

Chapter 22 - ZONING

ARTICLE I. - IN GENERAL

Sec. 22-1. - Title.

This chapter may be known, cited and referred to as the "Olympia Fields Zoning Ordinance."

(Ord. No. 17, as revised 5-11-81, § 1, 10-11-71)

Sec. 22-2. - Intent and purpose.

This chapter is adopted for the following purposes:

- (1) To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- (2) To divide the village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (3) To protect the character and the stability of the residential, business and manufacturing areas within the village to promote the orderly and beneficial development of such areas;
- (4) To provide adequate light, air, privacy and convenience of access to property;
- (5) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air, and to protect the public health;
- (6) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;
- (7) To fix reasonable standards to which buildings or structures shall conform therein;
- (8) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (9) To prevent additions to, or alteration or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- (10) To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
- (11) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;
- (12) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
- (13) To conserve the taxable value of land and buildings throughout the village;
- (14) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and
- (15) To define and limit the powers and duties of the administrative officers and bodies as provided herein.

(Ord. No. 17, as revised 5-11-81, § 2, 10-11-71)

Sec. 22-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means an action to give up one's rights or interests in property.

Accessory building or use means one which:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (4) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

"Accessory use" includes, but is not limited to, the following:

- (1) A children's playhouse, garden house and private greenhouse;
- (2) A garage, shed or building for domestic storage;
- (3) Fallout shelters;
- (4) Fences;
- (5) Incinerators incidental to residential use;
- (6) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- (7) Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
- (8) Servants' quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his family) of the occupants of the principal dwelling;
- (9) Swimming pool, private, including fencing and lighting as required in subsection 4.3a for use by the occupant of the principal use and his guests;
- (10) Off-street motorcar parking areas, and loading and unloading facilities;
- (11) Signs (other than advertising signs) as permitted and regulated in each district incorporated herein;
- (12) Carports;
- (13) Public utility facilities—telephone, electric, gas, water, and sewer lines, their supports and incidental equipment.

Acreage means any tract or parcel of land having an area of one (1) acre or more which has not heretofore been subdivided or platted.

Alley means a public way, not more than thirty (30) feet wide, which affords only a secondary means of access to abutting property.

Alteration, structural means any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Animal hospital means any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Apartment means a room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

Auditorium means a room, hall or building made a part of a church, theatre, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays and to hear presentations.

Automobile laundry means a building or portion thereof where automobiles are washed with the use of a chain conveyor and blower or steam-cleaning device.

Automobile mini-mart means an automobile service station (as defined herein below) which also sells a variety of food and related items associated with what are commonly known as "convenience stores."

Automobile service station means a place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the servicing of automobiles; but not including major automobile repairs; and including washing of automobiles where no chain conveyor, blower or steam-cleaning device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).

Awning means a rooflike cover, temporary in nature, which projects from the wall of a building and overhangs the public way.

Basement means a story partly or wholly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Block means a tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shoreline of waterways, or corporate boundary lines of municipalities.

Buildable area means the space remaining on a zoning lot after the minimum open space requirements have been complied with.

Building means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, is not considered a building.

Building, completely enclosed means a building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, detached means a building surrounded by open space on the same zoning lot.

Building height means the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck lines of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Building line means the line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

Building, nonconforming means any building which does not conform to the regulations herein prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

Building, principal means a nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

Building setback line means a line parallel to the street line at a distance from it, regulated by the front yard requirements set up herein.

Building, temporary means any building not designed to be permanently located in the place where it is or where it is intended to be placed or affixed.

Bulk means the term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another and includes the following:

- (1) Size and height of buildings;
- (2) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to the building;
- (5) Amount of lot area per dwelling unit;
- (6) Required parking areas.

Bus lot means any lot or land area used for the storage or layover of passenger buses or motor-coaches.

Carport means a roofed-over area attached to the principal building for vehicle storage, which may be open on three (3) sides.

Cash for gold facility means an establishment that purchases, sells, trades or barter jewelry and valuable or precious metals.

Cellar means a story having more than one-half of its height below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Clinic or medical health center means a medical center or medical clinic as an establishment where three (3) or more licensed physicians, surgeons or dentists engage in the practice of medicine or dentistry, operating on a group or individual basis with pooled facilities such as coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may, include a drug prescription counter (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons and dentists.

Club or lodge, private means a nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, county and local laws.

Court, outer means an open, unoccupied space opening onto a street, alley or yard.

Curb level means the level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the curb level shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the curb level.

Day nursery means a building or portion thereof used for the daytime care of preschool age children.

Decibel means a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Dwelling means a building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling unit means one (1) or more rooms in a residential structure which are arranged, designed, used, or intended for use by one (1) family plus not more than four (4) lodgers, for living or sleeping purposes, and which include complete kitchen facilities permanently installed.

Dwelling, attached means a dwelling which is jointed to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling, detached means a dwelling which is entirely surrounded by open space on the same lot.

Dwelling, one-family means a dwelling unit designed exclusively for use and occupancy by one (1) family.

Dwelling, two-family means a building designed or altered to provide dwelling units for occupancy by two (2) families.

Dwelling, multiple-family means a building or portion thereof, designed or altered for occupancy by three (3) or more families living independently of each other.

Dwelling, row (party wall) means a row of two (2) to eight (8) attached one-family, party-wall dwellings, not more than two and one-half (2½) stories in height, nor more than two (2) rooms in depth, measured from the building line.

Dwelling, group means two (2) or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one (1) zoning lot, but not including tourist courts or motels.

Educational institution means a public, parochial, charitable, or nonprofit junior college, college or university, other than trade or business schools, including instructional and recreational areas, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers and employees.

Family means one (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

Financial institution means any bank, savings bank, savings and loan association, credit union, financial or security brokerage service, depository, or similar use, but does not include payday loan stores or establishments, title loan stores or establishments, cash for gold facilities, pawnshops and similar operations.

Floor area, gross. For the purpose of determining floor area ratio the floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two (2) buildings. In particular, "gross floor area" shall include:

- (1) Basement space if at least one-half of the basement story height is above the established curb or ground level;
- (2) Elevator shafts and stairwells at each floor;
- (3) Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half (7½) feet; except equipment, open or enclosed, located on the roof, i.e., bulkheads, water tanks and cooling towers;
- (4) Attic floor space where the structural headroom exceeds seven and one-half (7½) feet;
- (5) Interior balconies and mezzanines;

- (6) Enclosed porches, but not terraces and breezeways;
- (7) Accessory buildings.

Floor area, gross. For determining requirements for off-street parking and off-street loading the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such uses, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor area ratio (F.A.R.) means the total floor area of the building or buildings on the zoning lot divided by the area of such zoning lot, or in the case of a planned development, by the net site area, except that any portion of a principal building devoted to off-street parking shall not be counted as part of the allowable floor area ratio.

Frequency means the number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Frontage means all the property fronting on one (1) side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway, or other similar barrier.

Garage, bus means any building used or intended to be used for the storage of three (3) or more passenger motorbuses, or motor coaches, used in public transportation, including school buses.

Garage, bus or truck means a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding one and one-half (1½) tons capacity.

Garage, private means an accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one-or two-car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed one and one-half (1½) tons.

Garage, public means a building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half (1½) tons capacity.

Golf course means public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto, and consisting of at least sixty (60) acres for each nine-hole course, and twenty-five (25) acres for each nine-hole, "par 3" course.

Grade, street means the elevation of the established street in front of the building, measured at the center of such front. Where no street grade has been established, the village engineer shall establish such street grade or its equivalent for the purposes of this section.

Home occupation means any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The "home occupation" shall be carried on wholly within the principal building or within a building accessory thereto, and only by members of the family occupying the premises. No article shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use. There shall be

no exterior display, no exterior sign except as allowed by the sign regulations for the district in which such "home occupation" is located, no exterior storage of materials, no other exterior indication of the "home occupation," or variation from the residential character of the principal building, and no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced. Offices, clinics, doctors' offices, hospitals, barbershops, beauty parlors, dress shops, millinery shops, tearooms, restaurants, tourist homes, animal hospitals and kennels, among others, shall not be deemed to be home occupations.

Hospital means an institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week, of three (3) or more nonrelated humans suffering from illness, disease, injury, deformity, or other abnormal physical conditions. "Hospital" does not include institutions operating solely for the treatment of insane persons, drug addicts, liquor addicts, or other types of cases necessitating restraint of patients. "Hospital" does not include convalescent, nursing, shelter or boarding homes.

Hotel, apartment means a building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided, but kitchen facilities are not necessarily included.

Hotel, motel, inn or auto court means an establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, restaurants, cocktail lounges and meeting rooms.

Kennel, commercial means any lot or premises or portion thereof on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept or on which more than two (2) such animals are boarded for compensation or kept for sale.

Laboratory, commercial means a place devoted to experimental study such as testing and analyzing. "Commercial laboratory" does not include manufacturing, assembly or packaging of products.

Loading and unloading space or berth, off-street means an open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lot means a parcel of land legally described as a distinct portion or piece of land of record.

Lot of record means an area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

Lot area means the area of a horizontal plane bounded by vertical planes containing the front, side and rear lot lines.

Lot, corner means a lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred and thirty-five (135) degrees or less.

Lot coverage means the area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot depth means the mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot frontage means the front of a lot which shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot line means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot, interior means a lot other than a corner lot or reversed corner lot.

Lot line, front means the front property line of a zoning lot.

Lot line, interior means a side lot line common with another lot.

Lot line, rear means the lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot line, side means lot lines other than front or rear lot lines.

Lot, reversed corner means a corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, through means a lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot.

Lot width means the mean horizontal distance between the side lot lines measured from the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

Manufacture means the making of anything by any agency or process.

Marquee or canopy means a rooflike structure of a permanent nature which projects from the wall of a building and overhangs the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

Motel means an establishment consisting of a group of attached living or sleeping rooms with individual bathrooms and designed for use by transients. Customary services such as maid service, telephone, linen and desk service, and the use and upkeep of furniture, are provided.

Nameplate means a sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

Nonconforming building means a building or structure, or portion thereof, designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming use means any building, structure or land lawfully occupied by a use which does not conform with the use regulations in this chapter.

Noxious matter means matter which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

Nursery school means an institution providing day care service for children from four (4) to six (6) years of age.

Nursing home or rest home means a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

Obstruction means an obstacle, impediment or hindrance.

Octave band means a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Octave band filter means an electrical frequency analyzer, designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals. (*American Standards for Sound Level Meters*, ASA No. 244.3-1044).

Open sales lot means any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft and monuments, and for the storing of same prior to sale.

Parking area, private means an open, hardsurfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking area, public means an open, hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1½) tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking space, automobile means space within a public or private parking area of not less than nine (9) feet by twenty (20) feet, exclusive of access drives, aisles, ramps, columns or office or work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons capacity.

Particulate matter means material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid atmospheric pressure and temperature.

Pawn shop means an establishment engaged in: (1) the purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price or negotiated price; (2) the purchase of personal property either from an individual or another pawn business with an expressed intent of offering the property for resale, including "cash for gold" and similar operations; or (3) the lending of money upon person property, goods, wares or merchandise pledged, stored or deposited as collateral security.

Payday loan store or establishment means any business that: (1) accepts one (1) or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one (1) or more checks dated subsequent to the date written and agrees to hold them for deposit; (2) accepts one (1) or more authorizations to debit a consumer's bank account; (3) accepts interest in a consumer's wages, including, but not limited to, a wage assignment; or (4) provides "installment payday loans" that has a term agreed by the parties of not less than one hundred twelve (112) days and not exceeding one hundred eighty (180) days, and as otherwise defined in 815 ILCS 122/2-5.

Performance standard means a criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire, explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Planned development or planned unit development means a tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings.

Porch means a roofed-over structure, projecting out from the walls of a main structure, and commonly open to the weather in part.

Principal use means the main use of land or buildings as distinguished from a subordinate or accessory use.

Public open space means any publicly-owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

Public utility means any person duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, transportation or water.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for tract operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

Restaurant means any land, building, or part thereof, other than a boardinghouse, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

Ringelmann number means the number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Sign, gross surface area of means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural or framing elements laying outside the limits of such sign and not forming an integral part of the display.

Sign, identification means a structure, building wall or other outdoor surface used to display and identify the name of the individual, business, profession, organization or institution occupying the premises upon which it is located.

Smoke units means the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

Sound level meter means an instrument standardized by the American Standards Association for measurement of intensity of sound.

Stable, livery means any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn livery, or both.

Stable, private means any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

Stacking requirements means the number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

Story means that portion of a building included between the surface of the floor above it, or if there is no floor above, the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, half means that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half (4) feet above the finished floor of each story. In the case of one-family dwellings, two-family dwellings, and multiple-family dwellings less than three (3) stories in height, a half-story in a sloping roof shall not be counted as a story.

Street means a public way other than an alley, which affords a primary means of access to abutting property.

Street line means a line separating a lot, piece or parcel of land from a street.

Structure means anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or freestanding wall. A sign, billboard, or other advertising medium, detached or projecting shall be construed to be a structure.

Title loan store or establishment means an establishment that is engaged in the business of making loans upon which the borrower provides, as security for the loan, the borrower's title to a motor vehicle and upon which the establishment may charge, contract for and receive interest thereon, at a rate agreed upon by the borrower and the establishment.

Tourist courts, motor lodges, motels means a group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges, or other similar type uses.

Tourist home means a dwelling in which accommodations are provided or offered for transient guests.

Toxic material means a substance (liquid, solid or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

Use means the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Wireless communication facility means any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

Wireless communications means any personal wireless service as defined in the Telecommunications Act of 1996, and as amended from time to time, which includes but is not limited to Federal Communications Commission ("FCC") licensed commercial wireless telecommunications services including cellular, personal communications services ("PCS"), specialized mobile radio ("SMR"), enhanced specialized mobile radio ("ESMR"), paging and similar services that currently exist.

Yard means an open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, front means a yard extending along the full length of the front lot line between the side lot lines.

Yard, rear means a yard extending along the full length of the rear lot line between the side lot lines.

Yard, side means a yard extending along a side lot line from the front yard to the rear yard.

Zoning administrator means the zoning administrator appointed by the president and board of trustees and such deputies or assistants as have been or shall be duly appointed.

Zoning lot means a single tract of land located within a single block which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Zoning maps means the maps incorporated herein as a part hereof designating zoning districts.

(Ord. No. 17, as revised 5-11-81, § 3, 10-11-71; Ord. No. 92-1, § 3, 3-24-92; Ord. No. 2000-17, § 1, 6-12-00; Ord. No. 2009-21, § 1, 1-25-10; Ord. No. 2013-12, § 3, 6-12-13)

Sec. 22-4. - Interpretation.

This chapter is the minimum requirements for the promotion of health, safety, morals, convenience and the general welfare.

(Ord. No. 17, as revised 5-11-81, § 11.2, 10-11-71)

Sec. 22-5. - Compliance.

- (a) Except as may otherwise be provided in article II, division 2 of this chapter, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings, and all enlargements of or additions to existing uses shall be subject to all regulations which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- (b) Any lawfully established building, structure or use, existing as of October 11, 1971, may be continued, even though such building, structure or use does not conform to the provisions for the district in which it is located, and whenever a district is changed thereafter, the then existing lawful use may be continued, subject to the provisions of article II, division 2 of this chapter.
- (c) No building, structure or land shall be used or occupied and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations

specified for the district in which it is located.

- (d) All new buildings and structures shall conform to the building regulations established for the district in which each building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the Village of Olympia Fields.

(Ord. No. 17, as revised 5-11-81, §§ 4.1, 4.2, 10-11-71)

Sec. 22-6. - Penalty.

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 17, as revised 5-11-81, § 13, 10-11-71)

Secs. 22-7—22-20. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 22-21. - Enforcing officer.

The building commissioner is designated as the zoning administrator. He shall enforce the provisions of this chapter.

(Ord. No. 17, as revised 5-11-81, § 11.1, 10-11-71)

Sec. 22-22. - Functions of plan commission.

The plan commission shall:

- (1) Hear and report findings and recommendations to the president and board of trustees on all applications for amendments and special use permits in the manner prescribed by standards and other regulations set forth herein.
- (2) Initiate, direct and review, from time to time, studies of the provisions of the ordinance, and make reports of its recommendations to the president and board of trustees not less frequently than once each year.
- (3) Hear and decide all matters upon which it is required to pass under this chapter.

(Ord. No. 17, as revised 5-11-81, § 12, 10-11-71)

Sec. 22-23. - Zoning permit.

- (a) No building or structure shall be erected, reconstructed, enlarged or moved until a zoning permit shall have been applied for in writing and issued by the zoning administrator. The permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.
- (b) Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all respects to the provisions of this chapter.

- (c) Every application for a zoning permit submitted to the zoning administrator shall be accompanied by a site plan, draw showing the lot and the building site and the location of existing buildings on the lot, accurate dimensions of the lots, building or buildings together with locations and uses with such other information as may be necessary to the enforce this chapter.

(Ord. No. 17, as revised 5-11-81, § 11.2, 10-11-71)

Sec. 22-24. - Certificate of occupancy.

- (a) A certificate of occupancy to be issued by the zoning administrator shall be required for any of the following, except buildings incidental to agricultural operations other than residences:
- (1) Occupancy and use of a building erected or enlarged.
 - (2) Change in use of an existing building.
 - (3) Occupancy and use of vacant land except for the raising of crops.
 - (4) Change in the use of land to a use of a different classification except for the raising of crops.
 - (5) Any change in the use of nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued.

- (b) Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the zoning permit for such building. Said certificate shall be acted upon within three (3) days after a written request for the same has been made to the zoning administrator after the erection or enlargement of such building or part thereof has been completed in conformance with the provisions of this chapter.
- (c) Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the zoning administrator for a period of not more than six (6) months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate may be renewed, but it shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the village relating to the use or occupancy of the land or building, or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- (d) Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the zoning administrator.
- (e) If the proposed use is in conformity with the provisions of this chapter, the certificate of occupancy therefor shall be issued within three (3) days after the application for the same has been made.
- (f) Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this chapter.
- (g) A record of all certificates of occupancy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

(Ord. No. 17, as revised 5-11-81, § 11.3, 10-11-71)

Secs. 22-25—22-35. - Reserved.

DIVISION 2. - NONCONFORMING USES AND STRUCTURES

Sec. 22-36. - Continuance of use.

- (a) Any lawfully-established use of a building or land that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided.
- (b) Any legal nonconforming building or structure may be continued in use provided there are no physical changes other than necessary maintenance and repair, except as otherwise permitted.
- (c) Any building for which a permit has been lawfully granted may be completed in accordance with the approved plans; provided construction is started within ninety (90) days and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully-established building.

(Ord. No. 17, as revised 5-11-81, § 5.1, 10-11-71)

Sec. 22-37. - Discontinuance of use.

- (a) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.
- (b) Whenever a nonconforming use of a building or structure or part thereof has been discontinued for a period of twelve (12) consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.
- (c) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment and shall not thereafter be used in a nonconforming manner.
- (d) A nonconforming use not authorized by the provisions of the Olympia Fields Zoning Ordinance in effect on October 11, 1971 shall be discontinued.

(Ord. No. 17, as revised 5-11-81, § 5.2, 10-11-71)

Sec. 22-38. - Termination and removal.

- (a) The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain shall be limited from October 11, 1971, or the effective date of or any amendment to this chapter which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the period of time specified below:
 - (1) Any nonconforming use of a building or structure having an assessed valuation not in excess of five hundred dollars (\$500.00) shall be removed after two (2) years.
 - (2) All nonconforming advertising devices, such as pennants, flags, movable signs, or portable outdoor displays, in any business district shall be removed after two (2) years.
 - (3) Any nonconforming signs and any and all billboards and outdoor advertising structures shall be removed after ten (10) years.
 - (4) Any nonconforming use of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building, shall be removed after a period of two (2) years.
 - (5) Any nonconforming house trailers shall be removed after a period of ten (10) years.
 - (6) In all residence districts, any use lawfully existing at the adoption of this comprehensive amendment, but permitted only in the B-2, B-3 and B-4 Districts or the manufacturing districts, and which use is located in a building, all or substantially all of which is designed or intended for a residential purpose or for a residential

accessory purpose, shall be entirely discontinued and shall thereafter cease operation in accordance with the following amortization schedule:

- a. Uses permitted in the B-2, B-3 and B-4 districts, October 11, 1986.
- b. Uses permitted only in the manufacturing districts, October 11, 1979.

(Ord. No. 17, as revised 5-11-81, § 5.3, 10-11-71)

Sec. 22-39. - Repairs and alterations.

- (a) Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- (b) No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 - (1) When the alteration is required by law.
 - (2) When the alteration will actually result in elimination of the nonconforming use.
 - (3) When a building in a residence district containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. No. 17, as revised 5-11-81, § 5.4, 10-11-71)

Sec. 22-40. - Damage and destruction.

- (a) If a building or other structure (excluding single residential dwelling) containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at that time, the owner of the building or structure shall be authorized to rebuild or use the building or structure thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty (50) percent of its replacement value, based upon prevailing cost, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction and diligently prosecuted to completion.
- (b) If a nonconforming building or structure that is lawfully used as a single residential dwelling is totally or partially damaged or destroyed by any means, the owner of the building or structure shall be authorized to rebuild the building or structure to its original size or larger even if the original building or structure did not or the rebuilt building or structure does not comply with minimum square footage requirements set forth in the zoning ordinance. The owner shall not be authorized to rebuild the building or structure any smaller than the size of the original building or structure.

(Ord. No. 17, as revised 5-11-81, § 5.5, 10-11-71; Ord. No. 2000-18, § 1, 6-12-00)

Sec. 22-41. - Additions and enlargements.

- (a) A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and is made to conform to all the regulations of the district in which it is located, except as provided in section 22-42.
- (b) No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use, except as provided in section 22-42.
- (c) No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space, or

any land beyond the boundaries of the zoning lot as it existed on October 11, 1971, or to displace any conforming use in the same building or on the same parcel of land, except as provided in section 22-42.

- (d) A building or structure which is nonconforming with respect to yards, floor area ratio, or any other element of bulk, shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located, except as provided in section 22-42.

(Ord. No. 17, as revised 5-11-81, § 5.6, 10-11-71)

Sec. 22-42. - Exempted buildings, structures and uses.

- (a) Wherever a lawfully existing building or other structure otherwise conforms to the use regulations of the district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of sections 22-38 and 22-39.
- (1) In any residence district where a dwelling is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way so as to increase the number of dwelling units therein.
 - (2) In any residence district where a use permitted in the B-1 District occupies ground floor space within a multiple-family dwelling located on a corner lot.
 - (3) In any business or manufacturing district, where the use is less distant from a residence district than that specified in the regulations for the district in which it is located.
 - (4) In any district where an established building, structure or use is nonconforming with respect to the standards prescribed herein for any of the following:
 - a. Floor area ratio;
 - b. Lot area per dwelling unit;
 - c. Yards—front, side, rear or transitional;
 - d. Off-street parking and loading;
 - e. Lot area;
 - f. Building height;
 - g. Gross floor area.
- (b) Wherever a lawfully existing building or structure conforms to the use regulations of the district in which it is located but the building or structure does not comply with the minimum square footage requirements applicable to that district, the building or structure shall be exempt from the requirements of sections 22-38, 22-39, and 22-41 (including subsection (d)). The owner of such building or structure shall be authorized to continue to maintain the existing size of the nonconforming building or structure and shall be authorized to expand the building or structure even if the expansion does not bring the building or structure in compliance with the minimum square footage requirements applicable to that district. The expansion shall comply with all other applicable bulk regulations.

(Ord. No. 17, as revised 5-11-81, § 5.7, 10-11-71; Ord. No. 2000-18, § 2, 6-12-00)

Secs. 22-43—22-55. - Reserved.

DIVISION 3. - ZONING BOARD OF APPEALS

Sec. 22-56. - Established.

There is hereby established a zoning board of appeals.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71)

Sec. 22-57. - Membership.

The zoning board of appeals shall consist of seven (7) members appointed by the president with the advice and consent of the board of trustees of the Village of Olympia Fields, Illinois. One (1) of the members of this board shall be a trustee of the village board and shall be appointed for a term which expires on April 30th of each and every year thereafter. The remaining or other members of the zoning board of appeals shall serve for terms of three (3) years each subject to the following conditions:

- (1) Two (2) members shall be appointed to serve until April 30, 1990. Upon either their reappointment or replacement, those terms shall expire on April 30th every three (3) years thereafter.
- (2) Two (2) members shall be appointed to a term initially expiring on April 30, 1991. Upon either their reappointment or replacement, those terms shall expire on April 30th every three (3) years thereafter.
- (3) Two (2) members shall be appointed for terms to expire on April 30, 1992. Upon their reappointment or replacement those terms shall thereafter expire on April 30th every three (3) years thereafter.

Vacancies shall be filled by the president of the Board with the advice and consent of the board of trustees. Members may be removed by the board of trustees for cause after written charges have been filed with the board and after a public hearing has been held thereon if demanded by the member so charged.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71; Ord. No. 89-17, § 1, 9-11-89; Ord. No. 90-1, § 1, 2-26-90)

Sec. 22-58. - Officers and meetings.

- (a) One (1) member of the zoning board of appeals shall be appointed chairman of the zoning board of appeals by the president of the board of trustees who is appointed to the zoning board of appeals and shall hold the office as chairman until a successor is appointed. Such chairman, or in his absence an acting chairman as chosen from and by the membership of the zoning board of appeals, may administer oaths and compel the attendance of witnesses by the issuances of subpoenas therefor.
- (b) The zoning board of appeals shall have a secretary and may employ a court reporter who shall make and keep a record of all of its meetings and official acts.
- (c) The zoning administrator shall attend all meetings called by the zoning board.
- (d) All meetings of the zoning board of appeals shall be held at the call of the chairman and at such other times as the zoning board of appeals may determine. There shall be at least fifteen (15) days, but not more than thirty (30) days' notice of the time and place of a meeting published when a variation is to be considered in a paper of general circulation in the village. The notice shall contain a statement of the particular purpose of such meeting and a brief description of the location of the property or properties under consideration at such meeting.
- (e) The zoning board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Findings of fact shall be included in the minutes of each case and the reasons for granting or denying each application shall be specified. Every rule, regulation and every order, requirement, decision or determination of the zoning board of appeals shall immediately be filed in the office of the secretary and shall be public record.
- (f) All meetings of the zoning board of appeals shall be open to the public.
- (g) The minutes of the zoning board of appeals shall be open to public examination at reasonable hours.
- (h) The zoning board of appeals shall adopt its own rules of procedure and may require submission of such records, plats and other information necessary to make its determinations. A copy of the rules and procedures, and all recommendations thereto, shall be filed in the office of the secretary.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71; Ord. No. 89-17, § 2, 9-11-89; Ord. No. 90-1, § 2, 2-26-90)

Sec. 22-59. - Functions.

The zoning board of appeals is vested with the following jurisdiction and authority:

- (1) To hear and decide appeals from any order, requirement, decision or determination made by the zoning officer under this chapter.
- (2) To hear and pass upon applications for variations from the terms provided in this chapter in the manner prescribed by, and subject to, the standards established herein.
- (3) To hear and decide all matters referred to it or upon which it is required to pass under this chapter as prescribed by statute.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71)

Sec. 22-60. - Expenses.

Expenses incurred by the zoning board of appeals are to be itemized and shall be borne by the village.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71)

Sec. 22-61. - Finality of decisions.

All decisions and findings of the zoning board of appeals, on appeal or upon application for a variation after a hearing shall, in all instances be reported to the board of trustees for final decision.

(Ord. No. 17, as revised 5-11-81, § 11.4, 10-11-71)

Secs. 22-62—22-75. - Reserved.

DIVISION 4. - VARIANCES

Sec. 22-76. - Purpose.

The zoning board of appeals, after a public hearing, may determine and vary the regulations of this chapter in harmony with its general purpose and intent, only in the specific instances herein after set forth, where the board of appeals makes findings of fact in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

(Ord. No. 17, as revised 5-11-81, § 11.5, 10-11-71)

Sec. 22-77. - Application and notice of hearing.

An application for a variation shall be filed in writing with the zoning administrator and shall be accompanied by a fee in the amount established by ordinance. The application shall contain such information as the zoning board of appeals may from time to time, by rule, require. Variations other than those authorized by section 15.4 on which the zoning board of appeals may act, shall be submitted to the zoning board of appeals and acted on in the following manner:

- (1) The zoning board of appeals shall publish notice of a public hearing on such application for variation, stating the time and place and the purpose of the hearing. Notice shall be published at least fifteen (15) days but not

more than thirty (30) days in a paper of general circulation in the village. Notice of the public hearing may be mailed to the petitioner and the owners of all property deemed by the zoning board of appeals to be affected thereby.

- (2) The zoning board of appeals shall within twenty (20) days after the public hearing or hearings, make its recommendations to the board of trustees in writing. The board of trustees shall then act upon such petition for variation within a reasonable time.

(Ord. No. 17, as revised 5-11-81, § 11.5, 10-11-71)

Cross reference— Fee, § 9-26.

Sec. 22-78. - Required vote.

The concurring vote of four (4) members of the zoning board of appeals is necessary to grant a variance.

(Ord. No. 17, as revised 5-11-81, § 11.5, 10-11-7 1)

Sec. 22-79. - Standards.

- (a) The zoning board of appeals shall not vary the regulations of this chapter, nor recommend to the board of trustees variation of this chapter, unless it shall make findings based upon the evidence presented to it in each specific case that the standards for hardships set forth in the Illinois Municipal Code are complied with and the following:
 - (1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
 - (2) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally to other property within the same zoning classification;
 - (3) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property;
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (5) The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (b) The zoning board of appeals may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards established in this section, to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of this chapter.

(Ord. No. 17, as revised 5-11-81, § 11.5, 10-11-71)

Sec. 22-80. - Scope of variations.

Variations from this chapter shall be granted by the zoning board of appeals only in accordance with the standards established in section 22-79 above, and may be granted only in the following instances and in no others:

- (1) To permit any yard or setback less than the yard or setback required by the applicable regulations, but by not more than twenty-five (25) percent.
- (2) To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or width of

the lot or lots but in no event shall the respective area and width of the lot or lots be less than ninety (90) percent of the required area and width. The percentage set forth in this paragraph is not to be reduced by any other percentage for minimum lot width and area set forth in this chapter.

- (3) To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.
- (4) To reduce the applicable off-street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the applicable regulations, whichever number is greater.
- (5) To increase by not more than twenty-five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served.
- (6) To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the applicable regulations.
- (7) To exceed any of the authorized variations allowed under this section, when a lot of record or a zoning lot, vacant or legally used on October 11, 1974, is by reason of the exercise of the right of eminent domain by any authorized governmental body or by reason of a conveyance under threat of an eminent domain proceeding reduced in size so that the remainder of the lot of record or zoning lot or structure on such lot does not conform with one (1) or more of the regulations of the district in which the lot of record or zoning lot or structure is located.

Variations other than those listed above may be granted by the board of trustees, but only after a public hearing by the board of trustees following the same procedure as for an authorized variation.

(Ord. No. 17, as revised 5-11-81, § 11.5, 10-11-71; Ord. No. 94-4, § 2, 2-28-94)

Secs. 22-81—22-90. - Reserved.

DIVISION 5. - SPECIAL USES

Sec. 22-91. - Uses permitted.

The following special uses may be granted by the board of trustees by ordinance after a public hearing and with prior notice:

- (1) Auditorium, stadium, arena, armory, gymnasium and other similar places for public events, in any commercial or industrial district.
- (2) Railroad passenger station, or any other public transportation terminal facilities, in any commercial or industrial use district.
- (3) General hospital, clinic or medical center, in any use district.
- (4) Golf course, public or private, in any use district.
- (5) Municipal-or privately-owned recreation building or community center, when not operated for pecuniary profit, in any use district.
- (6) Off-street parking areas, noncommercial, in any residential district; provided there is a need for this facility and that no appropriate site is available in nearby commercial or industrial districts.
- (7) Police station or fire station, in any use district.
- (8) Public buildings including art gallery, post office, library, museum or similar structures in any use district.
- (9) Public or private park or playground, in any use district.

- (10) Outdoor satellite television or electronic television signal receiving device, in any district, if not in compliance with division 1 of this chapter.
- (11) Public telephone booth, not installed in a building or structure but standing in the open for the general use of the public may be permitted in any use district. The installation may be less than the required distance from the centerline of public or private right-of-way, provided, however, that if such booth is installed near an intersection, of two (2) streets or rights-of-way, the minimum setback from one (1) of such intersecting right-of-way lines shall be twenty (20) feet, and provided also that no part of any such booth shall be permitted or, any such right-of-way.
- (12) Public utility facilities, i.e., filtration plant, water reservoir or pumping station, heat or power plant, transformer station and other similar facilities, in any use district other than the commercial or industrial districts where such facilities are permissive uses.
- (13) Establishment that houses five (5) or more coin-operated amusement devices, as defined in section 12-91, in any one (1) location, building or structure, in any business district.
- (14) Railroad right-of-way, in any use district.
- (15) Schools, elementary, high and college, public or private, in any residential district, but not including trade or commercial schools operated for profit, which must be in any commercial or industrial district.
- (16) Financial institutions, the activities of which shall be defined by the charters creating the institutions, by the applicable federal and state laws governing such institutions, and by all administrative regulations governing such institutions, and in the absence of any such definitive standards by activities specifically prescribed by the board of trustees, in any use district.
- (17) Commercial establishment that is open twenty-four (24) hours per day.
- (18) Commercial establishment incorporating a drive-thru operation for pick up or delivery of any item.
- (19) Commercial establishment using any kind of external speaker system to communicate with customers or employees.
- (20) Commercial establishment having only one employee on the premises of the establishment after 10:00 p.m. and before 6:00 a.m.
- (21) Commercial establishment having greater than twenty-five thousand (25,000) square feet of floor space.
- (22) Commercial establishment commonly known as a convenience store wherein a variety of items is sold.
- (23) Automobile service stations.
- (24) Automobile mini-marts.
- (25) Car washes accessory to an approved automobile service station or automobile mini-mart.
- (26) Wireless telecommunication facility in any use district, as provided in division 9, "Wireless Telecommunication Facilities" of this Zoning Ordinance.
- (27) Planned unit development in a B-2 general retail and limited service district.

(Ord. No. 17-R, § 1, 8-10-81; Ord. No. 109, § IX, 11.8-82; Ord. No. 118, Art. I, § 2, 1-14-85; Ord. No. 98-3, § 1, 4-27-98; Ord. No. 2000-17, § 2, 6-12-00; Ord. No. 2000-30, § 1, 11-14-00; Ord. No. 2009-21, § 2, 1-25-10; Ord. No. 2014-21, § 1, 5-27-14; Ord. No. 2017-19, § 2, 7-11-17)

Sec. 22-92. - Application, investigation, etc.

- (a) Any person owning or having an interest in the subject property may file an application to use such land for one (1) or more of the special uses provided for the zoning district in which land is situated.
- (b) An application for special use or expansion of a special use shall be filed with the village clerk and shall be accompanied by such plans or data as prescribed by the plan commission from time to time. The required fee shall

be paid.

