

APPENDIX B - ZONING ORDINANCE

SECTION 1. - TITLE, PURPOSE AND APPLICABILITY

1.1. - TITLE

This Ordinance incorporates the Village of Niles Zoning Map and is known, cited, and referred to as the "Village of Niles Zoning Ordinance," "Zoning Ordinance," or "Ordinance."

1.2. - PURPOSE

The intent of this document is to establish land use regulations to serve the Village of Niles. This ordinance is adopted pursuant to the Village of Nile's Home Rule authority. The purpose of this Ordinance is to:

- A. Promote and protect the public health, safety, and welfare.
- B. Secure adequate light, air, privacy, and convenience of access to property.
- C. Promote the orderly development of the Village in general accordance with the Comprehensive Plan and adopted land use policies.
- D. Conserve the taxable value of land and structures throughout the Village.
- E. Divide the Village into zoning districts, according to use of land and structures, height and bulk of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- F. Fix reasonable standards to which structures must conform.
- G. Prevent the overcrowding of land by regulating and limiting the use and bulk of structures in relation to the surrounding land.
- H. Regulate the intensity of the use of land.
- I. Prohibit uses or structures incompatible with the character of development or intended uses within zoning districts.
- J. Provide for the gradual elimination of nonconformities.
- K. Define the powers and duties of the administrative officers and bodies as provided in this Ordinance.
- L. Prescribe penalties for the violation of this Ordinance or any amendment to this Ordinance.
- M. Avoid or lessen congestion in the public streets.
- N. Preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder.
- O. Provide for the gradual elimination of those uses, buildings, and structures which are incompatible with the character of the districts in which they are made or located, including, without being limited thereto:
 - i) Elimination of such uses of unimproved lands or lot areas when existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued;
 - ii) Elimination of uses to which such buildings and structures are devoted if they are adaptable for permitted uses; and
 - iii) Elimination of such buildings and structures when they are destroyed or damaged in major part.

1.3 - APPLICABILITY

- A. *Territorial Application.* This Ordinance applies to all land, uses, and structures within the corporate limits of the Village.
- B. *General Application.* In their interpretation and application, the provisions of this Ordinance are held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare.

- C. *Required Conformance.*
1. Any portion or whole of a structure must be erected, constructed, reconstructed, moved, and enlarged in conformance with the requirements of this Ordinance.
 2. Any structure or land must be used and occupied in conformance with the requirements of this Ordinance.
- D. *Relation to Private Agreements.* This Ordinance does not nullify any private agreement or covenant. However, where this Ordinance is more restrictive than a private agreement or covenant, this Ordinance controls. The Village will not enforce any private agreement or covenant.
- E. *Relation to Other Laws and Regulations.* Unless otherwise specifically provided, this Ordinance controls over less restrictive Village statutes, ordinances, or regulations, and more Village restrictive statutes, ordinances, or regulations control over the provisions of this Ordinance.
- F. *Rules of Construction.* This Ordinance contains numerous illustrations and graphics in order to assist the Ordinance user in understanding and applying the Ordinance. However, to the extent that there is any inconsistency between the text of the Ordinance and any such illustrations and graphics, the text controls unless otherwise specifically stated.

1.4 - TRANSITION RULES

- A. *Existing Illegal Structures and Uses.* Any structure or use that is illegal at the time of the effective date of this ordinance, but is made legal by the provisions of this Ordinance, is deemed legal as of the effective date of this Ordinance. However, if that structure or use does not meet every requirement of this Ordinance, then that structure or use remains illegal.
- B. *Existing Uses .*
1. If a structure or land is used in a manner that was classified as a permitted use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and now that use is classified as a special use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a special use. Any subsequent addition, enlargement, or expansion of that use must conform to the procedural and substantive requirements of this Ordinance for special uses.
 2. If a structure or land is used in a manner that was classified as a special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and that use is now classified as a permitted use as of the effective date of this Ordinance or any subsequent amendment to this Ordinance, that use is deemed a lawful permitted use. Any subsequent addition, enlargement, or expansion of that use must conform to any Ordinance requirements for such permitted use and is no longer subject to the special use ordinance under which it was originally approved.
 3. If a structure or land is used in a manner that was classified as permitted or special use prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, but this Ordinance no longer classifies that use as either a permitted or special use in the zoning district in which it is located, that use is deemed a nonconforming use and is controlled by the provisions of Section 16 (Nonconformities).
- C. *Existing Structures.* If a structure existing on the effective date of this Ordinance or any subsequent amendment to this Ordinance does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that structure is deemed a nonconforming structure and is controlled by the provisions of Section 16 (Nonconformities).
- D. *Existing Lots.* If a lot of record existing on the effective date of this Ordinance or any subsequent amendment to this Ordinance does not meet all standards set forth in this Ordinance in the zoning district in which it is located, that lot is deemed a nonconforming lot of record and is controlled by the provisions of Section 16 (Nonconformities). A tax parcel does not establish a lot of record.
- E. *Previously Issued Building Permits.* If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any subsequent amendment to this Ordinance, and if construction has begun within 180 days of the issuance of that permit and diligently pursued to completion, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and may, upon completion, be occupied for the use originally intended.

- F. *Previously Granted Special Uses and Variations.* All special uses and variations granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the special use or variation must develop the property in accordance with the approved plans and all applicable conditions. However, if the recipient has failed to develop the property in accordance with the approved plans and all applicable conditions before the approval expires, including any periods of extension granted, the provisions of this Ordinance will govern.
- G. *Pending Applications.* An application that has been deemed complete and scheduled for a public hearing or meeting, as applicable, is subject to the Ordinance requirements in effect on the date the application was deemed complete.

1.5 - SEVERABILITY

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remainder of this Ordinance. The effect of the judgment is confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

1.6 - EFFECTIVE DATE

The effective date of this Ordinance is July 1, 2016.

SECTION - 2.

RULES OF MEASUREMENT AND DEFINITIONS

2.1 - INTERPRETATION OF DEFINITIONS

The terms in the text of this Ordinance will be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The word "must" or "shall" is mandatory, while the word "may" is permissive.
- D. The terms "must not," "shall not," and "may not" are prohibiting.
- E. The masculine gender includes the feminine and neuter.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning will be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage, as determined by the Director of Community Development.
- G. The following abbreviations are used within this Ordinance:
 1. "GFA" is an abbreviation for "gross floor area."
 2. "MAX" is an abbreviation for "maximum."
 3. "MIN" is an abbreviation for "minimum."
 4. "N/A" is an abbreviation for "not applicable."
 5. "SF" is an abbreviation for "square feet."

2.2 - DEFINITION OF USES

The principal and temporary uses of the use matrix in Article 8 of this Ordinance are defined in Section 8.5.

2.3 - DEFINITION OF GENERAL TERMS

Abut. To share a common wall or lot line without being separated by a street or alley.

Access. The provision for ingress and egress of vehicles and/or pedestrians from a property to an adjacent right-of-way.

Accessibility Ramp. A ramp or similar structure that provides wheelchair or similar access to a structure.

Accessory Structure. A structure located on the same lot as the principal building, which may be detached or attached, and is incidental to the principal building

Accessory Use. A use located on the same lot as the principal use and is incidental to the principal use of the structure or lot.

Addition or Enlargement. Construction that increases the size of a structure in terms of building footprint, height, or floor area.

Alley. A public right-of-way that normally affords a secondary means of access to abutting property. An alley is not considered a street.

Amateur (HAM) Radio Equipment. An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

Arbor. A freestanding structure of latticework comprised of two sides and a roof, which may serve as an entry feature and/or support vines or trained climbing plants.

Architectural Feature. A part or projection that contributes to the aesthetics of a structure, excluding signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

Awning. A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front, and some designs may be raised or retracted to a position adjacent to the building.

Balcony. A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

Base Flood Elevation (BFE). The computed elevation to which floodwater is anticipated to rise during the base flood. BFEs are shown on Flood Insurance Rate Maps (FIRM) and on the flood profiles. The BFE is the regulatory requirement for the elevation or floodproofing of structures.

Basement. That portion of a structure at or having one-half or more of its height below grade. The definition of basement includes cellars.

Bay Window. A window that projects outward from the structure, and does not rest on the building foundation or on the ground.

Bedroom. Any room or rooms intended to be used for sleeping purposes that has a permanent closet of sufficient size to hold clothes.

Berm. An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill similar purposes.

Block. Defined in [Section 2.4](#).

Blockface. Defined in [Section 2.4](#).

Blue Roof. A roof designed to store water and discharge rainfall.

Buffer. Land area with landscape plantings and other components used to visibly separate one use from another and/or to shield or block noise, lights, or other impacts.

Build-To Line (BTL). A setback line where a certain percentage of building frontage must be located, measured from the applicable lot line. A build-to line of zero means a certain percentage of building frontage must be located at the lot line.

Build-To Zone (BTZ). A required setback where a certain percentage of building frontage must be located, measured as a minimum and maximum range from the applicable lot line.

Buildable Area. The space remaining on a lot after the minimum setback requirements of this Ordinance are met.

Building. Any structure built for the enclosure, protection, shelter, or support of persons, animals, or property of any kind and which is permanently affixed to the ground. The definition of building does not include fences.

Building, accessory. See "Accessory Structure" above.

Building, detached. A principal building surrounded by open space on the same lot.

Building, principal. See "Principal Building" below.

Building, residential. A building arranged, designed, used, or intended to be used for a residential occupancy by one or more families.

Building Coverage. Defined in [Section 2.4](#).

Building Height. Defined in [Section 2.4](#).

Bulk. A term used to describe the size and relationships of structures as to area, height, coverage, and shape, location of exterior walls in relation to lot lines, the centerline of streets, other walls of the same structure and to other structures, and to all open spaces relating to the structure.

Business. An occupation, employment, or enterprise that occupies time, attention, labor, and materials, where merchandise is exhibited or sold, or where services are offered.

Comprehensive Plan. The Village of Niles 2030 Comprehensive Plan or its successor.

Canopy - Non-Structural. A roof-like non-structural cover that projects from the wall of a structure with support posts extending to the ground.

Canopy - Structural. A roof-like permanent structure that projects from the wall of a structure with support posts extending to the ground, which serves as an overhanging shelter or shade and is constructed in such a manner as to allow pedestrians or vehicles to pass underneath. The definition of structural canopy includes porte-cocheres.

Caliper. Defined in [Section 2.4](#).

Carport. An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

Chimney. A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Cold-frame Structure. A roofed enclosure, typically transparent, used to protect plants from excessively cold or wet weather. A cold-frame structure functions similar to a greenhouse to help extend the growing season.

Co-Location. Placement of wireless telecommunications equipment from more than one service or service provider on a single tower or site.

Commercial Vehicle. Large vehicles used for commercial and/or transportation purposes including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, and any truck as defined by 625 ILCS 5/1-211, section 1-211 of the Illinois Motor Vehicle Code.

Construction, New. See [Chapter 18](#) of the Village of Niles Code of Ordinances.

Contiguous. See "abut."

Cutoff. The point at which all light rays emitted by a lamp, light source or luminaire are generally eliminated (cutoff) at a specific angle above the ground, acknowledging that some light trespass may occur.

Deck. A roofless outdoor space built as an aboveground platform projecting from the wall of a structure and connected by structural supports and supported by posts or columns extending to the ground. See also [Section 9.3\(E\)](#).

Diameter Breast Height (DBH). Defined in [Section 2.4](#).

District. Land area of the Village where certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Driveway. An approved vehicle access point leading from public right-of-way to the subject property.

Dwelling. A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, townhouse dwellings, and multi-family dwellings.

Dwelling Unit. One or more rooms, including individualized bathroom and kitchen facilities, which are arranged, designed, and/or used as living quarters for a household.

Easement. Land designed by lawful agreement between the owner(s) of the land and a person(s) for a specified use only by such person(s).

Eave. The projecting lower edges of a roof overhanging the wall of a structure.

Electrical Generator (Private). An accessory device for generating electrical energy for the owner or resident of a lot. Electrical generator does not include accessory solar panels or wind turbines, or any power generating principal use as defined in Article 8.

Encroachment. The extension or placement of any structure, or a component of such, into a required setback.

Erect. To build, construct, attach, hang, place, suspend, or affix.

Exterior Lighting. The illumination of an outside area or object by any man-made device that produces light by any means.

Exterior Stairwell. One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of one floor or level to another in a structure, located on the exterior of a principle building.

Family. A "family" consists of one (1) or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of no more than three (3) unrelated persons, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition and shall not be in addition thereto.

Fence. A structure used as a boundary, screen, separation, means of privacy, protection, or confinement, and is constructed of wood, metal, wire mesh, masonry, or similar material and is used as a barrier.

Fenestration. The design and placement of windows in a structure.

Floodplain. The area near a river or a stream that floods when water levels reach flood stage.

Garage. A structure, either attached or detached, used for the parking and storage of motor vehicles by a resident of a dwelling unit.

Gazebo. A freestanding outdoor structure constructed of a raised platform and a roof, designed for recreational use and not for habitation.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see and cause discomfort.

Grade. Defined in [Section 2.4](#).

Grading. The reshaping of natural land contours, using natural land materials such as soil, gravel, sand, black dirt, etc., for the purpose of eliminating erosion or sedimentation problems, creating or improving surface drainage, providing for the natural aesthetic contouring of property, or to accommodate a building plan by making minor changes in land elevation.

Green Roof. A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Greenhouse (Accessory). A structure constructed chiefly of glass, glass-like, or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross Floor Area (GFA). Defined in [Section 2.4](#).

Hedge. A row of closely planted shrubs, bushes, or other plants forming a boundary.

Home Occupation. Any occupation or profession conducted within a dwelling unit and/or permitted accessory structures that is incidental and secondary to the principal residential use.

Impervious Surface Coverage (ISR). Defined in [Section 2.4](#).

Intensity of Use. Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

Lighting. Defined in [Section 2.4](#).

Loading Berth. A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading and/or unloading goods or materials.

Lot Area. Defined in Section 2.4.

Lot Line. Defined in Section 2.4.

Lot Line, Corner. Defined in Section 2.4.

Lot Line, Front. Defined in Section 2.4.

Lot Line, Interior. Defined in Section 2.4.

Lot Line, Rear. Defined in Section 2.4.

Lot of Record. A parcel of land that was lawfully recorded prior to the adoption and enactment of this Ordinance. A tax parcel does not establish a lot of record.

Lot Width. Defined in Section 2.4.

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Luminaire, Cutoff Type. A luminaire containing elements such as shields, reflectors, or refractor panels that direct and cutoff a direct view of the light source at a cutoff angle.

Motor Vehicle. Any passenger vehicle, motorcycle, or truck propelled or drawn by mechanical power.

Multi-Tenant Retail Center. A group of three or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers or malls and retail strip centers.

New Construction. Modifications to an existing structure shall be considered new construction when the structural integrity of more than 50 percent of the total linear feet of the existing exterior walls has been compromised. This determination shall be in the opinion of the Building Official.

Off-Street Parking. The storage space for a motor vehicle on-site and not a street or other right-of-way.

Outdoor Display And Sales Area. Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outlot. A parcel of land, generally located on the perimeter of a larger parcel of land that is subordinate to the larger parcel for access, parking and drainage purposes.

Owner. A titleholder of record, or if title is held in trust, the trustee of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.

Parapet. The extension of a false front or wall above a roof-line.

Party Wall. A wall starting from the foundation and extending continuously through all stories to or above the roof, which separates one building from another, but is in joint use by each building.

Patio. A hard surface designed and intended for recreational use by residents or visitors and not used as a parking space.

Pergola. A freestanding, open structure that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and an open lattice.

Person. For the purposes of this Ordinance, any individual, corporation, association, firm, partnership, or joint venture.

Pool. A structure, which may be built above-ground or in-ground, that is filled with water and used for swimming.

Porch. An architectural feature that projects from the exterior wall of a structure, has direct access to the street level of the building, and is covered by a roof or eaves.

Porch - Unenclosed. A porch that is not enclosed by walls, screens, lattice, or other material.

Porch - Enclosed. A porch enclosed by walls, screens, lattice, or other material. A screened-in porch is an enclosed porch.

Property Line. The lines bounding a lot of record.

Principal Building. A non-accessory structure which the principal use of the lot on which it is located occupies.

Principal Use. The main use of a structure or lot as distinguished from an accessory use.

Recreational Vehicle. Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle, including, but not limited to, the following: boat/watercraft, camper trailer, conversion vans, motorized trailer, off-the-road vehicle, racing car or cycle, travel trailer, and truck camper.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Satellite Dish Antenna. A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

Setback. Defined in [Section 2.4](#).

Setback, Front. Defined in [Section 2.4](#).

Setback, Interior Side. Defined in [Section 2.4](#).

Setback, Corner Side. Defined in [Section 2.4](#).

Setback, Rear. Defined in [Section 2.4](#).

Setback, Reverse Corner Side. Defined in [Section 2.4](#).

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Single-room occupancy building. Any dwelling or part thereof designed or used primarily for single-room occupancy, containing five or more single-room living units, and which is occupied by the same tenants for an uninterrupted period of not less than 32 days.

Single-room occupancy unit. A room used or intended to be used as a residential housekeeping unit by not more than two occupants for living and sleeping, with or without cooking facilities, that contains not more than one habitable room consisting of not more than 250 square feet of floor area excluding from the calculation of floor area any kitchen having less than 70 square feet of floor area.

Solar Panels. Equipment used for solar energy production system that utilizes solar collectors to convert solar energy from the sun into thermal, mechanical, or electrical energy.

Stacking Space. A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

Stoop. An exterior floor, typically constructed of stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed. A stoop is also referred to as a portico.

Story. Defined in [Section 2.4](#).

Story, Half. Defined in [Section 2.4](#).

Street. A public or private right-of-way that affords a primary means of vehicular access to abutting property, but does not include alleys or driveways.

Street Frontage. A lot line or the length of a lot line that is also the line of any public or private right-of-way, excluding alleys.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structure. Anything constructed or erected on the ground or attached to something having a permanent location on the ground including but not limited to buildings, fences, signs, sheds, or similar uses.

Temporary Structure. Any structure that is not permanently located, placed, or affixed in the place where it is or where it is intended to be placed.

Trellis. A frame made of bars of wood or metal crossed over each other, fixed to a wall, to support vines or climbing plants.

Unified Control. The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.

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

Use, accessory. See "Accessory Use" above.

Use, nonconforming. Any use of a building or premises which, on the effective date of this ordinance, does not, even though lawfully established, comply with all of the applicable use regulations as set forth herein for the zoning district in which such building or premises is located.

Use, permitted. Any building, structure, or use which on the effective date of this ordinance complies with the applicable regulations governing permitted uses of the zoning district in which such building, structure, and use is located.

Use, principal. The main use of land or building as distinguished from an incidental or accessory use.

Use, special. Any building, structure, or use which on the effective date of this ordinance complies with the applicable regulations governing special uses of the zoning district in which such building, structure and use is located.

White Roof. A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

Wind Turbine. Equipment used for wind energy production, conversion, and distribution system generally consisting of a tower designed with horizontal or vertical axis blades and associated equipment.

Yard. Defined in [Section 2.4](#).

Yard, Front. Defined in [Section 2.4](#).

Yard, Interior Side. Defined in [Section 2.4](#).

Yard, Corner Side. Defined in [Section 2.4](#).

Yard, Rear. Defined in [Section 2.4](#).

Yard, Reverse Corner Side. Defined in [Section 2.4](#).

Zoning Lot. A lot or combination of lots that is designated by its owner or developer to be used or developed. A zoning lot may or may not coincide with a lot of record. A tax parcel does not establish a zoning lot.

(Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

2.4 - RULES OF MEASUREMENT

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

A. *Block and Blockface.*

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way, or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a street and lying between the closest intersecting streets, or between an intersecting street and a railroad right-of-way or municipal boundary line.

B. *Building Coverage.* Building coverage of a lot is the area of a lot occupied by the principal and accessory buildings. Building coverage is calculated as the percentage of principal and accessory building footprint area to the total area of the lot.

