and/or receive television, radio, communication, data, or other similar signals from satellites and antennas.

Screening: Structures or landscaping elements used to conceal adjacent buildings or structures.

Self-Service Storage: A facility used for the storage of personal property where individuals rent storage spaces of various sizes on an individual basis.

Semi-Pervious Coverage: The proportion of the area of a zoning lot occupied by surfaces that allow at least 50% stormwater infiltration. Semi-pervious surfaces may include, but is not limited to, pervious pavers, permeable asphalt, permeable concrete, green roofs, and blue roofs.

Service Walk. A paved area on a zoning lot connecting the front yard to the rear yard that may or may not connect to a public right-of-way.

Setback: The minimum or maximum distance that a building or structure is located from a lot line, as required by the zoning district regulations

Shade Tree: A deciduous tree, generally having a single stem, planted primarily for shade. Trees with an expected canopy of over 40 feet are considered large shade trees. Trees with an expected canopy of 30 to 40 feet are considered medium shade trees.

Shared Lane Marking or Sharrow: Road marking used to indicate a shared travel lane for bicycles and motor vehicles.

Shed: A relatively small building typically used to store lawn, garden, and/or swimming pool equipment.

Short-Term Bicycle Parking: Bicycle parking intended primarily for short-term use. Bicycles are typically secured to short-term parking facilities by means of a bicycle lock.

Sign: A message, image, display, or object used to advertise, direct attention to, or promote the interests of a person, business, organization, location, product, service, or activity. “Signs” do not include works of art.

Sill: A projecting horizontal architectural feature, often located below a window or door.

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

Small Wind Energy System (Building-Mounted): An energy collection system that converts wind energy into electricity for on-site use. Small wind energy systems generally consist of a turbine, mounting device, and associated control electronics. Building-mounted systems are attached to existing buildings and structures that are constructed for a use other than supporting the small wind energy system.

Small Wind Energy System (Ground-Mounted): An energy collection system that converts wind energy into electricity for on-site use. Small wind energy systems generally consist of a turbine, mounting device, and associated control electronics. Ground-mounted systems are freestanding structures that are directly anchored to the ground.

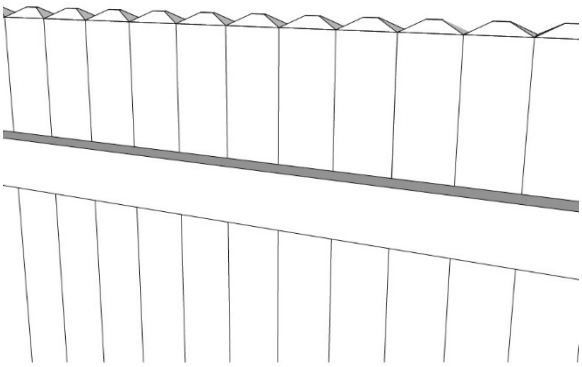
Snipe Sign: A sign affixed, hung, placed, applied, or posted to any tree, utility pole, hydrant, bench, fence, stake, trash receptacle, sidewalk, curb, parkway, street, median, or similar location, located on either public or private property, without the consent of the property owner.

Solar Energy System (Building-Mounted): An energy collection system that converts sunlight into electric or mechanical power for on-site use. Solar energy systems consist of photovoltaic panels or flat plate collectors, mounting devices, and associated control electronics. Building-mounted systems are attached to existing buildings and structures that are constructed for a use other than supporting the solar energy system.

Solar Energy System (Ground-Mounted): An energy collection system that converts sunlight into electric or mechanical power for on-site use. Solar energy systems consist of photovoltaic panels or flat plate collectors, mounting devices, and associated control electronics. Ground-mounted systems are freestanding structures that are directly anchored to the ground.

Solid Fence: A barrier typically constructed of treated wood, simulated wood, PVC, steel, or a combination of materials, that is erected to separate, screen, or enclose an area, which has less than 50 percent open spaces. Refer to Figure 13.02.7 Solid Fence.

Figure 13.02.7 Solid Fence.



Special Use: A use that has unique characteristics inherent in its operation that may be allowed in a zoning district following administrative review and approval.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, or breasts; and human genitals, or any device worn to simulate human genitals, in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal, sexual acts, and fondling or other erotic touching of the body.

Stable – Commercial: The land and structures where horses are bred, raised, boarded, or kept for hire or sale, including training, riding lessons, and for therapy.