- (c) Upon receipt of the application referred to above, the plan commission shall hold at least one (1) public hearing. At least fifteen (15) days in advance of such hearing, but not more than thirty (30) days' notice of the time, place and purpose of such hearing shall be published in a newspaper of general circulation in the village.
- (d) For each application for a special use, the plan commission shall report to the board of trustees its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The board of trustees may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty (20) percent of the frontage adjacent thereto, or across an alley, or directly opposite therefrom, such special use shall not be granted except by a favorable vote of two-thirds of all the members of the board of trustees.
- (e) Any property subject to a planned unit development approved prior to the effective date of the ordinance adding subsections (17) through (22) [April 22, 1998] to section 22-91 shall be subject to that ordinance, and the owner of property subject to a planned unit development shall be required to submit to the special use procedure set forth in this division if a use classified as a special use is proposed for the planned unit development.

(Ord. No. 17-R, § 2, 8-10-81; Ord. No. 98-3, § 2, 4-27-98)

Cross reference— Fees, § 9-26.

Sec. 22-93. - Plan commission standards.

No special use shall be recommended by the plan commission unless the plan commission shall find:

- (1) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishments of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendations of the plan commission.

(Ord. No. 17-R, § 3, 8-10-81)

Sec. 22-94. - Conditions and guarantees.

Prior to granting any special use, the plan commission may recommend, and the board of trustees shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements

specified herein, or as may be from time to time required. In all cases in which special uses are granted, the board of trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

(Ord. No. 17-R, § 4, 8-10-81)

Sec. 22-95. - Reserved.

Editor's note— Ord. No. 91-12, § 1, adopted Nov. 11, 1991, amended the Code by deleting provisions contained in § 22-95. Said provisions pertained to satellite television or electronic receiving devices and derived from Ord. No. 118, Art. I, § 2, adopted Jan. 14, 1985.

Sec. 22-96. - Effect of denial.

No application for a special use which has been denied wholly or in part by the board of trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the plan commission and the board of trustees.

(Ord. No. 17-R, § 5, 8-10-81)

Secs. 22-97—22-105. - Reserved.

DIVISION 6. - AMENDMENTS

Sec. 22-106. - Initiation.

Amendments may be proposed by the president or the board of trustees, the plan commission, the zoning board of appeals, or any property owner.

(Ord. No. 17, as revised 5-11-81, § 12.3, 10-11-71)

Sec. 22-107. - Processing application.

- (a) An application for an amendment shall be filed with the village clerk. The application shall be accompanied by such plans or data, and such other information, as specified by the plan commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed amendments will conform to the standards set forth herein. Copies of such application shall be forwarded by the board of trustees to the plan commission with the request to hold a public hearing.
- (b) The plan commission shall give notices of the public hearings to the applicant and to the owners or occupants of other properties which may be affected as determined by the plan commission.
- (c) All notices shall be in writing and shall give the time, place and purpose of such hearing and shall be mailed not more than thirty (30) days, nor less than fifteen (15) days, in advance of such hearing. The notice shall be sent by certified mail, properly addressed as shown on the tax assessor's rolls and with sufficient postage affixed thereon, with return receipt requested.
- (d) The zoning administrator shall cause a notice of time, place and purpose of such hearing to be published in a newspaper of general circulation within the village not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing.
- (e) Upon receipt in proper form of the application and statement referred to above, the plan commission shall hold at

least one (1) public hearing on the proposed amendment. However, the plan commission may continue from time to time the hearing without further notice being published.

- (f) A fee in the amount established by ordinance shall accompany the application.

(Ord. No. 17, as revised 5-11-81, § 12.4, 10-11-71)

Cross reference— Fees, § 9-26.

Sec. 22-108. - Findings of fact and recommendation of plan commission.

Within forty-five (45) days after the close of the hearing on a proposed amendment, the plan commission shall make written findings of fact and shall submit same, together with its recommendations to the president and board of trustees. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (1) Existing uses of property within the general area of the property in question.
- (2) The zoning classification of property within the general area of the property in question.
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification.
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

(Ord. No. 17, as revised 5-11-81, § 12.4, 10-11-71)

Sec. 22-109. - Decisions.

- (a) The plan commission may hear a request for any change in zoning and may recommend a zoning classification more restrictive than that requested.
- (b) A concurring vote of a majority of those members present at the meeting with a minimum of three (3) concurring votes shall be required to recommend granting or denying an application for an amendment. Report to the board of trustees shall contain number present and number of votes for or against the motion.
- (c) The president and board of trustees, upon receiving the recommendations of the plan commission, may grant or deny any proposed amendment in accordance with applicable law, or may refer to the plan commission for further consideration. If an application for a proposed amendment is not acted upon finally by the board of trustees within six (6) months of the date upon which such application is received by the president and board of trustees, it shall be deemed to have been denied.

(Ord. No. 17, as revised 5-11-81, § 12.5, 10-11-71)

Secs. 22-110—22-125. - Reserved.

ARTICLE III. - ZONING DISTRICTS AND ZONING MAPS

Sec. 22-126. - Created; area.

For the purpose and provisions herein, Olympia Fields is hereby organized into the following districts. Except in existing nonconforming areas and proposed annexed areas and planned unit developments in the minimum area that may constitute a separate or detached part of any zoning district shall be as follows:

R-1 One-Family Residence District, minimum area ten (10) acres.

R-2 One-Family Residence District, minimum area ten (10) acres.

R-3 General Residence District, minimum area one (1) acre.

B1-1 Neighborhood Business District, minimum area twenty thousand (20,000) square feet.

B2-1 General Retail and Limited Service District, minimum area twenty thousand (20,000) square feet

B-3 Commercial Service and Wholesale District, minimum area one (1) acre.

B-4 Office and Research District, minimum area one (1) acre.

M-1 Limited Manufacturing District, minimum area five (5) acres.

MD-1 Medical District.

TOD Transit Oriented Development District.

(Ord. No. 17, as revised 5-11-81, § 6.1, 10-11-71; Ord. No. 2018-18, § 2, 9-10-18)

Sec. 22-127. - Maps adopted.

The boundaries of the zoning districts designated in subsection 6.1 are hereby established as shown on the maps entitled "Official Zoning Map of Olympia Fields, Illinois," revised March 15, 1984, which maps are made a part of this chapter and shall have the same force and effect as if the zoning map, together with all notations, references and other information shown thereon were fully set forth in this chapter.

(Ord. No. 17, as revised 5-11-81, § 6.2, 10-11-71)

State Law reference— Adoption by reference, Ill. Rev. Stat. Ch. 24, ¶ 1-3-1 et seq.

Sec. 22-128. - District boundaries.

When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules shall apply:

- (1) District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended, unless otherwise indicated.
- (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the maps from section, quarter section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise indicated.
- (3) Where a lot held in one (1) ownership and of record on the effective date of the ordinance from which this chapter derives is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.

(Ord. No. 17, as revised 5-11-81, § 6.2, 10-11-71)

Sec. 22-129. - Zoning of streets, alleys, public ways, waterways and railroad rights-of-way.

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways or waterways and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a distinct boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

(Ord. No. 17, as revised 5-11-81, § 6.2, 10-11-71)

Sec. 22-130. - Zoning of annexed land.

- (a) Any area heretofore annexed to the village shall upon such annexation be automatically zoned R-1 One-Family Residence District unless the property has been otherwise zoned after a preannexation zoning hearing as provided in subsection (b).
- (b) Any property owner desiring annexation to the village contingent on a zoning classification other than R-1 Residence District shall submit an annexation petition to the board of trustees conditioning such annexation on obtaining the stipulated zoning. Upon payment of the fee for zoning hearing by the property owner, the board of trustees shall refer the petition to the plan commission for a zoning hearing. Thereafter the same procedure shall be followed as in other zoning hearings requesting a change in zoning district. If the board of trustees does not approve the stipulated zoning, the owner may withdraw the petition to annex, but shall not receive a refund of any fees paid to the village.

(Ord. No. 17, as revised 5-11-81, § 6.3, 10-11-71)

Secs. 22-131—22-145. - Reserved.

ARTICLE IV. - PLANNED UNIT DEVELOPMENTS

Sec. 22-146. - Generally.

- (a) The basic provisions and requirements concerning planned unit development are the subdivision, development or use of land containing ten (10) acres as an integral unit containing more than one (1) principal building and which may provide for single-family residential, multi-family residential, educational, business, commercial and industrial uses; and recreational, park and common use areas. A unit need not include all of the above set-out uses.
- (b) To establish a planned unit development, the procedures, requirements, restrictions, standards, and conditions in this article shall be followed.
- (c) The planned unit development may be excepted from the provisions of chapter 19 and of this chapter to the extent specified in the final authorization of the planned unit development.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-147. - Procedures—Preliminary conference.

- (a) The applicant for a planned unit development shall request the board of trustees, by letter addressed to the village clerk, to call a conference of the board of trustees and the plan commission for a preliminary discussion of the proposed planned unit development, and the board of trustees shall call such conference, which may be continued from time to time. The applicant shall present such exhibits and written information as may be necessary to fully acquaint the board of trustees with the proposed development which shall include, but not necessarily be limited to the following:

- (1) A tentative sketch plan, which may be in freehand sketch form, showing the location and extent of the types of land proposed.
- (2) The existing topography at five-foot contour intervals which may be taken from U.S.G.S. information.
- (3) Existing streets surrounding the subject property.
- (4) Existing utilities including storm drainage facilities.
- (5) The following by either graphic exhibits or written statement:
 - a. The density of residential uses and the number of dwelling units by type.
 - b. The ancillary and nonresidential uses to be provided in a residential planned unit development.
 - c. The off-street parking and other service facilities proposed.
 - d. The exceptions or variations to the village zoning or subdivision requirements being requested as part of the planned unit development application.
- (b) Within thirty (30) days after adjournment of the conference, the plan commission shall submit to the board of trustees its report in writing containing recommendations.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-148. - Same—Formal petition.

- (a) The formal petition for a planned unit development shall be addressed to the board of trustees and shall be filed with the village clerk. Fifteen (15) copies of the petition shall be filed with the village clerk. Attached to each copy shall be copies of the supporting documents and exhibits hereinafter provided for.
- (b) A filing fee in an amount established by ordinance shall be paid to the village clerk at the time of such filing.

Cross reference— Fee, § 9-26.

- (c) The board of trustees shall refer the application to the plan commission which shall set a hearing date which shall be not less than thirty (30) nor more than sixty (60) days after the filing of the petition. The petitioner shall cause notice of the hearing to be published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing date in one (1) or more newspapers of general circulation in the village.
- (d) The village clerk shall forward a copy of the petition to the president and to each member of the board of trustees and of the plan commission.
- (e) The petition shall be heard by the plan commission and its report to the board of trustees of its findings and recommendations shall be in writing and accompanied by such plats, exhibits and agreements as shall have been presented by the petitioner, each identified for reference by letter or number, together with any suggested changes therein.
- (f) The board of trustees may establish a planned unit development which shall be by specific ordinance and which shall contain or to which shall be appended all terms and conditions of the grant, including covenants and agreements, guarantees, performance bonds, plats and the like.
- (g) The formal petition shall contain in addition to all other requirements, the following:
 - (1) An outline plan of the planned unit development. This plan will be at a scale of not less than one (1) inch equals one hundred (100) feet which shall show all proposed streets (public and private), all principal and accessory buildings and their use, off-street parking, service areas, open space, recreation facilities and any other information necessary to clearly show the proposed elements of the planned unit development.
 - (2) Preliminary architectural plans for all multi-family buildings shall be submitted in sufficient detail to show the basic building planning, the number of units per building and the number of bedrooms per dwelling unit. Preliminary architectural plans for business or other nonresidential building may be required by the plan

commission in sufficient detail to show the style of the proposed development. If such plans are not required as part of the petition for planned unit development, the petitioner or developer shall submit such plan to the plan commission for approval prior to filing an application for a building permit.

- (3) A topographic survey and boundary survey of the subject area, prepared and certified by a registered Illinois surveyor.
- (4) A plan of the planned unit development area, showing in contrasting colors or by other means the respective proposed streets, street classifications, lot sizes, rights-of-way, building lines, easements for utility services, existing buildings or structures, and the location of all categories of land use.
- (5) A map of the village showing the planned unit development area and its relation to the existing roads and streets and use districts within and immediately adjacent to the village.
- (6) Preliminary plans and outline specifications of the following improvements:
 - a. Roads, streets and alleys, including classifications, widths of rights-of-way, widths of paved surfaces and construction details.
 - b. Sidewalks, including widths of paved surfaces and construction details.
 - c. Sanitary and storm sewer system.
 - d. Water supply system.
 - e. Street lighting and public area lighting system.
 - f. Recommended installations for electric, gas and telephone facilities and distribution.
 - g. Sequence of phases or stages of development of the planned unit development.
- (7) Estimates of cost of installation of all proposed improvements, confirmed by a registered Illinois engineer.
- (8) Petitioner's proposed covenants, restrictions and conditions to be established as a part of the planned unit development.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-149. - Construction of improvements.

- (a) No work shall commence until the engineering plans are approved by the village and a bond is posted. The petitioner or developer shall construct and install the required improvements and must post with the village a sum in cash, or negotiable securities, or a surety bond running to the village in an amount sufficient to cover the full cost, including engineering and inspection fees and costs, to assure the satisfactory installation of such improvements; the amount of such deposit or bond shall be based upon the confirmed estimate of cost hereinabove provided for; if a surety bond is submitted, it shall have good and sufficient surety thereupon and shall not be accepted until approved by the president and board of trustees. Upon completion and approval or acceptance of the improvement by the village the amount of the bond may be reduced equal to cost of such improvements.
- (b) If the planned unit development is to be constructed and developed in stages or phases, the deposit of cash or securities or the bond posted shall be in an amount based upon the confirmed estimated cost of installation of improvements in the respective stage or phase as approved by the village engineer.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-150. - Street classifications.

Street classifications, definitions, and specifications, shall be in accord with the regulations pertaining to same as established in chapter 19 and the comprehensive plan, as amended.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-151. - Standards.

No planned unit development shall be recommended by the plan commission unless they find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

(1) *General:*

- a. The uses permitted by such exceptions as may be requested or recommended are appropriate to the purpose of the development.
- b. The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- c. That any industrial park areas established in the planned unit development conform to all requirements therefor as set forth elsewhere in this chapter.
- d. That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned unit development shall be subject to the requirements for each individual classification as established elsewhere in this chapter, except as may be specifically varied in the ordinance granting and establishing a planned unit development use.
- e. When private streets and common driveways are made a part of the planned unit development or private common open space, common structures or recreation facilities are provided, the applicant shall submit, as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the board of trustees.

(2) *Residential:*

- a. Single-family density for a residential planned unit development shall not be greater than the recommended density as shown on the general development plan of the comprehensive plan for the village, nor shall any lot to be used for single-family detached homes be less in area or dimension than that allowed in the R-2 District, except that the plan commission may recommend and the board of trustees may grant a reduction in such lot area and dimension, but not more than fifteen (15) percent when the planned unit development provides common open space equal to not less than ten (10) percent of the gross area of the planned unit development.
- b. In planned unit developments other than single-family planned unit developments, the minimum lot area per dwelling unit may be less than required by the district regulations applicable to the district in which the planned development is located, but not more than fifteen (15) percent, provided there is contained within the planned development permanent common open spaces, the area and location of which shall meet with the approval of the plan commission and that the total of such open space shall not be less than that which would pertain if developed on individual lots.
- c. Business uses may be included as part of a planned residential development when the plan commission finds that such business uses are beneficial to the overall planned unit development and will not be injurious to adjacent or neighboring properties. The land area occupied by such business uses shall not be greater in area than ten (10) percent of the gross area of the residential planned unit development.
- d. The open areas provided in the part of the planned development shall be preserved over the life of the planned unit development for use only by the residents of the planned development or dedicated to the village for school, park, playground or other public uses by an instrument or guarantee acceptable to the board of trustees.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-152. - Common open space.

- (a) For the purpose of planned unit development, "common open space" means that land area within a subdivision, planned development or zoning lot not used to satisfy the requirements of this chapter for yards, streets, driveways, off-street parking or other required open areas serving individual uses or buildings, and which is provided for the use of the general public in the case of common open space dedicated to the public or in the case of private common open space which is only for the use of all the occupants of the subdivision, planned development or zoning lot.
- (b) For that part of a planned development devoted to residential uses, the plan commission may recommend and the board of trustees may approve, access to a dwelling by a driveway or pedestrian walk easement, and spacing between buildings of lesser widths or depths than required by district regulations for the district in which the planned development is located, provided:
 - (1) That adequate provisions are made which perpetuate during the period of the special use, access easements and off-street parking spaces for use by the residents of the dwellings served;
 - (2) The spacing between buildings shall be approved by the plan commission and shall be consistent with the application of recognized site planning principles for securing a unified development, and due consideration is given to the openness normally afforded by intervening streets and alleys. Minimum side yards between principal buildings within a part of a planned development where subsequent transfer of ownership is contemplated, shall be equivalent to side yards as would be required between buildings by district regulations for the district in which it is located; and
 - (3) The yards for principal buildings along the periphery of the development shall be not less in width or depth than required for permitted uses in the district regulations applicable to the district in which the planned development is located, and the plan is developed to afford adequate protection to neighboring properties as recommended by the plan commission and approved by the board of trustees.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-153. - Variations of minimum requirements.

Wherever the applicant for a planned unit development proposes to provide and set out, by platting, deed, dedication, restriction, or covenant, any land or space separate from single-family or multifamily residential districts, to be used for parks, playgrounds, commons, greenways, or open areas, the plan commission may consider and recommend to the board of trustees, and the board of trustees may vary the applicable minimum requirements of chapter 19 and this chapter for the planned unit development which may include but not necessarily be limited to the following:

- (1) Rear yard;
- (2) Side yard;
- (3) Lot area;
- (4) Off-street parking as to number of off-street parking spaces;
- (5) In a planned business development:
 - a. Business uses may be as recommended by the plan commission and approved by the board of trustees.
 - b. All business and storage of materials shall be conducted or stored within a completely enclosed building.
 - c. Not more than thirty (30) percent of the lot area shall be covered by buildings or structures.
 - d. At least ten (10) percent of the lot shall be provided for landscape and open space and shall be preserved and maintained over the life of the planned unit development.

- e. No building shall be more than thirty-five (35) feet in height.
- f. No dwelling shall be permitted in a planned business development.
- g. Off-street parking shall be provided and maintained on the same lot based upon the provisions for off-street parking specified in article VI, division 4 of this chapter.
- h. Service and loading and unloading facilities shall be provided as recommended and approved by the plan commission.
- i. No building shall be located nearer than fifty (50) feet to any street line.
- j. Business development shall be adequately screened by fencing or landscaping or both along the boundaries of adjacent residential, public open space, schools, churches or other similar uses. The screen planting shall be prepared by landscape architect and shall meet the approval of the plan commission.
- k. Outside lighting shall be so designed and placed so as to not be disturbing to adjacent residential areas.
- l. Signs within the planned unit development shall be regulated and permitted as provided in Article VI, Division 6, of this chapter, unless those sign regulations are specifically varied in the ordinance approving the planned unit development.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71; Ord. of 1-14-85; Ord. No. 92-1, § 4, 3-24-92)

Sec. 22-154. - Conditions and guarantees.

Prior to granting any planned unit development, the plan commission may recommend, and the board of trustees shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which planned unit developments are granted, the board of trustees shall require such evidence and guarantees as it deems necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-155. - Effect of denial.

After a public hearing no application for a planned unit development which has been denied wholly or in part by the board of trustees shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the plan commission and the board of trustees.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Sec. 22-156. - Time limits for completion.

If work on the proposed planned unit development has not begun within two (2) years from the date of the authorization order of the board of trustees, the authorization shall become null and void and all rights thereunder shall lapse. Upon written application, filed prior to the termination of the two-year time limit, the board of trustees may authorize a single extension of the time limit for a further period of not more than twelve (12) months without a public notice.

(Ord. No. 17, as revised 5-11-81, § 11.7, 10-11-71)

Secs. 22-157—22-170. - Reserved.

ARTICLE V. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 22-171. - Uses not specifically permitted.

When a use is not specifically listed in the sections devoted to "permitted uses" it shall be assumed that such uses are expressly prohibited unless by a written decision of the zoning board of appeals, it is determined that such use is similar to and not more objectionable than uses listed.

(Ord. No. 17, as revised 5-11-81, § 11, 10-11-71)

Secs. 22-172—22-185. - Reserved.

DIVISION 2. - R-1 ONE-FAMILY RESIDENCE DISTRICT

Sec. 22-186. - Scope.

The provisions of this division apply to the R-1 One-Family Residence District.

Sec. 22-187. - Permitted uses.

The following uses are permitted:

One-family detached dwellings.

Parks, forest preserves and recreational areas, when publicly owned and operated.

Home occupations.

A temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one (1) year following completion of construction of such housing development.

Permitted accessory uses, including off-street parking facilities in accordance with the provisions of article VI, division 4 of this chapter.

Schools, public, denominational, or private, elementary and high, including playgrounds and athletic fields auxiliary thereto.

Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.

Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71)

Sec. 22-188. - Lot sizes.

(a) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than

twenty thousand (20,000) square feet, and a width at the established building line of not less than one hundred (100) feet.

- (b) All nonresidential principal uses of buildings as permitted in this division shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet, with a minimum width of one hundred (100) feet at the building line and shall be served by an approved system of water and sanitary sewer facilities.
- (c) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have less area than twenty thousand (20,000) square feet, except residential lots in planned residential developments, and it shall be served by an approved system of water and sanitary sewer facilities.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71)

Sec. 22-189. - Yards.

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- (1) A front yard of not less than forty (40) feet.
- (2) On each lot upon which a dwelling is constructed there shall be a wide yard on each side of the principal building of not less than ten (10) percent of the lot width, but need not exceed ten (10) feet. The combined total of side yards for interior lots shall be not less than twenty (20) feet.
- (3) A rear yard of not less than forty (40) feet.
- (4) On corner and reversed corner lots front yard requirements of forty (40) feet shall be met on both frontages. No accessory building on a reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than ten (10) feet to the side lot line of such adjacent lot. The side yard adjacent to an interior lot shall be the same as that required for an interior lot.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71)

Sec. 22-190. - Maximum floor area ratio.

The maximum floor area ratio for all buildings, including accessory buildings, on a zoning lot shall be as follows:

- (1) Dwellings, 0.30.
- (2) Permitted nonresidential uses, 0.70.
- (3) Special uses, the floor area ratio to be established as part of the special use permit, but shall not exceed 0.70.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71)

Sec. 22-191. - Dwelling standards.

Every one-story dwelling shall have a total ground floor area of not less than twenty-six hundred (2,600) square feet, measured from the exterior face of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. Every split-level dwelling (including tri-level dwellings) shall have a total floor area of not less than twenty-eight hundred (2,800) square feet, and every two-story and mid-level dwelling shall have a total floor area of not less than thirty-two hundred (3,200) square feet, both of which shall be measured from the exterior face of the exterior walls, including utility rooms, but excluding the same areas set forth above.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71; Ord. No. 92-4, § 1, 2-24-92; Ord. No. 2000-25, § 1, 9-11-00)

Sec. 22-192. - Off-street parking and loading facilities.

Parking and loading facilities shall be provided as required or permitted in article VI, division 4 of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71)

Sec. 22-193. - Signs.

Signs within this district shall be regulated and permitted as provided in Article VI, Division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.1, 10-11-71; Ord. No. 17-2-4, § 1, 8-24-81; Ord. No. 88-3, §§ 1—11, 2-8-88; Ord. No. 89-15, § 1, 9-11-89; Ord. No. 90-6, §§ 1, 2, 4-9-90; Ord. No. 91-11, § 1, 10-14-91; Ord. No. 92-1, § 1, 3-24-92)

Editor's note— Ord. No. 88-3, §§ 1—11, adopted Feb. 8, 1988, amended § 22-193, pertaining to signs. These provisions have been renumbered and/or relettered in order to conform to Code format and style. Sections 12 and 13 of said Ord. No. 88-3, providing for repeal of conflicting ordinances and effective date have been omitted from codification.

Cross reference— Sign permit fees, § 9-36.

Secs. 22-194—22-205. - Reserved.

DIVISION 3. - R-2 ONE-FAMILY RESIDENCE DISTRICT

Sec. 22-206. - Scope.

The provisions of this division apply to the R-2 One-Family Residence District.

Sec. 22-207. - Permitted uses.

The following uses are permitted:

One-family detached dwellings.

Parks, forest preserves and recreational areas, when publicly owned and operated.

Home occupations.

A temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one (1) year following completion of construction of such housing development.

Permitted accessory uses, including off-street parking facilities in accordance with the provisions of article VI, division 4 of this chapter.

Schools, public, denominational, or private, elementary and high, including playgrounds and athletic fields auxiliary thereto.

Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.

Temporary buildings for construction, purposes for a period not to exceed the completion date of such construction.

Signs.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71)

Sec. 22-208. - Lot sizes.

- (a) Every one-family detached dwelling shall be located on a lot having an area of not less than fifteen thousand (15,000) square feet, and a width at the established building line of not less than one hundred (100) feet.
- (b) All nonresidential principal uses shall be located on a tract of land having an area of not less than twenty thousand (20,000) square feet, with a minimum of one hundred (100) feet at the established building line.
- (c) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, but in no case shall any such lot have less area than twenty thousand (20,000) square feet with a minimum width of one hundred (100) feet at the building line, except for residential lots in a planned residential development, and it shall be served by an approved system of water and sanitary sewer facilities.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71)

Sec. 22-209. - Yard areas.

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

- (1) A front yard of not less than forty (40) feet.
- (2) On each lot upon which a dwelling is constructed there shall be a side yard on each side of not less than ten (10) percent of the lot width, but need not exceed ten (10) feet. The combined total of side yards for interior lots shall be not less than twenty (20) feet.
- (3) A rear yard of not less than thirty (30) feet.
- (4) On corner and reversed corner lots front yard requirements of forty (40) feet shall be met on both frontages. No accessory building on a reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than ten (10) feet to the side lot line of such adjacent lot. The side yard adjacent to an interior lot shall be the same as that required for an interior lot.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71)

Sec. 22-210. - Maximum floor area ratio.

Maximum floor area ratios for all buildings on a zoning lot shall be as follows:

- (1) For dwellings, 0.30.
- (2) For permitted nonresidential uses, 1.00.
- (3) For special uses, the floor area ratio to be established as part of the special use permit, but shall not exceed 1.50.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71)

Sec. 22-211. - Dwelling standards.

Every one-story dwelling shall have a total ground floor area of not less than twenty-four hundred (2,400) square feet, measured from the exterior face of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping

purposes. Every split-level dwelling (including tri-level dwellings) shall have a total floor area of not less than twenty-seven hundred (2,700) square feet, and every two-story and mid-level dwelling shall have a total floor area of not less than three thousand (3,000) square feet, both of which shall be measured from the exterior face of the exterior walls, including utility rooms, but excluding the same areas set forth above.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71; Ord. No. 92-4, § 1, 2-24-92; Ord. No. 2000-25, § 2, 9-11-00)

Sec. 22-212. - Off-street parking and loading facilities.

Parking and loading facilities shall be provided as required or permitted in article VI, division 4 of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71)

Sec. 22-213. - Signs.

Signs within this district shall be regulated and permitted as provided in Article VI, Division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.2, 10-11-71; Ord. No. 17-L-4, § 1, 8-24-81; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-214—22-225. - Reserved.

DIVISION 4. - R-3 GENERAL RESIDENCE DISTRICT

Sec. 22-226. - Scope.

The provisions of this division apply to the R-3 General Residence District.

Sec. 22-227. - Permitted uses.

The following uses are permitted:

One-family detached dwellings.

Parks, forest preserves and recreational areas, when publicly owned and operated.

Home occupations.

A temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in such development and in no case to be in operation for more than one (1) year following completion of construction of such housing development.

Permitted accessory uses, including off-street parking facilities in accordance with the provisions of article VI, division 4 of this chapter.

Schools, public, denominational, or private, elementary and high, including playgrounds and athletic fields auxiliary thereto.

Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation.

Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.

Signs.

Multiple-family dwellings and apartments.

One-family row dwellings (party-wall) with not more than six (6) dwellings in a row or building.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71)

Sec. 22-228. - Lot area.

- (a) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than fifteen thousand (15,000) square feet, and a width at the established building line of not less than seventy-five (75) feet.
- (b) Every building containing two (2) or more dwelling units erected or structurally altered shall be located on a lot having an area of not less than twenty thousand (20,000) square feet and a width at the established building line of not less than one hundred (100) feet.
- (c) All structures or buildings containing three (3) or more dwellings shall be located on a lot which provides a minimum lot area per dwelling unit as follows:
 - (1) Apartments with three (3) or more bedrooms, five thousand (5,000) square feet.
 - (2) Apartments with two (2) bedrooms, four thousand (4,000) square feet.
 - (3) Apartments with one (1) bedroom and efficiency dwelling units, three thousand (3,000) square feet. Any room other than a utility kitchen, dining, living, or bath room shall be counted as a bedroom for purposes of determining the lot area requirements above.
- (d) All nonresidential principal uses shall be located on a lot having an area of not less than ten thousand (10,000) square feet and a width of not less than seventy-five (75) feet at the building line.
- (e) Minimum lot sizes for a special use permit is authorized, but in no case shall any such lot be less than ten thousand (10,000) square feet in area, except for residential lots in a planned residential development, and it shall be served by an approved system of water and sanitary sewer facilities.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71)

Sec. 22-229. - Yard areas.

No building shall be erected or enlarged unless the following yards are provided and maintained for each building.

- (1) For each building, a front yard shall be provided of not less than twenty-five (25) feet.
- (2) Side yards shall be provided for each building as follows:
 - a. For one-family and two-family detached dwellings:
 1. On each lot upon which a dwelling is constructed there shall be a side yard on each side of not less than ten (10) percent of the lot width, but need not exceed ten (10) feet.
 2. The combined total of side yards for interior lots shall be not less than twenty-five (25) feet.
 - b. For each building containing more than two (2) dwelling units, there shall be provided a side yard on each side of not less than ten (10) feet for buildings not more than two (2) stories in height. For each additional story added above the two (2) stories, the side yard on each side of the main building shall be increased by two (2) feet in width. On corner lots the side yard on the intersecting street side shall be not less than fifteen (15) feet. No accessory building on a reversed corner lot shall project beyond the front yard line required on the adjacent lot to the rear, not be located nearer than five (5) feet to the side lot line of such adjacent lot.

- c. On a lot improved with a nonresidential building, there shall be a side yard of not less than twelve (12) feet to the main structure and a combined total of side yards of not less than thirty (30) feet.
- (3) A rear yard shall be provided as follows:
- a. For one-family and two-family dwellings a rear yard of not less than thirty (30) feet.
 - b. For multiple-family and row dwellings, a rear yard of not less than forty (40) feet.
 - c. For nonresidential buildings, a rear yard of not less than thirty (30) feet.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71)

Sec. 22-230. - Maximum floor area ratio.

The maximum floor area ratios for all buildings, including accessory buildings, on a zoning lot shall be as follows:

- (1) For one-family dwellings, 0.35.
- (2) For two-family dwellings, 0.50.
- (3) For multiple-family dwellings, 0.70.
- (4) For permitted nonresidential uses, 0.70.
- (5) For special uses, the floor area ratio to be established as part of the special use permit, but shall not exceed 1.00.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71)

Sec. 22-231. - Dwelling standards.

Every single-family dwelling shall have a total ground floor area of not less than the minimum standards set forth in section 22-211. Every individual unit of a multifamily dwelling or a single-family row dwelling that is situated on one story total ground floor area of not less than eighteen hundred (1,800) square feet. Every additional unit of a multifamily dwelling or a single-family row dwelling that is situated on two (2) or more stories shall have a total ground floor area of not less than two thousand two hundred (2,200) square feet. The minimum square footage requirements set forth in this section shall be measured from the exterior face of the exterior walls, including utility rooms, but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71; Ord. No. 92-4, § 2, 2-24-92)

Sec. 22-232. - Off-street parking and loading facilities.

Parking and loading facilities shall be provided as required or permitted in article VI, division 4 of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71)

Sec. 22-233. - Signs.

Signs within this district shall be regulated and permitted as provided in article VI, division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 7.3, 10-11-71; Ord. No. 17-L-4, § 1, 8-24-81; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-234, 22-235. - Reserved.

DIVISION 4.5. - R-4 MULTIFAMILY RESIDENCE DISTRICT—TOWNHOMES

Sec. 22-236. - Scope.

The provisions of this division apply to the R-4 Multifamily Townhomes Districts.

(Ord. No. 2005-08, 9-12-05)

Sec. 22-237. - Permitted uses.

The following uses are permitted.

Multiple-family (townhomes) up to three (3) dwelling units under single ownership.

(Ord. No. 2005-0-9, § I, 6-28-05)

Sec. 22-238. - Lot area.

Every building containing two (2) or three (3) dwelling units shall be located on a lot containing a minimum of five thousand (5,000) square feet per dwelling unit. There shall be a minimum width of sixty (60) feet as measured at the building set back line for each dwelling unit. The minimum lot width shall be one hundred twenty (120) feet as measured at the front building line.

(Ord. No. 2005-0-9, § I, 6-28-05)

Sec. 22-239. - Yard area and maximum building height.

- (a) *Front yard:* There shall be a minimum front yard provided of no less than thirty (30) feet.
- (b) *Side yard:* There shall be a minimum side yard provided of ten (10) feet for buildings not exceeding thirty (30) feet in height. For each additional foot in height up to a maximum height of thirty-five (35) feet, the minimum side yard shall be increased by one (1) foot.
- (c) *Rear yard:* There shall be a minimum rear yard provided of no less than thirty (30) feet.
- (d) *Maximum height:* The maximum height of any building is thirty-five (35) feet as measured from the finished grade at the building perimeter to the highest point of the roof.

(Ord. No. 2005-0-9, § I, 6-28-05)

Sec. 22-240. - Maximum floor area ratio.

- (1) For buildings containing two (2) dwelling units—0.50
- (2) For buildings containing three (3) dwelling units-0.70

(Ord. No. 2005-0-9, § I, 6-28-05)

Sec. 22-241. - Dwelling standards.

- (a) Each one-floor dwelling unit shall contain a minimum of two thousand (2,000) square feet of floor space.
- (b) Each two-floor dwelling unit shall contain a minimum of twenty-two hundred (2,200) square feet of floor space.
- (c) Floor space shall not include utility rooms, basements, crawl spaces, garages, porches, breezeways and other spaces not used for living, eating or sleeping purposes.
- (d) Each dwelling unit shall have an attached garage for sheltering a minimum of two (2) standard size autos.
- (e) Each dwelling unit shall have off-street parking for a minimum of two (2) autos besides those enclosed inside the attached garage.