C. *Building Height and Story.*

1. Building height is measured as the vertical distance from the adjacent grade of the front of a structure to the peak of the roof.
2. The following structures or parts thereof are exempt from the height limitations of the districts or any individual height restrictions of the use, unless otherwise limited by any federal or state height restriction.
 - a. Public utility poles, towers, and wires.
 - b. Water tanks and standpipes.
 - c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, roof gardens, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances. However, if such appurtenances occupy more than 25% of the total roof area, they are counted toward building height.
3. A story is each level of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it. A half-story is the uppermost story or partial story of a structure where 50% or more of the floor area has a ceiling height of seven feet or less.

- D. *Building Line*. A line established at the building wall of a structure between lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments or architectural features, such as bay windows, eaves, and steps and stoops. For irregular lots where the lot lines are not parallel, the building line is established as a line from the point of the structure closest to the lot line, drawn parallel to the applicable lot line.
- E. *Caliper*. The diameter of the trunk of a tree measured in inches at a point measured 12 inches above the ground.
- F. *Diameter at Breast Height (DBH)*. The diameter of the trunk of a mature and established tree measured in inches at a point four feet above ground level.

- G. *Grade*. Grade is measured as the average level of the finished surface of the ground adjacent to the exterior walls of the structure.
- H. *Gross Floor Area (GFA)*. The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings.
- I. *Impervious Surface Coverage (ISR)*. Impervious surface coverage is a measure of that portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water. Impervious surface coverage is calculated as the percentage of all impervious surface area against the total area of the lot. Impervious surface areas include gravel and open water surface areas, such as water features and swimming pools. Credit may be granted for pervious pavers and other alternative pavement systems subject to the standards established by the Village's Engineering Division.
- J. *Lighting*.
1. *Luminaire Height*. The height of a luminaire is measured as the vertical distance from the ground directly below the centerline of the luminaire to the top of the pole or luminaire, whichever the case may be.
 2. *Footcandle*. A footcandle (FC) is a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle. Footcandle is measured utilizing a direct reading, portable light meter mounted in a horizontal position.

K. *Lot*.

1. An interior lot is a lot other than a corner, reverse corner, or through lot, typically bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

4. A through lot is a lot that has frontage on two non-intersecting streets creating two front lot lines.

L. *Lot Area*. The total area of a lot calculated as the total area bounded by all lot lines.

M. *Lot Line*. A lot line is the property line of any lot. Lot lines are located as follows.

1. Front Lot Line

- a. The front lot line of an interior lot is the lot line that abuts a street.

- b. The front lot line of a corner lot is the shortest lot line that abuts a street.

- c. The front lot line of a through lot is established as follows:

- i. For through lots where a front lot line has been previously established on one or more lots located on the same blockface, the street designated as the front lot line of the through lots in such blockface is the front lot line. Previously established means one or more structures along the blockface have established front entrances along that lot line.

- ii. For through lots where a front line has not been previously established on one or more lots on the same blockface or where all lots have not established front lot lines along the same street, the front lot line will be designated by the Director of Community Development.

2. *Interior Side Lot Line*. The interior side lot line is a lot line not abutting a street that is not a rear lot line.

3. *Corner Side Lot Line*. The lot line that is perpendicular or approximately perpendicular to the front lot line, which is the longer abutting street lot line of a corner lot.

4. *Rear Lot Line*. The rear lot line is that lot line which is opposite and most distant from and is, or most nearly is, parallel to the front lot line.

- N. *Lot Width*. Lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line. For irregular lots, such as cul-de-sac lots or pie-shaped lots, lot width is measured at the front building line of the structure between side lot lines.
- O. *Separation/Required Distance Between*. When the Ordinance requires separation between structures or uses located on separate lots, such separation is measured between the closest lot lines of the two lots. When the Ordinance requires separation between structures or uses located on the same lot, such separation is measured between building walls.

- P. *Sight Triangle*. A sight triangle is located at the intersection of the street or alley right-of-way, access easement, and/or driveway pavement, is measured at a line joining the points at a distance as follows:
- a. Five feet from the point of the intersection of driveways and the lot line, as measured along the lot line and edge of driveway pavement.
 - b. For intersections forming a 90-degree angle, 15 feet down each street measured along the right-of-way.
 - c. For intersections forming an angle greater than 90 degrees, 15 feet down each street measured along the right-of-way, minus two feet for each 20 degrees or fraction thereof the angle exceeds 90 degrees.
 - d. For intersections forming an angle less than 90 degrees, 15 feet down each street measured along the right-of-way, plus 2 feet for each 20 degrees or fraction thereof the angle is less than 90 degrees.

- Q. *Yards and Setbacks.* A yard is the open space area between a principal building and the adjoining lot line. A required setback may be equal to or lesser than a yard and is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any portion of a principal building or accessory structure, unless permitted by this Ordinance. A setback extends along a lot line for the minimum depth specified by the zoning district in which such lot is located.

The minimum yard space required for one structure shall not again be considered as yard space for another adjoining structure.

No lot shall be reduced in area so that the yards or other open space become less than required by this ordinance.

- a. *Front Yard and Setback.* A front yard is located between a principal building and the front lot line. A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line. The front yard and setback extends the full width of the lot between side lot lines measured perpendicular to the front lot line.
- b. *Interior Side Yard and Setback.* An interior side yard is located between a principal building and the interior side lot line. An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line. The interior side yard and setback extends along the interior side lot line between the front and rear setback lines, measured perpendicular to the interior side lot line.
- c. *Corner Side Yard and Setback.* A corner side yard is located between a principal building and the corner side lot line. A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line. The corner side yard and setback extends along the corner side lot line between the front setback line and the rear lot line, measured perpendicular to the corner side lot line.
- d. *Rear Yard and Setback.* A rear yard is located between a principal building and the rear lot line. A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line. In the case of an interior lot, the rear yard and setback extends between interior side lot lines, measured perpendicular to the rear lot line. In the case of a corner lot, the rear yard and setback extends between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.
- e. *Reverse Corner Side Yard and Setback.* A reverse corner side yard is located between a principal building and the corner side lot line, where the corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear. A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line. The reverse corner side yard and setback extends along the corner side lot line between the front setback line and the rear lot line,

measured perpendicular to the corner side lot line. For reverse corner lots, the lot width dimension used to determine the reverse corner side setback is measured at the shorter of the two street abutting lot lines; the "corner side setback" dimensional requirement in the district applies to the reverse corner side setback.

SECTION 3. - ZONING DISTRICTS

3.1 - DISTRICTS

In order to carry out the purpose and intent of this Ordinance, the Village of Niles is divided into the following zoning districts:

- A. Residential Districts.
 - R-1 Single-Family Residential District
 - R-2 Single-Family Residential District
 - R-2-35 Single-Family Residential District
 - R-3 Two-Family and Townhouse Residential District
 - R-4 Multi-Family Residential District

- B. Commercial Districts.
 - C-1 Corridor Commercial District
 - C-2 General Commercial District
 - C-3 Milwaukee Avenue Form-Based District
 - C-4 Milwaukee Avenue Mixed-Use District
 - C-5 Urban Village District
- C. Industrial Districts.
 - M Limited Industrial District
 - ENT-MU Office, Industrial, and Cultural/Entertainment Mixed-Use District
 - OR Office/Research District
- D. Special Purpose Districts.
 - P-1 Public/Institutional Lands District

3.2 - ZONING

MAP

- A. *Location of Districts.*
 1. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map is incorporated into, and made part of, this Ordinance.
 2. It is the intent of this Ordinance that the entire area of the Village, including all land and water areas, are included in the zoning districts established by this Ordinance. Any land lying within the Village, but not shown on the Official Zoning Map as being included within a district, is classified as the R-1 Single-Family Residential District.
- B. *Interpretation of Boundary Lines .*
 1. *Right-of-Way Lines.* Where zoning district boundary lines coincide with rights-of-way, the boundary line is construed to be the centerline of the right-of-way.
 2. *Property Lines.* Where zoning district boundary lines coincide with a recorded property line, the property line is construed to be the boundary line of the district.
 3. *Scaled Lines.* Where the district boundary lines do not coincide with a right-of-way line or recorded property line, the district boundary is determined by measuring such boundary line(s) using the map scale as provided on the Official Zoning Map.
 4. *Clarification of Boundary Lines.* Where the application of Paragraphs 1 through 3 above leaves doubt as to the boundary between two zoning districts, the Director of Community Development will decide any interpretations of zoning district boundary lines. Decisions of the Director of Community Development may be appealed to the Planning and Zoning Board.

3.3 - ANNEXED LAND

Any territory annexed into the Village is automatically, upon annexation, zoned as the R-1 Single-Family Residential District, unless otherwise provided for in the annexation agreement or until the territory is rezoned.

3.4 - EXEMPTIONS FOR RIGHTS-OF-WAY AND PUBLIC UTILITIES

1. The provisions of this Ordinance do not apply to land located within rights-of-way.
2. The following utility uses are exempt from the provisions of this Ordinance and permitted in any district: wires, cables,

conduits, vaults, laterals, pipes, mains, hydrants, valves and water supply wells.

3. This exemption does not include utilities, as defined in Article 8, wireless telecommunications, amateur HAM radio towers, solar farms, or wind energy systems. All such structures must comply with this Ordinance and any other applicable Village ordinances.

SECTION 4. - RESIDENTIAL DISTRICTS

4.1 - PURPOSE

STATEMENTS

- A. *R-1 Single-Family Residential District.* The R-1 Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family detached dwellings located on larger lots of 60 feet or more in width than the predominant pattern of single-family residential development within the Village. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.
- B. *R-2 Single-Family Residential District.* The R-2 Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family detached dwellings located on lots of 50 feet or more in width that reflect the predominant pattern of single-family residential development within the Village. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.
- C. *R-2-35 Single-Family Residential District.* The R-2-35 Single-Family Residential Zoning District is intended to provide for a neighborhood environment of single-family detached dwellings located on lots that have been established with a relatively smaller lot size of 35 feet in width than the predominant pattern of single-family residential development within the Village. The R-2-35 district is divided into two subdistricts (R-2-35A and R-2-35B) based upon established front setbacks. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.
- D. *R-3 Two-Family Residential District.* The R-3 Two-Family Residential Zoning District is intended to provide for a moderate density neighborhood environment of single-family, two-family, and townhouse dwellings. This district may function as a transitional zone between lower density single-family neighborhoods and adjacent higher density multi-family neighborhoods or nonresidential areas. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.
- E. *R-4 Multi-Family Residential District.* The R-4 Multi-Family Residential Zoning District is intended to provide for a high density environment of varied building and housing types, including single-family, two-family, townhouse, and multi-family dwellings. This district may function as a transitional zone between lower density residential neighborhoods and adjacent higher intensity nonresidential areas. Limited non-residential uses that are compatible with surrounding residential neighborhoods may be permitted.

4.2 - USES

Section 8 lists permitted and special principal uses and temporary uses for the residential districts.

4.3 - DIMENSIONAL STANDARDS

- A. Table 4-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 4-1: Residential Districts Dimensional Standards					
	R-1	R-2	R-2-35	R-3	R-4

Bulk Standards					
Minimum Lot Area	7,500 s.f.	6,250 s.f.	3,500 s.f.	SF: 6,250 s.f. 2F: 7,000 s.f.	
Minimum Lot Width	60'	50'	35'	SF: 50' 2F: 60' Townhouse: 70'	SF: 50' 2F: 60' Townhouse & MF: 60'
Maximum Building Height—Residential Buildings	32' & 2.5 stories	32' & 2.5 stories	32' & 2.5 stories	32' & 2.5 stories	SF, 2F, Townhouse: 32' & 2.5 stories MF: 40' & 3 stories
Maximum Building Height—Other Buildings—(permitted or special uses)	Up to 40 feet See 4.3(C)	Up to 40 feet See 4.3(C)	Up to 40 feet See 4.3(C)	Up to 50 feet See 4.3(C)	Up to 50 feet See 4.3(C)
Building Height Setback Plane	See Section 4.3	See Section 4.3	See Section 4.3	N/A	N/A
Maximum Building Coverage	45%	45%	45%	SF, 2F: 45% Townhouse: 50%	SF, 2F: 45% Townhouse: 50% MF: 60%
Maximum Impervious Surface Coverage	60%	60%	60%	SF, 2F: 60% Townhouse: 70%	SF, 2F, Townhouse: 70% MF: 80%
Minimum Setback Requirements					
Front Setback	25'	25'	R-2-35A: 25' R-2-35B: 10'	SF, 2F: 25' Townhouse: 15'	SF, 2F: 25' Townhouse, MF: 15'

<p>Interior Side Setback</p>	<p>Lot with attached garage, or detached garage accessed by alley: 7'</p> <p>Lot with detached garage not accessed by alley: 16' combined side yard minimum, with one side not less than 10' and the other side not less than 6'</p> <p>Lot with attached carport: 4' No deck, balcony, or enclosed living space may be built above the carport.</p>	<p>Lot with attached garage, or detached garage accessed by alley: 6'</p> <p>Lot with detached garage not accessed by alley: 16' combined side yard minimum, with one side not less than 10' and the other side not less than 5'</p> <p>Lot with attached carport: 4' No deck, balcony, or enclosed living space may be built above the carport.</p>	<p>Lot with attached garage, or detached garage accessed by alley: 6'</p> <p>Lot with detached garage not accessed by alley: 16' combined side yard minimum, with one side not less than 10'</p> <p>Lot with attached carport: 4' No deck, balcony, or enclosed living space may be built above the carport.</p>	<p>Lot with attached garage, or detached garage accessed by alley: 6'</p> <p>Lot with detached garage not accessed by alley: 16' combined side yard minimum, with one side not less than 10'</p> <p>Lot with attached carport: 4' No deck, balcony, or enclosed living space may be built above the carport.</p>	<p>SF, 2F, Townhouse: Lot with attached garage, or detached garage accessed by alley: 6'</p> <p>SF, 2F, Townhouse: Lot with detached garage not accessed by alley: 16' combined side yard minimum, with one side not less than 10'</p> <p>MF: 15' combined side yard minimum, neither side less than 5'</p>
<p>Corner Side Setback</p>	<p>25', except if the corner lot has insufficient width to provide such yard of 25' and still maintain a buildable width of 32 feet, including required side yard along the opposite side lot line, then the required yard abutting the street may be reduced in width by the distance necessary to maintain a buildable width of 32 feet, provided the side yard abutting a street is not reduced to less than 30 percent of the width of the lot.</p>			<p>SF, 2F: 25' or 30% of lot width, whichever is less Townhouse: 15' or 30% of lot width, whichever is less</p>	<p>SF, 2F: 25' or 30% of lot width, whichever is less</p>
<p>Rear Setback</p>	<p>40'</p>	<p>40'</p>	<p>40'</p>	<p>SF, 2F: 40' Townhouse: 30'</p>	<p>SF, 2F: 40' Townhouse, MF: 30'</p>

Rear Setback on Corner Lot	On a corner lot, the rear yard may be reduced to not less than 30 feet in depth except if an attached garage is constructed in the rear yard, then the yard may be reduced to not less than 15 feet.			
Rear Setback on Reverse Corner Lot	On a reversed corner lot with an attached garage, the rear yard may be reduced to not less than 20 feet.			
Minimum Building Separation for lots with multiple multi-family buildings	N/A	N/A	N/A	50 between any building and a front entrance of any other building on the lot. 30 feet between buildings in all other instances.

B. Special Height Regulation for R-1 and R-2 Lots with Non-Conforming Rear Yards

For existing single-family homes on existing foundations in the R-1 or R-2 districts with non-conforming rear yards, additions may be constructed onto these homes under the following circumstances:

- i) The addition may extend no higher than a line drawn toward the house at a 35 degree angle starting at one-foot above grade at the rear property line. In cases where the rear property line is lower than the top of the existing foundation, the drawn line may start at the elevation of the foundation extended to the rear property line.
- ii) Eaves and chimneys are exempt from this limit and may extend higher than the line described in (i) above.
- iii) Up to 30 percent of the room area used exclusively for dormers may be exempt from this limit and may extend higher than the line described in (i) above

C. Additional Yard Requirements for Non-Residential Buildings in the R-3 and R-4 Districts

For buildings—either permitted or special—in the R-3 and R-4 zoning districts, side, front, and rear yards shall be increased in depth beyond the minimum required by one foot for each additional foot of building over 32 feet in height.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17; Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

4.4 - BUILDING HEIGHT SETBACK PLANE

In addition to the general height and interior side setback restrictions in Table 4-1 of this Ordinance, all buildings on any lot within the R-1, R-2, and R-2-35 Districts are subject to, and must comply with, the following building height setback plane restrictions.

- A. No portion of a structure may intersect the planes that begin at a point 22 feet above grade at the interior side lot line and run at a 45° angle toward the interior of the lot until they reach the maximum building height permitted.
- B. Dormers and gable ends may extend into and through the height setback plane, but are limited to a maximum of 25% of the area of the angled side plane. Dormers and gable ends must comply with the building height restrictions of this Ordinance.

4.5 - CONVERSION OF APARTMENTS INTO CONDOMINIUMS

Any proposed conversion of an apartment building into condominiums shall be done in accordance with the requirements provided in Chapter 34, Article 3 of the Village of Niles Code of Ordinances.

4.6 - GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Section 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Section 10 for off-street parking and loading standards and requirements.

C. Landscape

See Section 11 for landscape, buffering and screening standards and requirements.

D. Signs

See Chapter 78 of the Village Code for sign standards.

SECTION 5. - COMMERCIAL DISTRICTS

5.1 - PURPOSE STATEMENTS

A. C-1 Corridor Commercial District

The purpose of the C-1 Corridor Commercial Zoning District is to promote development of storefront space and provide for a mix of retail, personal service, and office uses along the commercial corridors within the Village, primarily serving the local community. The C-1 District is intended to accommodate auto-oriented uses while improving the pedestrian environment along the Village's commercial corridors. Mixed-use development is encouraged with residential dwelling units allowed above the ground floor.

B. C-2 General Commercial District

The purpose of the C-2 General Commercial District is to accommodate regional commercial centers within the Village, including auto-oriented retail centers that serve both residents of the Village and the surrounding communities. The C-2 District provides for large-scale development that generates a sizeable amount of traffic and a significant demand for off-street parking. Mixed-use development is encouraged with residential dwelling units allowed above the ground floor.

C. C-3 Milwaukee Avenue Form-Based District

The purpose of the C-3 Milwaukee Avenue Form-Based District is to promote a high-quality mixed-use environment along the Milwaukee Avenue corridor within the Village. The C-3 District contains specific standards related to building form, including height and massing, building location, façade transparency, parking, and building design. These standards are intended to improve the image of the corridor, and encourage the development of Milwaukee Avenue as a pedestrian-friendly, walkable mixed-use destination.

D. C-4 Milwaukee Avenue Mixed-Use District

The purpose of the C-4 Milwaukee Avenue Mixed-Use District is to promote a tailored mix of retail, personal service, office, and residential development along the Milwaukee Avenue Corridor within the Village, complementary in bulk and height to the Milwaukee Avenue Form-Based District. It should maintain a traditional mixed-use character, distinguished by a pedestrian-friendly orientation, building entrances opening to the public sidewalk, and parking, when provided, located to the rear of buildings.

E. C-5 Urban Village District

The purpose of the C-5 Urban Village District is to promote redevelopment of large regional centers as mixed-use urban villages, rather than as traditional single-purpose shopping centers. The C-5 District provides controls on use mix, siting, and design to encourage a high-quality mixed-use and pedestrian friendly urban village development.

5.2 - USES

A. Uses Generally

1. Section 8 lists permitted and special principal uses and temporary uses for the commercial districts.
2. In the C-3 District, uses are restricted per Figure 5.4: C-3 District Use Restrictions. Generally, Table 8-1 lists the uses allowed in the C-3 District unless Figure 5.4 indicates specific additional permissions or restrictions for uses.
3. Within the C-2, C-3, and C-4 Districts, ground floor uses on corner lots are limited to those listed under the "Retail" category in Table 8-1: Use Matrix. This limitation extends for 250 feet along the lot lines along each intersecting street and applies to any ground floor space where 50% or more of the space's frontage is located within this 250 foot measurement.
4. Residential density limits are controlled by bulk, height, parking, and other zoning regulations.