Stacking Space: A space designated as a waiting area, or queuing area, for vehicles at a drive-through establishment.

Stairs: A structure made up of a series of steps used to move from one level of a building or structure to another.

Stoop: A structure made up of stairs and a landing used to access a building or structure.

Street Address Sign: A sign that displays the name or address of the occupant.

Structure: Anything constructed or erected that requires location on the ground or must be attached to something located on the ground.

Stealth Design: A technique that reduces the visual impact of a structure by enclosing, camouflaging, screening, or obscuring the structure in relation to the architectural features of a larger building or structure.

Story: The portion of a building included between a floor and the floor above it, or if there is no floor above it, the space between the floor and the ceiling above the floor. A basement is counted as a story for the purpose of measuring building height if more than half of its height is above grade.

Structural Soil: Soil that includes aggregate to support concrete sidewalks and asphalt parking lots while providing nourishment to plant roots.

Subdivision: A portion of land that is divided into two or more lots.

Subdivision and Development Control Regulations: A document that includes standards for the design and inspection of facilities that will be operated and/or maintained by the Village, including, but not limited to rights-of-way, water lines, and sanitary sewer lines.

Swimming Pool: An in-ground or aboveground basin of water constructed for swimming or wading.

T-Frame Sign: A movable sign placed on the ground and constructed in the shape of a "T" or some variation thereof.

Tandem Parking: A parking area consisting of two or more parking spaces placed one behind the other, with the space nearest to the driveway or street serving as the only means of access to the other space.

Temporary Outdoor Entertainment: A live event that is intended to be in place for a limited period of time within an outdoor space. "Temporary Outdoor Entertainment" may include, but is not limited to, animal shows, carnivals, circuses, fireworks shows, live music, outdoor theater, and worship services.

Temporary Outdoor Sale: The temporary outdoor sale and display of merchandise for temporary uses, such as antiques markets, art fairs, craft fairs, holiday sales, pumpkin sales lots, or Christmas tree lots.

Temporary Sign: A sign that is intended to be displayed for a limited period of time.

Temporary Storage Container: A temporary, moveable structure that may be used for the storage of possessions or products prior to being transported to a storage facility, or for collecting waste and other material associated with the construction and renovation of a structure.

Temporary Structure: A structure that is intended to be in place for a limited period of time, which is typically constructed without a foundation.

Temporary Use: A use that is intended to be in place for a limited period of time.

Through Lot: An interior lot having frontage on two generally parallel streets that do not intersect. On a through lot, both lot lines adjacent to the right-of-way are considered front lot lines. See Figure 13.02.3 Lot Types.

Townhouse Dwelling: A building that contains three or more dwelling units where each unit has an individual entrance to the outdoors and each unit is attached horizontally using party walls. “Townhouse Dwelling” does not include “Two-Unit Dwelling” or “Multiple-Unit Dwelling.”

Train Station: A facility used for boarding and alighting passenger trains. Train stations may include platforms, station houses, benches, walkways, signaling equipment, and other structures necessary for passenger rail travel. Train stations do not include facilities for storing or repairing railroad vehicles or equipment, or facilities for loading and unloading freight.

Transitional Treatment Facility: A facility that provides supervision, counseling, and therapy for individuals recovering from addiction that is licensed, certified, or accredited by the appropriate state or federal agencies

Treehouse: An accessory structure supported by one or more trees. “Treehouse” does not include “Recreation Equipment.”

Trellis: A vertical latticework structure used in a garden to support climbing plants.

Two-Unit Dwelling: A building that contains two dwelling units where each unit has an individual entrance to a common stairway, hallway, or to the outdoors. “Two-Unit Dwelling” does not include “ Townhouse Dwelling” or “Multiple-Unit Dwelling.”

Unshielded Lighting: A fixture that allows light to be emitted above a horizontal plane from the lowest point of the fixture that emits light.

Use: The purpose or activity for which a lot, building, or structure is designed, intended, occupied, or maintained.

Utility: The use of land for infrastructure facilities including, but not limited to, services for gas, electricity, water treatment and storage, sewage treatment and storage, telephone, cable television, data, cellular, and fiber-optic cable.

Utility-Scale Solar Energy System: An energy collection system that converts sunlight into electricity for off-site use by utility customers. “Utility-Scale Solar Energy Systems” consist of photovoltaic panels, mounting devices, and associated control electronics to provide electricity to the power grid.