- (f) Each structure for two (2) or three (3) dwelling units shall have a minimum of seventy-five (75) percent finished masonry exterior such as brick, stone or a similar product. Concrete blocks shall not be considered as finished masonry.
- (g) Siding shall be wood, DryVit, Cement Board or a similar product. Vinyl siding is prohibited.
- (h) All structure shall have a minimum two-hour fire separation wall between dwelling units. All attached garages shall have a minimum two-hour fire separation from the living areas. All garages shall have a heat detector system interconnected with the dwellings smoke alarm system.
- (i) A minimum of two (2) trees of two and one-half (2½) inches diameter, at breast height, shall be planted on each lot for each dwelling unit on said lot.
- (j) Public sidewalks shall be provided at the front of each lot.
- (k) Guest parking shall be provided at a minimum of one (1) space for each two (2) living units.
- (l) Central mail boxes as approved by the U. S. Postal Service shall be provided.
- (m) Staggered building fronts and roof lines shall be incorporated into the elevations.

(Ord. No. 2005-0-9, § I, 6-28-05)

Secs. 22-242—22-245. - Reserved.

DIVISION 5. - B-1 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 22-246. - Scope.

The provisions of this division apply to the B-1 Neighborhood Business District.

Sec. 22-247. - Purpose.

This division is intended to provide areas and govern uses therein for a range of shopper and personal service types of establishments in order to serve the general shopping needs of consumer population that is located in one (1) or more of the neighborhoods adjoining and in the vicinity of the shopping district.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71)

Sec. 22-248. - Permitted uses.

The following uses are permitted:

Art and school supply stores.

Bakeries, retail sales where not more than thirty (30) percent of the floor area may be devoted to processing of goods.

Barbershops and beauty parlors.

Book and stationery stores.

Camera and photographic supply stores.

Candy and ice cream stores.

Drugstores.

Dry cleaning and laundry-receiving stations, including self-service coin-operated equipment.

Food stores, meat and fish markets, and delicatessens.

Gift shops.

Hardware stores.

Hobby shops, for retailing of items to be assembled or used away from the premises.

Launderettes, including automatic self-service dry cleaning equipment.

Offices, professional, business, institutional and public.

Paint and wallpaper stores.

Tailor shops.

Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.

Toy shops.

Variety stores.

Accessory uses to the above permitted uses, including but not limited to off-street parking and off-street loading, as regulated in article VI, division 4 of this chapter.

Other business uses similar to permitted uses listed above as approved by the plan commission planned unit development.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71)

Sec. 22-249. - Yards.

No building shall be erected or enlarged unless the following yards are provided and maintained for each building:

- (1) A front yard of not less than twenty-five (25) feet in depth.
- (2) No side yard is required; however, if a yard is provided it shall be not less than five (5) feet in width; except a side yard adjoining a street shall be not less than twenty (20) feet in width and ten (10) feet in width adjoining a residential district.
- (3) A rear yard of not less than twenty-five (25) feet in depth.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71)

Sec. 22-250. - Floor area ratio.

The floor area ratio shall not exceed 0.60.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71)

Sec. 22-251. - Building height.

The building height shall be not more than one (1) story or more than fifteen (15) feet.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71)

Sec. 22-252. - Signs.

Signs within this district shall be regulated and permitted as provided in Article VI, Division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 8.1, 10-11-71; Ord. No. 90-5, § 1, 3-12-90; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-253—22-265. - Reserved.

DIVISION 6. - B-2 GENERAL RETAIL AND LIMITED SERVICE DISTRICT

Sec. 22-266. - Scope.

The provisions of this division apply to the B-2 General Retail And Limited Service District.

Sec. 22-267. - Purpose.

This division is intended to accommodate the needs of a larger consumer population than is served by the B-1 district, thus a wider range of uses is permitted for both daily and occasional shopping.

(Ord. No. 17, as revised 5-11-81, § 8.2, 10-11-71)

Sec. 22-268. - Permitted uses.

The following uses are permitted:

Antique shops.

Art and school supply stores.

Automobile accessory stores.

Bakeries, retail sales where not more than thirty (30) percent of the floor area may be devoted to processing of goods.

Banks and other financial institutions, including drive-in facilities.

Barbershops and beauty parlors.

Book and stationery stores.

Camera and photographic supply stores.

Candy and ice cream stores.

Carpet and rug stores.

Clothing stores.

Clubs or lodges—private, fraternal or religious.

Department stores.

Drugstores.

Dry cleaning and laundry-receiving stations, including self-service coin-operated equipment.

Florist shops.

Food stores, meat and fish markets, and delicatessens.

Furniture stores.

Furrier shops.

Garden supply stores with no outdoor storage or display of merchandise.

Gift shops.

Haberdashery stores.

Hardware stores.

Hobby shops, for retailing of items to be assembled or used away from the premises.

Hotels or motels.

Household appliance stores, including radio and television sales with incidental repair facilities.

Interior decorating shops, including upholstery and making of draperies, slipcovers and other similar articles when conducted as part of the retail operations and secondary to the principal use.

Jewelry stores.

Launderettes, including automatic self-service dry cleaning equipment.

Leather goods and luggage stores.

Loan offices.

Locksmith shops.

Medical and dental clinics, including laboratories, drug dispensary incidental thereto.

Millinery shops.

Music stores, phonographs, phonograph records, and sheet music.

Musical instrument sales and repair.

Newspaper offices.

Offices, professional, business, institutional and public.

Paint and wallpaper stores.

Photography studios, including developing and printing of photographs when conducted on the premises as part of the retail business.

Restaurants which may include accessory cocktail lounges when the restaurant has facilities for serving one hundred (100) or more persons at the same time.

Shoe and hat repair stores.

Shoe stores.

Sporting goods stores.

Tailor shops.

Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.

Toy shops.

Variety stores.

Accessory uses to the above permitted uses, including but not limited to off-street parking and off-street loading, as regulated in article VI, division 4 of this chapter.

Other business uses similar to permitted uses listed above as approved by the plan commission planned unit development.

(Ord. No. 17, as revised 5-11-81, § 8.2, 10-11-71)

Sec. 22-269. - Yards.

No building shall be erected or enlarged unless the following yards are provided and maintained for each building:

- (1) A front yard of not less than sixty (60) feet in depth.
- (2) No side yard is required; however, if a yard is provided it shall be not less than five (5) feet in width; except a side yard adjoining a street shall be not less than twenty (20) feet in width and ten (10) feet in width adjoining a residential district.
- (3) A rear yard of not less than twenty-five (25) feet in depth.

(Ord. No. 17, as revised 5-11-81, § 8.2, 10-11-71)

Sec. 22-270. - Floor area ratio.

The floor area ratio shall not exceed 1.00.

(Ord. No. 17, as revised 5-11-81, § 8.2, 10-11-71)

Sec. 22-271. - Signs.

Signs within this district shall be regulated and permitted as provided in Article VI, Division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 8.2, 10-11-71; Ord. No. 90-5, § 1, 3-12-90; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-272—22-285. - Reserved.

DIVISION 7. - B-3 COMMERCIAL SERVICE DISTRICT

Sec. 22-286. - Scope.

The provisions of this division apply to the B-3 Commercial Service District.

Sec. 22-287. - Purpose.

This division is intended to accommodate a wide range of specialized commercial and business uses including highway-oriented service and commercial recreation types of establishments to serve a trade area embracing the village and inter-community traffic through the village.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-7 1)

Sec. 22-288. - Permitted uses.

The following uses are permitted:

Automobile service stations with or without vehicle laundry facilities.

Bakeries, including sale of bakery products to restaurants, clubs, hotels, institutions and similar establishments.

Banks and other financial establishments, including drive-in facilities.

Battery and tire sales and service establishments.

Blueprinting and photocopy establishments.

Clubs or lodges, private, fraternal, or religious.

Dry cleaning and laundry establishments.

Electric distribution centers.

Fire stations.

Garages, storage, or off-street parking lots and structures, commercial or municipal.

Gas regulatory stations.

Household appliance, stores and repair shops.

Laboratories—medical, dental, optical.

Medical or dental clinics, including laboratories incidental thereto.

Motels or hotels.

Motor vehicle sales establishments including attendant service.

Newspaper offices not including printing.

Offices, general or professional.

Plumbing, electrical or heating, fixture and equipment sales, service and repair establishments.

Physical, culture and health establishments.

Public utility and governmental service uses.

Lot areas and lot widths for the following uses shall be as recommended by the plan commission and approved by the board of

trustees and may be lesser or greater in area or width than herein required in the district regulations.

Police stations.

Radio and television towers and antennae.

Railroad rights-of-way and passenger stations,

Restaurants, including entertainment, dancing, and serving of alcoholic beverages provided all operations and services are conducted within the confines of the building and the restaurant has facilities for serving one hundred (100) or more persons dinner at the same time.

Taverns.

Telephone exchange buildings, microwave relay towers, and telephone transmission equipment buildings.

Temporary buildings for construction purposes for a period not to exceed the duration of construction.

Theaters, but not including outdoor theaters.

Transit and public transportation facilities, including passenger shelters.

Undertaking establishments and funeral parlors.

Water filtration plants, pumping stations, reservoirs, towers, and sanitary and storm sewer lift stations, public or community.

Accessory uses to the above permitted uses, including but not limited to off-street parking and off-street loading as regulated in article VI, division 4 of this chapter.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-71; Ord. No. 2000-17, § 3, 6-12-00)

Sec. 22-289. - Coin-operated businesses.

Any coin-operated business shall have an attendant at all times while open for business.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-71)

Sec. 22-290. - Yards.

No building shall be erected or enlarged unless the following yards are provided and maintained for each building:

- (1) A front yard of not less than sixty (60) feet in depth.
- (2) No side yard is required; however, if a yard is provided it shall be not less than five (5) feet in width; except a side yard adjoining a street shall be not less than twenty (20) feet in width and ten (10) feet in width adjoining a residential district.
- (3) A rear yard of not less than twenty-five (25) feet in depth.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-71)

Sec. 22-291. - Floor area ratio.

The floor area ratio shall not exceed 1.50.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-71)

Sec. 22-292. - Signs.

Signs within this district shall be regulated and permitted as provided in Article VI, Division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 8.3, 10-11-71; Ord. No. 90-5, § 1, 3-12-90; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-293—22-300. - Reserved.

DIVISION 8. - B-4 OFFICE AND RESEARCH DISTRICT

Sec. 22-301. - Scope.

The provisions of this division apply to the B-4 Office and Research District.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-302. - Purpose.

This division is intended to provide areas and control use that have only limited contact with the general public, have physical compatibility with existing uses on adjoining and surrounding uses because of the creation of noise, odors, dust, fumes or other hazards and will meet the development goals of the plan for the village.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-303. - Permitted uses.

The following uses are permitted:

Art, dancing, vocation, professional and business schools.

Art galleries, for display purposes only and not including retail shops selling gifts or antiques.

Banks and financial institutions.

Business offices.

Establishments engaged in medical, chemical, electronic, electrical, statistical and other similar uses where products are not manufactured for sale or distribution.

Funeral homes.

Offices of professional persons such as physicians, dentists, health practitioners (but not including veterinarians), attorneys, architects and engineers, and including outpatient medical and dental clinics, but not hospitals.

Off-street parking and loading facilities as regulated by article VI, division 4 of this chapter.

Public libraries.

Signs, as permitted and regulated in this division.

Telephone booths.

Accessory uses.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-304. - Conditions of use.

- (a) There shall be no storage, wholesale or retail sales, shipping or display of goods or merchandise on the premises except for:
- (1) Incidental and minor storage which is clearly accessory to and customarily associated with the operation of a professional office or research facility, such as the dispensing of medicines by physicians on an individual patient basis;
 - (2) Displays limited to floor samples in a business office;
 - (3) The exhibition of individual art or craft products in an art gallery; and
 - (4) Displays of materials or work normally connected with the operation of a library, school, church, photography studio, or other similar use. However, there shall be no window display of goods or merchandise nor any other display, including floor samples, which is readily visible from the public way or from adjoining properties.
- (b) All business and professional activities shall take place within enclosed buildings.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-305. - Yards.

No building shall be erected or enlarged unless the following yards are provided and maintained for each building:

- (1) A front yard of not less than sixty (60) feet in depth.
- (2) No side yard is required, however, if a yard is provided it shall be not less than five (5) feet in width; except a side yard adjoining a street shall be not less than twenty (20) feet in width and ten (10) feet in width adjoining a residential district.
- (3) A rear yard of not less than twenty-five (25) feet in depth.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-306. - Maximum floor area ratio and corresponding maximum lot coverage.

The maximum floor area ratio and the maximum lot coverages, including accessory buildings, shall be permitted in accordance with the following:

Floor Area Ratio	Maximum Lot Coverage (%)
2.5	90
3.0	80

4.0	70
5.0	60
6.0	50 or less

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71)

Sec. 22-307. - Signs.

Signs within this district shall be regulated and permitted as provided in article VI, division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 8.4, 10-11-71; Ord. No. 90-5, § 1, 3-12-90; Ord. No. 92-1, § 1, 3-24-92)

Secs. 22-308—22-320. - Reserved.

DIVISION 9. - M-1 LIMITED MANUFACTURING DISTRICT

Sec. 22-321. - Scope.

The provisions of this division apply to the M-1 Limited Manufacturing District.

(Ord. No. 17, as revised 5-11-81, § 9.1, 10-11-71)

Sec. 22-322. - Purpose.

This division is intended:

- (1) To provide for the location type, scope and method of manufacture for industrial and allied establishments plan of the village.
- (2) To establish standards of operation to assure manufacturing performance of a tolerable level of the emission of noise, smoke and particulate matter, and other nuisances and thus protect the public health and safety.
- (3) To provide standards for adequate open space, yards and landscaping to assure a proper environment for manufacturing areas which may be located in close proximity to residential areas.

Sec. 22-323. - Permitted uses.

The following uses are permitted:

- (1) Retail and service uses, as follows:

Automobile laundries, if attendant on duty while open for business.

Automobile service stations, where the retail sale of gasoline and oil for motor vehicles, including minor services customarily incidental thereto, may be conducted out-of-doors. Lubrication and washing facilities, including auto laundries, are permitted only if in a completely enclosed building.

Banks and financial institutions.

Battery and tire service stations.

Beverages, nonalcoholic, bottling and distributing.

Contractor or construction shops, such as building, cement, electrical refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating and ventilating.

Currency exchanges.

Drugstores.

Fuel sales, with storage of fuel oils, gasoline and other flammable products limited to one hundred twenty thousand (120,000) gallons per tank, with the total storage on a zoning lot not to exceed five hundred thousand (500,000) gallons.

Garages and parking lots, other than accessory, subject to the provisions of article VI, division 4 of this chapter.

Greenhouses.

Linen, towel, diaper and other similar supply services.

Restaurants, including the sale of liquor in conjunction therewith.

Riding academies and stables, horse.

Trade schools.

- (2) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products, except those uses involving the storage, utilization or manufacture of materials or products which decompose by detonation, which conform with the performance standards set forth below, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission of or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious materials, odors, fire or explosive hazards, or glare or heat, which uses include, but are not limited to, the following:

Advertising displays.

Apparel and other products manufactured from textiles.

Art needlework and hand weaving.

Automobile painting, upholstering, repairing, reconditioning and body and fender repairing, when done within the confines of a structure.

Awnings, venetian blinds.

Bakeries.

Beverages, nonalcoholic.

Blacksmith shop.

Books, hand binding and tooling.

Bottling works.

Brushes and brooms.

Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies or public utilities or materials or equipment of similar nature.

Cameras and other photographic equipment and supplies.

Canning and preserving.

Canvas and canvas products.

Carpet and rug cleaning.

Ceramic products such as pottery and small glazed tile.

Cleaning and dyeing establishments.

Clothing.

Cosmetics and toiletries.

Creameries and dairies.

Dentures.

Drugs.

Electrical appliances, such as lighting fixtures, irons, fans, toasters, and electric toys.

Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.

Electrical supplies, manufacturing and assembly of, such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.

Food products, processing and combining of (except meat and fish)—Baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.

Glass products, from previously manufactured glass.

Hosiery.

House trailers.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories—Medical, dental, research, experimental and testing; provided there is no danger from fire or explosion, nor offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting.

Luggage.

Machine shops for tool, die and pattern-making.

Metal finishing, grinding, sharpening, polishing, cleaning, rust-proofing, and heat treatment.

Metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products, compounding only.

Plastic products, but not including the processing of the raw materials.

Precision instruments, such as optical, medical and drafting.

Printing and newspaper publishing, including engraving and photoengraving.

Products from finished materials—Plastic, cork, feathers, felt, fibre, fur, glass, leather, paper, precious and semiprecious stones, rubber, shell or yarn.

Public utility electric substations and distribution centers, gas regulation centers and underground gas holder stations.

Repair of household or office machinery or equipment.

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing) such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets and rods.

Statutory, mannequins, figurines, and religious and church art goods, excluding foundry operations.

Storage of household goods.

Textiles—Spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching.

Tobacco curing and manufacturing and tobacco products.

Tool and die shops.

Tools and hardware, such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, nonferrous metal casting, and plumbing appliances.

Toys.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuilding or renovating.

Vehicles, children's, such as bicycles, scooters, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets, and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with article VI, division 3 of this chapter without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor, and that is a use compatible with the use and occupancy of adjoining properties.

(3) Local cartage and express facilities, but not including motor freight terminals.

(4) Public and community service uses, as follows:

Bus terminals, bus garages and railway terminals.

Electric substations.

Fire stations.

Municipal or privately-owned recreation buildings or community centers.

Parks and recreation areas.

Police stations.

Sanitary landfill.

Sewage treatment plants.

Telephone exchanges.

Water filtration plants.

Water pumping stations.

Water reservoirs.

(5) Permanent type dwelling units for watchmen and their families when located on the premises where they are employed in such capacity.

(6) Miscellaneous uses, as follows:

Accessory uses.

Radio and television towers.

Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.

(7) Off-street parking and loading, as permitted or required in article VI, division 4 of this chapter.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-324. - Conditions of use.

All permitted uses are subject to the following conditions:

(1) Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall

conform to article VI, division 3 of this chapter.

- (2) All business production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred and fifty (150) feet of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight (8) feet high, but in no case lower in height than the enclosed storage and suitably landscaped.
- (3) However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons capacity may be unenclosed throughout the district, except for such screening or parking and loading facilities as may be required under the provisions of article VI, division 4 of this chapter.
- (4) Uses established on October 11, 1971 and by its provisions are rendered nonconforming shall be permitted to continue, subject to article II, division 2 of this chapter.
- (5) Uses established after October 11, 1971 shall conform fully to the performance standards hereinafter set forth for the district.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-325. - Yard areas.

No building or structure shall hereafter be erected or structurally altered unless the following yards are provided and maintained in connection with such building:

- (1) On every zoning lot a front yard of not less than thirty (30) feet in depth shall be provided.
- (2) On every zoning lot a side yard shall be provided along each side lot line. Each side yard shall be not less in width than ten (10) percent of the lot width, but need not exceed ten (10) feet in width.
- (3) On every zoning lot a rear yard shall be provided of not less than twenty (20) feet.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-326. - Maximum floor area ratio.

The maximum floor area ratio shall not exceed 1.00.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-327. - Signs.

Signs within this district shall be regulated and permitted as provided in article VI, division 6, of this chapter.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71; Ord. No. 90-5, § 1, 3-12-90; Ord. No. 92-1, § 1, 3-24-92)

DIVISION 10. - MD-1 MEDICAL DISTRICT

Sec. 22-328. - Purpose and intent.

The purpose of the MD-1 Medical District is to create an environment conducive to medical practice and operations, and to concentrate medical facilities and related uses in "complex" or "campus" settings to better accommodate the needs of the medical profession and those served by it. The goals of these regulations are:

- (1) To produce an attractive environment which will insure the compatibility between medical and other uses;

- (2) Encourage and protect future development;
- (3) Provide modern facilities for the public;
- (4) Provide proper accessory uses;
- (5) Promote, stabilize and enhance the village as a medical center; and
- (6) When the proposed development in MD-1 District is adjacent to any residentially zoned property, the proposed development shall be designed to provide for maximum compatibility with the adjacent development. Architectural design, landscaping, screening, and parking areas shall be properly provided to insure maximum protection of the adjacent uses.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-329. - Definitions.

The following words, terms and phrases, when used in this article V, division 10, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words, terms and phrases not specifically defined in this section shall have the meanings ascribed to them in section 22-3 of this chapter or the meanings generally ascribed to them if not defined therein.

Comprehensive medical rehabilitation services specialty hospital means a hospital or unit for the purpose of restoring to their fullest capability or gainful employment those individuals who are physically handicapped by injury or illness; except that drug and alcohol rehabilitation are not permitted.

Hospital, special care means an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts.

Psychiatric specialty hospital means a hospital or unit under the direction of a psychiatrist engaging in the diagnosis and treatment of persons suffering from mental illness. Mental illness is defined as any moderate to severe disturbance of emotion, behavior or thinking.

Wellness and fitness center means a facility which consists of physical fitness and therapy, wellness services, and related educational and/or informational programs and sports medicine as the primary components of healthcare services provided.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-330. - Permitted uses.

The following uses are permitted:

Educational facilities for the training of interns, nurses and healthcare personnel.

Emergency and critical care facilities.

General hospitals and specialty hospitals, including but not limited to, pediatrics, obstetrics, comprehensive medical rehabilitation, hospices, psychiatric, and other specialty hospitals serving the medical profession.

Government services and offices.

Medical, dental, optical offices and clinics.

Medical, dental and optical laboratories providing services for individuals of the medical profession and their clientele.

Medical research facilities.

Outpatient treatment centers including day surgery centers, except not including alcohol and drug abuse centers.

Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies.

Professional offices for physicians, dentists, health practitioners (but not including veterinarians), and other non-medical professionals.

Schools of higher education, including trade schools, vocational, professional, medical and business schools directly related to the medical profession.

Social services facilities.

Temporary structures for construction purposes, for a period not to exceed the duration of the approved construction.

Transit and public transportation facilities, including passenger shelters.

Wellness and fitness center.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-331. - Accessory uses.

In addition to the accessory uses as defined in section 22-3 of this chapter, the following uses shall be allowed as accessory uses to the permitted uses:

Ambulance services and maintenance facilities, provided that such shall be sited no closer than five hundred (500) feet from any R-District.

Automatic bank teller machines (ATMs).

Bulk oxygen storage and distribution system.

Fire and rescue squad stations.

Helipads and heliports for medical helicopters to serve main hospital structures.

Linen, towel, diaper and other similar supply services, hospital service buildings, warehousing, maintenance and materials management buildings for medical center use.

Off-street parking and loading facilities, including structures, in accordance with article VI, division 4, of this Zoning Ordinance.

Public works and public utility facilities, including telephone, electric, gas, water and sewer lines, their supports and incidental equipment; and public or private filtration plants, pumping stations, reservoirs, towers and sanitary and storm sewer lift stations provided:

- a. Such facilities are essential to the service of the area and no vehicles or materials shall be stored on the premises; and
- b. All buildings and structures (except utility lines) shall be set back at least fifty (50) feet from any property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.

Restaurants, cafeterias, gift shops, florist, barber shop, beauty shop, newsstand and similar accessory uses; provided such uses are not visible or identifiable from outside the building in which they are located, have no exterior signs, have no entrance except from a lobby or other common area within the building and are used for

the use and convenience of the occupants and or the clientele.

Signs in accordance with article VI, division 6, of this Zoning Ordinance.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-332. - Permitted accessory uses.

At such time that the Medical District has developed to the point that complimentary facilities can be justified, the president and board of trustees may authorize the construction of the following accessory uses after site plan review in accordance with article VI, division 8, of this chapter:

Conference facilities.

Convenience stores which include the retail sale, from the premises of groceries and other frequently needed small personal convenience items such as toiletries, tobacco, magazines, as well as the provision of personal convenience sales which are typically needed frequently or recurrently. Under no circumstances will the sale of gasoline, storage of gasoline or gasoline pumps be permitted on the premises.

Florists.

Lodging facilities, such as hotels and motels, with or without related dining facilities, serving primarily but not limited to persons or families of persons using the services and facilities of the district.

Recreational facilities (indoor and outdoor), intended for the primary semi-private use of doctors, hospital staff, in- and out-patients to the district and families and guests, provided that such facilities are in keeping with the stated objectives of the district.

Restaurants, excluding drive-in or quick service type facilities.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-333. - Special uses.

Adult day care.

Day care nursery and day care centers.

Detoxification centers and substance abuse centers associated primarily with the primary medical facility.

Establishments which sell, fix or repair devices for the correction or prevention of physical deformities.

Nursing homes/rest homes and assisted living facilities/adult care residences.

Radio and television towers and antennae.

Wireless communication towers.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-334. - Conditions of use.

- (a) *Indoor use.* All business and professional activities, other than a heliport, shall take place within enclosed buildings.
- (b) *Framework plan.* A framework plan must be submitted for any parcel of land on which multiple buildings are planned to be constructed (i.e., hospital campus). The framework plan shall be forwarded to the planning and

zoning commission for a public hearing, review and recommendation. The planning and zoning commission's recommendation shall then be forwarded to the president and board of trustees for final action. Upon approval of the framework plan, the approved plan shall be placed on file with the village clerk. The purpose of the framework plan is to allow for building site plan review, as set forth below, of individual structures to be located within the planned development as reflected on the framework plan. The approved framework plan shall be made a part of the ordinance granting the rezoning of the property to the MD-1 zoning district.

- (1) The framework plan shall depict all proposed land uses, arrangement of all known land and proposed land uses to be located within the property, proposed parking areas, overall site circulation, and the location and conceptual arrangement of proposed and existing open spaces, including landscaped open spaces and provisions for screening and buffering adjacent land uses. The framework plan must be updated and approved by the president and board of trustees after recommendation by the planning and zoning commission prior to site plan review of any new buildings not included on the original approved framework plan.
- (2) Amendment to approved framework plan. Upon the receipt of an application to amend an approved framework plan, the planning and zoning commission shall conduct a public hearing on the requested amendment. At the conclusion of the public hearing, the planning and zoning commission shall forward its recommendation to the president and board of trustees for final action. If the proposed amendment includes a request to rezone a parcel to the MD-1 zoning district, the application shall conform to the requirements for a zoning map amendment under the village zoning ordinance.
 - a. Following the receipt of the recommendation of the planning and zoning commission, the president and board of trustees, by adoption of an ordinance, may approve the amendment as recommended by the planning and zoning commission, modify the amendment, or deny the amendment to the framework plan.
- (c) Site plan review. Site plan review for all new buildings, off-street parking areas (including parking garages) and off-street loading spaces shall be submitted for review in accordance with article VI, division 8 of this Zoning Ordinance.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-335. - Building setbacks and lot width.

The following setbacks shall be provided and maintained for each structure erected or enlarged:

- (1) Building setbacks.
 - a. A front yard of not less than:
 1. Sixty (60) feet along Governors Highway and Crawford Avenue;
 2. Fifty (50) feet along 203rd Street and Vollmer Road; and
 3. Twenty-five (25) feet along all other public roadways.
- (2) A side yard of not less than ten (10) feet for a structure of two (2) stories or less. An additional two (2) feet shall be required for each additional story.
- (3) A rear yard of not less than twenty-five (25) feet, except where the rear yard abuts a residential zoning district, in which case a rear yard of not less than fifty (50) feet shall be required.
- (4) Lot width. A minimum lot width of one hundred fifty (150) feet as measured at the setback line shall be required.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-336. - Additional site regulations.

- (a) *Maximum lot coverage.* The maximum lot coverage, including primary and accessory structures and paved surfaces (drives, parking, patios, et al.), shall be eighty (80) percent.
- (b) *Height regulations.* Structures may not exceed three (3) stories.
- (c) *Signs.* Signs shall be regulated and permitted as provided in the sign code, article VI, division 6, of this Zoning Ordinance.
- (d) *Off-street parking and loading.* Off-street parking and loading shall comply with the regulations set forth in article VI, division 4, of this Zoning Ordinance.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-337. - Landscaping, screening and buffering.

Landscaping, screening and buffering shall provide for the appropriate transition between the MD-1 District and adjacent residential zoning districts as set forth below. The buffer area shall be landscaped in accordance with the landscaping requirements set forth in article VI, division 8, "Site Plan Review", of this Zoning Ordinance.

- (1) *Along a street:*
 - a. Twenty (20) feet along Governors Highway and Crawford Avenue;
 - b. Fifteen (15) feet along 203rd Street and Vollmer Road; and
 - c. Ten (10) feet along all other public roadways.
- (2) *Side and rear lots:*
 - a. Ten (10) feet unless adjacent to a residential use; or
 - b. Fifty (50) feet if adjacent to a residential use.
- (3) *Loading docks, maintenance facilities, and vehicular service access points* shall be fully screened, landscaped and/or fenced (but not barb-wire) to limit views to the general public, and shall be sited to minimize their impact on land uses adjacent to the MD-1 District.
- (4) *External storage.* Any external storage of inventory, parts, or machinery shall be established to the rear of the front line of the principal structure and shall be completely enclosed by a solid fence or wall of at least six (6) feet in height composed of treated wood or brick.

(Ord. No. 2017-20, § 2, 8-28-17)

Sec. 22-338. - Additional regulations.

- (a) *Heliports and helipads.* Heliports and helipads are to be designed, sited and constructed in accordance with all applicable FAA regulations and development criteria and shall otherwise be located within the MD-1 District so as to minimize impact on adjacent land uses. Approach patterns shall be designated and shall ensure minimal impact on adjoining properties.
 - (1) Heliports and helipads shall not be located closer than two hundred (200) feet to any R-District. This distance may be increased at the discretion of the president and board of trustees if it is shown that helicopter approach patterns and/or frequency of use would adversely impact the adjacent R-District.
- (b) Variations from the regulations in chapter 19, "Subdivisions", of the Code of Ordinances pertaining to streets, lots and blocks may be granted by the president and board of trustees when it can be clearly demonstrated that:
 - (1) Safe and convenient access will be provided to the MD-1 District structures, open space, community facilities, and other areas of the development;
 - (2) Adequate access and circulation for emergency and service vehicles will be provided; and

(3) Principal access points will be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle, traffic.

(c) *Private streets.* Private streets may be permitted in the MD-1 District provided that their design and construction standards are approved by the village engineer and that adequate provisions are made for their maintenance.

(Ord. No. 2017-20, § 2, 8-28-17)

DIVISION 11. - TOD TRANSIT ORIENTED DEVELOPMENT DISTRICT

Sec. 22-339. - Purpose and intent.

The purpose of the TOD Transit Oriented Development District is to encourage an appropriate mixture and density of activity around the transit station, to increase ridership along the Metra Electric Line, and to promote alternative modes of transportation to the automobile. The intent is to decrease auto-dependency and mitigate the effects of congestion and pollution. These regulations seek to achieve these goals by providing a pedestrian, bicycle, and public transit supportive environment configured in a compact pattern and a complementary mix of land uses all within a comfortable walking and bicycling distance from the Metra station. The specific goals of these regulations are:

- (a) To encourage people to walk, ride a bicycle or use transit;
- (b) To allow for a mix of uses to create an environment that engages people at the pedestrian scale;
- (c) To achieve a compact pattern of development that is more conducive to walking and bicycling;
- (d) To provide a high level of amenities that create a comfortable environment for pedestrians, bicyclists, and other users;
- (e) To maintain an adequate level of parking and access for automobiles;
- (f) To create an architectural and urban forum that provides interest and complexity at the level of the pedestrian and bicyclist;
- (g) To provide sufficient density of employees, residents and recreational users to support transit; and
- (h) Generate a relatively high percentage of trips serviceable by transit.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340. - Applicability and general provisions.

The Transit Oriented Development District shall: (1) apply to lands delineated on the village's official zoning map and generally within a one thousand (1,000) foot walking radius (or distance) of a Metra station; and (2) all land uses and development including, but not limited to, buildings, drives, parking areas, landscaping, streets, alleys, greenways, and pedestrian/bicycle ways designated to be within this district, shall be located and developed in accordance with the provisions set forth in this division. The standards of the Transit Oriented Development District shall not apply to development for which was granted prior to the adoption of these regulations and for which the village has previously issued building permits.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.1. - Permitted uses.

The following uses are permitted:

- (a) Residential uses:
Home occupations.

Multiple-family (townhomes) up to three (3) dwelling units under single ownership

(b) Commercial uses:

- Art galleries and studios.
- Bakeries with retail sales.
- Banks and other financial institutions.
- Barbershops and hair salons.
- Candy and ice cream stores.
- Conference facilities.
- Convenience stores, meat and fish markets, delicatessens.
- Dry cleaners.
- Florist shops.
- Health clubs, gyms, and exercise establishments, including wellness and fitness centers.
- Offices, professional, business, institutional and public.
- Personal services (including tailors, dry cleaners, cleaning services, shoe repair, etc.).
- Photocopy and blueprinting establishments.
- Restaurants, including entertainment, dancing, and serving of alcoholic beverages.
- Retail stores under fifteen thousand (15,000) square feet.
- Trade schools.

(c) Institutional/utility/transportation uses:

- Community or recreation center.
- Detention or retention facility.
- Parks, forest preserves and recreational areas.

(d) Medical, research and development uses:

- Medical, dental, optical offices and clinics.
- Pharmacies devoted to the preparation and retailing of drugs, medicines, and surgical and orthopedic supplies.

(e) Miscellaneous uses:

- Accessory uses.
- Small wireless facilities.
- Temporary buildings for construction purposes, for a period not to exceed the duration of such construction.
- Temporary real estate office (in conjunction with a new housing development, limited to selling or renting of new units in such development).

Off-street parking and loading, as permitted or required in art. IV, division 4 of the Zoning Ordinance.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.2. - Permitted accessory uses.

The following permitted accessory uses are permitted:

Automatic bank teller machines.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.3. - Special uses.

The following special uses are allowed:

(a) Residential uses:

Multiple-family dwellings.

Townhomes with not more than six (6) dwellings in a row or building.

(b) Commercial uses:

Art, dancing vocation, professional and business schools.

Day care nursery and day care centers.

Hotels or motels.

Retail stores over fifteen thousand (15,000) square feet.

Theaters, but not including outdoor.

Public libraries.

(c) Medical, research and development uses:

Medical, dental and optical laboratories.

(d) Miscellaneous uses:

Planned development.

Wireless telecommunication facilities—Alternative mounting structure.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.4. - Building setbacks.

The following standards shall apply to new development within the TOD district:

Building Use	Maximum Building Setback
Residential	15 feet
Non-residential and Mixed Uses	5 feet

- (a) Where ground level retail uses are present, setback may be increased up to 12 feet for outdoor seating or sales (e.g. produce display).
- (b) Features such as overhangs, porticos, balconies, loggias, arcades, covered (non-enclosed) bicycle parking, pergolas, and similar architectural feature placed on the front (street-facing) side of the building are allowed within the setback.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.5. - Density and area requirements.

New non-residential and mixed-use development within the TOD district shall achieve a minimum FAR of 0.40. New residential uses within the district shall achieve a minimum density of six (6) du/acre.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.6. - Building height.

For all new development and the vertical alteration of existing development, building heights within the TOD district shall not exceed four (4) stories or fifty-one (51) feet.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.7. - Lot coverage.

New development within the TOD district shall achieve a lot coverage not to exceed seventy (70) percent. Features such as front porches, overhangs, porticos, balconies, loggias, arcades, covered (non-enclosed) bicycle parking, pergolas, and similar architectural feature placed on the front (street-facing) side of the building shall be exempt from the lot coverage requirement.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.8. - Building frontage and facades.