5.3 - DIMENSIONAL STANDARDS

Table 5-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Within certain districts, the design standards of [Section 5.4](#) also apply.

Table 5-1: Commercial Districts Dimensional Standards					
	C-1	C-2	C-3	C-4	C-5
Bulk Standards					
Minimum Building Height	15'	15'	20'	20'	None
Maximum Building Height	40'	40'	Figure 5.1 On page CDB:52	50'	50'
Minimum Setback Requirements					
Front Setback	None	None	Figure 5.2 ¹ On page CDB:53	Build-To Zone ¹ : 0' - 10' for 60% of façade	None
Front Building Line Setback from Curb ¹	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb
Interior Setback Yard	None, unless abutting a residential district, then 10'	None, unless abutting a residential district, then 15'	None, unless abutting a residential district, then 10'	None, unless abutting a residential district, then 15'	None, unless abutting a residential district, then 15'
Corner Setback Yard	None	None	Figure 5.3 ¹ On page CDB:54	Build-To Zone ¹ : 0'—10' for 50% of façade	None
Corner Side Building Line Setback from Curb ¹	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb	Minimum of 14' from back of curb
Rear Setback	20'	20'	20'	20'	20'

;b0; ¹ If the dimension of setback from curb exceeds any required build-to zone or build-to line, such dimension controls as a build-to line.

5.4 - DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling. With the exception of the C-3 District, residential dwellings are not subject to these standards but rather to any applicable standards of Section 8 of this Ordinance; multi-family dwellings in the C-3 District are subject to the standards for the C-3 District.

A. Commercial District Design Standards

Table 5-2: General Building Design Standards indicates the applicability of general building design standards to the commercial districts. An "X" indicates that the standard is applicable in the district indicated. The absence of an "X" indicates that the standard is not applicable. Standards for the C-3 District are found in item B below.

Table 5-2: General Building Design Standards				
	C-1	C-2	C-4	C-5
Façade Design				
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.	X	X	X	X
Building façades in excess of 100 feet that abut a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than two feet in depth, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 feet.	X		X	
All buildings of three or more stories must be designed with a definable base (ground floor), through the use of architectural features such as cornice treatments, recesses, corbeling, brick courses, and window designs.		X	X	X
A ground floor building entrance may be recessed no more than six feet from the required front build-to zone, and must be no wider than eight feet. Such a recess is considered to meet any required minimum build-to percentage.			X	
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade along which they are located.	X		X	
Fenestration Design				

Windows must be recessed no less than four inches, or projected out from the façade plane to provide depth and shadow.	X		X	
The ground floor must maintain a transparency of 50%, measured between two and ten feet in height from grade.	X		X	
The ground floor must maintain a transparency of 35%, measured between two and ten feet in height from grade.		X		X
Upper floors must maintain a transparency of 25% of the wall area of the story.	X		X	
Roof Design				
Rooflines over 100 linear feet in building length must be variegated, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 feet.	X		X	
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.	X	X	X	X
Green roof, blue roof, and white roof designs are encouraged.	X	X	X	X
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X	X
Retail Center Siting				
The site shall be designed so that there is safe pedestrian access to the center from the public right-of-way and safe pedestrian circulation within the development.		X		X
A cohesive character is required through the use of coordinated hardscape treatment (special paving materials, lighting, street furniture, etc.) and landscaping.		X		X
Outlot buildings must include showcase windows and entrances oriented toward both the street and the interior parking lot.		X		X
If outlot buildings are part of a multi-tenant retail center, outlot buildings must define the street frontage by placement within 0 feet to 25 feet of the lot line.		X		

A street presence for the mixed-use retail center must be created by locating part of the center or outlot buildings within 0 to 20 feet of the lot line for at least 30% of the frontage.				X
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B. C-3 District Design Standards

1. Façade Design

- a. Street abutting building façade s must maintain a build-to percentage as follows:
 1. Buildings fronting on Milwaukee Avenue, Oakton Street, Howard Street, and Touhy Avenue must locate 80% of the length of any façade abutting those streets within the required build-to zone. Buildings located at a key corner as designated in Figure 5.4 must locate the first 50 feet from the corner on any façade abutting a street within the required build-to zone.
 2. Buildings fronting on any other street within the C-3 District must locate 60% of the length of any façade abutting a street within the required build-to zone.
 3. Where buildings front on multiple streets, the higher required build-to percentage controls both streets.
- b. Street abutting building façades must not contain blank wall areas that exceed 15 linear feet, measured parallel to the street.
- c. Street abutting building façades in excess of 100 feet must include a repeating pattern with no less than two of the following elements: color change, texture change, material module change, or a wall articulation change of no less than 18 inches in depth, such as a reveal, pilaster, or projecting rib, to visually break up the massing of the ground floor into segments of no more than 40 feet.
- d. All buildings of three stories or greater must be designed with a definable base (ground floor) through the use of horizontal articulation or architectural features such as cornice treatments, belt courses, recesses, corbeling, awnings or canopies, and changes in window design or pattern.
- e. Ground floor building entrances must address adjacent streets, and must be visually distinctive or prominent on the building façade. This may be accomplished through the use of architectural features such as entranceway roofs, canopies or awnings, entranceway recesses, a chamfered corner, sidelight windows, transom windows, or other adjacent window designs.
- f. Ground floor building entrances may be recessed no more than six feet from the required front build-to zone, and must be no wider than ten feet. Such a recess is considered to meet any required minimum build-to percentage.
- g. Street abutting building façades must provide a building entrance no less than once every 40 feet.
- h. Buildings located within 50 feet of key corners as designated in Figure 5.4, measured parallel to the right-of-way, must address Niles' unique corner geometry through the inclusion of prominent architectural features. Such features include, but are not limited to, chamfered corners, "bull nose" building forms, or other vertical architectural elements.
- i. Vents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer, are prohibited as part of a front or corner side façade.

2. Fenestration Design

- a. Windows must be recessed no less than two inches or projected out from the façade plane to provide depth and shadow.
- b. A bulkhead or knee-height wall a minimum of 18 inches and a maximum of 36 inches in height is

required along any street abutting façade to provide a definable base and give visual weight to required ground floor glazing.

- c. The ground floor must maintain a minimum transparency of 60%, measured between two and ten feet in height from grade. Building façades located within 50 feet of key corners as designated in Figure 5.4, measured parallel to the right-of-way, must maintain a minimum transparency of 75% measured between two and ten feet in height from grade.
- d. Upper stories must maintain a minimum transparency of 30% of the wall area of the story.

3. Roof Design

- a. Rooflines over 100 linear feet in building length must be variegated and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 feet.
- b. Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops.
- c. Green roof, blue roof, and white roof designs are encouraged.
- d. Reflective surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- e. Mechanical equipment on roofs must be located a minimum of five feet behind the building wall, and must be screened from view from public rights-of-way by the use of parapet walls or enclosures designed to conceal the equipment.

4. Site Elements

- a. In the C-3 District, parking may be located along the side or to the rear of the building. Parking is prohibited between the front building façade and the front lot line.
- b. In addition to the requirements of Section 11.6, when parking is located adjacent to a building, a continuation of the street wall must be created through the use of a solid masonry wall designed to complement the building or combination of landscape and an open decorative fence as follows:
 1. A solid masonry wall must be between three and four feet in height. An open, decorative feature may be included in the design of such a wall, and may extend up to a maximum height of five feet. A masonry wall must employ the same quality materials required of the primary building.
 2. An open decorative fence must be between four and six feet in height, and must be constructed of high-quality durable material such as wrought iron.

5. Site Design

- a. Buildings or structures that are part of a multi-building complex should achieve unity of character and design through the use of architectural features, building style, texture, color, materials, form, scale and proportion, and site design elements such as courtyards, plazas, landscape, and walkways.
- b. Developments should provide pedestrian links to adjacent commercial uses and neighborhoods, where appropriate, to provide integrated, safe pedestrian access between the site and commercial or residential uses outside the development.

C. Building Material Restrictions

In all commercial districts, the following building materials are prohibited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings

4. Exposed aggregate (rough finish) concrete wall panels
5. Exterior insulating finish systems (EIFS)
6. T-111 composite plywood siding
7. Plastic
8. Vinyl

5.5 - GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Section 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Section 10 for off-street parking and loading standards and requirements.

C. Landscape

See Section 11 for landscape, buffering and screening standards and requirements.

D. Signs

See Chapter 78 of the Village Code for sign standards.

SECTION 6. - OFFICE, INDUSTRIAL, & CULTURAL/ENTERTAINMENT DISTRICTS

6.1 - PURPOSE STATEMENTS

A. M Limited Industrial District

The purpose of the M Limited Manufacturing Zoning District is to provide for general industrial, research and development, warehousing, wholesaling, and office uses. Industrial uses in the M District may produce noise, vibration, odor, heat glare, and other external effects perceptible to adjacent land users, but are generally not offensive or noxious. Development standards are intended to buffer surrounding non-industrial uses from the impact of the industrial uses within the district.

B. ENT-MU Cultural/Entertainment-Mixed-Use District

The purpose of the ENT-MU Entertainment Mixed-Use Zoning District is to provide for a mix of light industrial uses found in the M District, as well as certain compatible non-industrial uses that are more intensive, such as recreational and entertainment uses and retail establishments consistent with the Village's plans for the Touhy Triangle cultural and entertainment district. Development standards are intended to buffer surrounding less intense uses from the impact of the industrial and commercial uses within the district.

C. OR Office/Research District

The purpose of the O-R Office-Research Zoning District is to accommodate research and development facilities and larger office structures with limited industrial uses allowed that have no outside impacts. Examples of typical O-R District uses might include the headquarters of a large corporation, large research and development facilities, or office parks of substantial size.

6.2 - USES

Section 8 lists permitted and special principal uses and temporary uses for the office and industrial districts.

6.3 - DIMENSIONAL STANDARDS

- A. Table 6-1: Office and Industrial Districts Dimensional Standards establishes the dimensional standards for the office and industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. Within certain districts, the design standards of Section 6.4 also apply.

Table <u>6-1</u> : Office and Industrial Districts Dimensional Standards			
	M	ENT-MU	OR
Bulk Standards			
Minimum Lot Area	10,000 s.f.	10,000 s.f.	10,000 s.f.
Minimum Lot Width	100'	100'	100'
Maximum Building Height	50'	50'	90'
Minimum Yard Requirements* [See Also <u>6.3(B)</u>]			
Front Yard	25'	25'	25'

Interior Side Yard	10', unless abutting a residential district, then 20'	10', unless abutting a residential district, then 20'	10 feet, unless abutting a residential district, then: »20' when structure is 50' or less in height »40' when structure is more than 50'
Corner Side Yard	25'	25'	25'
Rear Yard	10', unless abutting a residential district, then 20'	10', unless abutting a residential district, then 20'	10 feet, unless abutting a residential district, then: »20' when structure is 50' or less in height »40' when structure is more than 50'

- B. No buildings, structures, or parcels of land, which is used for the manufacturing, fabrication, assembly, disassembly, repairing, storing, cleaning, or servicing of materials, products, or goods shall be located within 50-feet of any lot line of a residential district; and when directly across a street from a residential district, there shall be provided for such uses a yard along such street of not less than 40 feet in depth.

6.4 - DESIGN STANDARDS

The following design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.

A. Building Design Standards

Table 6-2: General Building Design Standards indicates the applicability of general building design standards to the office and industrial districts. An "X" indicates that the standard is applicable in the district indicated. The absence of an "X" indicates that the standard is not applicable.

Table 6-2: General Building Design Standards			
	M	ENT-MU	OR
Façade Design			
Building façades that abut a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 35 linear feet, measured parallel to the street.		X	X

Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.		X	
Roof Design			
Green roof, blue roof, and white roof designs are encouraged.	X	X	X
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	X	X	X
Entrance Design			
Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.		X	X
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.			X
Site Design			
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.	X	X	X
Parking lots must be adequately buffered from the primary roadway, and no parking is allowed within the required front setback.	X	X	X
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.	X	X	X

B. Building Material Restrictions

The following building materials are prohibited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a lot in residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings
4. Exposed aggregate (rough finish) concrete wall panels
5. Exterior insulating finish systems (EIFS)

6. T-111 composite plywood siding
7. Plastic
8. Vinyl

6.5 - GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Section 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Section 10 for off-street parking and loading standards and requirements.

C. Landscape

See Section 11 for landscape, buffering and screening standards and requirements.

D. Signs

See Chapter 78 of the Village Code for sign standards.

SECTION 7. - SPECIAL PURPOSE DISTRICTS

7.1 - PURPOSE STATEMENTS

A. P-I Public/Institutional Lands District

The P-I Public/Institutional Lands District is intended to provide a zoning designation to accommodate public lands and institutions and quasi-public institutions within the Village.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

7.2 - P-I

PUBLIC INSTITUTIONAL LANDS DISTRICT

A. Uses

Section 8 lists permitted and special principal uses and temporary uses for the P-I District.

B. Accessory Uses

Accessory uses, buildings, or other structures customarily incidental to and commonly associated with a principal use—either permitted or special—may be permitted, provided they are operated and maintained under the same ownership and on the same lot as the principal use, do not include structures or structural features inconsistent with the principal use, and do not involve the conduct of any business, profession, trade, or industry. The provisions of Sections 9.3 and 9.4 also apply.

C. Dimensional Standards

Table 7-1: P-I District Dimensional Standards establishes the dimensional standards for the P-I District. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

Table 7-1: P-I District Dimensional Standards	
	P-I
Bulk Standards	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	45'
Setback Requirements	
Front Setback	25'
Interior Side Setback	10 foot minimum, unless abutting a residential district, then 20'
Corner Side Setback	25'
Rear Setback	10 foot minimum, unless abutting a residential district, then 20'

7.3 - GENERAL STANDARDS OF APPLICABILITY

A. Site Development Standards

See Section 9 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

B. Off-Street Parking and Loading

See Section 10 for off-street parking and loading standards and requirements.

C. Landscape

See Section 11 for landscape, buffering and screening standards and requirements.

D. Signs

See Chapter 78 of the Village Code for sign standards.

SECTION 8. - USES

8.1 - GENERAL USE PERMISSIONS

- A. No structure or land may be used or occupied except in conformity with the regulations for the zoning district in which it is located.
- B. All uses must comply with any applicable federal and state requirements and any regulations of the Village Code.
- C. Noncompliance with any of the use standards of this Section and any conditions imposed as a part of the approval of a special use or other zoning approval is considered a violation of this Ordinance and subject to enforcement provisions.
- D. A non-residential lot may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use must be approved separately, even if the uses function as a whole development. For example, a gas station may have a car wash or a minor vehicle repair if a car wash or a minor vehicle repair use is allowed in the district. In some cases, the principal use standards and/or definition may identify ancillary uses that are an integral part of the principal use's operation. When identified as an ancillary use, the ancillary use does not require separate approval, but must comply with any standards applicable to such use.
- E. Any use not listed within Table 8-1: Use Matrix of Section 8.2 is prohibited.

8.2 - USE MATRIX

- A. Table 8-1: Use Matrix identifies the principal and temporary uses allowed within each zoning district. P indicates that the use is permitted in the district. S indicates that the use is a special use in the district and requires special use permit approval. If a cell is blank, the use is not allowed in the district. In the case of temporary uses, a P indicates the temporary use is allowed in the district and the standards may indicate that it requires temporary use permit approval in accordance with the standards of Section 8.4.
- B. Within the C-2, C-3, and C-4 Districts, ground floor uses on corner lots are limited to those listed under the "Retail" category in Table 8-1: Use Matrix. This limitation extends for 250 feet along the lot lines along each intersecting street and applies to any ground floor space where 50% or more of the space's frontage is located within this 250 foot measurement.

TABLE 8-1: USE MATRIX															
Use	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
RESIDENTIAL	R-1	R-2	R-2-35	R-3	R-4	>C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Community Residence - Small	P	P	P	P	P										Sec. 8.3.B
Community Residence - Large															Sec. 8.3.B

Dwelling - Above the Ground Floor						P	P	P	P	S					
Dwelling - Single-Family	P	P	P	P	P			P							Sec. 8.3.G
Dwelling - Two-Family				P	P										Sec. 8.3.G
Dwelling - Townhouse				P	P			P	P	S					
Dwelling - Multi-Family					P			P	P	S					
Residential Care Facility				S	S		S			S					Sec. 8.3.T
INSTITUTIONAL/PUBLIC	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Cemetery														P	
Community/Recreation Center				S	S	S	S	S	S	S	P	S		P	
Cultural Facility						P	P	P	P	P		S		P	
Educational Facility - College/University				S	S		S	S		S	S			P	
Educational Facility - Primary/Secondary	S	S	S	S	S			S						P	
Educational Facility - Vocational							S	S		S	S			P	
Government Office						P	P	P	P	P	P		P	P	
Park/Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of Worship	S	S	S	S	S									P	
Public Safety Facility	S	S	S	S	S	S	S	S	S	S	P		P	P	
Public Works Facility							S				P		P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

SERVICE	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Adult Use: Service											S				Sec. 8.3.A
Arts Studio						P	P	P	P	P		P			
Cosmetic Tattoo						S	S								
Car Wash						S	S		S						
Catering Establishment							P				P				
Currency Exchange							S		S						Sec. 8.3.C
Day Care Center						S	S	S	S	S			S	P	Sec. 8.3.E
Day Care Home	P	P	P	P	P										Sec. 8.3.D
Financial Institution						S	S	S	S	S					
Funeral Home						S	S	S	S		P			P	
Heavy Commercial - Rental & Service							P	P	P						Sec. 8.3.J
Hotel/Motel							P	S		P		P	S		
Massage Services Establishment							S	S	S			S			
Outdoor Storage								S	S		S				Sec. 8.3.P
Passenger Terminal											P	P		P	
Payday/Title Loan Establishment							S		S						Sec. 8.3.C
Personal Service Establishment						P	P	P	P	P		P	P		
Pet Services: Day Boarding						S	S	S	S	S					
Pet Services: Grooming						S	S	S	S	S		S			

Pet Services: Overnight Boarding						S	S	S	S	S					Sec. 8.3.R
Reception Facility							S	S	S	S		S			Sec. 8.3.S
Repair and Service—Indoor						P	P	P	P	P	P				
Self-Storage Facility											S				
Small Engine Repair and Service							S		S		P				
Vehicle Rental - Enclosed							S		S	S	P	P			Sec. 8.3.V
Vehicle Rental - Outdoor							S			S	P	S			Sec. 8.3.V
Vehicle Repair - Major							S		S		P				Sec. 8.3.W
Vehicle Repair - Minor						S	S		S		P				Sec. 8.3.W
Veterinarian						S	S	S	S	S		S			
RECREATION & ENTERTAINMENT	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Adult Use: Entertainment											S				Sec. 8.3.A
Amusement Facility - Indoor						S	S	P	P	P	P	P		P	
Amusement Facility - Outdoor							S		S	S	P	S		P	
Firearms Training Center—Indoor Only											S				Sec. 8.3.H
Golf Course	S	S	S	S	S							P		P	
Live Performance Venue						S	S	S	S	P		P		P	
Off-Track Betting Parlor							S	S	S	S	S				
Social Club/Lodge						S	S	S	S	S	S	S	S		

RETAIL	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Adult Use: Retail											S				Sec. 8.3.A
Animal and Pet Sales						S	S	S	S	S		S			
Animal and Pet Adoption						S	S	S	S	S		S			
Art Gallery						P	P	P	P	P		P			
Bar						S	S	S	S	S		P			
Gas Station and alternative fuel stations							S		S		S				Sec. 8.3.I
Greenhouse/Nursery - Retail						S	P								
Firearms Sales											S				Sec. 8.3.H
Heavy Commercial - Retail							S		P	S	S	S			Sec. 8.3.J
Outdoor Display (Retail)							P	P	P	P					Sec. 8.3.M
Outdoor Seating						P	P	P	P	P	S	S	P	P	Sec. 8.3.O
Outdoor Sales (Retail)						S	P	P	P	P		S			Sec. 8.3.N
Precious Metal Dealer															
Restaurant, indoor						P	P	P	P	P	P	P	P		
Restaurant, carry-out						P	P	P	P	P	P	P	P		
Restaurant, drive-in						P	P	P	P	P	P	S	P		
Retail Establishment						P	P	P	P	P	P	P	P		
Retail Sales of Pet Supplies						P	P	P	P	P	P	P			
Smoking Establishment							S					S			