Utility-Scale Wind Energy System: An energy collection system that converts wind energy into electricity for off-site use by utility customers. “Utility-Scale Wind Energy Systems” consist of a turbine, a monopole tower, and associated control electronics to provide electricity to the power grid.

Variation: Authorization granted by the Village to allow development that deviates from the specific regulations of this Ordinance.

Vehicle for Sale Sign: A sign used to sell a new or used vehicle, often placed in the window of the vehicle.

Vehicle Sign: A sign attached to or placed on a vehicle that is prominently visible from the public right-of-way where the primary purpose of the vehicle is to advertise a business, product, or service rather than to be actively used or available for the daily function of the business to which the sign relates. “Vehicle Sign” does not include a vehicle for sale sign advertising a vehicle for lease or sale.

Video Display Sign: A sign that displays a message with text, detailed images, or video using digital screens, LED screens, plasma screens, flat screens, video screens, and holographic displays. "Video Display Sign" does not include "Electronic Message Sign."

Video Gaming Establishment: An establishment licensed, certified, or accredited by the appropriate local and state agencies that provides for the use of video gaming terminals. Video gaming establishment may serve food and beverages in a manner that is incidental to the operation of video terminals. "Video Gaming Establishment" does not include establishments with video gaming terminals that directly dispense coins, cash, or tokens, or that include video gaming for amusement purposes only.

Video Gaming Terminal: Video gaming terminals utilize a video display to play a video game, including, but not limited to, video poker, line up, and blackjack. Video gaming terminals operate by inserting cash to play a game which a player may use to receive free games or credits that can be redeemed for cash.

Village: The Village of Oswego, Illinois.

Village Engineer: The person charged with the responsibility of municipal engineering matters.

Vocational School: A facility that offers instruction in industrial, clerical, commercial, managerial, building trades, or automotive skills. "Vocational School" does not include "Elementary, Middle, or High School" or "College or University."

Wall: A vertical structure, typically constructed of concrete, stone, brick, masonry, or other similar material, that creates a physical barrier for light and air.

Wall Sign: A sign mounted flat against the wall of a building or structure that is typically oriented parallel to the wall to which it is attached.

Warehousing, Storage, or Distribution Facility: An establishment that stores and transports products or equipment, including, but not limited to warehouses, fulfillment centers, moving companies, storage facilities, freight transportation, and truck terminals.

Warning Sign: A sign that communicates a message of warning, danger, or caution, such as "Private Property," "No Trespassing," or "Beware of Dog."

White Roof: A roof that is white or light in color that provides high levels of solar reflectance and reduces the heat absorbed by a building or structure.

Wind-Driven Sign: A sign that directs attention to a business, product, or service using streamers, spinners, propellers, paddle wheels, or other ornamentation designed to move in the wind. "Wind-Driven Signs" do not include "Banner Flag Signs" or "Inflatable Devices."

Window Sign: A sign affixed, hung, placed, applied, or posted on the interior or exterior of a window or door which is intended to be viewed from the exterior of a building.

Wireless Telecommunication Antenna: A structure that may be larger than six cubic feet in volume that is used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. "Wireless Telecommunications Antenna" does not include "Satellite Dish" or "Wireless Telecommunication Small Cell."

Wireless Telecommunication Facility: A structure used to protect the equipment that processes communication, data, or other similar signals in order to facilitate the use of wireless devices.

Wireless Telecommunication Small Cell: A structure that is smaller than six cubic feet in volume that is used to transmit and/or receive communication, data, or other similar signals in order to facilitate the use of wireless devices. “Wireless Telecommunications Small Cell” does not include “Antenna,” “Satellite Dish, “Wireless Telecommunication Antenna.”

Wireless Telecommunication Tower: A structure designed and constructed to support one or more “Wireless Telecommunications Antennas” and all devices attached to it. “Wireless Telecommunication Towers” are typically freestanding and may be of either lattice or monopole construction.

Yard: The area on a lot between the principal structure and the lot line.

Yard Sign: A temporary freestanding sign that is placed in a yard.

Zoning Administrator: The person charged with the responsibility of administering and enforcing the Oswego Unified Development Ordinance.

Zoning District: A designation given to each lot within the Village under which certain development regulations and requirements are consistent.

Zoning Lot: One or more lots located within a block that is under single ownership or management and is designated as a unit of land for development by the owner or manager of such land.

Zoning Map: The map incorporated into this Ordinance, which designates the boundaries of the zoning districts of the Village.