- (a) To support the pedestrian-oriented environment within the TOD station area, building frontages onto street and open spaces shall be maximized. Building frontage within the TOD district shall achieve a minimum of sixty-five (65) percent building frontage (as a percentage of total lot frontage).
- (b) Clear windows shall encompass, at a minimum, fifty (50) percent of the building facade length fronting onto a street within the area from three (3) feet to six feet eight inches (6'8") above adjacent interior finished floor and adjacent sidewalk grade. Blank walls shall not occupy over thirty (30) percent of the principal frontage for nonresidential buildings and fifty (50) percent for residential buildings, and a section of blank wall shall not exceed twenty (20) linear feet without being interrupted by a window or entry. Building design shall be consistent with the TOD south parcel design guidelines (see Appendix A to Zoning Ordinance).

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.9. - Parking.

The required parking for new development shall comply with the underlying land use designation standards set forth in the Zoning Ordinance for the respective land use designation subject to the provisions set forth in this section. Required minimum parking within the TOD district shall be approved at the time of site plan approval with shared parking encouraged, including a

general reduction of approximately fifty (50) percent for residential, retail and restaurant uses.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.10. - Street and sidewalk regulations.

- (a) *Minimum widths.* Sidewalks within the TOD district shall have a minimum eight-foot clear space for circulation with the exception of residential areas with a density of less than twelve (12) units per acre where the width may be reduced to six feet.
- (b) *Private use of sidewalks.* Exterior storage on sidewalks is prohibited. Outdoor seating for food and drink establishments and pedestrian-oriented accessory uses, such as sales display for flowers, small shops, food, or drink stands, are exempt from this requirement. Outdoor service of alcoholic beverages shall be clearly demarcated from public spaces. In all cases, the pedestrian circulation path shall be ADA accessible.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.11. - Sign regulations.

New signage within the TOD district shall conform to the sign code set forth in article VI, division 6, of the Zoning Ordinance.

Signage shall not reduce clear sidewalk width to less than eight (8) feet. Opaque signage shall not reduce visual permeability of street-fronting windows to less than the minimum clear window requirement set forth in section 22-347 of this division.

(Ord. No. 2018-18, § 3, 9-10-18)

Sec. 22-340.12. - Design guidelines.

- (a) *Purpose.* The purpose of the design guidelines is to ensure that new development or redevelopment shall honor the unique character of the village of Olympia Fields and blends with existing development. To accomplish this, architectural, landscape and site design guidelines have been developed for the TOD district.
- (b) *Applicability.* The design guidelines are applicable to all development within the TOD district.
- (c) *Administration.* Adherence to the design guidelines shall be reviewed during the site plan review process set forth in the Zoning Ordinance. The development review committee may recommend waiving or deviating from the guidelines to allow for adaptation to new buildings and landscape materials while ensuring quality development. The village board shall approve any waived guidelines or deviations from the guidelines.
- (d) *Guidelines.* The design guidelines are attached to the Zoning Ordinance as Appendix A.

(Ord. No. 2018-18, § 3, 9-10-18)

ARTICLE VI. - SUPPLEMENTAL REGULATIONS

DIVISION 1. - GENERALLY

Sec. 22-341. - Lot area and dimensions.

- (a) When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one (1) ownership, they shall be used as one (1) zoning lot for such use.
- (b) Any single lot or parcel of land, held in one (1) ownership, which is of record and does not meet the requirements for minimum lot width and area, may be utilized for a permitted use provided that yards, courts or usable open

spaces are not less than seventy-five (75) percent of the minimum required dimensions or areas.

(Ord. No. 17, as revised 5-11-81, § 4.4, 10-11-71)

Sec. 22-342. - Accessory buildings and accessory uses.

- (a) No part of an accessory building or structure or an accessory use in the form of a detached garage, shed, or building for domestic storage shall be located (1) in a front yard, (2) in a side yard as measured by extending a line from the corners of the principal building to the front yard lot line and the rear yard lot line, and (3) in the front yard of a corner lot, which shall include the front yards on both frontages. An accessory building or structure or an accessory use in the form of a detached garage, shed, or building for domestic storage shall be located in the rear yard only and not in any part in the side yard as defined in this section, and such buildings and structures shall be located no closer than five (5) feet to the rear lot line or side yard as defined in this section. In a residential district, no detached accessory building or structure or accessory use shall be located closer than ten (10) feet to the principal building.
- (b) No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- (c) No accessory building or structure shall occupy more than ten (10) percent of the area of a required rear yard, nor shall the building or structure exceed two hundred (200) square feet in floor area. No more than one (1) accessory building or structure shall be permitted in any rear yard.
- (d) No accessory building or structure or portion thereof located in a required rear yard shall exceed fifteen (15) feet in height.

(Ord. No. 17, as revised 5-11-81, § 4.8, 10-11-71; Ord. No. 94-3, § 1, 2-14-94)

Sec. 22-343. - Access.

Except in the case of residential planned developments, each residential principal use shall provide and maintain frontage upon a publicly dedicated street.

(Ord. No. 17, as revised 5-11-81, § 4.5, 10-11-71)

Sec. 22-344. - Number of buildings on a zoning lot.

Except in the case of a planned development, not more than one (1) principal detached residential building shall be located on a residential zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

(Ord. No. 17, as revised 5-11-81, § 4.6, 10-11-71)

Sec. 22-345. - Public and semipublic areas.

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated; and when the use of the area is discontinued it shall automatically be zoned to the most restrictive adjoining district until appropriate zoning is authorized by the board of trustees within three (3) months after the date of application filed for rezoning.

(Ord. No. 17, as revised 5-11-81, § 4.7, 10-11-71)

Sec. 22-346. - Outdoor satellite television or electronic signal receiving devices.

- (a) No person or entity shall install or erect or cause to be installed or erected any satellite television or electronic television receiving device without first applying for and obtaining either a zoning permit or special use permit, whichever is applicable.
- (b) Any permit application made in connection with subsection (a) shall contain the following:
 - (1) A full name and address of the applicant and the property owner along with the telephone number of each;
 - (2) The size of the requested satellite television or electronic television receiving devices;
 - (3) Current zoning classification of the property;
 - (4) Current use of property;
 - (5) Graphic representation of the devices to be installed;
 - (6) The name and address of the person installing the device;
 - (7) The address and location of the property;
 - (8) Any other information required by the building commissioner of the village with reference to design, features, painting, landscape planning, proposed location as indicated on a site location sketch, if required.
- (c) Unless otherwise approved by special use permit, all satellite television or television signal receiving devices shall comply with the following conditions:
 - (1) The satellite television or television signal receiving device shall not be more than twelve (12) feet in diameter; and
 - (2) The satellite television or television signal receiving device shall be ground-mounted; and
 - (3) The top point of the satellite television or television signal receiving device shall be mounted within a maximum height which is at an altitude which is not higher than the highest physical point of the roof of the main structure located upon the property; and
 - (4) The satellite television or television signal receiving device shall be located not less than thirty (30) feet from the side lot line and not less than twenty-five (25) feet from the rear lot line; and
 - (5) The satellite television or television signal receiving device shall be located in the rear yard of a lot.
- (d) A fee for such permit in the amount established by ordinance shall be paid.

(Ord. No. 118, Art. I, §§ 1—4, 1-14-85; Ord. No. 89-20, § 1, 10-9-89; Ord. No. 91-12, § 2, 11-11-91)

Secs. 22-347—22-360. - Reserved.

DIVISION 2. - LOT COVERAGE

Sec. 22-361. - Maintenance of yards, courts and other open spaces.

The maintenance of yards, courts and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. No legally required yards, courts or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements of any other building.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71)

Sec. 22-362. - Division of zoning lots.

No improved zoning lot shall be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division conform with all the applicable bulk regulations of the zoning district in which the property is located.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71)

Sec. 22-363. - Location of required open space.

All yards, courts and other open spaces allocated to a building, or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71)

Sec. 22-364. - Required yards for existing buildings.

No yards provided for an existing building shall subsequently be reduced below, or further reduced below, if already less than the minimum yard requirements of the district in which it is located for equivalent new construction.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71)

Sec. 22-365. - Permitted obstructions in required yards.

The following are not considered to be obstructions when located in the required yards specified:

- (1) In all yards:
 - a. Open terraces not over four (4) feet above the average level of the adjoining ground, but not including permanently roofed over terrace or porch.
 - b. Awnings and canopies, but not more than ten (10) feet above grade.
 - c. Steps, four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley.
 - d. Chimneys projecting eighteen (18) inches or less into the yard.
 - e. Arbors, trellises, flagpoles, fountains, sculptures, plant boxes and other similar ornamental objects.
- (2) In front yards:
 - a. One-story bay windows projecting three (3) feet or less into the yard; and
 - b. Overhanging eaves and gutters projecting three (3) feet or less into the yard.
- (3) In rear yards:
 - a. Enclosed, attached or detached off-street parking spaces, open off-street parking spaces; accessory sheds, tool rooms and similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard;
 - b. Overhanging eaves and gutters projecting three (3) feet or less into the yard;
 - c. In any residential district, no accessory building shall be nearer than five (5) feet to the side lot line nor nearer than ten (10) feet to any principal building unattached.
- (4) In side yards, overhanging eaves and gutters projecting into the yard for a distance not exceeding forty (40) percent of the required yard width, but in no case exceeding thirty (30) inches.
- (5) Fences, walls or lattice screens may be located in accordance with the following:
 - a. Fences, having a maximum height of six (6) feet or less may be used to locate property lines within the required side or rear yards in residential districts.
 - b. Open mesh-type fences, not over eight (8) feet in height may be used to enclose elementary schools, junior or senior high schools, or other public or quasi-public institutions.
 - c. The foregoing restrictions shall not limit the height or type of fence or wall which is located within the

buildable area on a zoning lot.

- d. Fences or walls may be located along the boundary of the zoning lot of a manufacturing or business use upon approval of the height and materials by the zoning administrator.
- e. The maximum height for fences in a residential district shall be six (6) feet.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71; Ord. No. 85-B, § 7, 6-27-77; Ord. No. 2015-18, § 2, 10-13-15)

Sec. 22-366. - Vision clearance at corner lots.

No building or structure erected and no planting or other obstruction to the vision of drivers of motor vehicles shall be located:

- (1) In any residence districts, exceeding a height of three (3) feet above the street grade within twelve (12) feet of the intersecting street lines bordering corner lots; and
- (2) In any business or manufacturing districts, within eight (8) feet of the intersecting street lines bordering a corner lot, provided that this provision shall not apply to that part of a building above the first floor.

(Ord. No. 17, as revised 5-11-81, § 4.3, 10-11-71)

Secs. 22-367—22-380. - Reserved.

DIVISION 3. - PERFORMANCE STANDARDS

Sec. 23-381. - Scope.

This division applies in all zoning districts.

(Ord. No. 17, as revised 5-11-81, § 4.9, 10-11-71)

Sec. 22-382. - Compliance.

Any use established shall be so operated as to comply with this division.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-383. - Noise.

- (a) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American National Standard Institute. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured for the purpose of this chapter, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (b) At no point either on the boundary of a resident district or a business district or at one hundred and twenty-five (125) feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual operation or plant (other than the operations of motor vehicles and other

transportation facilities) exceed the decibel levels at the designated octave bands shown hereafter for the districts indicated.

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125 feet from Plant or Operation Property Line	Maximum Permitted Sound Level in Decibels Along Residence District Boundaries or 125 feet from Plant or Operation Property Line
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
Above 4800	37	43

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-384. - Smoke and particulate matter.

- (a) No stack shall emit more than ten (10) smoke units during any one (1) hour, nor shall smoke of a density in excess of Ringelmann No. 2 be emitted, provided that during a single one-hour period in each twenty-four-hour day each

stack may emit up to twenty (20) smoke units when blowing soot or cleaning of fires, smoke of density of Ringelmann No. 3 may be emitted, but not for longer than four (4) minutes each period.

- (b) No emission of smoke or particulate matter shall exceed a density of Ringelmann No. 3, except for a plume consisting entirely of condensed steam. For the purposes of grading the density of emission, the Ringelmann Chart published and used by the United States Bureau of Mines shall be employed.
- (c) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one (1) pound per acre of lot area during any one (1) hour, computed in accordance with the procedures set forth in this section.
- (d) Dust and other forms of air pollution borne by the wind from such sources as storage areas, yards, roads and so forth, within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means. The emission of particulate matter from such sources shall conform with the requirements of subsection (c).
- (e) In addition to the performance standards specified herein, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-385. - Odorous matter.

The emission of odorous matter from any property in such concentrations as to be readily detectable at any point along the boundaries of such property or in such concentrations as to create a public nuisance or hazard beyond such boundaries is prohibited.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-386. - Vibration.

Any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least five hundred (500) feet from the property boundaries on all sides, except for a property line adjoining an M-3 District, where such setback shall not be mandatory. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-387. - Toxic or noxious matter.

No use on any property shall discharge across the boundaries of the property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to other property or business.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-388. - Glare or heat.

Any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as not to create a public nuisance or hazard along property boundaries.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Sec. 22-389. - Fire and explosive hazards.

- (a) Fire and explosive hazards shall be controlled by the fire prevention code adopted in section 10-1, or the following, whichever is more restrictive:
- (1) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted.
 - (2) The storage, utilization or manufacture of materials ranging from free or active burning to intense burning, as determined by the zoning administrator, is permitted under the following conditions:
 - a. All storage, utilization or manufacture of such materials or products shall be within completely enclosed buildings or structures having incombustible exterior walls; and
 - b. All such buildings or structures shall be set back at least forty (40) feet from property boundaries, or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with *NFPA No. 13, Standard for the Installation of Sprinkler Systems*, 1985 Edition, which publication is adopted by reference.

State Law reference— Adoption by reference, Ill. Rev. Stat. Ch. 24, ¶ 1-3-1 et seq.

- c. The storage, utilization or manufacture of materials ranging from incombustible to moderate burning, as determined by the zoning administrator, is permitted.
- d. Materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall not be permitted in this district, with the exception of the following, which are permitted:
 1. Materials required for emergency or standby equipment.
 2. Materials used in secondary processes which are auxiliary to a principal operation such as paint-spraying of finished products; and
 3. Flammable liquids and oils stored, sold and used in conjunction with the operation of an automobile service station and customarily required or used in such operation.

(Ord. No. 17, as revised 5-11-81, § 9.2, 10-11-71)

Secs. 22-390—22-400. - Reserved.

DIVISION 4. - OFF-STREET PARKING AND LOADING

Sec. 22-401. - Purpose.

The purpose of this article is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

(Ord. No. 17, as revised 5-11-81, § 10.1, 10-11-71)

Sec. 22-402. - General provisions.

- (a) *Scope*. The off-street parking and loading provisions in this division shall apply as follows:
- (1) For all buildings and structures erected and all uses of land established after October 11, 1971, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such buildings or uses are located. However, where a permit has been issued prior to October 11, 1971, and

provided that construction is begun by October 11, 1972, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

- (2) When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected or use lawfully established prior to October 11, 1971, shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen (15) percent of the units of measurement existing upon October 11, 1971, in which event parking or loading facilities as required herein shall be provided for the total increase.

- (3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to October 11, 1971, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.
- (b) *Existing parking and loading facilities.* Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on October 11, 1971, or were provided voluntarily after October 11, 1971, shall not be reduced below, or if already less than, shall not further be reduced below, the requirements of this chapter for a similar new building or use.
- (c) *Permissive facilities.* Nothing in this chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
- (d) *Damage or destruction.* For any conforming or legally nonconforming building or use which is in existence on October 11, 1971, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this chapter for equivalent new uses or construction.
- (e) *Control of off-site parking facilities.* When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the zoning board of appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.
- (f) *Submission of plot plan.* Any application for a building permit, or for a certificate of occupancy where no building permit is required, shall include therewith a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this chapter.

(Ord. No. 17, as revised 5-11-81, § 10.2, 10-11-71)

Sec. 22-403. - Special provisions for parking.

- (a) *Use of parking facilities.* Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger

automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments.

- (b) *Joint 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 constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
- (c) *Computation.* When determination of the number of off-street parking spaces required herein results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one (1) parking space.
- (d) *Size.* A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven (7) feet.
- (e) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway with one-way traffic of a minimum width of twenty (20) feet and with two-way traffic a minimum width of twenty-five (25) feet as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- (f) *In yards.* Off-street parking spaces may be located in any yards except required front yards.
- (g) *Design and maintenance.*
 - (1) Open and enclosed parking spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed as a special use.
 - (2) Surfacing. All open off street parking areas shall be improved with a dust free surface of plant mix bituminous, ready mixed concrete, interlocking paving bricks, blocks or slabs, or the equivalent of all as judged by the building commissioner or village engineer. All surface coverings shall be installed in accordance with specifications of the village.
 - (3) Screening and landscaping. All open vehicle parking areas containing more than four (4) parking spaces shall be effectively screened as approved by the plan commission on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than seven (7) feet in height. Such required screening shall conform with the front and side yard setback requirements of the district in which the parking is located. Any such parking area located above the first floor shall be effectively screened on all sides.
 - (4) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
 - (5) Signs. Accessory signs are permitted on parking areas.
 - (6) Repair and service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residence district. The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.
- (h) *Maximum number of spaces.* The total number of accessory parking spaces provided for one-family, two-family or multifamily dwellings or hotels shall not exceed that required herein for such use or for any equivalent new use by more than fifty (50) percent or four (4) spaces, whichever number is greater.

- (i) *Floor area exemptions.* When two (2) or more uses are located on the same zoning lot, only one (1) exemption in term: area, as set forth in section 22-405, shall be taken.

(Ord. No. 17, as revised 5-11-81, § 10.3, 10-11-71; Ord. No. 2005-01, § 1, 4-11-05)

Sec. 22-404. - Location of accessory off-street parking facilities.

The location of off-street parking spaces in relation to the use served shall be as prescribed below.

- (1) For uses in a residence district.
- a. Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served.
 - b. Spaces accessory to uses other than dwellings may be located on a lot or lots adjacent to street or alley from the lot occupied by the use served.

(Ord. No. 17, as revised 5-11-81, § 10.4, 10-11-71)

Sec. 22-405. - Schedule of parking requirements.

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one (1) time.

- (1) *Residential uses:*
- a. One-Family Dwellings and Two-Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit.
 - b. Multiple-Family Dwellings (including apartment hotels). For apartments with three (3) or more bedrooms, there shall be provided two and one-half (2½) parking spaces per unit. For apartments with two (2) bedrooms or less, there shall be provided two (2) parking spaces per unit. For lodging rooms located in an apartment hotel, one (1) parking space shall be provided for each lodging room.
 - c. Tourist Courts, Tourist Homes, Motels and Motor Hotels. One (1) parking space shall be provided for each dwelling unit or lodging room plus one (1) space for the owner or manager.
 - d. Hotels, or Motels, Transient. One (1) parking space for each dwelling unit and one (1) parking space for each lodging room shall be provided, plus accessory uses such as restaurants, meeting rooms and retail shops shall provide off-street parking as specified herein for each use.
 - e. Lodging Houses. One (1) parking space shall be provided for each lodging room, plus one (1) space for the owner or manager.
 - f. Private Clubs and Lodges (with sleeping facilities for guests). One (1) parking space shall be provided for each two (2) lodging rooms plus parking spaces equal in number to ten (10) percent of the capacity in persons (exclusive of lodging room capacity) of such club or lodge.
- (2) *Retail and service uses:*
- a. Retail Stores and Banks. One (1) parking space shall be provided for each two hundred (200) square feet of floor area in excess of two thousand (2,000) square feet. Drive-in banks or other similar drive-in establishments shall provide three (3) stacking spaces per teller or customer service window.
 - b. Automobile Service Stations. One (1) parking space shall be provided for each employee.
 - c. Automobile Laundry. Thirty (30) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each employee.
 - d. Bowling Alleys. Three (3) parking spaces shall be provided for each alley, plus such additional spaces as

may be required herein for affiliated uses such as bars, restaurants and the like.

- e. Establishments Dispensing Food or Beverages for Consumption on the Premises. One (1) parking space shall be provided for each one hundred and fifty (150) square feet of floor area.
 - f. Motor Vehicle Sales and Machinery Sales. One (1) parking space shall be provided for each three hundred (300) square feet of floor area.
 - g. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops. One (1) parking space shall be provided for each six hundred (600) square feet of floor area.
 - h. Theaters (indoor). One (1) parking space shall be provided for each three (3) seats.
 - i. Undertaking Establishments, Funeral Parlors. Six (6) parking spaces shall be provided for each chapel or parlor, plus one (1) parking space for each funeral vehicle kept on the premises.
- (3) *Offices—Business, professional and governmental.* One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
- (4) *Wholesale establishments (but not including warehouses and storage buildings other than accessory).* One (1) parking space shall be provided for each six hundred (600) square feet of floor area in excess of four thousand (4,000) square feet.
- (5) *Establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods, or products.* One (1) parking space shall be provided for each two (2) employees plus one (1) parking space for each vehicle used in the conduct of the enterprise, and guest parking equal to one (1) space for each one thousand (1,000) square feet of floor area.
- (6) *Warehouses and storage buildings.* One (1) parking space shall be provided for each two (2) employees, plus one (1) parking space for each vehicle used in the conduct of the enterprise.
- (7) *Community service uses:*
- a. Church, School, College and Other Institutional Auditoriums. One (1) parking space shall be provided for each three (3) auditorium seats. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.
 - b. Colleges, Universities and Business, Professional and Trade Schools. One (1) parking space shall be provided for each three (3) employees, and one (1) parking space shall be provided for each four (4) students based on the maximum number of students attending classes on the premises at any one (1) time during any twenty-four-hour period.
 - c. Health centers, Government Operated. Three (3) parking spaces shall be provided for each staff and visiting doctor.
 - d. Hospitals. One (1) parking space shall be provided for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
 - e. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.
 - f. Municipal or Privately-Owned Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the board of trustees, to serve the public.
 - g. Public Utility and Public Service Uses. One (1) parking space shall be provided for each three (3) employees plus spaces adequate in number as determined by the board of trustees, to serve the public.
 - h. Schools—Nursery, Elementary and High. One (1) parking space shall be provided for each employee. High schools shall also provide one (1) parking space for each student allowed to drive.

- (8) *Places of assembly:* Theatres, Stadiums, Arenas, Auditoriums (other than church, college or institutional school), Dance Halls, Exhibition Halls, Skating Rinks and Other Similar Places of Assembly. Parking spaces equal in number (25) percent of capacity in persons shall be provided.
- (9) *Miscellaneous uses:*
- a. Fraternities, Sororities and Dormitories. One (1) parking space shall be provided for each five (5) active members plus one (1) parking space for the manager thereof.
 - b. Institutions for the Care of the Insane or Feeble-Minded. One (1) parking space shall be provided for each staff doctor, plus spaces in adequate number, as determined by the board of trustees, to serve the visiting public.
 - c. Rest Homes or Nursing Homes. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
 - d. Sanitariums, Convalescent Homes or Institutions for the Aged or for Children. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
 - e. For the following uses, parking spaces shall be provided in adequate number as determined by the board of trustees to serve persons employed or residing on the premises as well as the visiting public:
 1. Airports or aircraft landing fields;
 2. Heliports;
 3. Convents and monasteries;
 4. Crematories and mausoleums;
 5. Fraternal or religious institutions;
 6. Outdoor amusement establishments—fairgrounds, permanent carnivals, kiddie parks and other similar amusement centers;
 7. Penal and correctional institutions;
 8. Rectories and parish houses;
 9. Swimming pools.
- (10) *Mixed uses.* When two (2) or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the zoning board of appeals.
- (11) *Other uses.* For uses not listed in this section, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the board of trustees.

(Ord. No. 17, as revised 5-11-81, § 10.5, 10-11-71)

Sec. 22-406. - Off-street loading.

- (a) *Location.* All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residence district unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.
- (b) *Size.* Unless otherwise specified, a required loading berth shall be at least ten (10) feet in width by at least twenty-five (25) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least

fourteen (14) feet.

- (c) *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
- (d) *Surfacing.* All open off-street loading berths shall be improved with a compacted gravel or crushed stone base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or some comparable all-weather dustless material.
- (e) *Repair and service.* No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business districts.
- (f) *Use for off-street parking.* Space allocated to any off-street loading berth shall not while so allocated be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) *Special uses.* For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the board of trustees, shall be provided.
- (h) *Miscellaneous location requirements.* Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be located off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

(Ord. No. 17, as revised 5-11-81, § 10.6, 10-11-71)

Sec. 22-407. - Schedule of loading requirements.

For the uses listed in the following table, off-street loading berths shall be provided on the basis of the gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

Use	Gross Floor Area (Square Feet)	Required Number and Minimum Horizontal Dimensions of Berths
Hospitals, sanitariums, and other institutional uses.	10,000 to 200,000	1-(10 ft. × 25 ft.)
Hotels, clubs and lodges, except as provided for establishments dispensing food or beverages for consumption on the premises	For each additional 200,000 or fraction	1 - additional (10 ft. × 25 ft.)
Hotels, clubs and lodges, when containing any of the following:	10,000 to 20,000	1-(10 ft. × 25 ft.)

retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory).	20,000 to 150,000 For each additional 150,000 or fraction thereof.	1-(10 ft. × 50 ft.) 1 additional (10 ft. × 50 ft.)
Retail stores	5,000 to 10,000	1-(10 ft. × 25 ft.)
Establishments dispensing food or beverages for consumption on the premises.	10,000 to 25,000 25,000 to 40,000	2-(10 ft. × 25 ft. ea.) 2-(10 ft. × 50 ft. ea.)
Motor vehicle and machinery sales.	40,000 to 100,000	3-(10 ft. × 50 ft.)
Wholesale establishments (but not including warehouse and storage buildings other than accessory)	For each additional 200,000 or fraction thereof.	1 additional (10 ft. × 50 ft.)
Auditoriums, convention halls exhibition halls, sports arenas	10,000 to 20,000 20,000 to 100,000 For each additional 100,000 or fraction thereof.	1(10 ft. × 25 ft.) 1-(10 ft. × 50 ft.) 1-additional (10 ft. × 50 ft.)
Bowling alleys		

Banks and offices—business, professional and governmental	10,000 to 100,000 For each additional 100,000 or fraction thereof to 500,000 For each additional 500,000 or fraction thereof.	1-(10 ft. × 25 ft.) 1 additional (10 ft. × 25 ft.) 1 additional (10 ft. × 25 ft.)
Establishments engaged in production, processing, cleaning, servicing, testing, or repair of materials, goods or products	5,000 to 10,000 10,000 to 40,000 40,000 to 100,000	1-(10 ft. × 25 ft.) 1-(10 ft. × 50 ft.) 2-(10 ft. × 50 ft. ea.)
Warehouses and storage buildings	For each additional 100,000 or fraction thereof	1 additional (10 ft. × 25 ft.)
Theaters	8,000 to 25,000 For each additional 50,000 or fraction thereof	1-(10 ft. × 25 ft.) 1 additional (10 ft. × 25 ft.)

Undertaking establishments and funeral parlors	8,000 to 100,000 For each additional 100,000 or fraction thereof.	1-(10 ft. × 25 ft.) 1 additional (10 ft. × 25 ft.)
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(Ord. No. 17, as revised 5-11-81, § 10.7, 10-11-71)

Secs. 22-408—22-410. - Reserved.

DIVISION 5. - ODA OFFICE DEVELOPMENT AREA BUSINESS DISTRICTS

Sec. 22-411. - Designated.

The village may, by ordinance after a public hearing as required by law, designate any area of ten (10) acres or more located within the village as an office development area ("ODA") business district, and shall adopt an office area development plan ("ODA plan") for any area so designated, provided, that:

- (1) No ODA designation shall be made, and no ODA plan shall be adopted, without express findings that:
 - a. Such designation conforms to the comprehensive plan of the village, as now or hereafter amended;
 - b. The area to be so designated is not fully developed and/or is in need of redevelopment, which development and/or redevelopment cannot be reasonably expected to occur within a reasonable period of time without the provision of local governmental assistance;
 - c. Such development or redevelopment will involve improvements and/or municipal utilities; and
 - d. Such development or redevelopment will substantially increase the village's tax base and tax revenue, without imposing significant new public service or public utility burdens unless the village will be fully reimbursed therefor.
- (2) Each ODA plan shall include:
 - a. A description of the type and general character of the facility to be developed and/or redeveloped;
 - b. The estimated date (which shall not be more than twenty-five (25) years from the adoption of the ODA plan) for the completion of local governmental participation and termination of the ODA plan; and
 - c. An estimate (which may be expressed as a percentage of projected municipal incremental revenue) of the public improvement costs to be incurred by the village in implementing the ODA plan, together with a determination of the maximum amount of funding to be made available under the ODA plan for all purposes and an estimate of the total incremental municipal tax revenue to be generated from the development area for each year the ODA plan is in existence.
- (3) The requirements of subsection (2) above may be met by combining a planned unit development ordinance applicable to an ODA and an agreement with the owner(s) and/or developer(s) of an ODA regarding local

governmental development assistance, so long as:

- a. The board designates those documents as the ODA plan at the time of designating the ODA; and
 - b. Those documents taken together include all of the required information.
- (4) In addition to the other requirements of this section, effective on and after May 1, 1989 no ODA shall be designated nor shall any ODA plan be approved prior to receipt by the board of recommendations (which the board need not follow) from both the village plan commission and the ODA commission created by section 22-413 of this division; but no such recommendations shall be required if:
- a. A planned unit development ordinance already covers all or part of the area in question at the time the designation is sought; and
 - b. Development of the entire area in question is planned to proceed in conformity with that ordinance; and
 - c. The board designates that ordinance as part of the ODA plan.

(Ord. No. 89-7, § 1, 7-10-89)

Sec. 22-412. - Powers of the village.

To carry out the purposes of this division and foster appropriate development and redevelopment of the office areas within the village, the village shall have the power, upon designation of the ODA and approval of an ODA plan:

- (1) To enter into contracts with any public or private agencies or persons for or in furtherance of the development of the ODA and/or the implementation of the ODA plan;
- (2) To employ consultants, professionals, and other persons as may be necessary for the planning, administration, and implementation of the ODA plan;
- (3) To acquire, manage, convey or otherwise dispose of real and personal property and to sell, lease, or trade such real property;
- (4) To apply for and accept capital grants and loans from the United States, the State of Illinois, or any instrumentality of the United States or the state for office district development; and
- (5) To expend such public funds as may be necessary for the planning, execution and implementation of the ODA plan.

(Ord. No. 89-7, § 2, 7-10-89)

Sec. 22-413. - Commission—Established.

- (a) Pursuant to the authority granted by the 24 ILCS 11-74.3-3(12), there is hereby created the Olympia Fields Office Development Area Commission (hereafter "ODA commission"). The ODA commission shall consist of five (5) members all of which shall be residents of the village [and] shall be appointed by the village president with the advice and consent of [the] village board of trustees. One (1) of said members of the ODA commission shall be a member of the board of trustees and his term of office as a member of this commission shall expire on April 30th of each and every year hereafter.
- (b) The present three (3) positions currently occupied on the present ODA commission whose terms expire in the year 1991 shall be appointed upon the completion of those terms as follows:
 - (1) One (1) of these positions to a term expiring in 1995;
 - (2) One (1) of these positions to a term expiring in 1994; and
 - (3) One (1) of these positions to a term expiring in 1993.
- (c) The other position, presently unoccupied, shall be for the term expiring in 1992.

- (d) Thereafter, all members of the ODA commission, except the Board of Olympia Fields Trustee member, shall have a term ODA commission for a period of four (4) years from the date of their appointment or until their successor is otherwise and qualified. All terms will expire on April 30th of the year indicated in the term of each particular position.
- (e) The chairman of the ODA commission shall be designated by the president of the board of trustees and may be that member of the board of trustees who is appointed to the ODA commission as hereinabove provided. The members of the ODA commission shall select a secretary and any other such officers as the board of trustees may deem necessary.

(Ord. No. 89-7, § 3, 7-10-89; Ord. No. 89-16, § 1, 9-11-89)

Sec. 22-414. - Same—Powers and duties.

The ODA commission shall have the following powers and duties:

- (1) To make recommendations to the board of trustees regarding the exercise of the board's responsibilities under sections 22-411 and 22-412 of this division, and to conduct public hearings relating thereto when required by law or requested by the board;
- (2) To administer ODA plans (including contracts under subsection 22-412(1) of this divisions relating thereto), to the extent provided in such plans, as agent for the village; and
- (3) To exercise such other powers and duties as the board may by ordinance determine.

(Ord. No. 89-7, § 4, 7-10-89)

Sec. 22-415. - Appeals.

Any party may appeal to the board of trustees from a decision by the ODA commission in the exercise of its powers and duties under subsection 22-414(2) above, by filing with the village clerk (who shall deliver one (1) copy to the village president and one (1) copy to the chairman of the commission) three (3) copies of a notice of appeal, specifying the decision appealed from, within seven (7) days after that decision is made. On any such appeal the board of trustees shall determine the issue(s) de novo, but need not hold a hearing nor consider information other than that which was before the ODA commission. The ODA commission's determinations under subsections 22-414(1) and (3) above shall be advisory only.

(Ord. No. 89-7, § 5, 7-10-89)

Sec. 22-416. - Expenditure of public funds within an ODA prohibited; exceptions.

Except with regard to outlays for public services (such as fire and police protection) and public improvements, no public funds shall be expended within an ODA pursuant to any contracts with private persons (subsection 22-412(1) above) which provide for administration by the commission unless:

- (1) The party requesting the expenditure has submitted to the members of the commission in advance, at such time and in such detail as the contract (or the commission, if the contract does not specify) may require, all documentation prescribed by the contract (or the commission, if the contract does not specify); and
- (2) The commission has approved the expenditure. For purposes of this section, an expenditure shall be deemed approved unless within fourteen (14) days after receipt of the required documentation the commission has advised the party requesting the expenditure that the commission will hold a formal meeting to consider the expenditure. Any two (2) members of the commission may call such a meeting by notice to the chairman, who shall promptly notify the party requesting the expenditure and schedule the meeting to take place, on not less

than five (5) days' notice, within fourteen (14) days after receiving the call therefor. At the meeting the commission may by majority vote (or such greater vote as the contract may require) approve, approve with modifications, or disapprove the requested expenditure;

- (3) In the event an expenditure is deemed approved without a meeting (subsection (2) above), the commission shall record such approval in the minutes of its next meeting. However, a failure to do so shall not affect the approval.

(Ord. No. 89-7, § 6, 7-10-89)

Sec. 22-417. - Option of commission to consult when formulating policy.

In the performance of any of its duties and powers, the ODA commission may request the advice of or otherwise consult with the village attorney or any other village official, employee, consultant, or independent contractor.

(Ord. No. 89-7, § 7, 7-10-89)

Secs. 22-418—22-420. - Reserved.

DIVISION 6. - SIGN REGULATIONS

Sec. 22-421. - Short title.

This division shall hereinafter be known and cited as the Sign Code.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-421.1. - Purpose/intent.