Specialty Food Service						P	P	P	P	P	P	P	P		
Micro-Brewery/Micro-Distillery							S	S	S	S	P	P			
Vehicle Parts Sales							P	P	P						
Vehicle, Marine, and Recreational Vehicle Sales —Enclosed							P		P	P	P	P			Sec. 8.3.V
Vehicle, Marine, and Recreational Vehicle Sales —Outdoor							S		S		S				Sec. 8.3.V
Video Gaming Café						P	P	P	P	P		P			
OFFICE	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Contractor and Construction Office											P				
Employment Agency							S	S	S		P				
Industrial Design						P	P	P	P	P	P	P	P		
Office						P	P	P	P	P	P	P	P	P	
Radio/TV Studio - With Antenna						S	S		S	S	S		S		
Radio/TV Studio - Without Antenna						P	P	P	P	P	P	P	P		
MEDICAL	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Hospital							S		S				S	P	
Medical/Dental Clinic (not within a "Use Group B structure" as defined by the building code.)						S	S	S	S	S			P		

Medical/Dental Clinic (within "Use Group B structure" as defined by the building code.)						P	P	P	P	P			P		
Medical Cannabis- Cultivation											S				Sec. 8.3.L
Medical Cannabis- Dispensing											S				Sec. 8.3.K
INDUSTRIAL	R- 1	R- 2	R-2- 35	R- 3	R- 4	C-1	C- 2	C- 3	C- 4	C- 5	M	ENT- MU	OR	P-I	Use Standard
Industrial - Limited							S				P	S	P		
Industrial - General											P				
Medical Cannabis Cultivation Center											S				Sec. 8.3.L
Research & Development											P	P	P		
Solar Farm											S		S	S	
Vehicle Operation Facility- Indoor											S		S		Sec. 8.3.U
Warehouse											P		P		
Wholesale Establishment											P				
Wind Energy System											S				Sec. 8.3.X
INFRASTRUCTURE/UTILITIES	R- 1	R- 2	R-2- 35	R- 3	R- 4	C-1	C- 2	C- 3	C- 4	C- 5	M	ENT- MU	OR	P-I	Use Standard
Utilities	S	S	S	S	S	S	S	S	S	S	P	P	P	P	
Wireless Telecommunications						S	S	S	S	S	S		S	S	Sec. 8.3.Y
TRANSPORTATION	R- 1	R- 2	R-2- 35	R- 3	R- 4	C-1	C- 2	C- 3	C- 4	C- 5	M	ENT- MU	OR	P-I	Use Standard
Drive-Through Facility						S	S	S	S	S	S	S	S	S	Sec. 8.3.F

Garage, Storage											P				
Parking Lot - Principal Use						S	S	S	S	S	S		S	P	Sec. 8.3.Q
Parking Structure - Principal Use						S	S	S	S	P	P	S	P	P	Sec. 8.3.Q
OTHER	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>Section 12</u>
Unique Use	S	S	S	S	S	S	S	S	S	S	S	S	S	S	<u>Section 15.11</u>
TEMPORARY USES	R-1	R-2	R-2-35	R-3	R-4	C-1	C-2	C-3	C-4	C-5	M	ENT-MU	OR	P-I	Use Standard
Farmers Market		S	S	S	S	P	P	P	P	P	P	P	P	P	Sec. 8.4.A
Garage/Yard Sale	P	P	P	P	P	P	P	P	P	P	P		P	P	Sec. 8.4.B
Real Estate Sales Office/Model Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.4.C
Temporary Contractors Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.4.D
Temporary Mobile Food Sales						P	P	P	P	P	P	P	P	P	Sec. 8.4.E
Temporary Outdoor Entertainment						P	P	P	P	P	P	P	P	P	Sec. 8.4.F
Temporary Outdoor Sales/Promotion						P	P	P	P	P	P	P	P	P	Sec. 8.4.G
Temporary Outdoor Storage Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.4.H

8.3 - PRINCIPAL USE STANDARDS

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

A. Adult Use

1. All adult uses require a business license per Section 22.541 of the Village Code.
2. All adult uses must be located a minimum of 2,000 feet from any residential use, place of worship, educational facility, park/playground, or cultural facility.
3. An adult use must be located a minimum of 2,000 feet from any other adult use.
4. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any public or private right-of-way or any property.

B. Community Residence

1. A community residence must be the only principal use within a building.
2. Community residences must meet all applicable federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
3. The facility must retain a residential character, which is compatible with the surrounding residential neighborhood.
4. The facility must not be located within 1,500 feet of another community residence, either small or large.

C. Currency Exchange or Payday/Title Loan Establishment

No currency exchange or payday/title loan establishment may be located within one mile of another currency exchange or payday/title loan establishment.

D. Day Care Home

1. Day care homes must meet any applicable federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. The facility must retain a residential character that is compatible with surrounding residential neighborhoods.
3. One sign is permitted and must be wall or window mounted, and no more than six square feet in area.

E. Day Care Center

Day care centers must meet all applicable federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.

F. Drive-Through Facility

1. All drive-through facilities must provide a minimum of six stacking spaces per lane or bay, unless additional or lesser stacking spaces are specifically required by this Ordinance. The Village may require more than this minimum number of spaces as part of special use approval and/or site plan review.
2. All drive-through lanes must be designed to ensure that they do not adversely affect the safety and efficiency of traffic circulation on the lot and on adjoining streets.
3. Additional screening may be required as part of special use approval and/or site plan review to minimize the impact of exterior site lighting, headlight glare, menu boards, and intercom sound.

G. Dwelling - Single-Family and Two-Family

1. No single-family or two-family dwelling may be constructed or undergo major renovation that would be the same or a similar design as any dwelling located on any first, second, or third lot adjacent to either side of the lot or any lot directly across the street.
2. Any frontloading attached garage with a full second floor above must have an additional roof line that runs at least as wide as the garage door(s) with a minimum projection of one foot.

H. Firearms Sales and Firearm Training Centers

Firearms Sales and Firearms training Centers are only allowed indoors. No firearms sales and/or firearm training centers may be located within 1,000 feet of any educational facility. See 8.5 for definition of 'educational facility'.

I. Gas Station

1. All gas station driveways must be located and designed to ensure that they will not adversely affect traffic circulation on adjoining streets.
2. Gas stations may include an ancillary retail establishment.
3. The volume on any outdoor audio component must be maintained at a level so as not to be audible on adjoining properties.

J. Heavy Commercial - Rental and Service, or Retail

1. Outdoor storage areas must be located to the rear or side of the structure where possible. No outdoor storage is permitted in required setbacks.
2. All heavy commercial uses must be screened along interior side and rear lot lines with a solid wall or fence of six feet in height.

K. Medical Cannabis Dispensing Organization

1. In accordance with state law, medical cannabis dispensing organizations must comply with the required spacing and location requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.
 - a. A licensed medical marijuana dispensary may not be located within 1,000 feet of a pre-existing educational facility - primary or secondary and/or day care center.

- b. A licensed medical marijuana dispensary may not be located within 500 feet of any place of worship, amuse park/playground.
 - c. A licensed medical marijuana dispensary may not be located within a residential dwelling or within a residential district.
 2. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.
- L. Medical Cannabis Cultivation Center
 1. In accordance with state law, medical cannabis dispensing organizations must comply with the required facility design and spacing requirements. Any subsequent amendment to state law that is more restrictive than this standard will control.
 - a. A licensed medical cannabis cultivation center must be located within an enclosed, locked facility, defined as a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a cultivation center's agents or a dispensing organization's agent working for the registered cultivation center or the registered dispensing organization to cultivate, store, and distribute cannabis for registered qualifying patients.
 - b. A licensed medical cannabis cultivation center may not be located within 2,500 feet of a pre-existing educational facility - primary or secondary, day care center, day care home, a residential district, place of worship, amusement facility, or park/playground.
 2. An operation plan must be submitted, which includes the security measures to be provided, the days and hours of operation, and a site plan that describes exterior lighting and parking capacity.
- M. Outdoor Display (Retail)
 1. Retail establishments located on lots a minimum of a 20,000 square feet are permitted permanent outdoor display areas.
 2. Permanent outdoor display areas must be located within a maximum of 25 feet of any building wall. Outdoor display areas must be located 10 feet from any lot line.
- N. Outdoor Sales (Retail)
 1. Retail establishments located on lots a minimum of a 20,000 square feet are permitted permanent outdoor sales areas.
 2. Permanent outdoor sales areas are not permitted in required setbacks.
 3. A walk aisle a minimum of four feet in width must be maintained at all times throughout the sales area.
 4. A permanent safety barrier must be erected to maintain a separation between the outdoor sales areas and any parking and drive-aisles.
- O. Outdoor Seating
 1. Outdoor seating must maintain a minimum five foot clearance for all walkways.
 2. All outdoor furnishings must be able to be easily removed during winter months and/or if required by the Village. All outdoor furnishings must be designed to withstand a wind pressure of not less than 30 pounds per square foot.
 3. Outdoor seating may be open between the hours of 6:00 AM and 11:00 PM.
 4. Any outdoor seating in the right-of-way requires special use approval and is subject to the following specific regulations, in addition to the other regulations of this section.
 - a. Outdoor seating in the right-of-way requires the applicant to enter into a lease of the right-of-way, a hold harmless agreement, and to provide evidence of general liability insurance and dramshop insurance, including naming the Village as an insured and insuring the Village against any liability. Minimum coverage must be \$1,000,000.00 for general liability insurance and \$300,000.00 for dramshop insurance and no less than an "A" rating by the most recent "AM Best Insurance Rating Guide."

- b. All maintenance and upkeep of a right-of-way associated with the operation of the outdoor seating in the public right-of-way is the responsibility of the property owner (upkeep includes the replacement of damaged public property, i.e., brick pavers).

P. Outdoor Storage

1. An outdoor storage yard must be completely enclosed along all lot lines by a solid fence or wall six feet in height. Fences or walls along the front or corner side lot line must be set back a minimum of 10 feet. Within the setback, one shrub a minimum of three feet in height must be planted linearly every three feet on-center along such fence or wall.
2. Storage of any kind is prohibited within any required setback.
3. Storage of any kind is prohibited outside the fence or wall. No items stored within 25 feet of the fence or wall may exceed the height of the fence or wall.

Q. Parking Structure and Parking Lot

All parking structures and parking lots are subject to the parking design standards of Section 10. In addition, parking structures and parking lots as principal uses are subject to the following standards.

1. Parking Structure

- a. On façades that front on public streets, façade design and screening must mask the interior ramps and create the illusion of horizontality.
- b. Parking structures must be designed to minimize blank façades through architectural detail and landscape.
- c. On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of three feet in height.
- d. For parking structures with rooftop open-air parking, a five foot parapet wall is required for screening.
- e. A vehicular clear sight zone must be included at vehicular exit areas as follows:
 - i. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.
 - ii. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane. In the sight triangle, groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
 - iii. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.

2. Parking Lot

- a. A parking lot must be used solely for the temporary parking of motor vehicles and cannot be used as an off-street loading area. No sale, display, repair, or service, except emergency service, of any kind is permitted in any parking lot. This does not include permitted temporary uses.
- b. Parking lots must be screened and landscaped in accordance with the requirements of Section 11.

R. Pet Services: Overnight Boarding

All overnight boarding facilities must be located indoors. Animals may be allowed outside until no later than 11:00 p.m. except for toileting.

S. Reception Facility

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, educational facilities, or similar.
2. Outdoor seating areas are permitted for the use of guests. If a reception facility conducts main activities outdoors, special use approval is required for any permanent outdoor component of the facility.

T. Residential Care Facility

1. Residential care facilities must meet any applicable federal, state, and local requirements including, but not limited to, licensing, health, safety, and building code requirements.
2. When located in a residential district, the facility must retain a residential character, which is compatible with

the surrounding residential neighborhood. When located in a non-residential district, the structure must be designed with a lobby entrance along the primary frontage.

3. Residential care facilities that are only residential in use must meet applicable standards for multi-family dwellings in that district. Mixed-use residential care facilities, where commercial uses are located on the ground floor, must meet the design standards of the district.

U. Vehicle Operation Facility

All repair and service operations must be performed within a fully enclosed building.

V. Vehicle Rental, and Vehicle, Marine, and Recreational Vehicle Sales

1. Vehicle rental and vehicle sales establishments may have ancillary vehicle repair facilities. All repair and service operations must be performed within a fully enclosed building, with the exception of any fueling facilities. Fueling facilities must be located to the rear of the lot.
2. Vehicle rental and vehicle sales establishments with outdoor vehicle display are subject to the following:
 - a. Within commercial districts, a minimum lot area of three acres is required. Within industrial districts there is no minimum lot area. Vehicle rental and vehicle sales establishments with outdoor vehicle display are prohibited along Milwaukee Avenue.
 - b. Any outdoor display of vehicles must be screened along front and corner side yards. The screening must consist of shrubs a minimum of three feet in height, spaced linearly and planted every three feet on center, and/or a low pedestrian wall a minimum of three feet to a maximum of four feet in height along the perimeter of such outdoor display areas.

W. Vehicle Repair - Minor and Major

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than three days. Only vehicles that have been or are being serviced may be stored outdoors.
2. All repair and service operations must be performed within a fully enclosed building. All equipment and parts must be stored indoors.
3. Vehicle repair establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence six feet in height.
4. No partially dismantled, wrecked, or unlicensed vehicle may be stored outdoors on the premises. This standard does not apply to vehicles under repair. Vehicles may not be on-site for more than 3 days.
5. The sale of used or new automobiles is prohibited.
6. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

X. Wind Energy System

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from official certifying organizations.
2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved only as a special use.
3. All wind energy systems must be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.
4. All electrical components of the wind energy system must conform to applicable federal, state, and local codes, and applicable international standards.
5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Illinois, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.

6. Wind turbines must comply with the following design standards:
 - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
 - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
 - c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
 - d. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
 - e. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
 - f. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae or banners or signs.
 - g. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
 7. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
 8. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
 9. All wind turbines must be set back from the nearest property line a distance of not less than the required setback for that zoning district or the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
 10. The facility owner or operator must comply with all applicable codes and ordinances regulating sound generation. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.
 11. A wind turbine's shadow flicker must not fall on any window of an existing structure or within the buildable area of an adjacent lot, as defined by setback requirements.
 12. The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine will be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads, and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.
- Y. Wireless Telecommunications
1. Purpose
- The following standards for wireless telecommunications antennas, facilities, and towers are intended to:

- a. Ensure public health, safety, and welfare.
 - b. Ensure access to reliable wireless telecommunications services throughout the Village.
- c. Encourage the location of antennas and towers on Village-owned property.
- d. Encourage the use of existing towers and other structures for the co-location of wireless telecommunications antenna.
- e. Encourage the location of towers, to the extent possible, in areas where the adverse impact on the Village will be minimal.
- f. Encourage the location of small cell and Distribution Antenna Systems (DAS) in buildings and in densely populated areas as an alternative to use of towers and other macrocell structures.

2. Application Requirements

In addition to the requirements for a special use, all applications to erect, construct, or modify any part of a wireless telecommunications antenna, facility, or tower must include the following items, unless waived by the body approving the application:

- a. A site plan showing:
 - i. The location, size, screening, and design of all structures, including fences.
 - ii. The location and size of all outdoor equipment.
 - iii. Elevations showing antenna height.
 - iv. If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b. A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, including maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c. A disclosure of what is proposed. For projects on Village-owned property, also provide a disclosure demonstrating the need for the wireless telecommunications antenna, facility, or tower in the proposed location.
- d. The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives.
- e. For projects on Village-owned property, the service area of the proposed wireless telecommunications antenna, facility, or tower.
- f. If the proposal is for a new telecommunications tower, then a map showing co-location opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g. Certification by a licensed and registered professional engineer or architect regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.
- h. Statements requiring compliance with local building codes, safety standards, all applicable local and state laws, and all local, state, and federal regulations. If such laws or regulations are changed, then the wireless facility provider shall have six (6) months from the effective date of such revised laws or standards to come into compliance unless a more restrictive compliance schedule is mandated by the controlling state or federal agency.
- i. A statement requiring that the provider shall make its best efforts to avoid interference of its frequencies with Village public safety, public works, and administrative radio frequencies.
- j. Completion of FCC forms indicating exemption from or compliance with federal regulations regarding

radio frequency warning signage and safety zones.

- k. A statement or analysis by a licensed professional engineer attesting to the structural integrity of a tower, pole, or other structure proposed to accommodate a proposed wireless facility.
- l. Any wireless facility provider shall maintain its facility in compliance with the standards contained in the current applicable local, county, or state building codes and the applicable standards for telecommunications towers that are published by the Electronics Industry Association (EIA), as amended from time to time. If, upon inspection, the Village concludes that an antenna, antenna structure, or telecommunications tower fails to comply with such codes or standards, and constitutes a danger to persons or property, then upon notice being provided to the provider of the antenna, antenna structure, or telecommunications tower, the provider shall have thirty (30) days to bring such antenna, antenna structure, or telecommunications tower into compliance with the applicable codes or standards.

3. Site Priority

To minimize the adverse visual impact of wireless telecommunications towers, antennas, and facilities are allowed as special uses in the following order of priority for location. If lower priority locations are requested, the applicant may be required to provide engineering data certified by the appropriate licensed professionals, or other information the Village deems necessary, that the use of a higher priority location is not technically or otherwise feasible, and that the requested location is a matter of engineering necessity.

- a. First priority sites are the M, OR, and P-1 Districts. In addition, any stealth design of antennas is a first priority site.
- b. Second priority sites are the C-2, C-4, C-5, and ENT-MU Districts.
- c. Third priority sites are any areas not cited as a first or second priority.

4. Setbacks

All wireless telecommunications towers and facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.

5. Height

The maximum height of a wireless telecommunications tower is that of the maximum height permitted in the zoning district. If a taller height is needed to function satisfactorily, such additional height may be allowed as part of the special use approval. For wireless facilities proposed to be constructed on Village-owned property, the special use application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function.

6. Lighting and Marking

Wireless telecommunications antennas, towers, and facilities must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

7. Specific Standards for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are considered a permitted use and subject only to site plan review. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas must be mounted at least 35 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design. Wireless telecommunication antennas

mounted lower than 35 feet are not considered stealth design and require special use approval.

- c. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls, and steeples, and must be designed to blend in with the structure. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design.
 - d. No antenna may increase the overall height of any structure on which it is mounted by more than ten feet. If an antenna exceeds such additional height, it is not considered stealth design and require special use approval.
 - e. Any proposed project that defeats the concealment elements of the support structure per 47 CFR § 1.40001(b)(7)(v) will require special use approval.
 - f. Antennas and cabling extending from wireless communications antennas shall be painted to match the tower, building, or other structure where the antenna array is located.
8. Specific Standards for Wireless Telecommunications Facilities
- a. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site. The facility must be un-staffed. Buildings, cabinets, or shelters located on Village-owned property shall not receive final Village approval until a lease between the Village and the wireless service provider has been approved and executed by the Village.
 - b. Signs for the wireless telecommunications facility are limited to ownership and contact information, FCC antenna registration number (if required), and any other information required by government regulation. Commercial advertising is prohibited.
 - c. A wireless telecommunications facility building or related structure shall, to the extent possible, use materials, colors, screening, and landscaping that will blend them into natural settings and surrounding buildings.
 - d. All sites on which antennas, antenna structures, and telecommunications towers are located must have a passable roadway access.
 - e. The structures upon any site which contains an antenna, antenna structure, or telecommunications tower shall be surrounded by a screen or fence. The requirements for fencing or screening in the zoning district in which the proposed antenna, antenna structure, or telecommunications tower is to be located shall apply.
 - f. No antenna, antenna structure, or telecommunications tower shall be located in an area which has been designated as a wetland by either the Village of Niles, Cook County, the Illinois Department of Natural Resources, the U.S. Department of the Interior, or the U.S. Army Corps of Engineers, and any and all governmental bodies and agencies having jurisdiction.
9. Specific Standards for Wireless Telecommunications Towers
- a. The ability for other telecommunications providers to co-locate on a tower is required. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
 - b. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a white, galvanized silver, or grey finish.
 - c. Towers must be able to withstand wind and ice forces in accordance with standards established under American National Standards Institute/Telecommunications Industry Association (ANSI/TIA) Section 222-G standard, or its successor, and the 2009 International Building Code (IBC-2009), or its successor. Wireless facilities mounted on poles must be able to withstand wind and ice forces in accordance with ANSI-C2-2007 Code standards or its successor.

10. Abandonment

Any wireless telecommunications tower or facility that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility and all aboveground equipment and related debris at its own cost. The City may ensure and enforce removal by means of its existing regulatory authority.

8.4 - TEMPORARY USE STANDARDS

Temporary uses are required to comply with the use standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. Temporary uses on public property and/or properties controlled by separate taxing bodies are exempt from these standards. Unless otherwise indicated, all temporary uses require a temporary use permit.

A. Farmers Market

1. The timeframe of a farmers market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
2. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who directs the operations of vendors participating in the market.
 - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
 - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - d. Provision for recycling and waste removal.
 - e. The days and hours of internal operation, including vendor set-up and take-down times.

B. Garage/Yard Sale

1. A garage/yard sale is allowed as accessory to a residential use and does not require a temporary use permit. A garage/yard sale must be incidental to the use of the property for residential purposes and must be conducted entirely on the lot.
2. All goods offered for sale must be the property of the resident of the dwelling or for multiple neighbors where the garage/yard sale takes place.

C. Real Estate Sales Office/Model Unit

1. A real estate sales office/model unit(s) is allowed in any approved residential development. Multiple model units are allowed.
2. The temporary use permit is valid for one year but may be renewed.
3. The real estate sales office/model unit(s) must be removed and closed within 30 days after the sale of the last unit of the development.
4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

D. Temporary Contractor's Office

1. A temporary contractor's office is allowed incidental to a construction project.
2. The temporary use permit is valid for the duration of the building permit, including any extensions.
3. The temporary contractor's office must be removed within 30 days of completion of the construction project.

E. Temporary Mobile Food Sales

1. The timeframe of a temporary mobile food sales use, including number of days per week and overall duration of determined and approved as part of the temporary use permit.
2. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments must be properly licensed by the health department.
4. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
5. Sale of alcohol is prohibited.
6. During business hours, the permit holder must provide a trash receptacle for customer use and must keep the area clear of litter and debris at all times.
7. Outdoor seating may be provided on the site, but no seating may be permanently installed.
8. A permanent water or wastewater connection is prohibited.
9. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
10. Drive-through service is prohibited.
11. A mobile food establishment is limited to signs attached to the exterior of the truck or trailer that must be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign.

F. Temporary Outdoor Entertainment

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during the event.
 - b. A general site plan of performance areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - c. Provision for recycling and waste removal.
 - d. The days and hours of operation, including set-up and take-down times.
 - e. A description of crowd control and security measures.
2. Any temporary structures must be removed within three days of conclusion of the event.
3. Temporary outdoor entertainment events are limited to three events per calendar year on the same lot and a maximum duration of four days per event, with a minimum of 15 days between events, with the following exceptions:
 - a. A temporary use permit for a carnival or circus is valid for a period of three events per calendar year on the same lot no more than 15 days in duration, with a minimum of 30 days between events.

G. Temporary Outdoor Sales/Promotion

1. A management plan is required as part of the temporary use permit application that demonstrates the following:
 - a. The on-site presence of a manager during hours of operation who directs the operations of all participating vendors.
 - b. An established set of operating rules addressing the governance structure of the sales event, hours of operation, and maintenance.
 - c. A general site plan of vendor stalls, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site.
 - d. Provision for recycling and waste removal.
 - e. The days and hours of operation, including vendor set-up and take-down times.

2. Any temporary structures must be removed within three days of conclusion of the event.
 3. Temporary outdoor sales/promotion events are limited to three events per calendar year and a maximum duration of seven days per event, with a minimum of 30 days between events, with the following exceptions:
 - a. A temporary use permit for a seasonal sale for Christmas trees or pumpkin sales are limited to three events per calendar year and a maximum duration of 45 days. There is no minimum time between events.
 4. No furniture or household items, such as rugs or towels, may be sold as part of a temporary outdoor sales/promotion event.
 5. Temporary outdoor sales/promotion events are not permitted for the sale of athletic memorabilia related to sports teams and/or sporting events.
- H. Temporary Outdoor Storage Container
1. Residential Uses
 - a. Temporary storage containers are permitted on any residential lot when used for loading or unloading. Containers are permitted on site for a period not to exceed 10 days with no temporary use permit. If a longer time period is required, a temporary use permit is required.
 - b. Temporary storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.
 2. Non-Residential Uses

Temporary storage containers for non-residential uses require a temporary use permit. Specific time limits and conditions of approval will be determined as part of permit approval.

8.5 - USE DEFINITIONS

All uses found within Table 8-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Adult Use. Adult uses are defined as follows:

A. General Definitions

1. *Adult Use.* A business that sells or disseminates explicit sexual material, and/or at which access to the public display of explicit sexual material is restricted to persons 18 years of age or older.
2. *Sexually-Oriented Activities.* The following definitions describe the sexually-oriented activities contained within the general definitions for the above adult uses:
 - a. *Sexually Oriented Devices.* Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.
 - b. *Specified Anatomical Area.* Less than completely and opaquely covered genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if completely and opaquely covered.
 - c. *Specified Sexual Activities.* Any activity that includes human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts, even if completely or opaquely covered.

B. Adult Use: Retail

1. *Adult Bookstore/Retail.* A business which offers for sale or rent any of the following: publications, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, DVD, or other video reproductions, or other visual representations that depict or describe specified sexual activities or specified

anatomical areas, or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

C. Adult Use: Entertainment

1. *Adult Arcade.* A business where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines are used to show films, motion pictures, video cassettes, DVD, slides, computer generated graphics, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
2. *Adult Cabaret.* A business that features dancers, go-go dancers, exotic dancers or similar entertainers, or live entertainment, in which persons regularly appear in a state of nudity, or where live performances are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult cabaret establishments specifically exclude minors, or minors are specifically prohibited by statute or ordinance, regardless of whether any such business is licensed to sell alcoholic beverages.
3. *Adult Motion Picture Theater.* A business used for presenting motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

D. Adult Use: Service

1. *Adult Hotel/Motel.* A hotel or motel or similar business establishment that rents, leases or lets any room for less than a six hour period, or rents, leases or lets any single room more than twice in a 24 hour period.

Amusement Facility - Indoor. A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, swimming pools and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include concession stands.

Amusement Facility - Outdoor. A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as stadiums, fairgrounds, batting cages, miniature golf courses, swimming pools and amusement parks. An outdoor amusement facility may include concession stands.

Animal and Pet Adoption. An facility that houses and provides care for homeless, lost, or abandoned dogs, cats, and/or other animals until such animals are reclaimed by their owner, placed in a new home, or placed with another organization for adoption.

Animal and Pet Sales. A business that sells dogs, cats, and/or other animals.

Art Gallery. A business engaged in the sale, loan, and/or display of paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

Arts Studio. A business where a type of art or activity is taught, studied, or practiced, such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga, or where facilities are available for use by others for the production of a type of art, such as a recording studio. An arts studio also includes private exercise studios that are only open for private sessions with trainers and/or classes.

Bar. An establishment where the principal business is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Live entertainment may be provided as an ancillary use to a bar.

Body Modification Establishment. A business that offers non-cosmetic tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Car Wash. A business for the washing and cleaning of passenger vehicles, recreational vehicles, and other light duty equipment, whether automatic, by hand, or self-service.

Catering Establishment. A business that prepares food for delivery an off-site location.

Cemetery. Land and structures reserved for the interring of human remains. A cemetery includes land and structures reserved for the exclusive interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, crematoriums, the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment.

Community Garden. A garden for growing vegetables and flowers and which is managed by an individual or an organization for use by members of the public.

Community Residence. A group care facility in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; 2) care of persons in transition or in need of supervision; or 3) the protection of the individual. Group homes include facilities for drug and alcohol rehabilitation, excluding active users. Group home does not include facilities for adults or minors who have been institutionalized for criminal conduct and require a group setting to facilitate transition into society

- A. *Community Residence - Small.* A community residence providing living accommodations for no more than eight residents, including live-in staff. Visiting staff who do not reside within the community residence are not counted for purposes of establishing the number of residents. Must be more than 1,000 feet away from any other Community Residence—either 'Small' or 'Large'.
- B. *Community Residence - Large.* A community residence providing living accommodations for more than eight residents, including live-in staff. Visiting staff who do not reside within the community residence are not counted for purposes of establishing the number of residents. Must be more than 1,300 feet away from any other Community Residence—either 'Small' or 'Large'.

Community/Recreation Center. A facility used as a place of meeting, recreation, or social activity, and not operated for profit, which is open to the public.

Cosmetic Tattoo. A business that offers medically-necessary cosmetic tattoo services.

Cultural Facility. A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include ancillary uses such as retail sales and restaurants.

Currency Exchange. An establishment that exchanges common currencies, sells money orders, or cashiers checks, transmits wire money transfers, and cashes checks as its principal business activity. Currency exchange does not include financial institutions or payday loan establishments.

Day Care Center. A licensed facility where care, protection, and supervision is provided for children or well, ambulatory, or semi-ambulatory (non-bedridden) adults for less than 24 hours per day.

Day Care Home. A licensed facility operated in a dwelling where a permanent occupant of the dwelling provides for the care, protection, and supervision for children or well, ambulatory, or semi-ambulatory (non-bedridden) adults for less than 24 hours per day. Children include the permanent occupant's natural, foster, or adopted children.

Drive-Through Facility. A portion of a principal use, such as a retail, restaurant, or service business, where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. The drive-in element of drive-in restaurants is considered a drive-through facility.

Dwelling, Above the Ground Floor. Dwelling units within multi-story buildings located above non-residential uses on the ground floor or located behind non-residential uses on the ground floor. In the case of dwelling units located behind non-residential uses on the ground floor, non-residential uses must be located along the primary street frontage though a portion of the ground floor may be used as an entryway and/or lobby for the residential units.

Dwelling - Multi-Family. A structure containing three or more attached dwelling units used for residential occupancy.

Dwelling - Single-Family. A structure containing only one dwelling unit.

Dwelling - Townhouse. A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are stacked horizontally or vertically, separated by a party wall, ceiling, or floor. Townhouse refers to the design of a structure and does not reflect the type of ownership of the individual units. A townhouse dwelling does not include a multi-family dwelling. A horizontal townhouse is typically designed with no other dwelling, or portion of other dwelling, directly above or below, where each unit has a separate exterior entrance and direct ground level access to the outdoors. These units are connected to other dwelling units by a party wall with no opening. A vertical townhouse is designed as a stacked flat and is typically designed with dwelling units stacked vertically, with primary access to said dwelling units via a common exterior entrance. These units are connected to other dwellings by a ceiling or floor.

Dwelling - Two-Family. A structure containing two dwelling units, each with a separate entrance.

Educational Facility - College/University. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. College/university educational facilities may include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, and similar uses.

Educational Facility - Primary/Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

Educational Facility - Vocational. A facility that offers instruction in technical, trade, fine and performing arts, sports, and recreation, industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a driving school or school for general educational development. A vocational educational facility also applies to privately operated schools that do not offer a complete educational curriculum.

Employment Agency. A business that provides employment services for temporary employment of semi-skilled and unskilled workers, and typically operates as a labor pool where workers gather on-site for job placement.

Farmers Market. A temporary use of structures and/or land for the sale of a variety of fresh fruits and vegetables, and other locally produced farm and food products directly to consumers from two or more farmers or vendors, including those vendors that have taken such items on consignment.

Financial Institution. A bank, savings and loan, credit union, loan, or mortgage office.

Firearms Training Center. A facility that includes a firing range with targets for rifle or handgun practice, and may offer training and lessons.

Firearm Sales. A business that sells, vends, deals, exchanges, or transfers firearms, and may or may not include the sale of ammunition and firearm accessories.

Funeral Home. An establishment that prepares the dead for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation. This definition of funeral home includes crematoriums and body disposal services.

Garage, storage. A building or premises used for housing only of motor vehicles pursuant to previous arrangements and not by transients; and where no equipment or parts are sold and vehicles are not rebuilt, serviced, repaired, hired, or sold.

Garage/Yard Sale. A temporary use where used household and personal articles are sold held on the seller's own premises or for multiple neighbors when sponsored by a homeowner, neighborhood, or similar association.

Gas Station. A business where fuels for vehicles are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. This also includes solar and/or electric charging stations for vehicles.

Golf Course. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, and shelters as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls, and may include a snack-bar and pro-shop.

Government Office. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public. Government offices do not include public safety or public works facilities.

Greenhouse/Nursery - Retail. A business where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown and sold, and may include the sales of gardening and landscape supplies, and products such as hardware, garden tools and utensils, and paving stone and bricks.

Heavy Commercial - Rental and Service. Rental and/or service establishments that may have permanent outdoor service areas, storage areas, and/or partially enclosed structures, such as heavy equipment or vehicle rental and service.

Heavy Commercial - Retail. Retail establishments that have permanent outdoor service areas, storage areas, and/or partially enclosed structures including, but not limited to, large-scale home improvement centers, industrial supply stores, lumberyards, and heavy equipment or vehicle rental and/or sales.

Helipad. An area of land or portion of a structure used for the landing and take-off of helicopters with no facilities for service or permanent basing of such aircraft.

Heliport. A designated landing area for discharging or picking up passengers or goods by helicopter or similar vertical lift aircraft, and includes terminal facilities for passengers, goods, aircraft servicing, or storage.

Hospital. Facilities for primary health services and medical or surgical care to people, primarily in-patients, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or educational facilities. Hospital includes, but is not limited to, sanitariums and any other medical facility where intensive medical treatment, including in-patient residential care, is provided.

Hotel/Motel. A facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, conference and meeting rooms, restaurants and bars, and recreational facilities for the use of guests. Bed and breakfasts and short-term residential rentals are considered a hotel/motel.

Industrial - Limited. Industrial activities that are contained entirely within a building, and any noise, odor, smoke, heat, glare, and vibration resulting from the activity are confined entirely within the building. A limited industrial use may also include a showroom and ancillary sales of products related to the items manufactured or stored on-site.

Industrial - General. Industrial activities that may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users but is not offensive or obnoxious, and typically have ancillary outdoor storage, such as the manufacturing of products from processed or unprocessed raw materials, including processing, fabrication, assembly, treatment, and packaging, and incidental storage, sales, and distribution of such products.

Industrial Design. A business where the form, usability, physical ergonomics, marketing, brand development, and sales of various products are researched and developed. An industrial design establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

Live Performance Venue. A facility for the presentation of live entertainment, including musical acts, disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. A live performance venue is generally only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, which may only operate when it is open to the public for a performance.

Massage Services Establishment. An establishment that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy. Massage services establishment does not include facilities operated by a licensed medical practitioner, chiropractor, or professional physical therapist, which are considered medical clinics. This definition does not include an athletic club, beauty salon, spa, or similar establishment where massage is offered as an ancillary service.

Medical Cannabis Cultivation Center. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical Cannabis Dispensing Organization. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Medical/Dental Clinic. A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical clinics also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation excluding massage service establishments.

Micro-Brewery/Micro-Distillery. A business that specializes in the limited production and on-site sale of certain alcoholic products including beer, wine, or alcoholic spirits, and which may offer indoor or outdoor areas for on-site consumption of the products produced on-site. Micro-Brewery/Micro-Distillery also include small-scale preparation, processing, or packaging of products made on-site where all such preparation, processing, or packaging is completely enclosed and there are no outside impacts or outside storage.

Off-Track Betting Parlor. An establishment that accepts wagers on horse and dog races away from a racetrack.

Office. A use that engages in the processing, manipulation or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services, though the creation of prototypes is permitted. An office does not include financial institution, government office, or industrial design.

Open Space. A non-commercial facility designed to serve the recreation needs of the community. Open space includes parks and playgrounds, such as ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, and skateboard parks, as well as passive recreation areas that allow for activities such as hiking, running trails, and picnicking. Open space may include park district field houses, which may have indoor recreation facilities.

Outdoor Display (Retail). A lot or a portion of a lot used for permanent outdoor display of goods offered for sale.

Outdoor Sales (Retail). A lot or a portion of a lot used for permanent outdoor sales.

Outdoor Seating. A seating area that is located outdoors and contiguous to a restaurant, bar, or similar use, typically in addition to an indoor seating area.

Outdoor Storage. A lot used for permanent storage of material, including the storage of equipment, vehicles, machinery, or building materials in the conduct of any building trade or building craft.

Parking Lot. An open, hard-surfaced area, other than a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

Parking Structure. A structure of one or more levels or floors used for the parking or storage of operable vehicles, whether for compensation or at no charge.

Passenger Terminal. A facility for handling, receiving, and transferring passenger traffic, including, but not limited to, buses and trains.

Payday/Title Loan Establishment. An establishment providing loans to individuals in exchange for receiving personal checks or titles to the borrowers' motor vehicles as collateral.

Personal Service Establishment. A business that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Pet Services.Grooming. An establishment that offers pet grooming services.

Pet Services.Day Boarding. An establishment where animals are boarded during the day for a fee, with no overnight boarding services.

Pet Services.Overnight Boarding. An establishment where animals are boarded overnight for a fee, and may also include day boarding services.

Pet Supplies.Retail. An establishment that offers pet supplies for sale.

Place of Worship. A building, together with accessory structures and uses, where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction.

Precious Metals Dealer. An establishment that buys personal jewelry or other items made of gold or other precious metals primarily for refining. This does not include a retail establishment that primarily offers jewelry for sale where less than 10% of income is derived from the purchase of personal jewelry from customers.

Public Safety Facility. A facility operated by and for the use of public safety agencies, such as the fire department and police departments, including the dispatch, storage, and maintenance of police and fire vehicles.

Public Works Facility. A facility operated by the municipal public works department to provide village services, including dispatch, storage and maintenance of municipal vehicles.

Radio/TV Studio. A facility engaged in broadcasting and information relay services for radio and television signals. A broadcasting facility may or may not include antennas to broadcast the signal.

Real Estate Project Sales Office/Model Unit. A residential unit temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

Reception Facility. A facility that provides hosting and rental services of a banquet hall or similar for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

Repair and Service—Indoor. The repair or servicing of non-vehicular items and products, including but not limited to televisions, watches, clocks, vacuums, appliances, office machines, upholstery, and similar items and for which there are no negative impacts for adjacent properties such as noise, smoke, vibration, odors, etc. Excludes small engine repair and service.

Research and Development (R&D). A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. Research and development does not involve the manufacture, fabrication, processing, or sale of products.

Residential Care Facility. A group care facility licensed by the state for 24 hour medical or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing homes, assisted living, hospice, and continuum of care facilities.

Restaurant, indoor. An establishment where food and drinks are provided to the public, primarily for on-premises consumption by patrons seated indoors. Limited outdoor patio areas and limited carry out services are also allowed. If the establishment also serves alcoholic beverages, a full menu of food and drinks must also be prepared on premises. Live entertainment may be provided as an ancillary use to a restaurant.

Restaurant, carry-out. A restaurant that sells prepared foods and no more than 10 seats are provided for consumption on the premises, either inside or outside the building.

Restaurant, drive-in. A restaurant where food and drinks are sold to customers in a ready-to-eat state and where the customer consumes, or is permitted to consume, such food and drink in an automobile parked upon the premises or at other facilities which are provided for use of the customer for the purpose of consumption and which are located outside the building.

Retail Establishment. A commercial enterprise that provides physical goods, products or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail establishment does not include any business that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price, or any business that buys personal property, such as gold, jewelry, or artwork. Retail establishment does include consignment shops and antique shops.

Salvage Yard. A lot where vehicles or other machinery are collected, accumulated, or stored, and broken up, where parts may be saved and processed for resale. This includes any land where two or more wrecked, junked, burned, salvaged, disassembled, or inoperative motor vehicles are collected, accumulated, or stored not within a completely enclosed structure.