The purpose and intent of the Sign Code is as follows:

- (a) To recognize that signs are a necessary means of visual communication for the convenience of the general public as a whole, as opposed to the convenience of any individual person.
- (b) To acknowledge and ensure the appropriate identification of businesses and services and, at the same time, limit the proliferation of those signs that are of an accessory or incidental nature.
- (c) To protect the public from hazardous conditions that result from signs that are structurally unsafe, obscure the vision of motorists, or compete or conflict with necessary traffic signals and warning signs.
- (d) To ensure that signs are compatible with adjacent land uses and with the buildings to which they are appurtenant and with the overall visual environment of the community and to enhance the physical appearance of the village by preserving the scenic and natural beauty of the area.
- (e) To regulate signs and signage lighting in such a way as to support objectives of the village's zoning code and comprehensive plan and to protect value of property within the village.
- (f) To prevent the proliferation of off-site advertising signs which distract from the development of the village in an aesthetically pleasing manner.
- (g) To ensure that signs within the village are compatible with existing land uses and/or buildings with regard to size, location, color, message, construction, materials and manner of display, and to discourage unsightly, dissimilar, inappropriate and excessive number of signs.
- (h) It is also the intent of the Sign Code to recognize that the eventual elimination of existing signs that do not

conform with these regulations is as important as is prohibiting new signs that would violate these regulations.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-421.2. - Scope.

From and after the effective date of this Sign Code, the use of all signs and portions of signs erected, altered with respect to height and area, added to, or relocated in the village shall be in conformity with the provisions of the Sign Code.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-421.3. - Interpretation.

- (a) The provisions of the Sign Code shall be deemed to an expression of the maximum allowable number and size of signs which causes the least potential conflict with surrounding uses and which promotes and improves physical appearance in both residential and business districts within the village.
- (b) Where the conditions imposed by any provision of the Sign Code upon the control of signs are either more restrictive or less restrictive than comparable conditions imposed by the provisions of any other laws, ordinances, statutes, resolutions, rules or regulations of any governmental body, the regulations which are more restrictive or which impose higher standards shall govern, except in the case of a planned unit development where said planned unit development ordinance shall govern.
- (c) The Sign Code is not intended to abolish any easement, covenant, or any other private agreement; provided, however, that where the provisions of the Sign Code are more restrictive or impose higher standards or requirements than such easement, covenant or private agreement, the provisions of the Sign Code shall govern.
- (d) When a sign type is not specifically listed in the Sign Code as a permitted sign, it shall be assumed that such sign is hereby expressly prohibited. If it is determined by the building commissioner that said sign is similar to and not more objectionable than signs listed, such sign may then be permitted.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-421.4. - Rules of construction.

The language set forth in the text of the Sign Code shall be interpreted in accordance with the following rules of construction:

- (a) Words used in the present tense shall include the past and future tenses, and the words used in the singular shall include the plural, and the plural the singular.
- (b) The word "shall" is mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) All measured distances or standards shall be to the nearest integer. If a fraction is one-half or less, the next whole lower integer shall be taken.
- (e) The masculine gender includes the feminine and neuter.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-422. - Definitions.

The following words and terms, wherever they occur in the Sign Code shall be as herein defined:

Abandoned/obsolete sign means a sign which no longer identifies or advertises a bona fide person, business, lessee, owner, product, activity, place, idea, institution or service, and/or for which no legal owner can be found.

Attention-getting devices means any pennant, flag, valance, banner, balloon, propeller, spinner, streamer, search-light or similar device or ornamentation designed for or intended to attract attention to it for the purpose of promotion or advertising.

Awning means any structure made of cloth, metal or other material attached to a building which is constructed so as to permit being raised or retracted to a position against the building when not in use, or any structure designed to simulate such construction, such as a "backlit" awning. When an awning contains, embodies or displays any verbiage, trademark, logo, or similar representation, or a combination thereof, and/or colors indicative to the corporate logo, it shall be considered a "wall sign" under the provisions of the Sign Code.

Beacon means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same site as the light source; also any light with one (1) or more beams that rotates or moves.

Billboard, posterboard or painted wall means a single or double-faced sign structure permanently fixed to or placed upon the premises, which may have "changeable copy" and is used for advertising an establishment, business, organization, event, person, place, merchandise, service, or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g., "off-premises" sign or "outdoor advertising sign". Such signs include walls of a building that are painted to display information that does not relate to a business or other establishment located in the building. See definition of *Sign, advertising*.

Building commissioner means the Building Commissioner of the Village of Olympia Fields.

Building frontage means the linear length of the outside building wall facing the public right-of-way or the linear length of the outside building wall facing a parking area which serves as the primary access for the building.

Building line means the line as established by the vertical face of the building or an extension thereof.

Building wall means the wall area in one (1) plane or elevation of a building.

Bulletin board means a sign used for posting of events, notices, hours or related information.

Business name means the name of a business as represented on a business license or as registered with the federal or state Internal Revenue Service Departments.

Canopy means a structure other than an awning, made of cloth, metal or other materials with frames attached to a building and/or carried by a frame supported by the ground or sidewalk. When a canopy contains, embodies or displays any verbiage, trademark, logo, or similar representation, or a combination thereof, and/or colors indicative to the corporate logo, it shall be considered a "wall sign" under the provisions of the Sign Code.

Copy means the wording on a sign surface in either permanent or removable letter form.

Corner lot means a lot situated at the junction of and abutting on two (2) or more intersecting streets rights-of-way.

Exterior wall surface means the most exterior part of a wall, sunscreen, or any screening or material covering a building.

Facade means the exterior wall of a building that is exposed to public view.

Festoon lighting means a group of two (2) or more incandescent light bulbs hung or strung overhead between two (2) points, not on a building or structure, which are visible to persons on a public right-of-way, or which are not shaded or hooded to as to prevent the direct rays of light from being visible from beyond the property on which the lights are located.

Flag or emblem means a symbol or a crest of a government, college, public or private educational institution, or a fraternal, religious, civic organization, or corporation. For purposes of the Sign Code, any flag containing the corporate logo of a business will be considered a wall sign.

Frontage means all property fronting on one (1) side of the street between the two (2) nearest intersecting streets, as measured along the line of the street, or if the street is a dead end, then all of the property abutting on one (1) side of the street between an intersecting street and the dead end of the street. See also *Building frontage*, *Road frontage* or *Store frontage*.

Grade means the average elevation or level of the ground within an area that is six (6) feet of the point, or points, at which the sign or support structure meets the ground.

Incombustible material means any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

Intersection means an intersection of two (2) or more streets.

LED means light-emitting diode, LCD (liquid crystal display) or any similar technology used for the emission of visible light or infrared radiation triggered by electric current or otherwise to produce color, flash and/or movement in signs.

Logo means a symbol, color, or other graphic representation specifically attributable to a business. Logos shall not include slogans, phrases, or words that are not considered part of the business name. The logo must be a registered trademark of the subject business.

Lot means a parcel or tract of land indicated as such on a plat recorded in the Office of the Cook County Recorder of Deeds.

Maintenance means, for the purpose of the Sign Code, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Nameplate means a non-illuminated, single-faced sign, identifying only the name and address of the occupant of the building.

Nature of business means a descriptive word or term whose purpose is to describe the primary function of a business, the type of business or general category of a business, excluding definition of products (i.e., pets, spas, pools), product advertisement and slogans.

Nonconforming sign means any sign legally existing or approved and under construction on the effective date of this Sign Code and which does not conform with the provisions of the Sign Code.

Occupant means any person who owns, rents, or leases and occupies a portion of a building or a premises for a given use.

Owner means any person, group of persons, partnership, corporation, association or other legal entity holding legal or other equitable title to real estate located within the Village of Olympia Fields, including, but not limited to, contract purchasers and all of the beneficial owners under a land trust. For the purposes of the Sign Code, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the building commissioner, e.g., a sign leased from a sign company.

Pennant means a series of small flags or triangular or other geometric design tied together by a rope or other means and is used as an attention-getting device.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Premises means the area occupied by a business or other enterprise. When more than one (1) business occupies a single building on the ground floor, each business area shall be considered a separate premises. Businesses or other enterprises which occupy other floors shall be considered separate premises. When context requires, the term "premises" can also mean the lot upon which a sign is located or applied for.

Prohibited sign means any sign listed in section 22-423 herein, signs that do not comply with the Sign Code or other applicable ordinances, and signs that are otherwise prohibited.

Public right-of-way means the land area over which the village has rights either through ownership or easement, to use for any public way for vehicular or pedestrian travel which has been laid out pursuant to any municipal, township, county, state or federal law and/or utility purposes.

Public view means a view from any public or village right-of-way or access easement.

Road frontage means the frontage of a building located on a public right-of-way or main point of ingress/egress to a commercial or industrial development.

Roof line means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections. Where a building has several levels, the roof line shall be the roof or parapet of that portion of the building.

Setback means the minimum horizontal distance between the front line of a building or structure and the street right-of-way, as required by the village zoning code.

Shopping center means a group of commercial establishments under single, joint or separate ownership with common off-street parking areas.

Sign means a name, identification, description, display, pennant, searchlight, flag, bulletin board, other similar advertising or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure, tree, rock or other object, or a piece of land, and which directs attention to an object, place, activity, person, institution, organization or business, special event or other public or private purpose to attract attention of persons on or off the premises on which the sign is located. Signs shall mean any surface, fabric, device, or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. For purposes of the Sign Code, a sign shall include colors on a canopy or awning that are indicative of a corporate logo. "Sign" does not include any display of traffic signs or similar regulatory devices or any official public notice, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, civic, philanthropic, or religious group. "Sign" does not include exterior seasonal decorations, nor a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered to be a sign. The term "sign" includes but is not limited to every type of sign listed as follows:

- (1) *A-frame sign*. A temporary double-sided sign typically connected at the top and separated at the bottom to form an "A" when in use. For the purpose of the Sign Code, an A-framed sign is also referred to as a "sandwich board sign".
- (2) *Advertising sign*. Any advertising device, billboard, poster, notice, or display which directs attention to an object, product, place, activity, person, institution, organization or business that is not located on the property where the sign is located or is intended to attract attention, including any structure and all lighting or other attachments used in connection therewith, but not including a temporary sign or a sign advertising the activity being conducted upon the property upon which it is located.
- (3) *Animated sign*. A sign or any part of which by design, changes physical position by any movement, or creates the appearance of movement.
- (4) *Awning sign*. A sign which is applied to, attached, or painted on an awning. See definition of *Awning*.
- (5) *Banner sign*. Any sign intended to be hung with or without frames, possessing characters, letters, illustrations, or ornamentations applied to cloth, canvas, fabric of any kind, plastic or other light material. National flag, flags of political subdivisions, and symbolic flags of any institution shall not be considered banners for the purposes of the Sign Code.
- (6) *Bench sign (ad sign)*. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
- (7) *Box sign*. A translucent back-lit panel, larger than three (3) square feet, which is applied to the facade of the

- building.
- (8) *Business sign*. A sign which directs attention to a business, commodity, service, activity, idea, slogan or entertainment conducted, sold, offered or available upon the premises where such sign is located or to which the sign is affixed.
 - (9) *Canopy sign*. A sign which is applied to, attached, or painted on a canopy or other roof-like cover. See definition of *Canopy*.
 - (10) *Changeable copy sign*. A sign upon which letters, words, or characters can separately be placed and replaced in or upon the surface area either manually or electronically for the purpose of changing the information contained on the sign, e.g., "electrical" or "electronic time and temperature units" and/or "message centers".
 - (11) *Changeable electronic variable message sign (CEVMS)*. A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including light emitting diode (LED) or electronic message board or digital display, and which varies in intensity or color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic control device and that is described in the Manual on Uniform Traffic Control Devices (MUTCD), approved by the Federal Highway Administration or the Illinois Department of Transportation.
 - (12) *Civic event sign*. A temporary sign announcing or identifying a civic use, purpose, event or program taking place at a particular date and time.
 - (13) *Contractor/construction sign*. A temporary sign identifying an architect, contractor, subcontractor, material supplier, and/or lending institution responsible for or participating in construction or remodeling on the property on which the sign is located, together with other information and the general nature of the proposed use on the property.
 - (14) *Development sign*. A temporary sign used to identify an approved future development.
 - (15) *Digital display sign*. For the purpose of the Sign Code, this sign shall have the same meaning as an electronic message board ("EMB") or a changeable electronic variable message sign ("CEVMS").
 - (16) *Directional sign*. Typically, an on-premises sign limited to a directional message, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", "drive-thru", and "exit", and does not identify the establishment itself or other goods or services available at the establishment and does not contain advertising messages.
 - (17) *Directory sign/development map*. A sign listing the names and locations of various businesses or activities conducted within a building or group of buildings. One (1) or more maps may be incorporated as part of the directory sign, along with a listing of business names and types.
 - (18) *Electronic message board (EMB)*. Any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs that contain alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments.
 - (19) *Event sign*. A temporary sign announcing a noteworthy happening, social occasion or activity taking place at a particular date and time.
 - (20) *Exempt sign*. A sign that is not required to have a sign permit.
 - (21) *Flashing sign*. See *Changeable electronic variable message sign (CEVMS)*.
 - (22) *Freestanding sign*. A sign which is ground-mounted or supported by one (1) or more columns, uprights or upon the ground, not attached to or forming part of a building. Includes monument signs (see *Monument sign*).
 - (23) *Garage sale sign*. A temporary freestanding sign announcing a garage sale. Said signs shall not be attached to

- any utility pole or structure, to any traffic-control sign, nor located within the public right-of-way.
- (24) *Governmental sign.* A sign that is erected and maintained pursuant to, and in the discharge of, any governmental function, or required by any law, ordinance or governmental regulation.
- (25) *Ground sign.* See *Monument sign.*
- (26) *Home improvement sign.* A sign that displays the name of a roofing, fence, pool, paint, landscape or other home improvement contractor.
- (27) *Human sign.* A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign. Political, protest or strike signs are not considered human signs and are permitted as allowed by federal law.
- (28) *Identification sign.* A structure, building wall, or other outdoor surface used to display and identify the name of the individual, business, profession, organization, or institution occupying the premises upon which it is located.
- (29) *Illuminated sign.* Any sign which has characters, letters, figures, design or outline illuminated by internal or external electric lights or luminous tubes, or which gives the appearance of illumination, as a part of the sign proper. See also *Changeable electric variable message sign*, *Digital display sign* and *Electronic message board*.
- (30) *Incidental sign.* A sign which is incidental to the primary use and is for public information and not for advertising purposes.
- (31) *Individual letter sign.* A wall sign made of self-contained letters that are affixed to the face of a building which does not project above the top of the parapet wall, does not project above any portion of the roof line, and which does not project above or below a marquee.
- (32) *Inflatable sign.* Any hollow item or character expanded or enlarged by the use of air or gas for the purpose of advertisement, including tethered balloons and typically manufactured of plastic, cloth, canvas or other light fabric. For the purpose of the Sign Code, an inflatable sign shall be considered a temporary sign.
- (33) *Informational traffic sign.* A sign directing and guiding vehicular or pedestrian traffic which bears no advertising matter.
- (34) *Institution sign.* A sign identifying a public, charitable, or religious institution which is located on the premises of such an institution.
- (35) *Lawn service sign.* A temporary sign that announces that lawn services are provided on a lot.
- (36) *Memorial sign.* A commemorative sign or tablet cut into masonry or inlaid as part of a building, that memorializes a person, place, event or structure.
- (37) *Menu board sign.* A permanent sign used to inform the public of the list of food and drinks available in a restaurant and may include the corresponding prices. Menu boards are typically associated with a drive-through facility that is accessory to the restaurant.
- (38) *Message sign.* See *Political message sign.*
- (39) *Mobile sign.* A sign that is attached to, or carried by, a person or any motor vehicle, bicycle or other similar apparatus. See also *Human sign.*
- (40) *Monument sign (aka ground sign).* A freestanding sign mounted on a base or other supports, where the bottom of the sign face is located no more than three (3) feet from ground level.
- (41) *Moving sign.* See *Animated sign.*
- (42) *Neon sign.* Any sign that is partially or completely illuminated by one (1) or more direct neon tube light sources, or similar types of lighting, such as bare bulb illumination or simulated neon.

- (43) *Off-premises sign.* A sign which directs attention to a commercial use, business, commodity, service, or activity not sold or offered upon the premises where the sign is located. See also *Billboard, Posterboard* or *Painted wall*.
- (44) *On-premises sign.* A sign related solely to a use, business, or profession conducted, or to a principal commodity, service, or entertainment sold, provided, or offered upon the premises where the sign is located.
- (45) *On-site directory sign.* A sign, not readable from any public right-of-way, that lists the names and locations of some or all of the occupants or uses of a building or group of buildings, or both.
- (46) *On-site informational sign.* A sign, other than a directory sign/development map, that is commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the lot, including, without limitation, monument signs marking entrances and exits, parking areas, one-way drives, restrooms, and pick-up and delivery areas or window signs identifying, without limitation, entrances, exits, hours of operation, credit cards accepted, contact information, and services provided.
- (47) *Open house sign.* A temporary sign directing people to homes that are for sale and open to the public for physical viewing without prior appointment. Such signs may identify the street address and the times for such public viewing.
- (48) *Parking sign.* A sign which identifies a parking area for automobiles, trucks, motorcycles, or any other motor vehicle.
- (49) *Permanent sign.* Any sign which is permanently affixed or installed and is intended for long-term use, generally being in place longer than ninety (90) days.
- (50) *Personal event sign.* A temporary sign that announces a personal event or occasion, such as a birth, graduation, or other celebration or event.
- (51) *Pole sign.* A freestanding sign which is supported by one (1) or more uprights or braces greater than two (2) feet in height that are no more than twelve (12) inches in diameter and not attached or braced by any other structure.
- (52) *Political election sign (a/k/a political campaign sign).* A temporary sign or poster that announces or supports a candidate seeking public office or identifying or publicizing a public issue or advocating a position with respect to a public issue in connection with any national, state or local election. Political election signs include only those signs specifically advocating on behalf of a person, or a position on a question, to be considered by voters on a ballot that has been certified in accordance with the Illinois Election Code.
- (53) *Political message sign.* A temporary sign, other than a political election sign, that expresses a noncommercial message regarding an issue of political or public concern.
- (54) *Portable sign.* A sign not permanently attached to the ground, building, or to any other structure; a sign designed to be moved from place to place and is not a temporary sign as defined in this Sign Code.
- (55) *Project identification sign.* See *Contractor/construction sign*.
- (56) *Projecting sign.* A sign supported by a building or other structure which projects over any street, sidewalk, alley, or public way or easement; or which projects more than twelve (12) inches from the face of any building, structure or supporting wall.
- (57) *Projection sign.* A sign created by projecting light onto a surface such as a building or similar structure.
- (58) *Promotional sign.* A temporary sign that promotes a sale, seasonal product or activity, or community or civic event. See also *Civic event sign*.
- (59) *Public sign.* See *Governmental sign*.
- (60) *Public service sign.* A sign posted on public or quasi-public property, the function of which is to promote items of general interest to the community. See also *Civic event sign*.
- (61) *Public utility sign.* A sign that is erected by a public utility company or construction company to warn of danger or hazardous conditions, including, without limitation, any sign indicating the presence of underground cables,

- gas lines and similar devices.
- (62) *Pylon sign.* See *Pole sign.*
- (63) *Reader board sign.* See *Changeable copy sign.*
- (64) *Real estate sign.* A temporary freestanding sign placed upon property advertising that particular property for sale, rent or lease.
- (65) *Residential, commercial, office and research, manufacturing subdivision identification sign (permanent).* A permanent sign designed to identify a residential, commercial, office and research, or manufacturing subdivision, planned unit development, or other development which is placed at the major entrance(s) to the development.
- (66) *Roof sign.* A sign erected or constructed upon or above the highest point of a building with a flat roof, or the lowest portion of a roof (eave line) for any building with a pitched, gambrel, gable, hip, mansard or other non-flat roof.
- (67) *Sandwich board sign.* See *A-frame sign.*
- (68) *Secondary roof sign.* A sign that is mounted to or projects from a canopy or secondary roof over an entry to a building, but that does not project above the highest point of the building. A secondary roof sign may also be attached to a parapet wall.
- (69) *Security sign.* A sign that announces that a security system is maintained on a lot.
- (70) *Soffit sign.* A sign no greater than four (4) square feet suspended from a soffit, roof overhang, covered walkway, covered porch or open lattice walkway.
- (71) *Special event sign.* A temporary sign used to advertise a one-time event or sale. See also *Civic event sign* and *Event sign.*
- (72) *Subdivision identification sign (permanent).* A permanent sign that is placed at the entrance to a residential development in order to identify the name of the development. See also *Residential, commercial, office and research, manufacturing subdivision identification sign.*
- (73) *Temporary sign.* A sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, wallboard, wood/plywood, or other light material, with or without a frame, that is not permanently mounted to the ground or building, erected and intended to be displayed for a limited period of time. Illumination of any temporary sign is prohibited.
- (74) *Vehicle sign.* An advertising or business sign painted on, attached to, or mounted upon an operable or inoperable truck, bus, car, trailer, boat, recreational vehicle or any other operable or inoperable vehicle. Vehicle signs shall exclude bumper stickers, license plates and inspection and registration stickers.
- (75) *Wall sign.* A sign painted on a building, retaining wall or other structure, and any other sign which is mounted or attached to the facade of a building, retaining wall or other structure, and where no part of the structure of the sign extends more than twelve (12) inches out from the facade as measured from the face of the building wall to which it is attached, and does not extend above the roof line or top of building edge. Supports or braces from a wall sign to the roof shall not cause a wall sign to be considered to be a roof sign under the Sign Code. Such sign shall not be posted, painted or plastered directly on the surface of the walls or roof of a building.
- (76) *Window/glass door sign.* Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is affixed to any surface of a window/glass door or placed within the interior of the structure and that is plainly visible and is erected, constructed, or maintained for the primary purpose of being viewed from the exterior of that structure.

Sign height (freestanding) means the vertical distance of a sign measured from the grade to the top of the sign, including the support structure and any design element.

Sign height (wall sign) means the vertical dimension of the imaginary box drawn so as to completely enclose each symbol, word, phrase, title or name appearing on the sign and computing the sum of all such geometric figures.

Sign structure means a structure which supports, has supported, or is capable of supporting a sign, including decorative cover. Any angle iron or main support is to be enclosed in wood, plastic, or metal so that the angle iron is not visible.

Sign surface area means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such a perimeter shall not include any structural or framing elements laying outside the limits of such sign and not forming an integral part of the display. Business or corporate identification letterings or similar displays, i.e., logos, shall be included within all sign area calculations.

Store frontage means the length of a building facade specifically attributable to a single commercial, office and research or manufacturing business that includes the principal point of access to the business.

Uniform sign plan means a plan designed to show the relationship of signs for any cluster of buildings, a planned unit development, or any single building housing a number of users, or in any arrangement of buildings or shops which constitute a visual entity as a whole.

Unlawful sign means a sign which contravenes the Sign Code or which the building commissioner may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or disrepair or a nonconforming sign for which a permit required under the Sign Code has not been obtained.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-423. - Prohibited signs.

All signs not expressly permitted under the Sign Code are prohibited within the village. The following signs are specifically prohibited in all zoning districts:

- (a) Off-site signs, unless within an approved planned unit development or an approved special use.
- (b) Pole signs.
- (c) Roof signs.
- (d) Projecting signs as defined in the Sign Code.
- (e) Balloons, pennants, streamers, portable signs, festoon lights or any other attention-getting devices not specifically authorized in subsections 22-428.1(b)4(v) and 22-428.1(c)4(i) of the Sign Code.
- (f) Commercial signs not advertising a business conducted or a product sold on the same property on which the signs are located except as permitted in the Sign Code.
- (g) Obscene signs which contain statements, words, pictures or other depictions, which, as a whole, predominantly appeal to prurient interests, that is, a shameful or morbid interest in nudity, sex or excretion, and goes substantially beyond customary limits of candor in description representation of such matters, and are of an obscene, indecent or immoral character and which offends public morals or decency.
- (h) Miscellaneous advertising devices, other than the signs which conform to the provisions of the Sign Code, or any other provisions of the Village Code, shall not be allowed.
- (i) Signs in conflict with traffic signs, vehicular or pedestrian travel, access to fire hydrants and fire lanes and exits, and other signs which reasonably impede or impair public health, safety and welfare.
- (j) Signs painted on the walls or windows of any building or fence.
- (k) Signs hung across any street or alley.
- (l) Any sign on a tree or utility pole, whether on public or private property.

- (m) Vehicle signs. Parked trucks, cars trailers, taxi cabs and other vehicular equipment shall not be used as stationary displays within the corporate limits of the village as provided in chapter 14, article II, section 14-40, "Parking of co vehicles," of the Village Code, except as provided in subsection 22-426(v) of the Sign Code.
- (n) Obsolete signs. No signs shall be permitted which advertises a business which is not being presently conducted on the premises on which the sign is located.
- (o) Portable signs as defined in subsection 22-422(54) of the Sign Code.
- (p) Paper signs.
- (q) Lawn service signs as defined in subsection 22-422(35) of the Sign Code.
- (r) Signs with exposed guy wires, chains or other similar connections attached to the ground which pose a safety hazard to pedestrians.
- (s) Home improvement signs as defined in subsection 22-422(25) of the Sign Code.
- (t) Exterior neon signs.
- (u) Unlawful signs as defined in section 22-422 of the Sign Code.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-424. - Sign specifications.

Sec. 22-424.1. - Measurements.

(a) *Area of individual signs.*

1. The area of a sign shall be determined by the outer dimensions of the frame or enclosure surrounding the sign face.
2. The area of a sign face or lettering not enclosed in a frame, is determined by calculating the smallest square, circle, rectangle, triangle, or combination that will encompass the extreme limits of the sign, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This area calculation does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the village's zoning ordinance regulations and is clearly incidental to the display itself.
3. A double-faced sign shall count as a single sign.

(b) *Height of individual signs.* Height of signs shall be measured to the highest point of the sign to the crown of the street directly opposite the sign.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-424.2. - Placement and number of signs on lots.

Except as otherwise provided in the Sign Code, the placement and number of signs on lots shall be as follows:

(a) *Placement of signs.*

1. Only signs erected by the Village of Olympia Fields or the State of Illinois shall be permitted within a public right-of-way. All other signs shall be placed no closer than five (5) feet from any lot line.
2. *Corner lots.* No sign having a height of more than thirty (30) inches above the crown of the adjacent streets shall be constructed or placed within the part of the yard or open area of a corner lot which is included within a triangular area of twenty-five (25) feet from the point of intersection of the two (2) rights-of-way lines forming such corner lot.
3. *Driveway setback.* No signs shall be located within a triangular area of fifteen (15) feet from the edge of

pavement of the driveway and the public right-of-way.

4. Documentation of permission to install any sign must be obtained from the property owner prior to submittal of a permit application and sign installation.
 5. No wall sign on a building wall shall face an area zoned residential. No more than one (1) point of sale gasoline sign per street frontage shall be permitted.
- (b) *Number of signs.* No more than one (1) ground-mounted sign is permitted on a property. Premises having building frontage on more than one (1) dedicated street, shall be permitted signage for each street frontage as provided by the Sign Code.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-425. - General sign regulations and standards.

(a) *General provisions.* The following provisions shall apply in all zoning districts:

1. The requirements of the Sign Code shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, removal and relocation of all signs within the zoning districts in the village. Any sign not expressly permitted by these regulations shall be prohibited. The regulations of the Sign Code relate to the location of signs, by function and type. Every sign, and parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Sign Code and the building, electrical and fire protection codes of the village. Provisions of the Sign Code shall be subject to further restrictions by any applicable zoning provisions and all other Village Code provisions.
2. Permanent business signs are intended to be used for business identification. The design of permanent signs and the information placed on them shall be focused on identifying the location of the business and its name. Permanent window signs shall conform to the requirements set forth in subsection 22-428.2(e) of the Sign Code.
3. Temporary signs are to be used for advertising. Temporary signs shall contain information regarding sales, special events, business promotions, and other events which occur over a limited time.
4. No sign shall be painted, postered or plastered directly on the surfaces of the exterior walls or roof of any building. No sign or sign structure shall be attached to a tree, fence, telephone pole or other utility pole or structure, whether on public or private property.
5. Both sides of a dual-faced sign shall contain the same words, artwork and logo.
6. All signs, and all parts thereof, regardless of whether or not a permit is required, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of nonfunctioning, broken or defective parts, painting, repainting, cleaning and any other acts required for the maintenance of the sign. All signs and sign supports shall be kept painted, or otherwise treated to prevent rust, rot or deterioration.
7. No sign shall be erected or located in a public right-of-way except as established by the authorized public entity responsible for the public right-of-way.
8. No sign, or portion thereof, shall rotate, flash, flutter, or appear to move except as otherwise permitted herein.
9. No sign shall be constructed or maintained on any portion of a roof, nor shall any sign attached to an improvement project be placed above any portion of the roof or parapet wall.
10. Except as herein provided, no sign may be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with the Sign Code. No sign permit shall be issued for any sign unless the sign relates to a use permitted by the village zoning ordinance upon the subject property and actually occurring on that property and the sign is permitted and complies with all applicable provisions of the Sign Code.

11. Except as herein provided, when a sign is not specifically listed as permitted in any specific zoning district, such sign is expressly prohibited.
 12. Freestanding signs. All freestanding signs shall be monument signs as defined in the Sign Code.
 13. Traffic safety. No sign shall be maintained at any location where by reason of its position, size, shape, or color, it may obstruct, interfere with the view of, or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
- (b) *Illumination of signs.* In addition to all other applicable regulations set forth in the Sign Code, illumination of signs shall be subject to the following:
1. Illumination of signs shall be diffused or indirect, and no direct rays shall reflect into the public street or onto any adjacent property lot to the lot in which the sign is located.
 2. Exposed light bulbs, neon or LED tubes, flashing or fluttering, blinking or traveling and similar illumination which has a changing light intensity, brightness or color are prohibited (unless otherwise approved as part of a planned unit development).
 3. Signs in the direct line of vision of motorists approaching any traffic signal shall not have red, green or amber illumination.
 4. Neither the direct nor reflected light from the primary light sources shall create a traffic hazard for or confuse operators of motor vehicles on public thoroughfares.
 5. Illuminated wall signs shall be illuminated internally.
 6. Monument signs, if illuminated internally, shall adhere to illumination standards for wall signs. If illuminated externally, light sources shall be contained in a protective enclosure and concealed by landscaping.
 7. All illuminated signs located on lots less than five hundred (500) feet from any residential zoning district shall be turned off between the hours of 11:00 p.m. or when the business closes, whichever is later and 7:00 a.m., unless the business is open for business prior to that time, in which case the sign may be lit at the time the business opens. Such signs shall have functioning automated shut-off timers.
 8. All sources of light having an intrinsic brightness greater than thirty-foot lamberts shall be shielded so that the source of light cannot be seen at any point within a residential zoning district.
 9. No luminous source of light shall have a light intensity exceeding the brightness value of one hundred fifty-foot lamberts.
 10. No source of light shall be permitted to cause illumination in excess of one-half footcandle in a residential zoning district.
 11. Temporary signs shall not be illuminated.
 12. Neon signs. A single neon window sign may be permitted per building face, up to four (4) square feet in area, and shall be limited to one (1) per business location. Neon signs shall not flash or flutter, blink or otherwise appear in any manner other than a steady illumination. A sign shall be considered neon if it appears to be neon, no matter what technology is used. Any architectural element that utilizes neon shall be considered a neon sign.
 13. LED signs. LED signs shall be limited to freestanding signs and not permitted as wall signs, shall not change more frequently than once every fifteen (15) seconds, shall not scroll, animate, move, twinkle, snow, flash, blink or otherwise appear other than a steady image display, shall not exceed fifteen (15) footcandles of illumination as measured four (4) feet perpendicular from any surface of an LED sign, and shall not be located within five hundred (500) feet of another LED sign in any direction.
- (c) *Maintenance.* All signs, including temporary signs, shall be maintained to prevent deteriorating or unsafe conditions. Such conditions apply to structural soundness of a sign, its base, or method of attachment to a building or the ground; safety of any electrical elements; prompt repair of any damaged elements; and painting or other

maintenance measures may be reasonably required by the building commissioner, code enforcement officer, or sign commission. Failure to repair or remove such a sign immediately after written notification from the building commissioner or his designated agent, will result in the removal by the village at the expense of the applicant or property owner.

- (d) *Landscaping requirements.* All new monument signs shall be surrounded by a landscaped area. A landscape plan shall be submitted along with the permit application for such signs. The landscape plan shall comply with the following requirements:
1. The landscaped area shall be located around the base of the monument sign, consisting of a square, rectangle, oval or circular area, which shall be equal to two and one-half (2.5) square feet for each square foot of sign area.
 2. The landscaped area shall contain living landscape material, consisting of shrubs, perennial groundcover plants, or a combination of both placed throughout the landscaped area. Sodded or seeded areas shall not be construed as to meet this requirement. Plantings should be selected and placed so that views to the sign are not blocked. The landscaping shall be maintained at all times.
 3. If the area available on the subject property for the required landscaping is insufficient, the building commissioner may permit the installation of a portion of the required landscaping at an alternate location on the property. Sodded or seeded areas shall not be construed as to meet this requirement.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-426. - Exempt signs.

Unless otherwise provided, the signs set forth in this section are permitted in all zoning districts, shall not require a sign permit, and shall not be counted when calculating the number of signs and square footage on a premises. However, such signs shall conform with other general regulations for signs enumerated in the Sign Code. Signs exceeding the provisions of this section shall be required to obtain sign permits and shall conform to all of the requirements for permanent signs in the zoning districts in which they are located. All exempt signs shall be subject to the provisions of unsafe and unlawful signs. Exempt signs which do not conform to the given standards are unlawful.

- (a) *Name plate sign.* One (1) name plate sign indicating the name and address of the occupant of the building, not to exceed one (1) square foot in sign area. On a corner lot, two (2) such signs, one (1) facing each street, shall be permitted.
- (b) *Real estate signs,* except as otherwise provided in subsections 22-428.1(a)2. and (b)3. of the Sign Code, not exceeding four (4) square feet in sign area on residential property. On corner lots, one (1) additional sign of the same size shall be permitted for the second street. Such real estate signs shall be removed within ten (10) days after the premises or lot advertised has been sold, rented or leased or otherwise not available to the general public. Real estate signs shall be prohibited in the public rights-of-way.
- (c) *Open house signs.* For any dwelling offered for sale by any person, not more than two (2) open house signs not exceeding twelve (12) square feet in area, which direct traffic to real estate being advertised for sale, rental or lease management, only one (1) of which may be placed on the parkway of the closest major intersection to the aforementioned real estate. Such signs shall only be allowed to be displayed on the day of the open house and must be removed immediately thereafter. Direction signs of one (1) square foot shall be allowed.
- (d) *Bulletin boards* for public, charitable or religious institutions, not exceeding a sign area of sixteen (16) square feet and bears no commercial advertising. There shall be no more than one (1) sign per zoning lot, except that on a corner lot, two (2) bulletin boards, one (1) facing each street, shall be permitted.
- (e) *General information signs,* such as signs regulating on-premises traffic and parking, and signs denoting sections of a building such as lavatory facilities and public telephone areas. Such signs shall not exceed four (4)

- square feet and shall not bear any commercial advertising.
- (f) *Traffic and other signs erected by a governmental body*, or under the direction of such body, railroad crossing signs, safety signs and signs identifying public schools.
 - (g) *Memorial signs or tablets and signs denoting the date of erection or names of buildings* no larger than five (5) square feet (commonly known as cornerstones).
 - (h) *Flags, pennants, insignia*. No more than three (3) flags, pennants or insignia of any government, educational organization, or any religious, charitable or fraternal organization, and displayed for noncommercial purposes and not more than one (1) flag pole per zoning lot. Three (3) flags and three (3) flag poles will be permitted in commercial areas only. The maximum height of a flag pole or other structure shall be thirty (30) feet. The maximum area of the flag shall be forty (40) square feet. A flag and its supporting structure located on non-public property shall be located behind the property line. Flags may be placed at parks during social and athletic events.
 - (i) *Signs identifying places of worship* when located on the premises thereof, and shall be a maximum of thirty-two (32) square feet per side.
 - (j) *Signs not visible beyond the boundaries of the lot or parcel* upon which they are situated or from any public thoroughfare or right-of-way.
 - (k) *Official signs* of any public or governmental agency, including any sign of an official court or public office and any notices thereof.
 - (l) *Any sign which is located completely within an enclosed building*, and is not visible from the outside of the building.
 - (m) *Tablets, grave markers, headstones, statuary/memorial plaques or remembrances of persons or events* that are noncommercial in nature.
 - (n) *Private traffic direction signs* directing traffic movement onto a premises or within a premises, not exceeding four (4) square feet in area and four (4) feet in height.
 - (o) *Political signage*, including signs relating to: (i) the election of a candidate for public office; (ii) a political party; (iii) advocating a particular preference with regard to a position on a referendum; or (iv) containing primarily a political message, subject to the following:
 1. *Location*: Political signs shall only be permitted on private property, in all zoning districts with the consent of the property owner.
 2. *Placement*:
 - (i) No political signs shall be displayed on nonresidential property unsuitable for such use or on nonresidential areas where the placement of the signs will obstruct the view of motorists or pedestrians as determined by the building commissioner.
 - (ii) No political signs shall be attached or affixed on village property, except as provided in subsection 22-426(p) below, including but not limited to, poles, trees, fences, posts or buildings, or within two hundred (200) feet of a village-owned building.
 - (iii) Signs may be posted on lawns, buildings and existing signposts. Signs shall not be posted on roofs on nonresidential property.
 - (iv) No signs shall be placed over or in a public right-of-way (village, state, county or township), including, but not limited to, utility poles, bridges, fences and trees, and will be removed and destroyed without notice.
 3. *Size*: The maximum size for a sign shall be sixteen (16) square feet, and neither the length, nor width of the sign shall exceed four (4) feet. No more than eighty (80) square feet of total signage shall be allowed per property.

- (p) *Political election signs on public property during early voting.*
1. The board of trustees declare that the erection of political election signs pursuant to this subsection ~~22-426~~(p), shall not, and is not intended to, create a public forum on any village-owned property on which the sign is located. This subsection is intended merely to preserve the rights of persons to congregate and engage in electioneering beyond the campaign-free zone during early voting periods only. Political signs on public property on election days are permitted pursuant to the Illinois Election Code, 10 ILCS 5/17-29.
 2. Political election signs may be installed on property owned by the village during any period in which early voting is permitted pursuant to article 19A of the Illinois Election Code, 10 ILCS 5/19-A et seq., only in strict accordance with the following:
 - (i) Political election signs may be installed only on property owned by the village that is contiguous to the property on which the early voting polling place is located.
 - (ii) Political election signs shall not be installed within the "campaign-free zone" established pursuant to section 17-29 of the Illinois Election Code, 10 ILCS 5/17-29.
 - (iii) Political election signs may be installed only within the first sixty (60) feet beyond the "campaign-free zone" established pursuant to section 17-29 of the Illinois Election Code, 10 ILCS 5/17-29, but in no event within any building located within the sixty-foot area.
 - (iv) Political election signs shall not be installed within five (5) feet of any vehicular public right-of-way, vehicular accessway, or parking lot.
 - (v) Political election signs installed pursuant to this subsection, shall not be installed prior to the opening of the polling place on the first day of the early voting period, and shall be removed within twenty-four (24) hours after the closing of the polling place on the last day of the early voting period.
- (q) *Homeowners association meeting signs* (see definition of *Civic event sign*, subsection ~~22-422~~(12) of the Sign Code).
- (r) *Garage sale signs.* Only one (1) sign advertising the sale shall be permitted on the premises where the sale is taking place, unless such property has frontage on two (2) public streets, in which case two (2) signs are permitted, one (1) on each frontage. Up to three (3) additional signs shall be permitted on other private property, provided prior permission has been obtained from the property owner. All such signs shall not exceed four (4) square feet in area. No signs shall be erected on the public right-of-way. No signs shall be affixed to a utility pole or street sign. Garage sale signs shall not be displayed on or within vehicles or be placed in a location which would cause an obstruction to the clear view of traffic. Any other advertising devices intended to draw attention to this sale, including, but not limited to banners, streamers and loudspeakers, are hereby prohibited. Signs shall be erected for no more than three (3) consecutive days. Such signs shall be removed no later than three (3) hours after conclusion of the sale.
- (s) *Decorations* displayed in connection with civic, patriotic or religious holidays, for a period not to exceed thirty (30) days.
- (t) *Traditional holiday scenes* only to be exhibited between November 1 and January 15.
- (u) *Yard signs* that publicize the arrival of a newborn or the participation of a family member in a school activity or sport or special event. Yard signs shall also include signs that advertise the presence of a home security system. Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs, except for home security system signs, shall be removed after fifteen (15) days of being installed. Yard signs advertising the presence of a home security system shall not be subject to any time restrictions and shall not exceed one (1) square foot in area. In general, a yard sign shall be erected no closer than ten (10) feet from the street pavement.

- (v) *Vehicle signs.* Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the public right-of-way or placed in a manner that the sign is readily visible from adjacent public rights-of-way. Vehicle signs are permitted provided that:
1. The primary purpose of such vehicle is not for display of the sign.
 2. The signs are painted upon or applied directly to an integral part of the vehicle.
 3. The vehicle is in operating condition, insured, and currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates.
 4. The vehicle is not used primarily as a static display, advertising a product or service, not utilized as storage, shelter or distribution points for commercial products or services to the general public.
 5. The vehicle displaying a vehicle sign shall at no time remain in one (1) visible place for more than twenty-four (24) consecutive hours.
 6. One (1) sign, not larger than two (2) feet by two (2) feet, advertising that the vehicle, boat and/or trailer on which it is placed is for sale or rent is permitted.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-427. - Temporary signs.

Temporary signs shall be permitted anywhere on private property in the village subject to a sign permit and a permit fee, and as otherwise set forth in the Sign Code. Said signs shall in all respects comply with the applicable regulations contained in the Sign Code. The application for a temporary sign permit shall include a diagram depicting the number, location, size and such other information as requested by the building commissioner identifying any proposed signage. No more than one (1) portable sign may be included as part of temporary promotional signage. Portable signs may not exceed four (4) feet by eight (8) feet in size and shall not employ flashing lights or be internally illuminated. Temporary signs are prohibited in the public right-of-way.

A temporary sign shall be permitted for the length of time set forth on the required permit therefor, as established by the Sign Code and shall thereafter be removed unless such permit is extended by the building commissioner.

- (a) *Advertising permitted.* The advertising contained in any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.
- (b) *Banners.* Banner signs are temporary signs and shall be allowed in accordance with subsections 22-428.1(b)4. and 22-428.2(g) of the Sign Code. Balloons, pennants, streamers, strings of lights and other similar signs are temporary signs and shall be allowed only in accordance with subsections 22-428.1(b)4. and (c)4. and 22-428.2(h) of the Sign Code.
- (c) *Location.* No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare or a distance greater than four (4) inches from the wall to which it is attached, and shall not be placed or project over any wall opening.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-428. - Permitted signs in zoning districts.

Sec. 22-428.1. - Permitted signs in residential districts (R-1, R-2, R-3).

- (a) *Signs accessory to residential uses, public uses, religious institutions, nonprofit institutions and nonresidential uses.*
 1. *Exempt signs* as designated in section 22-426 of the Sign Code.

2. *"For Sale" signs* advertising the sale of an individual parcel of vacant land larger than two (2) acres shall be permitted under the provisions of subsection 22-428.1(b)3(i) below, except the area and height of the sign shall not exceed fifty (50) feet and shall not project more than ten (10) feet above ground level.
 3. *Contractor/construction signs.* Not more than two (2) construction signs, or signs announcing future construction, with a combined sign surface not to exceed thirty-two (32) square feet, identifying the architects, engineers, contractors and other individuals or firms involved with the construction on a site being developed.
 - (i) *Location and height.* The sign shall be located on some portion of the land being developed. The signs shall not project more than ten (10) feet above ground level. No sign shall be located closer than fifteen (15) feet to any property line.
 - (ii) *Permits.* A permit for such signs shall be approved by the building commissioner. The signs shall be removed within fourteen (14) days after the issuance of the final occupancy permit for the construction or development.
 4. *Civic event signs.* Not more than one (1) civic event sign publicizing times or locations of meetings or special events of homeowners associations, religious organizations or groups, or civic groups, and special events for schools and athletic team registrations, except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted; but not including directional signs for regularly scheduled religious events. Civic signs shall not exceed six (6) square feet in area. No such sign shall be erected or maintained within a public right-of-way except pursuant to village board approval.
 - (i) *Location and height.* Civic event signs may only be placed on the subject property in which the civic event is to take place. The signs shall not project more than ten (10) feet above ground level. No sign shall be located closer than ten (10) feet from any property line.
 - (ii) *Permits.* A permit for such signs shall be approved by the building commissioner for a period of thirty (30) days prior to the meeting or event. The sign shall be removed not later than forty-eight (48) hours after the meeting or event.
 - (iii) *Fee waived.* Provided the civic event sign complies with all applicable provisions of the Sign Code, there shall be no fee charged for the posting of such sign.
- (b) *Signs accessory to residential uses.*
1. *Identification signs.* For each multifamily building, there shall be permitted one (1) nonilluminated identification sign not exceeding five (5) square feet in area and located not more than ten (10) feet from the main entrance of the building and indicating only the name and address of the building and/or name of the owner or manager of the building.
 2. *Residential subdivision signs* shall be permitted at each entrance to a subdivision, including a residential planned unit development, subject to the following:
 - (i) *Area, content and number.* Lettering shall not be more than one (1) foot in height and shall only indicate the name of the subdivision. Not more than two (2) such signs shall be permitted per entrance. No such signs shall exceed ten (10) square feet in area.
 - (ii) *Location and construction.* The sign must be part of a decorative entrance way and constructed of masonry material to match the architectural character of the subdivision, as approved by the sign commission.
 - (iii) *Ownership.* The sign shall be owned by the homeowners' association within the subdivision and shall be located on property owned by the homeowners' association.
 - (iv) *Maintenance.* The homeowners' association shall maintain the sign and the surrounding landscaping at all times for as long as the sign remains in place. The homeowners' association shall execute an agreement acceptable to the village providing for maintenance of the sign(s) and insurance for the

sign(s).

- (v) *Height.* No part of any freestanding sign (structural or otherwise) shall project higher than six (6) feet from ground level.

3. *Subdivision business signs.*

- (i) *"For Sale signs"* advertising the sale of property in an approved subdivision or a residential planned unit development shall be permitted at each entrance of the subdivision or the planned unit development subject to the following:
 - a. *Area and content.* One (1) freestanding sign not exceeding one hundred twenty-five (125) square feet per face advertising the sale of property in a subdivision shall be permitted. The sign may include the name and telephone number of the person or firm to whom inquiries may be addressed, and the sign may indicate that the seller will build to specifications ("custom design"), but no price may be stated.
 - b. *Location and height.* The sign shall be located on some portion of the land advertised for sale. The sign shall not project more than ten (10) feet above ground level. No sign shall be located closer than fifteen (15) feet to any property line.
 - c. *Permits.* A permit for such sign shall be approved by the building commissioner for one (1) year. The permit may be renewed for additional one-year terms by the building commissioner.
- (ii) *Business signs.* Not more than two (2) subdivision business signs, with a combined sign surface area not to exceed thirty-two (32) square feet, which advertise a residential, commercial or industrial subdivision under development and located on the premises of said development. The signs shall be removed within fourteen (14) days after the issuance of the final occupancy permit for the construction or development.

4. *Temporary signs for existing structures.* Temporary signs for existing structures shall be permitted in residential districts subject to the following:

- (i) *Area and number.* There shall not be more than one (1) sign per zoning lot except that on a corner lot two (2) signs, one (1) facing each street, shall be permitted. No sign shall exceed six (6) square feet, nor be closer than ten (10) feet from any lot line, unless closer placement is required to provide reasonable visibility due to an obstruction on the lot (such as landscaping) and approval from the building commissioner.
 - (ii) *Height.* No part of any sign (structural or otherwise) shall project higher than five (5) feet above ground level.
 - (iii) *Fee waived.* Provided the temporary sign complies with all applicable provisions of the Sign Code, there shall be no fee charged for the posting of such sign.
 - (iv) *Removal of temporary signs.* All temporary signs shall be removed within five (5) business days of completion of the event or transaction with reference to which the temporary sign was erected.
 - (v) *Balloons, pennants, streamers, strings of light and other similar signs,* shall be considered temporary signs under this subsection and shall be allowed on residential property for the purpose of announcing a personal event or occasion, such as a birth, graduation, or other celebration or event, but must be maintained in a neat and orderly fashion. Said signs shall be allowed for a five-day period.
- (c) *Signs accessory to public uses, religious institutions, nonprofit institutions and nonresidential uses.*

1. *Identification signs.*

- (i) *Public uses, religious institutions and nonprofit institutions.* There shall be permitted one (1) nonilluminated identification sign per lot, not exceeding thirty-two (32) square feet in area, indicating the name and/or address of the building. On a corner lot, two (2) such signs, one facing each street, shall be permitted.

- (ii) *Nonresidential uses.* For nonresidential uses not covered in subsection 22-428.1(c)1(i), above, one (1) nonillu identification sign not exceeding nine (9) square feet in area and indicating only the name and address of th displayed. On a corner lot, two (2) such signs, one (1) facing each street, shall be permitted. However, a noni be permitted only with the written authorization of the building commissioner.
- 2. *Projection.* No part of any sign (structural or otherwise shall project closer than five (5) feet to the property line.
- 3. *Height.* No part of any freestanding sign (structural or otherwise) shall project higher than ten (10) feet from ground level unless otherwise approved by the sign commission.
- 4. *Temporary signs accessory to public uses, religious institutions, nonprofit institutions and nonresidential uses.*
 - (i) *Temporary signs* as allowed in subsection 22-428.2(g) of the Sign Code. Permits may be granted in the manner provided in subsection 22-428.2(g), except as follows:
 - a. *Balloons, pennants, streamers, strings of light and other similar signs* shall be considered temporary signs under this subsection and shall be allowed for public entities, religious institutions and nonprofit institutions only, for the purpose of announcing special events, and civic and community events taking place on the subject property, but must be maintained in a neat and orderly fashion. A temporary sign permit may be granted for a period of not more than fourteen (14) days to promote the special event, or civic and community event. Said signs shall be removed within twenty-four (24) hours after the expiration of the sign permit. Up to four (4) fourteen-day temporary sign permits for banners, balloons, pennants, streamers, strings of light and other similar signs may be issued in a three hundred sixty-five-day period, with a thirty-day waiting period between each permit issued.
 - (ii) *Fee waived.* Provided the temporary sign complies with all applicable provisions of the Sign Code, there shall be no fee charged to public entities, religious institutions and nonprofit institutions.
- 5. *Signs accessory to parking areas* shall be permitted for nonresidential buildings subject to the following:
 - (i) *Area and number.* Signs designating parking area entrances or exits only, limited to two (2) signs per entrance or exit and located adjacent thereto, and not larger than two (2) square feet, and limited to designating only restricted conditions of use or identity of a parking space, shall be permitted, only if the use or identity of such parking space is in fact restricted or specifically designated.
 - (ii) *Height.* No sign shall project higher than five (5) feet above ground level.
 - (iii) *Location.* No part of any sign shall be located within ten (10) feet of the property line.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-428.2. - Permitted signs in commercial and manufacturing districts (B-1, B-2, B-3, B-4, M-1, PUD).

- (a) *Exempt signs* as designated in section 22-426 of the Sign Code.
- (b) *Logo flag.* One (1) logo flag of a business shall be allowed in commercial, office and research and manufacturing zones; provided that it is no larger than three (3) feet by five (5) feet in size, and, if flown with the American flag, then no larger than that flag.
- (c) *Wall signs* attached to freestanding structures, other than shopping centers or structures in a commercial planned unit development, are subject to the following:
 - 1. *Projection.* Signs shall not project more than twelve (12) inches from the wall upon which they are attached, except for signs that are part of and attached to decorative awnings or overhangs attached to walls of the structures.
 - 2. *Contents.* Signs shall only contain information relating to the name and use of the building or premises upon which they are attached. On office complex buildings such signs shall contain only the name of the building.

Individual businesses within a multi-purpose building may be indicated on an approved directory-type sign attached to the outside wall.

3. *Construction.* The sign must be attached to parapet walls or other wall surfaces made out of part of the main structure. No sign shall project above the parapet line. If the structure does not have a parapet, then the sign shall not project above the lowest roof line. No sign shall be painted directly on the surface of any wall or window area.
 4. *Direction.* No sign shall face an adjoining residential district unless the only frontage for the business faces a residential district.
 5. *Address numerals.* Numerals on structures other than residential must be a minimum of three (3) inches and a maximum of twelve (12) inches in height and located on the structure to offer an unobstructed view of the numerals from the roadway.
 6. *Area.* The total area of all wall signs for a freestanding building shall not exceed two (2) times the lineal front footage of the building or one hundred fifty (150) square feet, whichever is less, unless specifically approved within a PUD. Directory-type signs on office complex buildings shall not exceed six (6) square feet in area.
 7. *Number.* A maximum of three (3) wall signs shall be permitted on any building facade fronting onto a public right-of-way; provided that the total surface area of all wall signs does not exceed the maximum area established in subsection 22-428.2(c)6., above.
- (d) *Wall signs* attached to a shopping center or structures in a commercial PUD shall be subject to subsections 22-428.2(c)1—5, above and the following provisions:
1. *Area.* For a single tenant business, the maximum area for a wall sign shall not exceed one (1) square foot per lineal foot of the principal structure's frontage. For multi-tenant businesses, the wall sign may not exceed one (1) square foot per lineal foot of each store frontage. For the purposes of the Sign Code, the area of a wall sign shall include text and logos. The maximum area of a wall sign shall not exceed two hundred (200) square feet; the minimum area shall be twenty (20) square feet. The sign commission may increase the maximum wall sign area, without a variance, by up to twenty (20) percent if the facade of the building is set back more than two hundred (200) feet from the street from which it will be viewed.
 2. *Number.* Only one (1) wall sign shall be permitted on any individual use within a shopping center or commercial PUD, except for corner units where two (2) such signs shall be permitted, one (1) facing each street, unless otherwise specified in the PUD.
 3. *Construction.* All wall signs shall be channel letter signs. Box signs are prohibited.
 4. *Uniformity.* All signs shall be uniform in size of letters, color, and type face.
- (e) *Window/glass door signs* shall be permitted subject to the following:
1. One (1) permanent window/glass door sign per business shall be permitted to identify, symbolize, distinguish or characterize the nature of a business for pedestrians where other signage may not be visible. In addition, each business shall be permitted such other signs indicating the address, hours, entrance or exit information, professional or security affiliations or memberships, and/or credit cards by the business; provided that the total area of the signs do not exceed two (2) square feet. Permanent window signage in the aggregate shall not exceed the lesser of ten (10) percent of the available window area or five (5) square feet. Neon window signs are permitted subject to subsection 22-425(b)12.
 2. *Temporary window/glass door signs* shall be permitted; provided they refer only to sales, special events, or to announcements of new services or products and shall not refer to the name of the business or its regular services or products available on a continuing basis. No temporary window/glass door sign shall be displayed

for a period in excess of thirty (30) days. All such signs shall display the date of installment in the window or door. All temporary window/glass door signs shall be limited to forty (40) percent of the glass area, and shall be subject to the following:

- (i) No sign shall be placed or maintained on the exterior of any window or door facing upon the sidewalk, street or other public way.
 - (ii) The provisions of this subsection shall not be construed to be contributing to the maximum allowable sign or coverage as provided in subsection 22-428.2(e), above.
 - (iii) The sign commission may grant a single permit covering multiple instances of temporary window/glass door signs of the same general content, subject to the following:
 - a. Such temporary window/glass door signs must be necessary to the particular user and are generally recognized as a typical and customary adjunct of such a use;
 - b. A single application and a flat monthly or annual permit fee covering such multiple temporary signs may be established in place of the standard per sign permit application/fee. Such application may not cover more than fifty (50) signs or a period of more than three hundred sixty-five (365) days; and
 - c. Any fees established pursuant to this subsection shall bear a reasonable relation to the number of temporary window/glass door signs anticipated, and shall not be less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) per six-month period, or one-half of the permit fees that would otherwise apply, whichever is greater.
 - (iv) In all cases, no temporary window/glass door sign shall be displayed without previous notification to the building commissioner of the date on which the temporary window/glass door sign will first be displayed, and the date on which it will be removed. The building commissioner may, from time to time, prescribe rules concerning the content of such notification, having due regard to promoting efficiency and ease of administration as well as effectively policing such signs and enforcing the provisions of this subsection.
- (f) *Freestanding signs* shall be limited to monument type signs, and permitted subject to the following:
1. *Content.* Any such sign may indicate only the name of a shopping center, office complex, manufacturing area, or particular business not part of a shopping center, office complex, or manufacturing area. In the case of a shopping center or a commercial planned unit development, identification of tenants within such shopping center or commercial PUD may be provided as part of the permitted square footage, provided a maximum of ten (10) such panels or divisions per sign.
 2. *Location.* All such signs shall be placed so as to be entirely within the property lines of the premises upon which the sign is located. Signs may encroach on front or side yard requirements; however, any sign erected after the effective date of this Sign Code, shall be set back at least ten (10) feet from any property line.
 3. *Number.* One (1) such sign may be located on any zoning lot, unless otherwise approved as part of a PUD. No variance from this requirement may be granted unless all such signs on any zoning lot conform to all other provisions in this section.
 4. *Height.* No such sign shall exceed ten (10) feet in height from ground level, unless specifically approved as part of a PUD.
 5. *Area.* The total combined area of all freestanding signs on any zoning lot shall not exceed two hundred fifty (250) square feet, and no individual freestanding sign shall exceed one hundred (100) square feet in area.
 6. *Landscaping.* Landscaping shall be provided in accordance with subsection 22-425(d) of the Sign Code.
 7. *Menu board signs.* In addition to otherwise permitted freestanding signs, two (2) freestanding, single-faced menu board signs shall be permitted per lot or outlot for restaurants with drive-thru facilities; provided such signs shall not exceed twenty-four (24) square feet in area and six (6) feet in height. Such signs shall otherwise

conform to the provisions of the Sign Code.

- (g) *Temporary signs* shall be permitted only upon the issuance of a temporary sign permit by the building commissioner subject to the following:
1. *Duration and content.* A temporary sign may be granted to a business or lot for a period of not more than thirty (30) days to promote a sale, special event, or to announce a new service or product. It shall not be used to display the name of the business. Temporary signs shall be removed within five (5) days after the expiration of the sign permit. Up to four (4) thirty-day temporary sign permits may be issued for one (1) lot in a three hundred sixty-five-day period, with a thirty-day waiting period between each permit issued.
 2. *Area.* Temporary signs shall have a maximum area of thirty (30) square feet per display surface. Signs shall not have more than two (2) display surfaces with a total maximum area for both sides of sixty (60) square feet.
 3. *Height.* Signs shall not project higher than six (6) feet from ground level.
 4. *Numerical limit.* No more than four (4) temporary sign permits shall be granted to a business during any twelve-month period.
 5. *Maintenance and removal.* The applicant for a temporary sign shall be responsible for the maintenance of the sign. The sign must be maintained according to the terms and conditions set forth in subsection 22-425(c) of the Sign Code. The applicant shall remove the sign on or before the expiration of the permit approved by the building commissioner.
 6. *Structure and support requirement.* No temporary sign or sign structure shall have any nails, tacks, wires, or sharp edges protruding from it. Exposed guy wires, chains or other similar connections attached to the ground posing a threat to pedestrian safety are not permitted to serve as supports for a sign. Supports or anchors of the sign are to be galvanized or constructed of a noncombustible, corrosive-resistant material. All methods of attachment must be approved by the building commissioner.
- (h) *Balloons, pennants, streamers, strings of lights or any other similar signs* shall not be permitted, except as follows:
1. Automobile dealers who utilize in excess of two (2) acres of land in connection with the operation of their automobile dealership are hereby allowed to display or fly flags or banners up to a maximum of twenty (20) feet in height for the purpose of advertising promotion campaigns for their auto dealership business.
 2. Automobile dealerships shall be allowed to display inflatable and/or balloon signs on a temporary basis for a period not to exceed two (2) weeks in duration. No more than ten (10) such temporary balloon signage displays shall be permitted in any one (1) calendar year. In the event there are multiple dealerships selling different vehicles from the same location, then each dealership shall be entitled to the temporary balloon signage as provided in this subsection.
- (i) *Human signs* shall be permitted on private property and in public parkway areas and sidewalks subject to the following provisions:
1. Human signs are permitted between the hours of 7:00 a.m. and 5:00 p.m.
 2. Human signs shall not be located within a distance of three hundred (300) feet of an intersection of two (2) public streets or thoroughfares for the purpose of traffic and pedestrian safety.
 3. Human signs shall be limited to a maximum of six (6) square feet in size.
 4. Human signs shall not block the visibility of any traffic control device or traffic signal for motorists.
 5. Human signs shall not spin, twirl, swing or gyrate.
- (j) *Under canopy sign* (a sign suspended underneath a canopy ceiling roof or marquis) shall be permitted provided the sign is attached perpendicular to the wall of the building for view from the sidewalk in front of the line of storefronts. An under canopy sign shall provide adequate headroom under the canopy for pedestrians. In no case shall an under canopy sign extend more than twelve (12) inches below the canopy and shall not exceed four (4) square feet in sign area.

(k) *Signs accessory to public uses, religious institutions, and nonprofit institutions* shall be permitted in commercial and manufacturing districts subject to the same requirements as commercial signage.

(l) *Signs accessory to parking areas* shall be permitted subject to subsection 22-428.1(c)5. of the Sign Code.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-428.3. - Lincoln Highway (Rt. 30)/Western Avenue/Vollmer Road Special Sign District.

- (a) *Boundary.* The Lincoln Highway (Rt. 30)/Western Avenue/Vollmer Road Special Sign District shall consist of all parcels fronting on Lincoln Highway, Western Avenue and Vollmer Road, and all parcels within one-fourth mile of the centerline of these roadways, within the Village of Olympia Fields.
- (b) *Intent.* The Lincoln Highway (Rt. 30)/Western Avenue Special Sign District is intended to promote the vitality and economic health of the corridors, while creating an attractive and inviting environment and reducing visual clutter.
- (c) *Regulations and standards.* The following standards apply to signs within the special sign district, in addition to existing sign regulations as defined in the Sign Code. If conflict exists between the special sign district and the existing sign regulations, the special sign district regulations shall govern:
1. *Materials.* All freestanding signs shall be monument signs, constructed of masonry materials to match the primary building on the lot, as approved by the sign commission.
 2. *Landscaping.* The use of landscaping treatment to enhance signage and improve visibility is required. Landscaped areas shall be provided around the base of all freestanding signs which shall be equal to two and one-half (2.5) square feet for each square foot of sign area. The landscaped area shall contain living landscape material consisting of shrubs, perennial groundcover plants, or a combination of both, as approved by the sign commission, and placed throughout the landscaped area. Plantings shall be selected and placed so that views to the sign are not blocked. Plantings must be maintained in perpetuity or for the duration of the sign.
 3. *Illumination.* Exterior lighting may be permitted as approved by the sign commission. Flood lights attached on gooseneck-type fixtures from the top of the sign is preferred.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-429. - Sign administration.

- (a) *Sign commission.* The sign commission shall consist of three (3) members: the building commissioner; (2) the member of the board of trustees who is the public safety liaison; and (3) the member of the board of trustees who is the building liaison.
- (b) *Uniform sign plan.*
1. *Required.* A uniform sign plan is required for all PUDs and all multi-tenant developments prior to any signs for such development being erected on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved uniform sign plan.
 2. *Elements.* The uniform sign plan shall include the following information for all signs:
 - (i) The design, materials of construction, colors (graphically depicted), lighting and dimensions shall be clearly illustrated.
 - (ii) A site plan drawn to scale to show the location of each sign.
 - (iii) Elevations. All signs are to be illustrated and dimensioned in elevation drawings. When a sign is attached to a building, the illustration shall be a composite of the sign and the building, rendered to scale.
 - (iv) Additional information must be included to establish regulations to ensure that signs are consistent and attractive. The required information is as follows:
 - a. *Size standard.* The size for the monument sign and wall sign shall be defined and outlined in the

authority to modify the proposed signage if necessary or appropriate to effectuate the purposes of the Sign Code) shall approve, approve with modifications, or deny the application, or may defer its determination on the application to its next meeting; provided, that the sign commission shall make a determination upon every application within sixty (60) days of receipt thereof, unless such time is extended by mutual consent between the sign commission and the applicant. The sign commission's determinations shall be endorsed in writing on the application.

- (i) If the application is approved or approved with modifications and no further action thereon is required, the building commissioner shall issue the appropriate permit.
- (ii) In any case, whether approval, approval with modifications or denial of an application, the sign commission's decision shall be binding on both entities and subject to review by the board of trustees pursuant to the appeal process set forth in subsection 22-429(c)4. below, or if the proposed signs are part of a proposal for a new special use, PUD or shopping center, and the proposed development requires the approval of the board of trustees. In the case of a proposal for a new special use, PUD, or shopping center, the board of trustees shall be authorized to vary, modify, add to, or waive the provisions of the Sign Code, even if the signage for the development has been approved by the sign commission. However, once a special use, PUD or shopping center has been approved by the board of trustees, subsequent applications for modification of signage or additional signage shall be made to the sign commission, which shall have final authority on such applications subject to the appeal process set forth in subsection 22-249(c)4. The sign commission shall not be authorized to vary, modify, add to, or waive specific standards established by the board of trustees for signs in a PUD or shopping center. If a variance is sought from the specific standards for signs in a PUD or shopping center, the sign commission shall review the request for a variance and shall make a recommendation to the board of trustees, which shall have final authority on applications for a variation of board-approved standards.

If the sign commission does not act upon an application within the sixty-day timeframe as outlined above, or any mutually agreed upon extension thereof, the building commissioner shall have the authority to approve or deny such application in accordance with the regulations set forth in this section.

- 4. *Appeal process.* Any party aggrieved by any determination of the sign commission, may appeal the determination to the board of trustees by filing with the village clerk written notice of such appeal within thirty (30) days of the sign commission's written determination. Upon such an appeal, the board of trustees may accept, reject or modify the determination appealed. The decision of the board of trustees shall be final.
- 5. *Annual renewal of sign permit.* The owner, person or entity having control of a sign shall renew a sign permit and pay the applicable fee on an annual basis, or as otherwise provided, after the initial approval and issuance of the sign permit.
- 6. *Limitations.* Sign permits shall permit the erection, reerection, relocation, alteration, affixing or painting of a sign only on the property designated in the permit and only by the person to whom the permit was issued. The permit shall not be transferable. A separate sign permit must be obtained for each sign for which a permit is required.
- 7. *Revocation of permit.* The building commissioner is authorized and empowered to suspend or revoke a permit issued by him if there has been a violation of the provisions of the Sign Code or any false statement or misrepresentation of fact on the permit application.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-430. - Nonconforming signs.

- (a) *Abandoned or obsolete signs and structures.* For any sign or sign structure now or hereafter existing, which

advertises a business, commodity, service, entertainment, activity or event that has been discontinued, or is located on property which has been vacant and unoccupied, the building commissioner shall give written notice requiring removal of the sign. Notice shall be given to the owner as noted on the sign permit. If such owner cannot be located, or is no longer the owner, then the property owner of record per the Cook County Assessor's records, shall be contacted. If, after notification, the proper person fails to remove the sign or structure within sixty (60) days after such notice is mailed, the building commissioner is hereby authorized to have such sign or advertising structure removed. In lieu of complete sign removal, an abandoned or obsolete sign may have a blank white or black panel inserted into the sign frame provided the sign otherwise meets all of the requirements of the Sign Code and approval of such panel by the building commissioner.

- (b) *Nonconforming signs.* Any sign legally constructed in accordance with village regulations at the time of construction, but which by reason of its size, height, location, design or construction is not in conformance with this Sign Code, shall be permitted to remain until such time as:
1. The sign is altered in any way other than normal maintenance or repair;
 2. The sign is relocated;
 3. The sign is unsafe and fails to meet the requirements of the Sign Code pertaining to maintenance, operation, and public safety standards;
 4. When any proposed change, repair or maintenance constitutes an expense of more than fifty (50) percent of the replacement value of the sign; or
 5. New occupancy permit. A change in use occurs which requires a new occupancy permit for the premises to which a legal nonconforming sign relates.

On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this section with a new sign permit secured, or shall be removed within thirty (30) days of such date.

(Ord. No. 2014-24, § 1, 6-23-14)

Sec. 22-430.1. - Penalties.

- (a) Any person violating any provisions of the Sign Code shall be fined not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.
- (b) If a person installs, permits to be installed or begins to install, any sign without first securing a permit as required by the Sign Code, the fee for such sign permit shall be one hundred (100) percent more than otherwise provided.

(Ord. No. 2014-24, § 1, 6-23-14)

DIVISION 7. - COMMUNITY RESIDENTIAL HOMES

Sec. 22-431. - Community residential homes in residential districts.

- (a) A community residential home consisting of no more than six (6) residents who are persons with disabilities (as that term is defined in the Fair Housing Act, 42 U.S.C. § 3601 et seq., as amended) shall be a permitted use in any residential district. However, prior to the occupancy of a community residential home consisting of six (6) residents, the sponsor shall first obtain an administrative occupancy permit as set forth in section 22-432.
- (b) A community residential home consisting of seven (7) or eight (8) residents who are persons with disabilities shall be permitted in a residential district only upon the issuance of a special use permit as set forth in section 22-434 and an administrative occupancy permit as set forth in section 22-432.

- (c) No community residential home having more than five (5) residents who are persons with disabilities shall be permitted in a residential district unless the location of the home complies with the provisions of section 22-433.
- (d) A community residential home consisting of nine (9) or more residents who are persons with disabilities is prohibited in any R-1 or R-2 district. A community residential home consisting of nine (9) or more residents shall be permitted in an R-3 district only upon the issuance of a special use permit as set forth in section 22-434 and an administrative occupancy permit as set forth in section 22-432.
- (e) A community residential home shall not be permitted in a business district or industrial district.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-432. - Administrative occupancy permit.