Self-Storage Facility. A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and offices may also be included.

Small Engine Repair and Service. The repair or servicing of non-vehicular items and products with small engines, including but not limited to lawn mowers, chainsaws, and snow blowers. Small engine repair and service shall be considered a permitted accessory use at locations that sell lawn mowers, chainsaws, and snow blowers.

Smoking Establishment. An establishment that allows the smoking of tobacco products when permitted by local and state laws, such as cigar bars and hookah lounges, and may also sell tobacco products and smoking instruments. Includes businesses who primarily sell tobacco products and tobacco smoking accessories.

Social Club/Lodge. A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business.

Solar Farm. A facility that consists of a cluster or group of photovoltaic cells and generators used for the production of electric power. A solar farm is a principal use of the lot, but may be combined with other principal uses on the same lot.

Specialty Food Service. A business that specializes in the sale of certain food products, such as a delicatessen, bakery, meat market, catering business, or fishmonger, and may offer areas for accessory retail sales or restaurants that serve the products processed on-site. Specialty food service also includes small-scale preparation, processing, or packaging of food products where all processing is completely enclosed and there are no outside impacts or outside storage.

Temporary Contractor's Office. A temporary, portable or modular structure utilized as a watchman's quarters, construction office, equipment shed, or sales center during the construction of a new development.

Temporary Mobile Food Sales. A vehicle-mounted food establishment, where food preparation, service, and sales is housed in a truck or a trailer, typically called a food truck.

Temporary Outdoor Entertainment. A temporary live entertainment event, such as the performance of live music, within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, animal shows, carnivals/circuses, and others.

Temporary Outdoor Sales/Promotion. Temporary uses, which may include temporary structures, where goods are sold, such as arts and crafts fairs, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container. Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

Utilities. Facilities and equipment that produces and/or transmits basic services, such as electricity, gas, sewer, cable, or water, including large-scale developments such as electric or gas generation plants, electrical substations, high voltage transmission lines, and water towers and tanks. Utilities do not include public works facilities. Wind energy systems and solar farms are not considered utilities.

Vehicle Parts Sales. An establishment that offers vehicle parts and supplies for sale.

Vehicle Operations Facility. A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs, school buses, and livery vehicles. Motor vehicle operations facility does not include a public works or public safety facility, where vehicles for fire, police or other municipal departments are dispatched, stored and/or maintained.

Vehicle Rental. An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Vehicle Repair - Minor. A business that provides services in minor repairs to motor vehicles, motorcycles, all-terrain vehicles (ATV) vehicles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, replacement tires, realigning and repairs, wheel servicing, alignment and balancing, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Minor vehicle repair does not include small engine repair.

Vehicle Repair - Major. A business that provides services in engine rebuilding, major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles, and may include minor auto repair services.

Vehicle, Marine, and Recreational Vehicle Sales. An establishment that sells or leases automobiles, boats and marine equipment, and recreational vehicles. A dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Veterinarian. A facility that provides medical care for domestic animals, where animals may be boarded during their convalescence.

Video Gaming Café. An establishment in which gambling devices are allowed.

Warehouse. An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Wholesale Establishment. A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy System. A facility that consists of a cluster or group of wind turbines and generators used for the production of electric power. A wind energy system is a principal use of the lot, but may be combined with other principal uses on the same lot.

Wireless Telecommunications. Towers, antennas, and facilities used to transmit and receive radio-frequency signals, microwave signals, or other signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

- A. *Antenna.* A specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas. This does not include satellite dish antennae.

- B. *Facility.* An un-staffed structure used to house and protect the equipment necessary for processing telecommunication may include air conditioning equipment and emergency generators.
- C. *Tower.* A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

SECTION 9. - SITE DEVELOPMENT

9.1 - GENERAL REQUIREMENTS

A. Number of Structures on a Lot

In the R-1, R-2, and R-2-35 Districts no more than one principal building per lot is allowed. This does not include permitted accessory structures. In all other districts, more than one principal building is permitted on a lot, provided that each complies with all dimensional requirements of the district as though it were a principal building on an individual lot.

B. All Activities within an Enclosed Structure

Within all non-residential districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Open space.
3. Permitted outdoor storage, and outdoor sales and display areas.
4. Permitted outdoor temporary uses.
5. Those uses with an integral outdoor component including, but not limited to, outdoor amusement facilities, outdoor storage yards, heavy commercial - retail and rental and service, outdoor seating, car washes, animal care facilities, and similar businesses. The Zoning Administrator may render an interpretation that certain uses not listed above have an outdoor component as an integral part of their function.

C. Applicability of Dimensional Requirements

All structures must meet the dimensional requirements of the district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure is located.

9.2 - EXTERIOR LIGHTING

A. Lighting Plan Required

1. A lighting plan is required for all non-residential and mixed-use developments, multi-family dwellings, and planned unit developments. Single-family, two-family, and townhouse dwellings are exempt from a required lighting plan but must meet the lighting requirements of this section. A lighting plan will be reviewed as part of site plan review.
2. A lighting plan must include the following:
 - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting, with the schematic wiring layout and power source connection indicated.
 - b. Specifications for luminaires and lamp types, poles, wiring, conduit, and appurtenant construction, including photographs or drawings of proposed light fixtures.
 - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.
 - d. Elevations of the site including all structures and luminaires sufficient to determine the total cutoff angle of all

luminaires and their relationship to abutting parcels.

- e. Photometric plans that show the foot candle measurement at all lot lines.
 - f. Other information and data reasonably necessary to evaluate the required lighting plan.
- B. Maximum Lighting Regulations
1. The maximum allowable foot candle at any lot line is one foot candle.
 2. When additional security lighting is required for security reasons in excess of the foot candle limit imposed by item 1 above, the body reviewing the lighting plan may allow such additional lighting without a variation based on evidence for the need for additional security.
 3. No glare onto adjacent properties is permitted.
- C. Luminaire with Cutoff Standards
1. To be considered a cutoff luminaire, the cutoff angle must be 75 degrees or less.
 2. The maximum total height of a freestanding cutoff luminaire is 35 feet. Any freestanding luminaire greater than 35 feet in total height requires special use approval.
- D. Luminaire with No Cutoff Standards
1. A luminaire is considered to have no cutoff if it is unshielded or has a cutoff angle greater than 75 degrees.
 2. The maximum permitted total height of a freestanding luminaire with no cutoff is 20 feet. Any freestanding luminaire greater than 20 feet in total height requires special use approval.
- E. Exceptions to Lighting Standards
1. Luminaires used for public roadway illumination are exempt from the requirements of this Ordinance.
 2. All temporary emergency lighting required by public safety agencies or other emergency services, as well as all vehicular luminaires, are exempt from the requirements of this Ordinance.
 3. Reserved.
 4. Certain temporary uses may exceed the lighting limitations of this section. When such temporary uses require lighting that exceeds the restrictions, approval of all lighting is required as part of the temporary use permit.
- F. Prohibited Lighting
1. Flickering or flashing lights are prohibited.
 2. Private searchlights, private laser source lights, or any similar private high intensity lights are prohibited.

(Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of [Section 9.4](#). Additional accessory structures not regulated in this section may be regulated in [Section 9.4](#).

A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, in addition to any other specific regulations within this section.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.
2. A building permit is required for the construction of an accessory structure, unless specifically exempted by this Ordinance.
3. Only those accessory structures permitted by this section and [Section 9.4](#) are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. Minimum "setbacks" are determined by the district standards. The term "yard" refers to the area between the building line and the lot line. The distinction is made because certain principal buildings may not be built at the required setback line, thereby creating a yard larger than the minimum setback dimension. If a structure is permitted within a yard, it is permitted within the required setback, subject to any additional limitations.
4. Accessory structures are included in and must comply with all maximum impervious surface and building coverage requirements.
5. The maximum height of any detached accessory structure is 12 feet and one story, unless otherwise permitted or restricted by this Ordinance.
6. Accessory structures must be at least three feet from a side lot line and five feet from a rear lot line, unless otherwise permitted or restricted by this Ordinance.
7. Accessory structures must be at least ten feet from a principal structure, as measured from building walls, unless otherwise permitted or restricted by this Ordinance.
8. Accessory structures cannot be used for the keeping, propagation, or culture of poultry, livestock, pigeons, or bees.
9. The total area of all accessory structures cannot cover more than 33% of the rear yard.
10. The total square footage of all accessory structures on one lot shall not exceed 770 square feet.
11. No permanent accessory structure shall be built over existing public sewer or water lines or within sewer or water easements. If a permanent accessory structure is built over existing public sewer or water lines and those lines are in need of repair or replacement, the cost of removing the permanent accessory building shall be borne upon the owner of the structure. The Village shall not be responsible for the replacement of such structure.
12. No accessory structure may be used for temporary or long-term residential dwelling purposes.
13. In residential districts, a motor vehicle garage or other accessory structure shall not be used in conjunction with a commercial or business activity, except that commercial vehicles may be parked or stored in a garage.
14. In manufacturing districts, storage tanks up to 50-feet in height and located outside of required yard areas are permitted structures.

B. Amateur (HAM) Radio Equipment

1. Towers that solely support amateur (HAM) radio equipment and conform to all applicable performance criteria as set forth in [Section 9.5](#) are permitted only in the rear yard, and must be located ten feet from any lot line and any principal building. Towers are limited to the maximum building height of the applicable district plus an additional ten feet. If a taller tower is technically necessary to engage successfully in amateur radio communications, special use approval is required.
2. Antennas may also be building-mounted and are limited to a maximum height of ten feet above the existing

height of the structure. If a taller antenna is technically necessary to engage successfully in amateur radio communications, special use approval is required.

3. When a special use is applied for to increase the height of an antenna or tower above that allowed, the operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard and that it conforms to all applicable performance criteria of Section 9.5. As part of the application, the applicant must submit a site plan showing the proposed location of the tower or antenna, as well as its relation to all principal buildings and accessory structures and on adjacent lots if within the fall radius of the tower.
4. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.

C. Carport

1. Carports must be attached to the primary structure or to a detached garage and are permitted only in the interior side yard, corner side yard, or rear yard and cannot be located in any required setback.
2. Carports attached to the primary structure are not considered to be accessory structures but part of the primary structure and must comply with primary structure set-back requirements.
3. Carports attached to a detached garage are considered to be accessory structures and must comply with set-back requirements for accessory structures.
4. Carports must be located over a driveway.
5. A carport must be constructed as a permanent structure. Temporary tent structures are not considered carports.

D. Coldframe Structures

1. Coldframe structures do not require a building permit.
2. Coldframe structures up to three feet in height are permitted in the interior side, corner side, and rear yards.
3. Coldframe structures over three feet in height are permitted only in the rear yard.
4. Coldframe structures are limited to a maximum height of six feet.
5. Coldframe structures are not subject to the any minimum separation requirements from a principal or accessory structure.

E-1. Decks—R-1, R-2, and R-2-35 districts

1. May be located no closer than ten feet from the rear lot line unless the deck is 24 inches or more above grade, in which case the deck may be located no closer than 15 feet from the rear lot line;
2. Shall not be located within a) a required interior side yard; b) between the building line and the corner side lot line; or c) between the building line and front lot line;
3. In rear yards, the side yard lot line setback shall be no less than seven feet in R-1 and six feet in R-2 and R-2-35 districts or extend past the sidewall of the principal building extended, whichever is less.
4. Shall not be located in any easements or within five feet of any public utility;
5. May be located no closer than three feet from accessory structures unless the deck is 24 inches or more above grade, in which case the deck may be located no closer than ten feet from accessory structures;
6. Shall be considered as a 'Balcony' when serving a second floor in which case they shall not exceed 80 square feet. See Table 9-1;
7. No railing/screening/fencing on any deck shall be greater than six feet in height from grade unless required by Section 312.1 of the Residential Building Code.

E-2. Decks in the R-3 and R-4 districts

1. Decks proposed in the R-3 and R-4 districts will be reviewed per Section 15.6.

E-3. Rooftop Decks in the R-1, R-2, R-2-35; and R-3 districts

Decks which are constructed on top of a first-floor building such as an attached garage or one-story addition are allowed under the following conditions:

1. Are only allowed in single-family and two-family residential districts;
2. Are only allowed in rear or interior side yards;
3. Are only allowed as part of the principal structure and are not allowed on detached or accessory structures;
4. Must comply with all set-backs for the principal structure;
5. Must provide railings and other safety features as required by the Building Code;

F. Electric Vehicle Charging Station

1. Commercial electric vehicle charging stations are permitted as an accessory use within any principal or accessory parking lot or structure, or gas station in all districts.
2. Electric charging station equipment may not block the public right-of-way.
3. Each public charging station space must be posted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if time limits or tow away provisions are enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
4. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in use must be immediately removed.

G. Fences and Walls

Fences and walls are subject to the regulations of the Village Building Code.

H. Garages

The following standards apply to all residential garages, with the exception of multi-family dwellings. Attached garages are not considered an accessory structure but are subject to the regulations of this section for attached garages. See [Section 10.3\(C\)](#) for driveway rules.

1. Attached Garages

- a. Front-loaded attached garages are limited to 50% of the width of the building or 22 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measure between the edge of the outermost doors.
- b. Any front-loading attached garage with a full second floor above shall have an additional roof line that runs at least as wide as the garage door(s) with a minimum projection of 12 inches.

2. Detached Garages

See Section 10.3(C) for driveway rules.

- a. One detached garage is permitted per lot.
- b. The area above the vehicle parking spaces in a detached garage may not be used for living area.
- c. Detached garages are permitted only in the rear or interior side yards, and must be three feet from any interior side lot line, 5 feet from the rear lot line, and cannot be located in front of the front building line.
- d. If a lot abuts an improved public alley that provides adequate access to a street, a detached garage may be constructed so that access is from the improved public alley. Access may also be provided from the street, subject to the rules of Section 10.3(C).
- e. Detached garages are limited to a maximum height of 15 feet and a maximum square footage of 770 square feet.

I. Home Occupation

1. The home occupation must be conducted by an individual or individuals permanently residing on the premises. No outside employees are permitted.
2. Signs, displays, or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited.
3. The home occupation and all related activity, including storage, must be conducted completely within the dwelling.
4. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
5. Alterations to the principal or accessory structures that would alter the residential character are prohibited.
6. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
7. No home occupation is permitted that requires clients, patients, pupils, or customers to visit the home.
8. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
9. Day care homes are not considered a home occupation and are regulated separately by this Ordinance.

10. Business licenses shall not be granted by the Village for Home Occupations.

J. Mechanical Equipment

Mechanical equipment is subject to the regulations of the Village Building Code.

K. Play Structures

Play structures are permitted accessory structures in all R-1, R-2, and R-2-35 districts and will be treated as 'sheds' in Table 9-1.

L. Refuse, Recycling, and Grease Containers

Refuse, recycling, and grease container regulations apply only to those uses that collect refuse, recyclable materials, and grease in commercial containers.

1. Such containers do not require a building permit.
2. Such containers are prohibited in the front yard.
3. Refuse, recycling, and grease containers in the commercial and office and industrial districts must be fully enclosed on three sides by a solid masonry wall, or wall of the principal building a minimum of six feet and a maximum of seven feet in height. The enclosure must be gated. The gate must be of solid construction. In the M District, Refuse, recycling, and grease containers must meet these standards only when visible from a public right-of-way.

M. Rooftop Accessory Structures

Rooftop accessory structures are prohibited on single-family and two-family dwellings, with the exception of rooftop decks, which are permitted on single-family and two family dwellings as provided in Section 9.3(E-3) above. No other rooftop accessory structures or uses are allowed on single-family or two-family dwellings.

Accessory structures and rooftop features on buildings other than single-family and two-family dwellings, including green roofs, rooftop decks, rooftop gardens, storm water detention systems, and similar accessory structures and uses, are permitted subject to approval by the Director of Community Development. Such structures are excluded from the calculation of maximum height. The roof must contain sufficient space for future necessary installations such as mechanical equipment.

N. Satellite Dish Antennas

1. General Requirements

- a. Small satellite dish antennas one meter or less in diameter do not require a building permit. Large satellite dish antennas require a building permit.
- b. Satellite dish antennas one meter or less in diameter must be permanently installed and cannot be mounted on a portable or movable structure.
- c. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer and any required warnings.
- d. Cables and lines serving ground-mounted satellite dish antennas must be located underground.
- e. Compliance with all federal, state, and local regulations is required in the construction, installation, and operation of satellite dish antennas.
- f. All exposed surfaces of the antenna must be kept clean and all supports must be painted to maintain a well-kept appearance.
- g. Antennas no longer in use must be immediately removed.
- h. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

2. Small Satellite Dish Antennas

Small satellite dish antennas, which are one meter (3.28 feet) or less in diameter, are subject to the general requirements above.

3. Large Satellite Dish Antennas

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

a. Residential Districts

- i. Large satellite dish antennas, which are greater than one meter in diameter, are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. The overall height of a large satellite dish antenna must not exceed 12 feet.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials, and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

b. Non-Residential Districts

- i. Large satellite dish antenna are permitted only in the rear or interior side yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- ii. Roof-mounting is permitted only if the satellite dish antenna is screened by an architectural feature. The visible portion of the dish should not comprise more than 25% of the corresponding height or width of the screen.
- iii. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences, plant materials and/or earth berms located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

O. Solar Panels

1. General Requirements

The installation and construction of solar panels is subject to the following development and design standards:

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

- a. A building mounted solar panel system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a solar panel may rise is 18 inches. Pitched roof-mounted solar panels should be placed in a location least visible from the public street; however, this does not prohibit the installation of solar panels on a roof that may be visible when that exposure, particularly a southern exposure, is the most viable location.
- c. On flat roofed buildings, the solar panel is limited to a maximum height of six feet above the surface of the roof.
- d. Solar panels may project up to two feet from a building façade and must be integrated into the structure as an architectural feature.

3. Freestanding Systems

Freestanding systems in residential districts are permitted in the rear yard. The maximum height is six feet.

Freestanding systems in non-residential districts are permitted in any yard. The maximum height of a freestanding system is as follows:

- a. Front yard: Three feet
 - b. Corner side yard: Five feet
 - c. Interior side yard: Six feet
 - d. Rear yard: Six feet
4. Co-Location
Solar panels may be co-located on structures such as light poles.

P. Swimming Pools

Private residential swimming pools are permitted accessory uses in the R-1, R-2, and R-2-35 zoning districts. See [Chapter 18](#) for rules.

Q. Wind Turbines

Wind turbines require special use approval and are subject to the following requirements.

1. Wind turbines may be designed as either vertical or horizontal axis turbines with or without exposed blades, including designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
 - a. The maximum height of any freestanding wind turbine is the maximum height allowed in the district. A taller height may be allowed through special use approval.
 - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the existing height of such structure.
 - c. Maximum height is the total height of the turbine system, including the tower and the maximum vertical height of the turbine blades. Maximum height therefore is calculated measuring the length of a prop at maximum vertical rotation to the base of the tower. The maximum height of any freestanding wind energy system is measured from grade to the length of a prop at maximum vertical rotation.
 - d. No portion of exposed turbine blades (vertical access wind turbine) may be within 20 feet of the ground. Unexposed turbine blades (horizontal access wind turbine) may be within ten feet of the ground.
3. Freestanding wind turbines are permitted only in the rear yard. No part of the wind system structure, including guy wire anchors, may be located closer than ten feet to any lot line.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind turbine.

(Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

9.4 - PERMITTED ENCROACHMENTS

An encroachment is the extension or placement of any structure, or component of such, into a required setback. Additional restrictions on permitted encroachments, including additional placement restrictions and dimensional regulations, may be found in [Section 9.3](#). Permitted encroachments are found in Table 9-1: Permitted Encroachments into Required Setbacks. Where specific setback standards for accessory structures are not specified by this table, [Section 9.3](#), or this Ordinance, the general accessory structure requirements of Section 9.3.A apply.