- (a) Any community residential home having more than five (5) residents who are persons with disabilities shall not be occupied by any resident unless the sponsor shall have first obtained from the village clerk or his or her designee an administrative occupancy permit authorizing the use of the dwelling unit as a community residential home.
- (b) An application for an administrative occupancy permit shall state the following:
 - (1) The date of application;
 - (2) The name and address of the applicant, and if a corporation, the name and address of the registered agent, president, secretary and treasurer, and if a partnership, the name and address of all partners, including limited partners;
 - (3) The proposed location by address and P.I.N. number of the community residential home;
 - (4) The number of residents who will reside in the community residential home;
 - (5) The proposed date of occupancy by residents;
 - (6) The number of employees or agents of the operator who will reside within the dwelling unit and a description of their respective duties;
 - (7) The number of other persons who will work at the home or provide support service at the home to its residents and a description of their respective duties;
 - (8) The nature of the services and treatment programs to be provided by the operator to the residents without breaching any legally mandated confidentiality;
 - (9) Any other information that may be reasonably required by the village;
 - (10) The applicant shall not be required to disclose the identity of any residents.
- (c) The application shall be accompanied by reliable evidence that the sponsor is licensed or similarly authorized by an agency of the State of Illinois or other governmental agency having jurisdiction and is authorized to operate the proposed community residential home in the proposed location. The absence of such evidence shall constitute sufficient grounds to deny the administrative occupancy permit.
- (d) The application shall also be accompanied by reliable evidence from the sponsor indicating that the residents to be housed in the community residential home have been evaluated and screened as required under applicable statutes and administrative regulations and that the residents are capable of community living if provided with an appropriate level of supervision, assistance, and support services.
- (e) No administrative occupancy permit shall be issued for a community residential home that does not comply with all applicable laws, ordinances, and administrative regulations.
- (f) No administrative occupancy permit shall be issued for a community residential home that does not comply with the spacing requirements set forth in section 22-433.
- (g) The village president or his designee may suspend or revoke an administrative occupancy permit on the following grounds:

- (1) The permit was obtained by fraudulent means, material misrepresentation, or by submitting false information;
 - (2) The sponsor is no longer licensed or authorized by an agency of the State of Illinois or other governmental agency having jurisdiction to operate a community residential home at the location specified in the permit;
 - (3) The sponsor has refused to permit an inspection of the home by an authorized official of the village or other governmental agency or jurisdiction;
 - (4) The dwelling unit has been determined by an authorized official of the village or other governmental agency having jurisdiction to be unsafe for human habitation; or
 - (5) The dwelling unit or the sponsor has violated or is in violation of any applicable law, ordinance, or administrative regulation.
- (h) Prior to the suspension or revocation of an administrative occupancy permit, the village president or his designee shall notify the sponsor in writing of the reasons for the proposed revocation and grant the sponsor the opportunity to appear before the village president or his designee at a time and place specified in notice. The hearing shall be conducted under rules issued by the village president or his designee. The rules shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. The technical rules of evidence shall not apply. If after the hearing the village president or his designee determines that the permit should be suspended or revoked, a written decision suspending or revoking the permit shall be issued.
- (i) An administrative occupancy permit is not transferable to any other person or entity.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-433. - Spacing requirements.

- (a) A community residential home having more than five (5) residents shall not be located less than one thousand seven hundred fifty (1,750) feet from any other structure containing a community residential home having more than five (5) residents, and no administrative occupancy permit may be issued for any proposed community residential home that would be, if built or used for a community residential home, within one thousand seven hundred fifty (1,750) feet of another community residential home that has a valid administrative occupancy permit.
- (b) All distance requirements set forth in this section shall be measured from the nearest point of the structure containing the existing community residential home to the nearest point of the structure to contain the proposed community residential home.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-434. - Special use permit.

- (a) A special use permit shall be granted for a community residential home required to obtain a special use permit only if the board of trustees, after public hearing and upon the recommendation of the plan commission, find the following conditions to exist:
 - (1) The design, location, and operation of the community residential home will not be detrimental to or endanger the public health, safety, and welfare;
 - (2) The community residential home will not substantially diminish the economic value of properties in the surrounding area of the proposed home;
 - (3) The granting of the permit would not result in the concentration of community residential homes or of such other facilities for service-dependent persons to the extent that the nature and character of the surrounding area would be substantially altered; and
 - (4) The proposed use of the affected property complies with all applicable laws, ordinances, and administrative regulations.

- (b) The application for a special use permit shall be subject to the procedures set forth in section 22-91 et seq. and the code set forth in that division.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-435. - Miscellaneous regulations.

- (a) Nothing contained in this division shall be construed to adversely affect the ability of any person to obtain a variation of the provisions of this division upon the showing required by law.
- (b) Nothing contained in this division shall be construed so as to require any person to make a disclosure in violation of the Illinois Mental Health and Developmental Disabilities Act as amended, or any other applicable law, ordinance, or administrative regulation.
- (c) Any special use permit granted pursuant to section 22-434 or any administrative occupancy permit granted pursuant to section 22-432 shall lapse and be of no legal effect if the sponsor ceases to use a dwelling unit as a community residential home for a period of ninety (90) consecutive calendar days.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-436. - Penalties for violations.

In addition to seeking permit suspension and revocation as set forth in section 22-432, the village shall be authorized to pursue any action at law or in equity to remedy a violation of this division. If prosecution in court is pursued by the village for a violation of this division and the violator is convicted or pleads guilty to the violation, the minimum fine to be imposed for each day that the violation exists shall be four hundred dollars (\$400.00). The maximum fine shall be as is authorized by applicable law.

(Ord. No. 95-6, § 1, 3-27-95)

Sec. 22-437. - Definitions.

- (a) *Community residential home* shall mean a dwelling unit owned or leased and operated by a sponsor to provide a living environment for more than five (5) unrelated residents who operate as the functional equivalent of a family and who receive support services or are under the supervision of a sponsor. A community residential home shall not be construed to include a medical or nursing facility.
- (b) *Disability* shall have the same meaning ascribed to it by the Fair Housing Act, as amended.
- (c) *Person* shall mean any natural person, corporation, unit of government or subdivision thereof, partnership, or joint venture.
- (d) *Sponsor* shall mean any person or entity licensed or similarly authorized by an agency of the State of Illinois or other government agency having jurisdiction to operate a community residential home.
- (e) *Resident* shall mean any natural person with a disability.

(Ord. No. 95-6, § 1, 3-27-95)

DIVISION 8. - SITE PLAN REVIEW

Sec. 22-438. - Purpose.

- (a) It is recognized that the very nature of development of vacant land, and redevelopment of improved land, creates the potential for traffic congestion, overcrowding and adverse environmental effects. The purpose of this division is to establish a comprehensive set of procedures, standards and guidelines for the appearance, design, landscaping and environmental stewardship within the village, and to further:

- (1) Promote the public health, safety and general welfare of the citizens of the village;
 - (2) Promote orderly community development and compatibility with adjacent development and surroundings, as well as encourage both high quality and innovative design;
 - (3) Protect and enhance property values;
 - (4) Protect and enhance the social, cultural, economic, environmental and aesthetic development of the community; and
 - (5) Ensure that the village remains a safe and attractive community in which to reside and conduct business.
- (b) The objectives of site plan review are to determine whether use, building, structure addition or change to any a building, structure or use conforms to state statutes, the village's building, subdivision and zoning ordinances, and any other applicable ordinances and requirements of the village and state. Site plans shall also generally be consistent with the village's comprehensive plan and the retail market strategy and site development action plan. Site plan review shall work towards the development of an aesthetically acceptable and well ordered community serving the interest of public health, safety and general welfare.
- (c) In conducting site plan review of a proposed development, the following elements, among others, of the development will be examined:
- (1) Parking arrangement and location.
 - (2) Site circulation, pedestrian and vehicular.
 - (3) Traffic and driveway access.
 - (4) Building location on the site.
 - (5) Transitions to adjacent properties.
 - (6) Drainage and stormwater detention.
 - (7) Environmental impact and open space, including existing vegetation.
 - (8) Intensity of use.
 - (9) Building massing, scale and relationship to surrounding development.
 - (10) Impact on provision of village services, including public safety and infrastructure demands.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-439. - Applicability; exemptions.

- (a) *Approval.* Site plan approval shall be required prior to the issuance of building permits for all new nonresidential and multifamily residential in the following zoning districts:
- (1) R-3 General Residence District;
 - (2) B-1 Neighborhood Business District;
 - (3) B-2 General Retail and Limited Service District;
 - (4) B-3 Commercial Wholesale District;
 - (5) B-4 Office and Research District;
 - (6) M-1 Limited Manufacturing District;
 - (7) Planned unit developments in all zoning districts; and
 - (8) MD-1 Medical District.

If a building permit is sought for any new construction, enlargement, relocation, reconstruction, change of use, or for any open parking area, accessory or otherwise, whether by right, variance, or special use, or if exterior changes to a building or structure are to be made which involve changes of decor, hanging of signs not permitted as of right, masonry work or other modifications to the general exterior appearance and design of the building, an application

shall be made to the village building department for review of the site plan. No building permit shall be issued where compliance with this division is required, unless the applicant has received prior site plan approval under this division. No certificate of occupancy shall be issued unless there has been compliance with all the terms and conditions of site plan approval.

(b) *Exemptions.* The following activities from site plan review:

- (1) Any use permitted on a temporary basis of less than six (6) months;
- (2) Additions or alterations to existing buildings or uses when such additions or alterations do not exceed two thousand (2,000) square feet or ten (10) percent of the gross floor area (whichever is greater) of the existing building or use;
- (3) Normal maintenance, but not reconstruction;
- (4) Home occupations as defined in the zoning ordinance;
- (5) Government uses; and
- (6) Schools.

(Ord. No. 2011-15, § 1, 7-11-11; Ord. No. 2017-20, § 3, 8-28-17)

Sec. 22-440. - Scope of review.

In the course of site plan review, the village shall consider, but not be limited to the following factors:

- (1) The preservation of any scenic natural features, including vegetation, drainage and topography.
- (2) The landscape treatment of exterior open spaces should enhance the quality of the project and create a desirable and functional environment for residents, patrons, visitors and occupants. The amount of open space provided shall be appropriate to the proposed use and compatible with surrounding development. Excessive lot coverage, in line with the amount of coverage permitted in the zoning ordinance, shall be prohibited.
- (3) The adequacy of access for fire and police protection, for both emergency service and general use, and the effective and efficient provision of other municipal services.
- (4) The adequacy of provisions for drainage of surface waters and for waste disposal. Stormwater detention facilities should be integrated into the proposed site design to provide functional and attractive open space.
- (5) The location and layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exists to such places, the location of such exits and entrances, the traffic flow, together with:
 - a. The distance from street intersection;
 - b. The likelihood of left-hand turns and other turning movements; and
 - c. The likelihood of drawing vehicular traffic to and through local residential streets.

All site vehicular circulation systems shall provide adequate and safe access to the site. Dangerous traffic movements will be prohibited and curb cuts shall be minimized. Disruption of traffic flows on adjacent streets and undue congestion shall be minimized or avoided. Connections and linkages with adjacent developments are encouraged to promote logical circulation patterns and minimize curb cuts.

- (6) The arrangements for safe and convenient pedestrian and bicycle circulation, on the site and on its approaches, including connections and linkages with adjacent developments to encourage logical circulation patterns.
- (7) The impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences including, but not limited to:
 - a. The location and height of buildings and structures and the extent of their shadows. The scale of the

- proposed building(s) and structure(s) must be appropriate to the site, location and function of the site. The building scale must promote harmonious transitions to adjacent developments and land uses;
- b. The location, intensity, and directions of any outdoor lighting and the proposed times for its use. Site illumination shall be designed, located and installed in such a manner that will minimize adverse impact on adjacent properties;
 - c. The location of any overhead power lines;
 - d. The likelihood of any nuisances; and
 - e. Whether appropriate and adequate screen is provided, particularly the screening of parking areas and mechanical equipment. Perimeter screening will be encouraged and interior lot landscaping is to be provided to break up large expanses of asphalt with plant and other landscape materials. Proposed parking lots shall be designed, located and screened to minimize visual impact on adjacent properties designed to minimize the number of curb cuts. Shared parking lot access is encouraged where practical.
- (8) The size, location and type of any signs. Signs and other site graphics shall be minimized in size and number to promote their effectiveness. Such signs and site graphics shall be integrated with architectural and site landscape features.
 - (9) Proposed plans for any outdoor display or storage.
 - (10) Proposed landscaping and its appropriateness in the area involved. Landscape design shall be aesthetically pleasing, create a logical transition to adjoining development, screen incompatible uses, screen unsightly activities from public view and break up large expanses of asphalt with plant materials. Plant materials shall be selected so as to withstand the village's climatic conditions and the specific constraints imposed by adjacent functions. Existing mature trees and shrubs should be maintained to the maximum extent practicable. Landscape design and tree preservation shall be in compliance with chapter 6, article IV, "Tree Preservation and Protection and Landscape Plans," of the Village Code.
 - (11) The arrangement of buildings, structures and open spaces on the site and the type and use of building materials. Such arrangement should allow for the effective and efficient use of the proposed development and be compatible and harmonious with development on adjacent property.
 - (12) The preservation of unique architectural, cultural, environmental or historical resources is encouraged. Development designs and treatments that respect such desirable resources on adjacent properties are also encouraged.
 - (13) In its review, the village shall encourage creative design of the site. Site design recommendations in the retail marketing strategy and site development action plan may be considered.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-441. - Requirements.

- (a) An application for site plan review shall be made by a person, firm or corporation having a financial interest in the land which is described in the application for site plan review.
- (b) The applicant shall file with the village building department one (1) original application for plan approval on a form to be provided by the building department, together with the application fee and ten (10) copies of the site plan.
- (c) The application for site plan review shall include the following:
 - (1) Name of the project, boundaries, date, north arrow and scale of plan;
 - (2) Name, address and telephone number of the owner and developer of record; and
 - (3) Name, address and telephone number of the architect, land planner, landscape architect, engineer, surveyor, or consulting firm (with contact person listed) who is responsible for preparing/compiling the plan.

- (d) The site plan shall consist of the following items and information:
- (1) A current scaled drawing (plat of survey) of the property showing the boundaries of the property, building or setback lines, the lines of all existing streets, roads, easements, rights-of-way and areas dedicated to public use on and within two hundred (200) feet of the property, and legal description. Said date of the survey shall be no more than sixty (60) days prior to the date of application for site plan review. The survey shall be drawn to scale and the scale shall not be larger than one (1) inch equals one hundred (100) feet.
 - (2) At the property and within two hundred (200) feet thereof, the location and use of all existing or proposed usage of lands, or all existing or proposed buildings, and of all other existing or proposed structures such as walls, fences, culverts, bridges, roadways, etc., with spot elevations of such structures. Buildings to be removed shall be indicated by broken lines. Such features shall be indicated on a separate drawing when requested by the village planner, village engineer or building commissioner.
 - (3) All zoning and special district boundaries and off-street parking within two hundred (200) feet of the property. Such features shall be shown on a separate map or as a key map on the detail map itself.
 - (4) Location of all existing and proposed storm drainage structures and utility lines, including telephone, power, water, sewer, gas, etc., whether publicly or privately owned, with pipe sizes, grades and direction of flow.
 - (5) The size and location of all floodplains, floodways and wetlands.
 - (6) The size and location of proposed detention and retention areas, including normal and high water lines and whether such areas will be wet or dry bottom.
 - (7) The distances, as measured along the centerlines of existing streets abutting the property, to the nearest intersection with any other public street.
 - (8) All means of vehicular and pedestrian ingress and egress to and from the property onto public streets, showing the size and locations of driveway and curb cuts.
 - (9) All bicycle trails and pedestrian paths provided on the property.
 - (10) The location and layout of any off-street parking areas, showing size and location of spaces, aisles and barriers.
 - (11) Location, direction of illumination, intensity and type of all proposed outdoor lighting:
 - a. All commercial and industrial outdoor lighting shall be fully shielded (full cut-off).
 - b. Lighting shall be designed so as to minimize light trespass onto adjacent lots. Light levels at lot lines shall not exceed 0.5 footcandles (excluding ingress/egress points) if adjacent parcel is zoned for residential use.
 - c. Average light levels for parking areas should generally fall between 1.0 and 2.0 footcandles. Light levels should not exceed a min./max. of 8:1 or an avg./min. ratio of 6:1. The development review committee may allow higher light levels for unique uses such as gas stations or facilities with drive-through service.
 - d. Mounting height of outdoor lighting shall not exceed average roof height of principal building or forty (40) feet, whichever is less.
 - e. In multi-lot developments, a unified lighting plan (height, fixture style, color, etc.) should be developed.
 - f. LED or metal halide lighting is preferred.
 - (12) Location of all landscaping, along with the following requirements:
 - a. A landscape plan, prepared by a registered landscape architect, shall be submitted for review and shall include the identification of species, size and spacing, and location of plant materials and all other landscape treatments. Such landscape plan shall be of a suitable scale, or as part of the final site plan, to illustrate proposed landscaping, as well as existing vegetation to remain on the property as part of the development.

- b. Trees and shrubs shall be keyed into a plant list.
 - c. The preservation of existing trees, shrubs or other plantings is encouraged and should be done whenever such preservation is practical and as required pursuant to chapter 6, article IV, "Tree Preservation and Protection and Landscape Plans," of the Village Code. Existing vegetation may be used to meet the landscaping requirements described herein.
 - d. Planting shall consist of varieties that are appropriate to the climate and that will not be allowed to grow to obstruct or interfere with aerial power lines, streetlights or signage. The village shall maintain a list of appropriate plantings.
 - e. Any commercial, institutional or industrial use greater than one (1) acre in size, in any zoning district, shall provide a minimum of ten (10) percent of the total lot area as landscaping.
 - f. Upon installation, plantings shall meet the following minimum size requirements:
 - 1. *Shade trees*: Two and one-half-inch caliper as measured twelve (12) inches above grade;
 - 2. *Evergreen trees*: Six (6) feet tall, minimum; and
 - 3. *Ornamental trees*: Six (6) feet tall, minimum, if multi-stem; two and one-half-inch caliper as measured twelve (12) inches above grade if single stem.
 - g. All off-street parking areas greater than ten (10) parking spaces (excluding parking garages, parking decks and parking structures) shall provide a perimeter landscaping strip of a minimum of three (3) feet. Such landscaping shall be located on all sides of the parking area. Any required drives or pedestrian accessways shall be exempted. If adjacent to residential lots, a wall or fence of not less than five (5) feet in height, or a densely planted, compact hedge not less than five (5) feet in height, a minimum of three (3) feet at time of planting, shall be provided.
 - h. All off-street parking areas of twenty (20) or more spaces (excluding parking garages, parking decks and parking structures) shall provide one (1) interior landscaping island of a minimum of one hundred (100) square feet for every twenty (20) parking spaces. All such landscaping islands shall contain at least one (1) shade tree.
 - i. Where the requirements imposed by any provision of the zoning ordinance or other applicable ordinance involving landscaping, screening, buffer strips, yards or other open space requirements are either more or less restrictive than the requirements of this subsection, the regulations which impose a higher standard shall apply.
 - j. Due to the limited developable land available in the village, the board of trustees may modify or waive any provision of these landscaping standards based on specific site limitations and the recommendations of the development review committee.
- (13) Architectural elevations, sketches, renderings or pictures of any buildings or structures to be constructed.
- (14) The location and access to all dumpsters located on the lot.
- (15) A copy of any covenants and deed restrictions that are intended to cover all or any part of the tract.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-442. - Additional requirements.

The following additional items and information may be required by the village planner, village engineer, or building commissioner, whenever he/she determines that such items and information will be necessary or helpful to the village in reviewing the site plan:

- (1) Existing contours at intervals of one (1) foot of elevation where slopes are three (3) percent or less, and intervals of two (2) feet where slopes are more than three (3) percent, based upon United States Coast and

Geodetic Survey Data. Where any changes in contours are proposed, existing grades shall be indicated by dashed lines and final grades shall be indicated by solid lines.

- (2) Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas with trees having a diameter of six (6) inches or more, as measured fifty-four (54) inches above ground level, and other significant features, including previous flood elevations of watercourses, ponds and marsh areas as determined by survey.
- (3) All proposed easements and public and community areas. All proposed streets with profiles indicating grading, and cross sections showing width of sidewalk, and locations and size of utility lines, according to the standards and specifications of the village.
- (4) Such other items and information pertaining to the site as the village planner, village engineer, or building commissioner may reasonably determine to be necessary or helpful to the village in reviewing the application for site plan review.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-443. - Development review committee.

The development review committee shall consist of the following members or designated representative thereof:

- (1) Building commissioner;
- (2) Director of public works;
- (3) Fire department representative from the Village of Matteson, or such other fire department designated to provide fire services to the Village of Olympia Fields;
- (4) Police department representative;
- (5) Village administrator;
- (6) Village engineer (or consultant);
- (7) Village planner (or consultant);
- (8) Village trustee—Building department liaison; and
- (9) Village trustee—Planning and zoning commission liaison.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-444. - Review procedure.

- (a) Upon receipt of the site plan review application, the building commissioner or his/her designee, shall review the application for completeness of all the required information as set forth in sections 22-441 and 22-442, if applicable, above. If the application is not complete, the building commissioner shall send the applicant a memorandum stating the application's deficiencies. The applicant must submit the information requested before the application will be forwarded to the development review committee.
- (b) Upon the receipt of the complete application for site plan review, the building commissioner shall deliver copies to each of the members of the development review committee. The development review committee shall review the site plan review and any other evidence submitted by the applicant or interested party. The development review committee may request additional information, testimony, or submissions of the applicant relevant to the application for site plan review. The development review committee shall review the application for site plan review to ensure compliance with all village ordinances. The building commissioner shall set a date for a meeting with the development review committee and the applicant within thirty (30) days of receipt of the complete application by the members of the development review committee for the purpose of providing the results of the initial review

and required actions to bring the submitted site plan into conformance with all village codes. The development review committee shall recommend approval or disapproval of the proposed plan, or may recommend approval subject to appropriate conditions and safeguards within sixty (60) days from the date of the complete application or the filing by the applicant of the last item of supporting data required by the development review committee, whichever date is later, unless such time is extended by the development review committee. The development review committee shall forward its recommendation to the president and the board of trustees for full review and approval or disapproval.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-445. - Approval.

- (a) The president and board of trustees shall acknowledge receipt of the recommendation from the development review committee at its next regular stated board meeting after the receipt of said recommendation and shall schedule a time to review the recommendation. Such review may take place as part of the board's regular board meeting or committee of the whole meeting. Notice of the meeting to review the development review committee's recommendation will be published pursuant to the provisions of the Open Meetings Act.
- (b) The president and board of trustees shall issue a decision affirming, denying, or modifying the recommendation of the development review committee at its next regular stated board meeting following its review of the development review committee's recommendation. The decision affirming, denying, or modifying said recommendation shall be based upon the factors and objectives set forth herein. The decision and findings contained therein shall be final.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-446. - Exceptions.

The village board may grant exceptions from the site plan requirements as may be reasonable if literal interpretation of one (1) or more provisions is impractical or would cause undue hardship because of unusual conditions pertaining to the property in question. Any exceptions granted shall be specifically listed on the face of the site plan submitted for approval and include the date of such grant. Any exceptions granted shall be included in the official records and minutes of the meeting wherein granted.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-447. - Failure to revise site plans.

In the event the village board requires any correction or revision of the site plan, no building permit shall be issued until the applicant has submitted a site plan corrected or revised in accordance with the requirements of the village board.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-448. - Revocation.

The failure of the applicant to complete construction within one (1) year of site plan approval, of any longer period specified by the village board at the time of its approval, shall nullify the building permit. Extensions of time for completion by the applicant may be granted by the village board upon the request of applicant, together with evidence of continuing progress toward completion and provided such extension is requested prior to the expiration of the original site plan approval.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-449. - Enforcement.

Any action of the applicant to construct, operate or maintain any building, structure, or use in a manner other than provided for in the approved site plan, shall constitute a violation of this division and shall be the basis for the issuance of a stop order. In addition, if any person, firm or corporation violates the provisions of this division, the village may exercise any or all of the remedies and penalties available under law including, but not limited to the following:

- (1) Imposition of a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed on each day such violation occurs or continues.
- (2) If the violation occurs in connection with the development of property or the building of structures, the village shall revoke all permits and cause the cessation of any and all construction.
- (3) The village shall file a complaint requesting abatement of the violation.
- (4) In addition to the fines herein, the village shall be entitled to all costs of prosecution, including attorney fees incurred by the village, and the cost, if any, of abating the violation.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-450. - Amendments.

Amendments to an approved site plan shall require approval in the same manner as required for the original site plan.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-451. - Fees.

The fee for site plan review shall be five hundred dollars (\$500.00) for projects less than two million dollars (\$2,000,000.00) and one thousand dollars (\$1,000.00) for projects exceeding two million dollars (\$2,000,000.00). Said fees shall be in addition to the fees set forth in the village's building, subdivision and zoning ordinances or any other applicable ordinance.

(Ord. No. 2011-15, § 1, 7-11-11)

Sec. 22-452. - Extent of authority.

Nothing in this division shall be interpreted to give the village board or development review committee power to authorize in any district any use of a building or structure not permitted by law in that district, to issue any exception (except as provided in [section 22-446](#) herein), variance, or special permit, to approve any conditional use, to exclude from any district any use permitted by the regulation of the district merely on the grounds that such use is inappropriate in a specific location. Any development approved under the provisions of this division shall conform to all ordinances or regulations of the district in which the proposed development is located, specifically the permitted height and coverage, and the required lot area per dwelling unit, usable open space, lot width and lot depth, yards and off-street parking and loading spaces.

(Ord. No. 2011-15, § 1, 7-11-11)

Secs. 22-453—22-460. - Reserved.

DIVISION 9. - WIRELESS TELECOMMUNICATION FACILITIES

Sec. 22-461. - Purpose and intent.

The purpose of this division is to establish guidelines for the siting of all wireless telecommunications facilities which encourage the development of wireless communications while protecting the health, safety and welfare of the public and maintaining the aesthetic integrity of the community. The goals of these regulations are:

- (1) To protect residential areas and land uses from potential adverse impact of wireless communications facilities and to locate such facilities in areas where adverse impacts on the community are minimized;
- (2) To minimize the total number of towers and antennas within the village necessary to provide adequate personal wireless service to residents of the village by encouraging the use of existing towers and other structures for the collocation of wireless telecommunication antennae;
- (3) To minimize the potential adverse effects associated with the construction of wireless telecommunication facilities through the implementation of reasonable design, landscaping and construction practices;
- (4) To avoid potential damage to property caused by wireless telecommunication facilities by insuring that such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or when determined to be structurally unsound; and
- (5) To enhance the ability of the providers of wireless telecommunications services to deliver such services to the community effectively and efficiently.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-462. - Definitions.

The following words and terms, wherever they occur in this division, shall be as herein defined, except where the context clearly indicates a different meaning:

Accessory use. A tower is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure.

Antenna. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio, wireless telecommunications signals or other communications signals. Such definition does not include, for the purposes of this division, radar antennas, amateur radio antennas, satellite earth stations, MMDS antennas, television receiving antennas and direct broadcast satellite dishes.

Applicant. The person or entity making an application for a wireless telecommunication facility pursuant to this division.

Arrays. A group of antennas arranged by a wireless telecommunications carrier and placed on a tower, structure, or building at a given height above ground to provide the desired directional characteristics.

Base station equipment. Base transceiver station equipment, whether stand-alone "outdoor equipment", wall-pack equipment, or equipment located within an equipment shelter.

Camouflaged tower/alternative mounting structure. Any wireless communication tower that is designed to hide, obscure or conceal the presence of antennas and the tower. A camouflaged tower also includes an alternative mounting structure. Examples include, but are not limited to, clock-towers, bell towers, church steeples, utility poles, flag poles, tree towers, shrouded tower, stadium lights, and water towers.

Collocation. The placement of wireless telecommunication equipment from more than one service provider on an existing: (i) building, (ii) water tank, (iii) communication tower, or other previously approved structure.

Communication tower/telecommunication tower. An uninhabitable man-made support structure constructed for the primary purpose of placement of antennas for the transmission and distribution of radio frequency signals.

Conventional wireless tower. A monopole designed and constructed to support multiple antennas. This term does not include camouflaged towers, low impact/stealth towers, broadcast towers or amateur radio towers.

Distance. Where used in connection with required setbacks and separation requirements, the distance from the center of the wireless communication tower.

Federal Communications Commission (FCC). The federal agency charged with licensing and regulating wireless communications at the national level.

Guyed communication tower. A communication tower structurally supported by guy wires.

Height. When referring to a tower or other structure, the vertical distance measured in feet from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad, any antennas or other appurtenances.

Lattice communication tower. A communication tower structurally supported through the cross-bracing of steel, or other material, members and sometimes also referred to as a "self-support tower".

Master siting plan. The siting plan developed by the village and approved by the corporate authorities to identify appropriate sites for the location of wireless telecommunication facilities, and as may be amended from time to time. Such plan may be derived from proprietary information submitted by wireless providers.

Microcell. A wireless communication facility comprised of antennas extending not more than four (4) feet above the structure to which it is attached, and with an area no larger than five hundred seventy-six (576) square inches (e.g., three (3) foot by twelve (12) foot) panel antenna or a two-foot diameter parabolic antenna as viewed from any one (1) point.

Monopole communication tower. A concrete spun or prefabricated tubular steel or carbon communication tower.

Personal wireless facilities. Transmitters, antenna structures and other types of installations used for the provision of personal wireless services. All commercial mobile services fall within the definition of personal wireless services, including mobile services that are for-profit, are available to the public or a substantial portion of the public, and provide subscribers with the ability to access or receive calls from the public switched telephone network. Common examples of commercial mobile services are personal communication services (PCS), cellular radio mobile services and paging. Personal wireless services also include unlicensed wireless services, which are services that are not licensed by the FCC, but are deployed through equipment that is authorized by the FCC, and common carrier wireless exchange access services which are designed as competitive alternatives to traditional wireline local exchange providers.

Pre-existing towers and pre-existing antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this division, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Propagation map. A coverage map designed to indicate the service areas of telecommunication transmitting stations. Typically, the propagation map will indicate the area in within which a user can expect to obtain good reception of the service in question using standard equipment under normal operating conditions. Additionally, the map may also separately denote supplementary service areas where good reception may be obtained but other stations may be stronger, or where reception may be variable but service may still be usable.

Property owner. The owner or owners of real property in fee simple.

Search ring. The area in which the antenna of a wireless telecommunication service provider must be located in order to provide the provider's designed wireless telecommunication service to a defined geographic area.

Stealth communication tower. A monopole communication tower designed, in order of preference: (i) with antenna mounting hardware and antenna mounts that are concealed within a canister so that the antennas are not visible; (ii) with antennas that are flush-mounted to the pole to minimize the horizontal profile of the structure; or (iii) to be integrated into stadium lights at public parks or schools, or as light standards in parking lots.

Technically feasible and viable. Capable of being provided through technology which has been demonstrated in actual application (not simply through tests and/or experiments) to operate in a workable manner.

Tower owner. An owner of a communication tower.

Wireless communication service provider. An entity holding a license issued by the FCC to provide wireless telecommunication service, including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

Wireless telecommunication facility. Any equipment or facility used to provide service and may include, but is not limited to, antennae, tower, equipment enclosures/base station, cabling, antenna brackets, and other such equipment used by a wireless service provider to provide wireless service to customers. If a wireless communication facility is located on a communication tower, the communication tower and wireless communication facility are collectively the wireless communication facility. However, placing a wireless communication facility on an existing structure, i.e., water tower, does not cause the existing structure to become a wireless telecommunications facility.

Wireless telecommunication tower. A structure designed and constructed to support one (1) or more wireless telecommunication antennas and any appurtenant devices attached to it, including camouflaged towers, conventional wireless towers, guyed towers, lattice towers, monopole towers, and stealth towers. Wireless telecommunication tower does not include broadcast towers, amateur radio towers or those towers used solely for private-use dispatch purposes.

Wireless telecommunications antenna. A device used to transmit and/or receive telecommunications signals, or other signals transmitted to or from other antennas. Wireless telecommunications antenna does not include "satellite dish antenna".

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-463. - Applicability/exceptions.

(a) *Applicability.*

- (1) *Conflicting regulations.* This division applies to the construction and maintenance, repair, upgrade and operation of wireless telecommunication facilities and communication towers. Wireless telecommunication facilities shall be permitted subject to approval of an application for a special use permit. This division is supplementary to other dimensional and density standards set forth in this Zoning Ordinance for the applicable zoning district. In the event of a conflict between any zoning district regulation and the regulations contained in this division, the provisions of this division shall override and supersede such other regulations, unless otherwise specifically set forth herein.
- (2) *Pre-existing towers.* Any wireless telecommunication tower existing, or for which a special use permit has been issued prior to the effective date of this division, shall not be required to meet the provisions of this division and shall be deemed a legally permitted nonconforming use. Expansion of the footprint of an existing wireless communication facility to accommodate collocation shall not be deemed an expansion of a nonconforming use. Notwithstanding their status as legally permitted nonconforming uses, all pre-existing wireless communication facilities shall comply with the registration and reporting requirements set forth in section 22-474 of this division. In the event a pre-existing tower ceases to function, then the subject tower, antenna and related equipment shall be removed from the subject property within ninety (90) days as provided in subsection 22-476(d) of this division.

- (3) *Replacement towers.* An existing wireless telecommunication tower, including a legally permitted nonconforming replaced, subject to building permit review, if the overall height of the tower is not increased and the replacement monopole or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower. All towers shall comply with the originally approved landscape plan or a revised landscape plan, reviewed and approved by staff.
- (4) *Height increases.* An antenna placement or collocation that does not increase the height of a tower more than the maximum height set forth in subsection 22-470(1) herein.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-464. - General requirements/burden of proof.

- (a) *General requirements.* The construction of a wireless telecommunication facility in any zoning district within the village may be initiated only upon approval of an application for a special use permit in accordance with the procedures set forth in division 5 and this division. Approval of any application for the construction of a wireless telecommunication facility shall be based generally on consideration of standards set forth in section 22-93 of this chapter and specifically on the following factors:
 - (1) Proximity to residential structures and residential district boundaries;
 - (2) The proposed height of the facility;
 - (3) Nature of use on adjacent properties;
 - (4) Surrounding topography, tree coverage and foliage;
 - (5) Design of the facility, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness;
 - (6) Proposed ingress and egress;
 - (7) Availability of suitable existing towers, other structures, or alternative technologies (microcells) not requiring the use of towers or structures;
 - (8) Demonstrated need for the telecommunications facility at the specified site; and
 - (9) Utilization of the Village of Olympia Fields Master Siting Plan, as amended from time to time.
- (b) *Burden of proof.* As to the contents of the application for a special use permit for any wireless telecommunication facility required herein, the burden of proof of establishing: (i) compliance with this Zoning Ordinance; and (ii) the need for the wireless telecommunication facility, from a technical perspective, rests squarely on the applicant to establish compliance by clear and convincing evidence.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-465. - Wireless master plan required.