Table 9-1: Permitted Encroachments in Required Setbacks

Y= Permitted // N= Prohibited

	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp 3' from all lot lines	Y	Y	Y	Y
Amateur (HAM) Radio Equipment (Section 9.3.B)	N	N	N	Y
Arbor Prohibited in front or corner side yard	N	N	Y	Y
Awning or Canopy: Non-Structural Maximum encroachment of 3'	Y	Y	Y	Y
Balcony Prohibited in front or corner side yard Limited to a maximum area of 80 s.f.	N	N	N	N
Basketball Hoop/Backboard Maximum of one basketball hoop/backboard per driveway	Y	Y	N	Y
Bay Window Maximum encroachment of 3'	Y	Y	Y	Y
Canopy: Structural or Porte-Cochere	N	N	N	N
Carport (Section 9.3.C)	N	N	N	N
Chimney 2' into required setback	Y	Y	Y	Y
Coldframe Structure (Section 9.3.D)	N	Y	Y	Y
Compost Pile 5' from all lot lines Prohibited in front or corner side yard	N	N	N	Y
Deck (Section 9.3.E)	N	N	N	Y
Patio	Y	Y	Y	Y

Dog House Permitted in rear yard only	N	N	N	Y
Eaves, sills, belt course, cornices, and ornamental features Maximum encroachment of 2'	Y	Y	Y	Y
Exterior Lighting (Section <u>9.2</u>)	Y	Y	Y	Y
Exterior Stairwell Must be located parallel to the building wall Prohibited in front, corner side, and interior yards	N	N	N	Y
Fire Escape 5' from all lot lines	Y	Y	Y	Y
Flag Poles 10' from all lot lines.	Y	Y	N	Y
Garage - Detached (Section 9.3.H)	N	Y	Y	Y
Gas Station Pump Canopy <i>1' minimum setback from any lot line</i>	Y	Y	N	N
Gazebo Prohibited in front yard 6' from any principal structure	N	N	N	Y
Pergola (Attached or Detached)	N	N	N	Y
Greenhouse Prohibited in front yard	N	N	Y	Y
Lawn Furniture and Lawn Decorations	Y	Y	Y	Y
Personal Recreation Game Court Permitted only in rear yard Must be 3 feet from all property lines	N	N	N	Y
Playground Equipment Permitted only in rear yard Must be 3 feet from all lot lines	N	N	N	Y

Porch - Unenclosed and serving the first floor only. Encroachment of 20% into required yard up to 5' maximum. Must be attached to the principal building. Must remain permanently open.	Y	Y	Y	Y
Refuse and Recycling Containers (Section 9.3.L)	N	Y	Y	Y
Rain Barrel Prohibited in front yard	N	N	Y	Y
Satellite Dish Antenna, Ground-Mounted (Section 9.3.N)	N	N	N	Y
Shed - R-1, R-2 and R-2-35 Districts Prohibited in front and corner side yards. Maximum height is 10 feet. Maximum square footage of 150 s.f.	N	N	Y	Y
Shed - R-3 and R-4 Districts Prohibited in front and corner side yards. Max height of 7 feet. Maximum square footage of 65 s.f. 4-foot minimum separation from principal structure. Must be 3-feet from side. Must be 3-feet from rear sidewalk (if any) or rear property line—whichever is less.				
Solar Panels - Freestanding (Section 9.3.O)	N	N	N	Y
Steps/Stairs (roofed or unroofed, including support posts) Maximum encroachment of 6' 4' from all lot lines	Y	Y	Y	Y
Stoops (roofed or unroofed, including support posts) Encroachment of 3 feet or 20% into required yard, whichever is greater	Y	Y	Y	Y
Sunshade Maximum encroachment of 3'	Y	Y	Y	Y
Terrace, paved. Encroachment of 20% into required yard up to 5' maximum.	Y	Y	Y	Y

Treehouses Treehouses are only allowed in single-family residential zoning districts and must not exceed 20 feet in height.	N	N	N	Y
Trash Enclosures—Non-Residential <i>5' from rear lot line, 3' from side lot lines</i>	N	N	Y	Y
Trellis	Y	Y	Y	Y
Wind Turbines - Freestanding (Section 9.3.P)	N	N	N	Y

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17; Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

9.5 - ENVIRONMENTAL PERFORMANCE STANDARDS

All uses must comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard controls.

A. Noise

No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by federal, state, and local regulations, as amended from time to time. These limits do not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads and aircraft.

B. Glare and Heat

Any activity or the operation of any use that produces glare or heat must be conducted so that no glare or heat from the activity or operation is detectable at any point off the lot on which the use is located. Flickering or intense sources of light must be controlled or shielded so as not to cause a nuisance across lot lines.

C. Vibration

No earth borne vibration from the operation of any use may be detectable at any point off the lot on which the use is located.

D. Dust, Smoke and Air Pollution

Dust, smoke and other types of air pollution, borne by the wind from sources, such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, must be kept to a minimum by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

E. Discharge and Disposal of Radioactive and Hazardous Waste

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials must comply with applicable federal, state, and local laws, and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material may commence without prior notice to the Village. Radioactive and hazardous material waste must be transported, stored, and used in conformance with all applicable federal, state, and local laws.

F. Electromagnetic Interference

Electromagnetic interference from any operation of any use must not adversely affect the operation of any equipment located off the lot on which such interference originates.

G. Odors and Smoke

Any condition or operation which results in the creation of smoke and/or odors of such intensity and character as to be detrimental to the public health, safety, and welfare, or which interferes unreasonably with the comfort of the public, must be removed, stopped, or modified so as to remove the smoke and/or odor.

H. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards must be transported, stored, and used only in conformance with all applicable federal, state, and local regulations.

SECTION 10. - OFF-STREET PARKING & LOADING

10.1 - GENERAL REQUIREMENTS

A. Existing Facilities

As of the effective date of this Ordinance, the following apply:

1. The existing number of off-street parking and loading spaces may not be reduced below the number required by this Ordinance. If the number of existing spaces is already less than that required, it may not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the regulations of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were constructed, are permitted to continue as a nonconforming site element.
3. If a building permit for a structure was issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit. If the amount required by this Ordinance is less than that shown in the plans, only the number required by this Ordinance needs to be constructed.

B. Change in Use or Increase in Intensity

When the existing use of a structure or land is changed to a new use or increase in intensity through any improvements, parking and loading spaces must be provided as required for the new use or increased demand on parking.

C. Change in Intensity of Use

When any structure is increased in size through additions, expansions, or any increase in floor area, or if additional dwelling units are created, then additional parking and loading spaces must be provided as required by this Ordinance. When the any structure is decreased in size by the loss of floor area or dwelling units, the number of parking and loading spaces may be reduced so long as the parking requirements of this Ordinance are met for the structure or land as modified.

D. Provision of Additional Spaces

Nothing in this Ordinance prevents the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design, and construction of such facilities are met.

E. Provision of Car-Share Facilities

Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance in the amount of four spaces or 5% of the total number of spaces, whichever is greater.

F. Completion of Off-Street Parking and Loading Facilities

All off-street parking and loading facilities must be completed prior to occupancy of the structure or commencement of the use on a lot.

G. Shared Parking.

Shared parking between 2 or more lots that abut each other may be allowed on a limited basis.

1. No more than 20% of required parking stalls for any lot or use may be provided with stalls that are provided off-site through a shared-parking arrangement.
2. Shared parking arrangements are only allowed when created via a document that is recorded against the title of each property that is party to the shared parking arrangement and where Village of Niles approval is required to amend or cancel the shared parking arrangement.
3. Proposed Shared Parking arrangements shall be reviewed and decisions shall be made using the Site Plan procedure as provided in Section 15.6

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

10.2 - LOCATION OF OFF-STREET PARKING SPACES

A. Residential Uses

1. All required parking spaces for residential uses must be located on the same lot as the residential use. In a mixed-use building, all parking for residential dwelling units must be located on the same lot.
2. Tandem parking is permitted for single-family, two-family and townhouse dwellings, but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.

B. Non-Residential Uses

1. All required off-street parking areas for non-residential uses must be located on the same lot as the use served or within 300 feet of the use served.
2. A non-residential use may provide valet service to a parking facility with no distance restriction.
3. Parking spaces, parking stalls, and parking facilities located within the Village of Niles may only be used for businesses or uses that are also located within the Village of Niles.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

10.3 - OFF-STREET PARKING DESIGN STANDARDS

A. Dimensions

1. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with Table 10-1: Off-Street Parking Space Dimensions. Additional parking angles other than those described in Table 10-1 are permitted but a site plan is required to provide evidence of safe and efficient parking configuration and traffic circulation.
2. Accessible parking spaces must comply with the design standards of the State of Illinois Accessibility Code. Such spaces must be identified by a sign and pavement markings indicating parking for the disabled only. Accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.
3. Motorcycle and scooter parking spaces must measure at least four feet in width by eight feet in length and must be identified or designated through the use of signs or pavement markings.

B. Residential Passenger Vehicle Parking Pads

Single-family, two-family, and townhouse dwellings are permitted one paved parking pad, subject to the following standards.

1. Parking pads are prohibited in the front yard and in the required corner side setback.
2. Parking pads must be located behind the front building line and a minimum of one foot from any lot line.
3. Parking pads are limited to a maximum of 450 square feet and must be connected to the driveway. The additional paved area used to connect the driveway to the parking area is included in this maximum square footage.
4. The maximum impervious surface requirement for the lot may not be exceeded to accommodate a parking pad.

TABLE 10-1: OFF-STREET PARKING SPACE DIMENSIONS

Parking Angle	Stall Width (A)	Stall Depth (B)	Skew Width (C)	Aisle Width Two-Way (D)	Aisle Width One-Way (E)	Vertical Clearance
0° (Parallel)	9	18'	18'	22'	12'	7' 6"
90° (Head-In)	9'	18'	9'	22'	20'	7' 6"
60°	9'	21'	9.8'	N/A	18'	7' 6"
45°	9'	19.8'	12'	N/A	12.5'	7' 6"

C. Access

1. All required off-street parking facilities must have vehicular access from a street, driveway, or cross-access

connection.

2. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
 3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out and the minimum throat depth required for a parking facility driveway is 50 feet. This provision does not apply to single-family and two-family dwellings.
 4. Single-family and two-family dwelling driveways must meet the following standards:
 - a. All driveways must lead to a functional garage or permanent carport. No driveways or paved areas are allowed that do not terminate at a functional garage. If a garage is modified so that the garage doors are removed and the garage no longer functions for vehicle storage, driveways leading to such modified garages must be removed.
 - b. The maximum width of a driveway at the front or corner side lot line is 20 feet.
 - c. Starting at the garage, the width of the driveway may exceed 20 feet. Such driveways must taper-down to 20 feet at the property line, and the taper cannot exceed a 45 degree angle at any point. At the garage, driveways may be as wide as the garage they lead to, as provided in Section 9.3(H).
 - d. Driveways serving single family dwellings may traverse any required yard provided the driveway leads to an approved parking structure.
 - e. A driveway in a front yard for a single-family dwelling may be expanded or enlarged beyond the width of the garage but only toward the interior side lot line closest to the driveway and subject to 'b' and 'c' above.
 5. Multi-family and townhouse dwellings and non-residential use driveways must be a minimum of 12 feet and a maximum of 15 feet for one-way drives, and a minimum of 22 feet and a maximum of 30 feet for two-way drives. However, in the industrial districts, driveways may be a maximum of 36 feet in width.
- D. Surfacing
1. All off-street parking lots and parking pads must be improved with a hard surfaced, all-weather dustless material. Pervious paving, subject to approval from the Village Engineer, may also be used. Gravel is prohibited.
 2. For single-family and two-family dwellings, a driveway may consist of two parallel paved strips, each of which is at least 18 inches in width and 18 feet long. Gravel and wood chips are prohibited as fill material between the strips.

E. Striping

Off-street parking lots of four or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

F. Wheel Stops and Curbing

Wheel stops or curbing must be installed within parking lots along the perimeter of the lot to prevent vehicles from damaging or encroaching upon any adjacent parking space, sidewalk, landscape, fence, wall, or structure. Such wheel stops or curbing must be constructed of permanent materials, such as concrete, stone, masonry, or steel, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.

G. Lighting

Parking lot lighting must be in accordance with the exterior lighting standards of Section 9.2.

H. Landscape and Screening

All parking lots must be landscaped in accordance with the standards of Section 11.

I. Use of Parking and Loading Spaces

1. All required parking and loading spaces must be used for vehicle parking and loading. No required space may be used for storage or vehicle repair.
2. Parking areas must be used exclusively for parking purposes and not for storage of vehicles, boats, trailers, campers, or other personal property. No semi-trailers or other vehicles may be parked and used for storage.

J. Turnaround Space

Dead end parking lots are prohibited. The minimum depth and width of a turnaround space must be nine feet and designated with signs stating "No Parking."

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

10.4 - REQUIRED OFF-STREET PARKING SPACES

- A. The minimum number of off-street parking spaces to be provided for a use is delineated in Table 10-2: Off-Street Parking Requirements. Table 10-2 lists parking requirements for the uses listed within the districts. In some cases, uses which are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district.
- B. Certain uses listed within the districts do not have parking requirements. These uses are not listed in Table 10-2.
- C. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant retail center, which has a separate requirement. The following standards for computation apply:
 1. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street parking space or access aisle, or portion thereof. Conversely, the area allocated to any off-street parking space may not be used to satisfy the requirement for any off-street loading space or portion thereof.
 2. A fraction of less than one-half may be disregarded, and a fraction of one-half or more is counted as one parking space.
 3. In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 36 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every six square feet in the prayer hall if prayer mat spaces are not marked.
- D. Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share

facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day; it is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance in the amount of four spaces or 5% of the total number of spaces, whichever is greater.

- E. As of the effective date of this Ordinance, the number of parking spaces currently provided on the lot of an existing non-residential use along Milwaukee Avenue are deemed conforming. Once the existing use in the principal building discontinued, or once the principal building is demolished, the deemed conforming provision is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased), the deemed conforming provision is no longer valid.
- F. Parking for multi-tenant retail centers is required as follows: A multi-tenant retail center is defined as a group of three or more non-residential establishments that are primarily retail establishments, but may include service and recreation and entertainment uses, which is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers or malls and retail strip centers.
 - 1. Multi-tenant retail centers of less than 80,000 square feet:
 - a. As of the effective date of this Ordinance, the number of parking spaces currently provided on the lot of an existing multi-tenant retail centers of less than 80,000 square feet are deemed conforming and any use that requires 4 parking stalls or less per each 1,000 s.f. of gross floor area according to Table 10-2 is allowed without parking credits. Special uses must obtain the required special use permit. Any use a) that requires more than 4 parking stalls per each 1,000 s.f. of gross floor area according to Table 10-2 or b) that is designated with an asterisk in Table 10-2 must obtain parking credits according to the procedures in Section 15.10. Once the principal building is demolished, the deemed conforming provision is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased), the deemed conforming provision is no longer valid.
 - b. New multi-tenant retail centers of less than 80,000 square feet that provide four spaces per 1,000 square feet of gross floor area shall be deemed conforming and any use that requires 4 parking stalls or less per each 1,000 s.f. of gross floor area according to Table 10-2 is allowed without parking credits. Special uses must obtain the required special use permit. Any use a) that requires more than 4 parking stalls per each 1,000 s.f. of gross floor area according to Table 10-2 or b) that is designated with an asterisk in Table 10-7 must obtain parking credits according to the procedures in Section 15.10.
 - 2. Multi-tenant retail centers of 80,000 square feet or more:
 - a. As of the effective date of this Ordinance, the number of parking spaces currently provided on the lot of an existing multi-tenant retail centers of 80,000 square feet or more are deemed conforming. No uses require parking credits. Once the principal building is demolished, the deemed conforming provision is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased), the deemed conforming provision is no longer valid.
 - b. Multi-tenant retail centers built after the adoption of this ordinance with 80,000 square feet or more that provide three spaces per 1,000 square feet of gross floor area shall be deemed conforming. No uses require parking credits.

TABLE <u>10-2</u> : OFF-STREET PARKING REQUIREMENTS	
USE	PARKING SPACES REQUIRED
RESIDENTIAL	
Community Residence - Small or Large	0.5 per bed

Dwelling - Above the Ground Floor	2 per dwelling unit
Dwelling - Single-Family	2 per dwelling unit
Dwelling - Two-Family	2 per dwelling unit
Dwelling - Townhouse	2 per dwelling unit
Dwelling - Multi-Family	2 per dwelling unit in all districts
Residential Care Facility	Based on type of care: Independent Living: 1 per dwelling unit Assisted Living: 0.5 per dwelling unit Nursing Care & Hospice: 1 per resident room
INSTITUTIONAL/PUBLIC	
Cemetery	4 per 1,000 s.f. of GFA of office, chapel/parlor, and preparation area
* Community/Recreation Center	4 per 1,000 s.f. of GFA
* Cultural Facility	4 per 1,000 s.f. of GFA
* Educational Facility - College/University	The Planning and Zoning Board shall determine parking requirements.
* Educational Facility - Primary/Secondary	The Planning and Zoning Board shall determine parking requirements.
* Educational Facility - Vocational	The Planning and Zoning Board shall determine parking requirements.
Government Office	3 per 1,000 s.f. of GFA
Place of Worship	1 per 3 seats + 1 per 1,000 s.f. of residential living area (convent, rectory, etc.)
Public Safety Facility	3 per 1,000 s.f. of GFA of office area
Public Works Facility	3 per 1,000 s.f. of GFA of office area
SERVICE	
Adult Use: Service	3 per 1,000 s.f. of GFA

Arts Studio	3 per 1,000 s.f. of GFA
Body Modification Establishment	3 per 1,000 s.f. of GFA
Car Wash	3 per bay
Currency Exchange	3 per 1,000 s.f. of GFA
* Day Care Center	2 per 1,000 s.f. of GFA
Funeral Home	5 per 1,000 s.f. of GFA
Heavy Commercial - Rental & Service	3 per 1,000 s.f. of GFA (excludes any outdoor display or storage)
Hotel/Motel	<u>1.1</u> per room
Massage Services Establishment	3 per 1,000 s.f. of GFA
Outdoor Storage (Principal Use)	3 per 1,000 s.f. of GFA of office
Passenger Terminal	2 per 1,000 s.f. of GFA (excludes any outdoor areas)
Payday/Title Loan Establishment	3 per 1,000 s.f. of GFA
Personal Service Establishment	4 per 1,000 s.f. of GFA
Pet Services: Day Boarding	2 per 1,000 s.f. of GFA
Pet Services: Grooming	3 per 1,000 s.f. of GFA
Pet Services: Overnight Boarding	2 per 1,000 s.f. of GFA
Reception Facility	10 per 1,000 s.f. of GFA
Self-Storage Facility	1 per 20 storage units
Vehicle Rental	3 per 1,000 s.f. of GFA of office area
Vehicle Repair - Major or Minor	4 per service bay
Veterinarian	3 per 1,000 s.f. of GFA
RECREATION & ENTERTAINMENT	
Adult Use: Entertainment	3 per 1,000 s.f. of GFA

Amusement Facility - Indoor	3 per 1,000 s.f. of GFA
Amusement Facility - Outdoor	2 per 1,000 s.f. of lot area
Firearms Training Center	3 per 1,000 s.f. of GFA
Golf Course	4 per hole
Live Performance Venue	3 per 1,000 s.f. of GFA
Off-Track Betting Parlor	10 per 1,000 s.f. of GFA
Social Club/Lodge	2 per 1,000 s.f. of GFA
RETAIL	
Adult Use: Retail	3 per 1,000 s.f. of GFA
Art Gallery	3 per 1,000 s.f. of GFA
Bar	10 per 1,000 s.f. of GFA
Gas Station	3 stalls plus 4 stalls per 1,000 s.f. of GFA of any ancillary retail
Greenhouse/Nursery - Retail	3 per 1,000 s.f. of GFA (includes any outdoor display or storage)
Gun Shop	3 per 1,000 s.f. of GFA
Firearms Sales	3 per 1,000 s.f. of GFA
Heavy Commercial - Retail	3 per 1,000 s.f. of GFA (includes any outdoor display or sales)
Precious Metal Dealer	3 per 1,000 s.f. of GFA
Restaurant, indoor or carry-out with 11 or more seats	10 per 1,000 s.f. of GFA excluding kitchen area
Restaurant, carry-out only with 10 or fewer seats	4 per 1,000 of GFA excluding the kitchen area
Restaurant, drive-in	4 per 1,000 of GFA excluding the kitchen area
Retail Establishment	3 per 1,000 s.f. of GFA
Retail Sales of Pet Supplies	3 per 1,000 s.f. of GFA

Smoking Establishment	3 per 1,000 s.f. of GFA
Specialty Food Service	4 per 1,000 s.f. of GFA
Vehicle Parts Sales	3 per 1,000 s.f. of GFA
Vehicle, Marine, and Recreational Vehicle Sales	4 per 1,000 s.f. (excludes any outdoor display or storage)
OFFICE	
Contractor and Construction Office	3 per 1,000 s.f. of GFA
Employment Agency	3 per 1,000 s.f. of GFA
Financial Institution	3 per 1,000 s.f. of GFA
Industrial Design	3 per 1,000 s.f. of GFA
Office	3 per 1,000 s.f. of GFA
Radio/TV Studio	3 per 1,000 s.f. of GFA
MEDICAL	
Hospital	3 spaces per bed
Medical/Dental Clinic	5 per 1,000 s.f. of GFA
Medical Cannabis Dispensing Organization	5 per 1,000 s.f. of GFA
INDUSTRIAL	
Industrial - Limited	1 per 1,000 s.f. of GFA up to 40,000 s.f. then 1 per 2,500 s.f. for additional GFA above 40,000 s.f.
Industrial - General	1 per 1,000 s.f. of GFA up to 40,000 s.f. then 1 per 2,500 s.f. for additional GFA above 40,000 s.f. (excludes any outdoor storage)
Medical Cannabis Cultivation Center	1 per 1,000 s.f. of GFA up to 40,000 s.f. then 1 per 2,500 s.f. for additional GFA above 40,000 s.f.
Research & Development	3 per 1,000 s.f. of GFA
Salvage Yard	3 per 1,000 s.f. of GFA of office
Solar Farm	3 per 1,000 s.f. of GFA of office

Vehicle Operation Facility	3 per 1,000 s.f. of GFA of office
Warehouse	3 per 1,000 s.f. of GFA of office + 1 per 20,000 s.f. of GFA of warehouse area
Wholesale Establishment	1 per 1,000 s.f. of GFA
Wind Energy System	3 per 1,000 s.f. of GFA of office
INFRASTRUCTURE/UTILITIES	
Utilities (Manned)	3 per 1,000 s.f. of GFA of office

* Parking Credits per section 15.10 may be required for uses denoted with an asterisk—See 10.4(F)(1)(a) and (b).