At the time of making application for a special use permit for a wireless telecommunication facility, the wireless service provider, who is the underlying user of the wireless telecommunication facility, shall file with the building department, a wireless master plan documenting the current location from which it operates wireless telecommunication facilities in and within one and one-half (1-1/2) miles of the jurisdictional boundaries of the village. The plan shall include the existing locations of wireless telecommunication facilities currently operated by the user and any location at which the wireless service provider plans to construct new wireless telecommunication facilities within the next three (3) years. For each existing site location shown, the plan shall include the address, the name of the property owner, the height and orientation of the antennas at the site and a depiction of service coverage from the site (e.g., through a propagation map). For proposed sites, the plan shall document the location(s) at which a wireless telecommunication facility is anticipated to be constructed, the time in which it is anticipated to be constructed, and an explanation of the existing service deficiency.

The submission of a master plan in compliance with this section does not vest a wireless service provider with any right to construct a wireless telecommunication facility in a region designated for future network expansion. If the wireless service providers network design changes, so as to render the presently filed master plan outdated or inaccurate, the burden to modify, supplement or amend the master plan is on the wireless service provider.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-466. - Statement of cooperation of co-location efforts.

To minimize the aesthetic concerns associated with the proliferation of wireless telecommunication facilities, an applicant for a special use permit for a new wireless telecommunication facility, shall sign a statement indicating that it intends to rent space to other wireless service providers and allow collocation on its existing towers within the villages corporate boundaries on commercially reasonable terms if it is technologically feasible. The provider shall not intentionally create technological issues for other carriers. This policy is designed to encourage the modification and/or reconstruction of existing wireless telecommunication facilities in lieu of constructing new wireless telecommunication facilities adjacent to or in close proximity to existing wireless telecommunication facilities. The building commissioner may waive this requirement for camouflaged wireless telecommunication towers where co-location would preclude the wireless telecommunication facility from meeting ordinance requirements or are eighty (80) feet or less in height.

All applicants shall further agree to cooperate with the village to provide the village and any technical consultant the village may retain with sufficient data to analyze an application filed pursuant to the provisions of this division.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-467. - Designation of wireless telecommunication facilities by zoning district.

Wireless telecommunication facilities shall be allowed as follows, subject to the separation, setback and application submission requirements specified in this division and the granting of a special use permit:

	R1—R-4 Districts	B1—B-4 Districts	M-1 District	Medical District
Camouflaged Tower	Allowed	Allowed	Allowed	Allowed
Guyed Tower	Prohibited	Prohibited	Prohibited	Prohibited
Lattice Tower	Prohibited	Prohibited	Prohibited	Prohibited
Monopole Tower	Allowed	Allowed	Allowed	Allowed
Stealth Tower	Allowed	Allowed	Allowed	Allowed
Shrouded Tower	Prohibited	Allowed	Allowed	Allowed
Alternative Mounting Structure	Allowed	Allowed	Allowed	Allowed

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-468. - Who may apply for a special use permit for a wireless telecommunication tower.

An application for a wireless telecommunication facility shall be accompanied by an affidavit from a wireless service provider attesting that it is constructing and will own and operate the facility or, if it will not own and/or operate the facility, that it will collocate on the wireless telecommunication facility within six (6) months of issuance of a certificate of occupancy for the facility. Failure to comply with this statement will render the wireless telecommunication facility subject to the provisions for removal set out in section 22-476 below. The purpose of this provision is to discourage the construction of speculative wireless telecommunication facilities within the village's corporate boundaries and to make clear that, if approved, these facilities are constructed "at risk" and in the absence of use of the facility by a wireless service provider, the village retains the right to require its removal.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-469. - Application requirements.

- (a) *Application fees.* An application for a special use permit for a wireless telecommunication facility shall be filed with the building department and shall be accompanied by a fee in the amount established in chapter 9, "Fees", of the village Code, and as amended from time to time.
- (b) *Consultant fees.* The village shall have the right to retain independent consultants and experts that it deems necessary to properly evaluate an application for a wireless telecommunication facility. The applicant shall be responsible for paying the costs incurred by the village for said review. The applicant shall be responsible for additional fees incurred by the village throughout the process.
- (c) *Submittal information.* The materials listed below must be submitted by the applicant to the building department before the application shall be deemed complete and before the submittal is forwarded to the planning and zoning commission for consideration. The time period for notification of an incomplete application shall be as set forth in section 22-471 of this division. A finding that an application is complete has no bearing on the appropriateness of the use applied for and does not mitigate the building commissioner's authority to: (i) continue the matter for further investigation for review of the application materials provided; and/or (ii) request additional technical information relating to compliance with the standards adopted herein.
 - (1) Wireless master plan, as provided in subsection (d), below.
 - (2) Statement of cooperation.
 - (3) Owner/property information, including:
 - a. The nature of the provider/applicant's ownership, easement or lease interest in the property, building or structure upon which the facilities are proposed for placement, construction, or modification;
 - b. The identity and address of all owners and other persons with real property interest in the property, building or structure upon which facilities are proposed for placement, construction or modification;
 - c. The location of the proposed wireless telecommunication facility, including street address and parcel real estate number (PIN), as well as longitude and latitude coordinates;
 - d. A current zoning map showing the location of the proposed facility; and
 - e. Legal description of the parent tract and facility site.
 - (4) A site plan showing:
 - a. The location of the facility and any accessory buildings, including outdoor equipment and the setback distance between the proposed wireless telecommunication facility and the nearest residential unit or residentially used structure;

- b. The tower size, type and height;
 - c. The size of any accessory buildings;
 - d. Elevation drawings of the proposed tower and any other proposed structures;
 - e. On-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access and distances from property lines;
 - f. Distance between the proposed tower and the nearest residentially zoned lands;
 - g. Distance between the proposed tower and the nearest boundary of any public park or environmentally sensitive lands located within one (1) mile of the proposed tower; and
 - h. Indication of the fall zone by enclosing it in a shaded circle.
- (5) Landscape plan showing:
- a. Screening of the tower and all buildings and structures;
 - b. The location, number and species of proposed landscaping;
 - c. The wall materials, finished color and aesthetic mitigation.
- (6) Maintenance plan and any applicable maintenance agreement, designed to ensure long-term, continuous maintenance to a reasonably prudent standard to be determined by the building commissioner, including maintenance of landscaping, keeping the property free from debris and litter, and immediate removal of any graffiti.
- (7) Details of all proposed antennas and mounting equipment, including size and color.
- (8) A design drawing including cross-section and elevation of the proposed tower. A description of the towers capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting for co-located antennas and the minimum separation distances between antennas.
- (9) A photographic or other visual simulation or rendering of the proposed wireless telecommunication facility that illustrates the relationship between the height and visual appearance of the facility. The visual simulation shall provide a view-shed analysis showing various angles from which the tower would be visible from the surrounding areas and accurately depict the scale of the proposed tower in the context of such.
- (10) Certification by a State of Illinois licensed and registered professional engineer attesting to the towers structural integrity, and its ability to accommodate additional antennas. The certification may be utilized, along with other criteria such as the applicable regulations for the zoning district in question, in determining if additional setbacks should be required for the tower and the other facilities.
- (11) If the applicant is not a wireless telecommunication service provider, confirmation in the form of a copy of a lease or contract that the proposed facility will be used by at least one wireless telecommunication service provider, including the identification of said provider(s), but redacting any financial or proprietary information.
- (12) FCC license and registration numbers if applicable.
- (13) Evidence of compliance with the Federal Aviation Administration (FAA) requirements concerning the effect of navigable airspace.
- (14) Any additional information deemed necessary by the building commissioner to complete the villages review of the application.
- (d) *Technical documentation submittals.* In addition to the materials required in subsection (c) above, no new wireless telecommunication facility shall be permitted unless the applicant demonstrates, based on substantial evidence and to the reasonable satisfaction of the village, that no existing wireless telecommunication facility or other collocation structure can accommodate the wireless service providers proposed wireless telecommunication facility. The applicant must present the following:
- (1) The intended service area of the proposed facility with a radio signal propagation map to include information

such as building, car and ambient coverage or other suitable graphic, depicting the level of signal coverage with and without the proposed facility.

- (2) A map depicting: (i) all existing wireless telecommunication antennas, facilities and towers in the village within a one and one-half (1.5) mile radius of the proposed tower and one and one-half (1.5) miles from the villages jurisdictional boundary; (ii) all proposed wireless telecommunication towers within a one and one-half (1.5) mile radius of the proposed tower and one and one-half (1.5) miles from the villages jurisdictional boundary that are currently in the permitting process; and (iii) all structures in excess of eighty (80) feet that could reasonably support a wireless telecommunication antenna and are located within the search ring of the proposed tower.
- (3) At least one (1) graphic showing the relationship of the coverage proposed by the facility to that of existing and proposed wireless telecommunication facilities operated by the same provider and future service plans as depicted on the wireless master plan.
- (4) Propagation studies documenting deficiencies in wireless service by the wireless service provider.
- (5) Drive test data, if requested by the building commissioner, planning and zoning commission, or the village board, to support the data depicted in the computer-generated propagation study models.
- (6) Dropped call data from adjacent wireless telecommunication facilities, separated according to site and sector, to document the wireless service providers deficiency in coverage and documentation that a new telecommunication tower in the precise region in which it will be located will alleviate the coverage deficiency if requested by the building commissioner, the planning and zoning commission or the village board.
- (7) A written collocation study documenting the efforts of the wireless service provider to locate on existing structures within the area of deficient service, including:
 - a. No existing towers or structures are located within the service area that would sufficiently satisfy the deficiency in service coverage;
 - b. No existing structure is of sufficient height to meet the applicants engineering requirements;
 - c. No existing tower or structure has sufficient structural strength to support the applicants proposed antenna(s) and related equipment and that existing or approved communication towers can be reinforced or modified;
 - d. Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure; and
 - e. Other limiting factors the applicant can demonstrate, and verified by the village engineer or another engineer of the villages choosing, that render existing communication towers or structures unsuitable for the wireless service providers needs.
- (8) A certified engineers review of the fall zones associated with the wireless telecommunication facility.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-470. - Sitings and design standards.

Wireless telecommunication facilities shall be allowed subject to the siting and design requirements set forth in this section.

- (1) *Height.* The maximum heights for a tower shall be as follows:
 - a. Eighty (80) feet for one (1) wireless service provider.
 - b. One hundred twenty (120) feet for a tower accommodating more than one (1) wireless service provider.
- (2) *Lot size/number/location.*
 - a. A tower must be located on a zoning lot of at least two (2) acres.
 - b. A tower shall be located in the rear or interior side yard and shall not be within fifty (50) feet of any

building or structure located on the zoning lot.

- (3) *Setbacks.*
- a. A tower shall be set back from any off-site existing residential structure by no less than two hundred fifty (250) feet or two (2) times the height of the structure, whichever distance is greater, from the nearest residentially zoned parcel; provided, however, that this setback shall not be required where legal title to the nearest residential parcel is held by the owner of the tower site.
 1. In the event that the proposed tower is to be located within a mixed-use planned unit development (PUD), the minimum distance set forth herein shall be measured from the nearest residential use.
 - b. In residential districts, the front, corner, side, and rear yard setbacks shall be equal to the height of the proposed tower.
 - c. In nonresidential districts, the setbacks shall be those designated for the zoning district in which the tower will be located, except as provided in subsection (3)a., above.
- (4) *Appearance.* All towers and their accessory structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Non-camouflaged towers shall either have a dull gray or galvanized finish or have a non-contrasting finish that minimizes the visibility of the tower from public view, subject to any applicable standards of the FAA.
- (5) *Lighting.* Towers shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, the applicant shall submit lighting alternatives that will cause the least disturbance to the surrounding views for review by village staff and approval by the planning and zoning commission and the village board. Lighting or illumination that is part of the design of a camouflage scheme may be allowed subject to review and approval by the village.
- (6) *Signage.*
- a. *No advertising.* The wireless telecommunication tower shall not be used for any advertising purpose, including signage, designs or logos.
 - b. *Required signs.* The wall surrounding the tower site shall contain a sign, measuring no more than thirty (30) inches wide by twenty-four (24) inches high, identifying the primary party responsible for the operation and maintenance of the facility, the address and telephone number of that party, the FCC registration and site identification numbers of the tower, and the street address of the tower site, where applicable.
 - c. *Flags.* One (1) flag shall be allowed on each flag pole designed camouflaged tower. Prior to installing the flag on the pole, the applicant shall submit a building permit application for review and approval by the building commissioner.
- (7) *Screening.*
- a. *Wall.* A minimum eight-foot finished masonry brick wall shall be required around all portions of the wireless telecommunication tower site. The color of the brick wall shall match or blend in with the surrounding structures. Under no circumstances, shall barbed-wire fencing be allowed.
 - b. *Landscaping.* The visual impacts of wireless telecommunication tower sites shall be mitigated through the use of a landscaping buffer outside the perimeter of the eight-foot wall. The landscape buffer shall be a minimum of ten (10) feet on all sides, as set forth in the approved site plan.
- (8) *Compound size.* The applicant must demonstrate that adequate base station equipment space is available for the number of collocations the tower is intended to accommodate.

Sec. 22-471. - Processing of application.

The village will grant or deny the application for wireless telecommunication facilities within one hundred fifty (150) days of receipt of the application. However, this time period may be adjusted when an applicant fails to file a complete application or file necessary additional information requested by the building commissioner. The building commissioner shall notify the applicant within thirty (30) days of the submittal of the application if the application is incomplete. Following the submission of the application, notification of an incomplete application or a request for additional information within the first thirty (30) days of receipt shall trigger an automatic tolling of the review process. Following submission in response to a determination of incompleteness, any subsequent determination that the application remains incomplete shall be based solely on the applicants failure to supply information that was requested within the first thirty (30) days. The one hundred fifty-day review process shall begin again after the applicant makes a supplemental submission. After such submittal, the building commissioner shall have ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating the missing information. If the building commissioner does not request any additional information within this ten-day period, the period for review of the application may not be tolled for incompleteness. The request for additional information must specify the code provision, ordinance, application instruction, or otherwise publically-stated procedures which require the information to be submitted.

The one hundred fifty-day deadline may also be extended by mutual consent between the village and the applicant. This section does not apply to applications for collocation.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-472. - Public hearing.

A public hearing shall be held by the planning and zoning commission to consider all wireless telecommunication tower applications, after such applications have been reviewed pursuant to division 8 - Site Plan Review, of the village zoning ordinance. Notice of the time and place of the public hearing shall be made as provided in subsection 22-92(c) of this Zoning Ordinance. Said notice shall specify the proposed height of the tower and the number of wireless telecommunication service providers that can be located on the tower. Additionally, the building commissioner shall mail a copy of the public notice to the applicant and owners of all property located within two hundred fifty (250) feet of the proposed wireless telecommunication tower.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-473. - Maintenance of facilities.

- (a) All wireless telecommunication facilities and related landscaping shall be maintained by the facility owner in compliance with the maintenance plan submitted in compliance with subsection 22-469(c)(6), above. At a minimum, the facility shall be maintained in good condition, order and repair so that it shall not endanger the life or property of any person, nor shall it be a blight upon the property or create a public nuisance.
- (b) All maintenance or construction on wireless telecommunication facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday, except in cases of emergency or when authorized by the building commissioner to perform after-hours work.
- (c) All wireless telecommunication facilities shall conform to the requirements of the Occupational Safety and Health Administration (OSHA).

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-474. - Registration and reporting requirements.

- (a) *Annual registration.* On or before May 1 of each calendar year, the owner of the wireless telecommunication tower

within the village shall file with the building commissioner, a declaration as to the continuing operation of the facility, as well as the name and address of the tower owner and the real estate number (PIN) for the subject property, including identification of all wireless communication service providers located on the tower, complete with names, addresses and phone numbers of the respective contact persons.

- (b) *Certification of structural integrity.* Every five (5) years after the issuance of the initial building permit, or as otherwise requested by the village, the owner of every wireless telecommunication tower within the village shall file with the building commissioner a "certification of structural integrity". This certification shall be prepared by a licensed professional engineer, who shall attest that a thorough and complete inspection of the tower was conducted and that the tower and accessory structures are continuing to perform as originally designed. Wireless telecommunication towers existing prior to the effective date of this division shall also be subject to this provision.
- (c) *Noncompliance.* Failure to timely file either the annual declaration or certification of structural integrity shall result in a presumption that the tower is either unused or unsafe, thereby subjecting the tower to removal under section 22-476 - Abandonment, of this division.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-475. - Inspections.

- (a) In addition to the certification of structural integrity as required in subsection 22-474(b), above, all telecommunication facilities may be inspected at any time by the building commissioner or a village code enforcement officer to determine compliance with original construction standards. Deviation from the original approved construction standards, unless subsequently reviewed and approved by the building commissioner, shall constitute a violation of this division and this Zoning Ordinance.
- (b) Notice of violation(s) will be sent by registered or certified mail to the tower owner, who will have thirty (30) days from the date the notification is issued to make adjustments or repairs as approved by the building commissioner. The tower owner shall notify the building commissioner in writing that the adjustments or repairs have been made. As soon as reasonably possible after such notification by the owner, a follow-up inspection shall be made by the building commissioner or a village code enforcement officer. The tower owner shall then be notified of the results of the second inspection. An appeal of the decision of the building commissioner or code enforcement officer may be made in accordance with article VIII, "Administrative Adjudication of Local Code Violations" of the village Code.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-476. - Abandonment.

- (a) *Discontinuance of use.* A wireless telecommunication tower shall be considered abandoned if it is not operated for a period of twelve (12) continuous months. Upon determination that a tower has been abandoned, the building commissioner shall provide written notice of same, by certified or registered mail, to the owner of the tower and all wireless telecommunication service providers located on said tower, as evidenced by the records of the building commissioner.
- (1) *Evidence of abandonment.* The following shall constitute prima facie evidence that a wireless telecommunication tower has been abandoned:
- a. Failure or refusal of the tower owner to respond within twenty (20) days to the notice of determination of abandonment;
 - b. Failure of the tower owner to submit the annual registration or certification of structural integrity; or
 - c. Discontinuance of the use of the tower for a period of twelve (12) continuous months.
- (b) *Abandonment by neglect.* A telecommunication facility shall be maintained in compliance with section 22-473, above. If, upon inspection by the building commissioner or code enforcement officer, it is concluded that any part

of the facility fails to comply with section 22-473 or section 22-474 herein, and the facility constitutes a danger to persons or property, then, upon written notice provided to the owner of the facility by certified or registered mail, the owner shall bring the facility into compliance. If the owner fails to bring the facility into compliance within the time frame determined by the building commissioner or the code enforcement officer, the building commissioner shall issue a notice of determination of abandonment.

- (c) *Response to notice of determination of abandonment.* Upon receipt of the notice of determination of abandonment pursuant to either subsections (a) or (b), above, the tower owner shall have ninety (90) days from the date of the notice to:
- (1) Activate the use of the tower;
 - (2) Transfer the tower to another owner who shall make actual use of the tower within the ninety-day period; or
 - (3) Bring the facility into compliance within the ninety-day period.
- (d) *Removal of abandoned tower.* An abandoned wireless telecommunication tower and all associated equipment shall be removed by the tower owner within ninety (90) days of the date of the notice of determination of abandonment. If a tower is not removed within one hundred eighty (180) days of the date of the abandonment, the village may remove the tower and all associated equipment using the funds posted as security for the tower in accordance with section 22-477 below. In the event the performance security does not cover all the costs of removal, the village may place a lien on the property for the difference in the cost.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-477. - Performance guarantees.

No permit for the construction, replacement or modification of a wireless telecommunication tower shall be issued until the applicant has provided the village with a performance guarantee (proof of which shall be provided to the building commissioner) to ensure the village has the necessary funds for the following:

- (1) *Tower removal.* The owner of any wireless telecommunication tower shall provide to the village an irrevocable letter of credit in a form acceptable to the village and in an amount equal to 150 percent of the estimated cost of removing the tower in the event of abandonment, as evidenced by a certificate of a licensed professional engineer or licensed contractor in the business of removing wireless telecommunication towers. The village may require an increase in the security amount after five-year intervals to reflect increases in the Consumer Price Index. The performance security shall be payable to the village and shall be maintained in effect until the tower and its associated equipment are removed and the village has certified that the owner has met all of its obligations hereunder.
- (2) *Landscaping and screening.* In addition to the performance security for removal of an abandoned tower, the owner of any wireless telecommunication tower shall also provide the village an irrevocable letter of credit in a form acceptable to the village and in an amount equal to one hundred fifty (150) percent of the estimated cost of landscaping and screening of the tower site in accordance with subsection 22-270(7) of this division, as evidenced by a certificate of a professional landscape architect. The performance security shall be payable to the village and shall be maintained in effect for three (3) years or until the village has certified that the owner has met all of its obligations hereunder.

(Ord. No. 2017-19, § 3, 7-11-17)

Sec. 22-478. - Procedures for collocation applications.

- (a) *Collocation application for personal wireless service providers.* The placement of a new wireless communication antenna for personal wireless service providers on any structure within the village may be initiated only upon

approval of an application in accordance with the relevant procedures set forth in this subsection. Applications shall be filed with the building department by the owner of the structure upon which the proposed antenna is to be located. Within ninety (90) days of receipt of an application, the building commissioner shall either grant or deny the application. This time period may be adjusted when an applicant fails to file a complete application or file additional necessary information requested by the building commissioner. The building commissioner shall notify the applicant within thirty (30) days of the submittal of the application if the application is incomplete. Following the submission of the application, notification of an incomplete application or a request for additional information within the first thirty (30) days of receipt shall trigger an automatic tolling of the review process. Following submission in response to a determination of incompleteness, any subsequent determination that the application remains incomplete shall be based solely on the applicants failure to supply information that was requested within the first thirty (30) days. The ninety-day review process shall begin again after the applicant makes a supplemental submission. After such submittal, the building commissioner shall have ten (10) days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating the missing information. If the building commissioner does not request any additional information within this ten-day period, the period for review of the application may not be tolled for incompleteness. The request for additional information must specify the code provision, ordinance, application instruction, or otherwise publically-stated procedures which require the information to be submitted.

The ninety-day deadline for review and action may also be extended by mutual consent between the village and the applicant.

- (1) *Collocation on existing wireless telecommunication towers.* Applications for collocations on existing towers shall be filed as part of the building permit application process. Upon proof of compliance with the requirements set forth below, the building commissioner shall approve the application and issue a building permit authorizing the placement of the proposed collocation on the existing wireless telecommunication tower. The permitting of such collocation shall not abrogate the characterization of a tower as a legally permitted nonconforming use and the tower site's original landscape plan, or as subsequently amended and approved by the village, shall remain in effect.
- (2) *Standards for collocation.* The placement of an antenna on an existing tower shall be considered a request for collocation and a permitted use if it does not involve a "substantial increase in the size of a tower", defined as follows:
 - a. For the purposes of this subsection, "substantial increase in the size of a tower" is defined as:
 1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than ten (10) percent, or by the height of one (1) additional antenna array with separation from the nearest antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to avoid existing antennas; or
 2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one (1) new equipment shelter; or
 3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any

access or utility easements related to the site.

- b. Additionally, the following criteria shall also apply:
 1. The antenna does not increase the area of the wireless telecommunication facility, if any, in the approved site plan for equipment enclosures and ancillary facilities for the existing tower; and
 2. The antenna shall be of a color that is identical or similar to the color of the existing tower to make the antenna visually unobtrusive.
- c. If the proposed antenna does not meet the conditions set forth in subsection 22-478(b), above, the application shall be considered an application for a special use for a wireless telecommunication facility subject to the provisions set forth herein.

(b) *Collocation application for eligible facilities under Section 6409(a) of the Federal "Spectrum Act" of 2012.* This subsection covers applications for a modification of an existing tower or base station to an eligible facility that does not result in a substantial change to the physical dimensions of such tower or base station. The applicant must specifically state on the application that the request is being made pursuant to Section 6409(a) of the Spectrum Act of 2012. If the application complies with the provisions set forth below, the modification of an existing tower or base station, it shall be considered a permitted use.

(1) *Definitions.* For the purpose of this subsection, the terms used shall have the following meanings:

- a. *Base station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between use equipment and a communications network. The term does not encompass a tower as defined below or any equipment associated with a tower. A base station includes, without limitation:
 1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks).
 3. Any structure other than a tower that, at the time the Section 6409(a) application is filed with the building commissioner under this subsection, supports or houses equipment described in subsections (b)(1)a.1. and (b)(1)a.2., above, that has been received and approved under the applicable zoning, building or siting process or under another applicable state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

Base station does not include any structure that, at the time the 6409(a) application is filed with the building commissioner under this subsection, supports or houses equipment described in subsections (b)(1)a.1. and (b)(1)a.2., above.

- b. *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. *Eligible facilities request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 1. Collocation of new transmission equipment;
 2. Removal of transmission equipment; or
 3. Replacement of transmission equipment.
- d. *Eligible support structure.* Any tower or base station as defined in this subsection, provided that it is

existing at the time the 6409(a) application is filed with the building commissioner.

- e. *Existing.* A constructed tower or base station is existing for purposes of this subsection if it has been reviewed and approved under the applicable zoning, building, or siting process, or under another applicable state or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this subsection.
- f. *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted in areas in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. *Substantial change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - 1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater. Changes in height shall be measured from the original structure in cases where deployments are or will be separated horizontally, such as on building rooftops. In other circumstances, changes in height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;
 - 2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
 - 3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
 - 4. It entails any excavation or deployment outside the current site;
 - 5. It would defeat the concealment elements of the eligible support structure; or
 - 6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (b)(1)g.1—(b)(1)g.4., above.
- h. *Transmission equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless

communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(2) *Application review.*

- a. *Application.* The applicant shall indicate on the application whether the applicant is applying for a request under Section 6409(a) of the Spectrum Act ("Eligible Facilities Request"). The applicant shall submit the information necessary for the building commissioner to determine whether the application is an eligible facilities request. The applicant is not required to demonstrate a need or business case for the proposed modification.
 - b. *Type of review.* Upon receipt of the application for an eligible facilities request pursuant to this subsection, the building commissioner shall review the application to determine whether the application qualifies as such.
 - c. *Time frame for review.* Within sixty (60) days of the date on which an applicant submits an application seeking approval under this subsection, the building commissioner shall approve the application unless it is determined that the application is not covered by this subsection.
 - d. *Tolling of time frame for review.* The sixty-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the building commissioner and the applicant, or in cases where the building commissioner determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.
 1. To toll the time frame for incompleteness, the building commissioner must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application.
 2. The time frame for review begins running again when the applicant makes a supplemental submission in response to the building commissioner's notice of incompleteness.
 3. Following a supplemental submission, the building commissioner will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures set forth in subsection (b)(2)d.1. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (3) If the building commissioner determines that the applicant's request is not covered by Section 6409(a) of the Spectrum Act, as delineated under this subsection, the application will be evaluated under the time frame for wireless telecommunication facilities or an application for collocation under subsection 22-478(a) herein, whichever applies. The appropriate time frame shall begin to run from the issuance of the building commissioner's determination that the application is not a covered request under this subsection. To the extent such information is necessary, the building commissioner may request additional information from the applicant to evaluate the application as provided in section 22-471 or section 22-478, whichever is applicable.
- (4) *Failure to act.* In the event the building commissioner fails to approve or deny a request seeking approval under this subsection within the sixty-day time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the building commissioner in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- (5) *Remedies.* Applicant and the village may bring claims related to Section 6409(a) of the Spectrum Act in any court of competent jurisdiction.

Secs. 22-479, 22-480. - Reserved.

DIVISION 10. - ANTENNAS AND SATELLITE DISHES

Sec. 22-481. - Findings.

- (a) The Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act") grants the Federal Communications Commission (FCC) jurisdiction over regulations that prohibit restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel distribution service, or direct broadcast satellite services. FCC regulations prohibit local restrictions that impair the installation, maintenance, or use of certain antennas and satellite dishes used to receive video programming.
- (b) The village's regulation of antennas and satellite dishes will not have the effect of prohibiting any person from receiving video programming in violation of the Act.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-482. - Purposes.

The general purpose of this article is to regulate antennas and satellite dishes in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the village. Specifically, the purposes of this article are:

- (1) To regulate the location of antennas, towers and satellite dishes in the village;
- (2) To protect residential areas and land uses from potential adverse impact of antennas and satellite dishes;
- (3) To minimize adverse visual impact of antennas and satellite dishes through careful design, siting, landscaping, and innovative camouflaging techniques;
- (4) To ensure that antennas and satellite dishes are compatible with surrounding land uses.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-483. - Definitions.

For purposes of this article, the following words have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Antenna* means a device, designed and intended for transmitting or receiving audio/visual/digital/microwave (A.V.D.M.) An antenna includes all mounting and stabilizing items, such as a tower, a pole, a bracket, guy wires, hardware, connection equipment, and related items. Antennas are also "structures" within the meaning of the zoning ordinance. Antennas include the following:
 - a. An antenna that is designed to receive direct satellite service, including direct-to-home satellite service, that is one (1) meter or less in diameter;
 - b. An antenna that is designed to receive video programming services via multipoint distribution services, instruction television fixed services, and local multipoint services, and that is one (1) meter or less in diameter or diagonal measurement; and
 - c. An antenna that is designed to receive television broadcast signals.
- (2) *Conforming commercial earth station* means a satellite dish that is two (2) meters or less in diameter and is

located in an area where commercial manufacturing, or industrial uses are generally permitted under local land use regulations. Such an area would not extend to those portions of a site where most land uses are forbidden or severely restricted, such as street areas, utility easements, visibility triangles, yards, and buffer zones.

- (3) *Satellite dish* means an antenna consisting of a radiation element that transmits or receives radiation signals generated as electrical, light, or sound energy, and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving audio/visual/digital/microwave (A.V.D.M.) to or from earth satellites.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-484. - Regulations applicable to satellite dish antennas.

- (a) Satellite dish antennas shall be permitted only upon compliance with the following standards and criteria:
- (1) In residential zones, the antenna may not exceed a diameter of one (1) meter;
 - (2) In single-family residential zones, no more than three (3) antennas may be located on any one (1) site;
 - (3) In residential zones, the antenna shall not be installed in the front yard site area, unless compliance with this subsection would impair or degrade reception;
 - (4) In residential zones, the antenna shall not be installed in the site area's required side yard setbacks, unless compliance with this subsection would impair or degrade reception;
 - (5) In residential zones, the maximum height of a roof-mounted antenna and any antenna that overhangs a roof shall be within twelve (12) feet above the roof surface or four (4) feet above the roof to which antenna is attached;
 - (6) The antenna shall be a neutral color. For purposes of this subsection, black and gray shall be considered neutral colors. Furthermore, the building commissioner may determine that any color is neutral within the meaning of this subsection if such color blends with the surrounding dominant color, such color helps to camouflage the satellite dish antenna, and such color is neither bright, reflective, nor metallic;
 - (7) The antenna shall be screened from view from the public streets or located on the site area in such a manner as to eliminate visibility from the public streets. Screening materials may consist of items such as walls, fences, buildings, or mature plant materials. Notwithstanding the requirements of this subsection, screening shall not be required if such screening would degrade or impair reception or unreasonably increase the cost of installation, maintenance, or use of the antenna;
 - (8) No advertising of any form shall be permitted on any part of an antenna, except displaying the manufacturer's or distributor's name. The advertisement may not be on the concave side, nor on the upper forty (40) percent of the convex side;
 - (9) In nonresidential zones, the antenna may not exceed a diameter of five (5) meters; and
 - (10) In nonresidential zones, the maximum height of the antenna as measured from grade, or if the antenna is not ground mounted, as measured from that portion of the antenna closest to grade, shall be fifteen (15) feet. If an antenna is mounted on a building and exceeds the height of the roof, then the antenna height shall not intersect or otherwise project above a plane projecting from the perimeter of the roof upward and toward the interior of the building at an angle of forty-five (45) degrees from the horizontal.
- (b) Any satellite dish antenna for which a building permit has been issued prior to the effective date of this article but which does not conform to this article shall, within three (3) years of the effective date of this article, be removed or brought into conformance with this article. During the interim period, such nonconforming antenna shall be

maintained in good repair and in a neat and clean condition. No structural alteration shall be made thereto, unless to preserve the safety of such antenna, or to bring the antenna into compliance with this article. Any owner of a nonconforming antenna located in any residential zone may apply for review and approval of a variation by the board of trustees after a public hearing conducted by the zoning board of appeals. Any owner of a nonconforming antenna located in a zone other than a residential zone may apply for review and approval of a variation by the zoning board of appeals.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-485. - Permit required.

(a) A permit shall be required for the following:

- (1) A satellite dish antenna more than is one (1) meter in diameter erected on the roof or attached to any structure located in a residential district.
- (2) A satellite dish antenna more than two (2) meters in diameter erected on the roof or attached to any structure located in a commercial or manufacturing district.
- (3) An antenna more than four (4) feet in height above the roof that is designed to receive private radio, television broadcast or audio/visual/digital/microwave (A.V.D.M.) signals.
- (4) An antenna of any type or size that is to be erected on a structure that is located in a district that is listed or eligible to be listed in the National Register of Historic Places.

(b) An application for a permit pursuant to this section shall include a site plan depicting the proposed location, and the manufacturer's installation requirements and product specifications. The building commissioner may require any additional information that would assist in determining the visual intrusion and structural safety of the antenna.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-486. - Permit not required.

No permit shall be required for the following:

- (1) A satellite dish antenna that is designed to receive direct satellite service, or audio/visual/digital/microwave (A.V.D.M.) signals including direct to home satellite service, that is one (1) meter or less in diameter;
- (2) A conforming commercial earth station; and
- (3) An antenna not more than four (4) feet in height that is designed to receive private radio, television broadcast or audio/visual/digital/microwave (A.V.D.M.) signals.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-487. - Antennas attached to rooftops.

No antenna shall be erected so as to injure the roof covering, and when removed from the roof, the roof covering shall be repaired to maintain weather and water tightness. The installation of any antenna structure mounted on the roof of a building shall not be erected nearer to the lot line than the total height of the antenna structure above the roof, nor shall such antenna structure be erected near electric power lines or encroach upon any street or other public space.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-488. - Variances.

(a) The board of trustees, after a public hearing conducted by the zoning board of appeals may grant a variance for an

antenna, if:

- (1) The intended function of the antenna would be adversely affected, in some significant way, if the antenna is constructed in accordance with the other provisions of this article; or
 - (2) The variance is necessary to harmonize [with] the village's ordinances and federal or state laws, rules or regulations.
- (b) A variance under this section does not require a showing of hardship. However, the board of trustees shall consider whether the antenna will:
- (1) Have a substantial impact on the scale and massing of the streetscape;
 - (2) Have a substantial adverse impact on the neighbor's access to light and air or the neighbor's privacy; and
 - (3) Have a substantial adverse impact on the quality of the village.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-489. - Violation deemed nuisance.

Violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by applicable federal, state, and local laws and ordinances, the village may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article, and other available relief.

(Ord. No. 98-23, § 1, 1-11-99)

Sec. 22-490. - Abandonment.

If any antenna or satellite dish shall cease to be used for a period of one hundred eighty (180) consecutive days, the village shall notify the owner that the antenna or satellite dish will be subject to a determination by the board of trustees that such antenna or satellite dish has been abandoned. The owner shall have thirty (30) days from receipt of the notice to show, by a preponderance of the evidence, that the antenna or satellite dish has been in use or under repair during the period. If the owner fails to show that the antenna or satellite dish has been in use or under repair during the period, the board of trustees shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within thirty (30) days, dismantle and remove the antenna or satellite dish.

(Ord. No. 98-23, § 1, 1-11-99)