10.5 - LAND-BANKED PARKING PERMISSION

For retail, service, and/or recreation and entertainment uses over 20,000 s.f. in gross floor area, including multi-tenant retail centers, up to 25% of the required parking spaces of an off-street parking lot may be land-banked during the site plan review process as follows:

- A. Sufficient evidence must be provided by the applicant that supports the reduced parking needs.
- B. The area proposed for land banking of parking spaces must be an area suitable for conversion to parking at a future time.
- C. Landscape of the land-banked area must comply with Section 11. As part of site plan review, additional landscape of the land-banked area may be required.
- D. The land-banked area cannot be used for any other use, such as storage, and cannot be used to fulfill other landscape requirements of this Ordinance.
- E. As part of the site plan review process, the applicant must show the area to be banked on the site plan as "Land-Banked Future Parking."
- F. The Director of Community Development, on the basis of increased parking demand for the use, is authorized to require the conversion of all or part of the land-banked area to off-street parking spaces. Such conversion must be completed within 60 days of notification by the Director of Community Development. Nothing prevents the applicant from converting the land-banked area to parking prior to Village notification.
- G. A Memorandum of Agreement specifying the terms of the land-banked parking shall be recorded against the property with the County Recorder of Deeds.

10.6 - COMMERCIAL AND RECREATIONAL VEHICLES

The location and condition of commercial and recreational vehicles in residential districts is permitted as described in this Section. The following does not apply to commercial vehicles used by and for school activities on school grounds or those conducting business at a location within a residential district, provided that no such vehicle conducting business in a residential district is parked for more than ten consecutive hours and under no circumstances is parked overnight.

- A. For purposes of this Section, commercial and recreational vehicles are defined as follows
 1. Commercial Trailer. Any equipment or trailer, open or closed, which is towed by another commercial vehicle.

2. Commercial Vehicle. Any vehicle operated for the transportation of persons or property for any commercial or in hire or not for hire, but not including a commuter van, defined as a vehicle used in a ridesharing arrangement.
 3. Recreational Trailer. Any open trailer used to haul and store recreational equipment such as boats, snowmobiles, motorcycles, and ATVs, and not used commercially nor owned by a commercial business.
 4. Recreational Vehicle. Every boat, boat trailer, camping trailer, motor home, mini-motor home, travel trailer, truck camper, or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.
- B. No more than one commercial and recreational vehicle may be parked on a single-family or two-family lot unless the vehicles can be stored completely within an enclosed garage. No more than one commercial or recreational vehicle per residential unit is permitted on a multiple-family lot unless the vehicles can be stored completely within an enclosed garage.
- C. Commercial and recreational vehicles must be parked in the rear or interior side yard only, except that a commercial vehicle may be permitted in the front or corner side yard if the property is developed in a manner that would physically prohibit parking in the rear or interior side yard. If front or corner side yard storage is required, the commercial vehicle must be parked as near to the front of the garage as possible and cannot extend beyond the front lot line. In all cases, commercial and recreational vehicles must be parked on an approved hard surface of concrete, asphalt, or paving brick. Parking of commercial and recreational vehicles in the rear or interior side yard must meet the following:
1. Interior side yard parking of commercial and recreational vehicles is permitted provided the vehicle can be parked on an approved surface and is located three feet from the interior side lot line. If the property has a driveway that leads to a detached garage located within the rear yard, a commercial or recreational vehicle may be stored on this driveway only if the parking of the vehicle can comply with the interior side yard parking requirements.
 2. Recreational vehicles may be parked in the rear yard on a pad of concrete, asphalt, or paving brick provided the pad extends to the exterior dimensions of the recreational vehicle and is located a minimum of five feet from the rear lot line, ten feet or 10% of the lot width from the side lot line, whichever is less, and out of any easements.
- D. No commercial vehicle that exceeds any of the following size criteria, or requiring a license plate higher than a "D" plate, may be parked in a residential district unless the vehicle can be placed completely within an enclosed garage:
1. Seven feet in height for open bed trucks when measured from the ground to the top of the roof, and nine feet in height for enclosed vans when measured from the ground to the top of the roof.
 2. Seven feet in width when measured from the widest point of the vehicle. Mirrors are not included within the seven foot width limitation.
 3. Twenty-two feet in length when measured from the front bumper to back bumper, excluding snowplow blades when permitted.
- E. Storage on the exterior of commercial vehicles that are parked within a residential district must comply with the following restrictions:
1. Trailers or other attachments are prohibited on the rear of a commercial vehicle when parked in a residential district.
 2. Snowplows are permitted on the front of commercial vehicles during the winter season but must be removed and properly stored by April 15.
 3. No storage of any equipment, storage racks, or materials is permitted on the sides of commercial vehicles.
 4. Storage racks not exceeding 18 inches in height, inclusive of ladders and other equipment, are permitted on commercial vehicles so long as the overall height of the commercial vehicle does not exceed nine feet six inches when measured from the ground to the top of the storage rack, inclusive of equipment stored on said racks.

5. Equipment, other than permanently attached, and storage of material visible above the top of the trailer and pick prohibited. Storage of landscaping material or other organic debris that exceeds the height of the sides of the trailer is prohibited.
- F. Parking of a commercial vehicle containing a refrigeration unit or other motorized compressor is prohibited within a residential district unless the vehicle is parked within a garage so that the refrigeration unit is not audible outside the garage. This is intended to be applicable to those vehicles that use a refrigeration unit or compressor for the commercial purpose of the vehicle and does not apply to air conditioner units used for the comfort of the driver and passengers.
- G. All commercial trailers or equipment that can be attached to a commercial vehicle stored on a lot in a residential district must, at all times, be parked in a fully enclosed garage. Also, at no time can any equipment stored on a trailer, or equipment which can be attached to a commercial vehicle, that has an engine or compressor be allowed to idle while stored in a residential district. Additionally, any equipment stored on a trailer that does not have rubber tires or treads cannot be loaded or unloaded from the trailer upon any public right-of-way.
- H. No recreational vehicle that exceeds any of the following size criteria may be parked in a residential district unless the vehicle can be placed completely within an enclosed garage:
 1. Thirteen feet in height when measured from the ground to the top of the roof.
 2. Eight feet six inches in width when measured from the widest point of the vehicle. Mirrors are not included within the width limitation.
 3. Thirty-five feet in length when measured from the front bumper or hitch to the back bumper.
 4. Open recreational trailers not stored within a structure must be a maximum of 16 feet long when measured from the hitch to the back bumper or equipment stored on the trailer, whichever is longer, and have no ancillary racks.
- I. No recreational vehicles or trailers may be stored or parked in any residential district unless the following standards are met:
 1. Recreational vehicles and trailers may not be stored in the front yard.
 2. Any recreational vehicle or trailer that is greater than eight feet but less than 13 feet in height may be parked or stored in the rear yard only.
 3. No recreational vehicle or trailer may be connected to gas, water, or sanitary sewer service. Temporary electrical hookup are permitted only to clean and prepare the vehicle or trailer for use.
 4. Parked or stored recreational vehicles and trailers cannot be used for living or sleeping purposes.
 5. Recreational vehicles and trailers cannot be used as accessory structures.
 6. Recreational vehicles or trailers cannot have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle.
 7. Recreational vehicles and trailers must be properly licensed.
 8. Recreational equipment stored on a recreational trailer must be screened from public view by means of a fence, a landscape hedge, or covers that are designed and manufactured for covering the equipment or trailer.

10.7 - REQUIRED BICYCLE PARKING

As of the effective date of this Ordinance, new development other than residential development with 3 or fewer dwelling units per building is required to provide bicycle parking.

A. Design

1. Required bicycle spaces must have a minimum dimension of two feet in width by six feet in length, with a minimum overhead vertical clearance of seven feet. Bicycle spaces are counted by the number of bicycles that can be stored on a rack, meeting these dimensions for a bicycle space.

2. Bicycle parking facilities must provide racks where the bicycle may be locked by the user or lockable enclosed lockers. Lockers that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers must be securely anchored to the ground or the structure to prevent the racks and lockers from being removed from the structure.
3. If required bicycle parking facilities are not readily visible, signs must be posted indicating their location.
4. Areas used for required bicycle parking must be paved and drained to be free of mud, dust, and standing water, and must be well-lit.

B. Location

1. All required bicycle spaces must be located on the same lot as the use served. However, the Director of Community Development, upon consultation with other Village Departments, may approve the location of bicycle spaces in the public right-of-way.
2. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible secure areas. Space within dwelling units, including areas such as balconies, are not counted toward satisfying bicycle parking requirements.

C. Required Number of Bicycle Spaces

Where off-street parking facilities are provided, the number of bicycle parking spaces must be provided as indicated in [Table 10-4: Required Bicycle Spaces](#). In all cases where bicycle parking is required, a minimum of two spaces is required. However, no more than a total of 50 bicycle parking spaces are required to be provided. If the Village and/or property owner determine that inadequate bicycle parking is provided, additional bicycle parking may be provided.

TABLE 10-4: REQUIRED BICYCLE SPACES	
Use	Required Bicycle Spaces
Multi-Family Dwelling	1 per 10 dwelling units
Retail Establishment, Personal Service Establishment, Office, or Multi-Tenant Retail Center over 10,000 s.f. in GFA	1 per 30 parking spaces
Multi-Tenant Commercial Center	1 per 30 parking spaces

Indoor or Outdoor Amusement Facility	1 per 10 parking spaces
Educational Facilities, Primary or Secondary	1 per 10 parking spaces
Educational Facilities, University or Vocational	1 per 25 parking spaces

10.8 - REQUIRED OFF-STREET LOADING SPACES

A. Design

1. Off-street loading spaces must be located as follows:
 - a. All off-street loading spaces must be located on the same lot as the use served.
 - b. No off-street loading space may be located in a front or corner side yard or in front of a front building line.
 - c. All off-street loading spaces must be located a minimum of 25 feet from the lot line of any residential district, unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, a minimum of six feet in height and a maximum of eight feet in height. In such case, the loading area must be a minimum of 15 feet from such lot line.
2. All required off-street loading spaces must be at least 12 feet in width and at least 30 feet in length, exclusive of aisle and maneuvering space, and must have a minimum vertical clearance of at least 15 feet.
3. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
4. All off-street loading spaces must meet the exterior lighting standards of [Section 9.2](#).
5. Loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
6. Central loading facilities may be substituted for loading berths on individual lots subject to the following:
 - a. Each lot served must have direct access to the central loading area without crossing streets or alleys at-grade.
 - b. No lot served may be more than 500 feet from the central loading area.

B. Required Number of Off-Street Loading Spaces

Off-street loading spaces must be provided in accordance with [Table 10-5](#): Off-Street Loading Requirements. In the case of multi-tenant buildings or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one commercial tenant of a multi-tenant building is over 10,000 square feet, only one loading space is required; if all tenants are under ten-thousand 10,000 square feet, no loading is required).

TABLE 10-5 : OFF-STREET LOADING REQUIREMENTS	
Use	Required Loading Spaces
Residential	
Multi-Family Dwelling over 10,000 s.f. of gross floor area	1 loading space
Retail, Service, Recreation & Entertainment, Office, & Institutional	
10,000 - 100,000 s.f. of gross floor area	1 loading space

Over 100,000 s.f. of gross floor area	2 loading spaces
Over 200,000 s.f. of gross floor area	3 loading spaces
Industrial	
5,000 - 10,000 s.f. of gross floor area	1 loading space
10,001 - 40,000 s.f. of gross floor area	2 loading spaces
Over 40,001 s.f. of gross floor area	3 loading spaces

10.9 - TRAFFIC STUDY REQUIREMENT

- A. Proposed new developments or proposed changes of use with significant traffic, as determined by the Director of Community Development, may be required to perform a traffic study. Approval of the proposed development or change in use will require compliance with the findings and recommendations of the traffic study which is approved by the Village of Niles.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

SECTION 11. - LANDSCAPE

11.1 - INTENT

- A. Landscape improvements must serve to integrate the development into the site, with particular sensitivity to natural topography, watercourses, and existing significant native vegetation. Preservation of existing plant material and landforms shall be taken into account, particularly where mature or significant trees or native plant communities are a part of the site. This is of particular importance in cases where specimen trees, groves, or tree lines, or tree-lined watercourses are present.
- B. Landscape improvements must serve to enhance the appearance of the site, especially as viewed from adjacent public rights-of-way. Effective year-round screening must be provided to lessen the visual prominence of parking lots, service yards, loading docks, public utility structures, or unsightly appurtenances. Landscape must also serve to minimize the harmful or nuisance effects resulting from noise, heat, glare, and accumulation of dust, and to provide shade, air purification, oxygen regeneration, groundwater recharge, storm water run-off management, and other environmental benefits. Innovative landscape design proposals are highly encouraged, including the use of green technology regarding storm water management and the use of native plant materials.
- C. Preservation of existing trees as recommended by the Village Forester is encouraged. Where existing trees are to be protected, site development must comply with the applicable Village requirements as found in Section 106-38.

11.2 - LANDSCAPE PLAN

- A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for townhouse, multi-family, non-residential, or mixed-use development, and any planned unit development. The landscape plan must be approved prior to the issuance of a building permit.

B. Content of Landscape Plan

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berming, earthwork, or storm water management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any other details as determined necessary by the Director of Community Development.

C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Director of Community Development. Changes to the amount of plant materials of an approved landscape plan are not considered a minor change. Major changes must be approved by the body granting approval of the landscape plan initially.

11.3 - ENFORCEMENT OF LANDSCAPE PLAN

- A. No certificate of occupancy will be issued until all the requirements of this Section and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.
- B. If weather prohibits the installation of landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued for a six month period with provision of a security bond or security for 115% of the estimated amount, including installation.

11.4 - SELECTION, INSTALLATION AND MAINTENANCE

A. Selection

All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of northeastern Illinois, as well as the individual site microclimate. The use of species native or naturalized to northeastern Illinois is encouraged. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that must be considered when selecting plant material. Where appropriate, the use of drought and salt tolerant plant material is preferred.

B. Installation

All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

C. Maintenance

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape

materials, fences, steps, retaining walls, and similar landscape elements.

2. All landscape materials must be maintained in good condition, present a healthy, neat, and orderly appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 60 days of notification, unless an extension is approved.

11.5 - LANDSCAPE DESIGN STANDARDS

A. Minimum Planting Sizes

1. Shade trees must have a minimum trunk size of two and one-half inches in caliper at planting.
2. Evergreens trees must have a minimum height of four feet at planting.
3. Single stem ornamental trees must have a minimum trunk size of two and one-half inches in caliper at planting. Multiple stem ornamental trees must have a minimum height of eight feet at planting.
4. Large shrubs must have minimum height of three feet at installation. Small shrubs must have a minimum height of 18 inches at installation. Large shrubs are those that reach five or more feet in height at maturity. Small shrubs are those that may grow up to four feet in height if left unmaintained, but are generally maintained at heights of eighteen 18 to 30 inches.

B. Energy Conservation

Plant material placement should be designed to provide passive benefits, and reduce the energy consumption needs of the development:

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
2. Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

C. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 11-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees. When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
<u>1-4</u>	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

D. Berming

Earthen berms and existing topographic features should be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum unretained berm side slopes must be maintained at no steeper than a 4:1 slope ratio to prevent erosion and be properly and safely maintained, unless a steeper slope is allowed by the Director of Community Development. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

11.6 - PARKING LOT PERIMETER LANDSCAPE YARD

A perimeter landscape yard is required for all parking lots that abut a public right-of-way, excluding alleys, and must be established along the edge of the parking lot to screen the parking lot. The landscape treatment must run the full length of the parking lot perimeter along the right-of-way and must be located between the lot line and the edge of the parking lot. The landscaped area must be improved as follows:

- A. The perimeter parking lot landscape area must be at least five feet in width. There must be a minimum linear distance of two feet between any wheels stops or curbs to accommodate vehicle bumper overhang, which is not included in the minimum five foot calculation.
- B. One shrub, measuring a minimum of 18 inches at planting and reaching a minimum of three feet at maturity, must be planted for every three feet of landscape yard length, spaced linearly, which may be excepted for the planting of a shade tree. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.
- C. A minimum of one shade tree must be provided for each 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for each shade tree.
- D. 70% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.
- E. Alternatively, and with the approval of the Director of Community Development, a low pedestrian wall or decorative fence a minimum of three feet to a maximum of four feet in height may be used instead of shrubs and shade trees. Where feasible, plant materials shall be installed between the sidewalk and the low pedestrian wall or decorative fence to provide a softening effect on the wall or fence.

11.7 - INTERIOR PARKING LOT LANDSCAPE

All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

- A. All rows of parking stalls must terminate in a parking lot island or landscape area.
- B. Where more than 25 parking stalls are provided in any single row, or where more than 50 parking stalls are provided in a double row, one parking lot island must be provided between every 25 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 25 single row or 50 double row spaces.
- C. Parking lot islands must be the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- D. A minimum of one shade tree must be provided for every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 70% of every parking lot island must be planted in ornamental trees, live groundcover, shrubs, perennials, or ornamental grasses.
- E. The use of storm water management techniques, such as rain gardens and bio-swales, is encouraged in landscape areas. Parking lot islands and landscape areas are encouraged to be designed to accommodate storm water infiltration. The Director of Community Development may reduce the requirements of item C above if it is demonstrated that such a reduction is necessary to accommodate storm water management techniques.
- F. In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area.

11.8 - SITE LANDSCAPE

Except for landscaping standards for parking lot interiors as provided for in Section 11.7, the following site landscape standards apply to townhouse, multi-family dwelling and non-residential uses.

- A. Areas of the site not covered by structures or pavement must be planted with live landscaping.
- B. Decorative stone, brick, or pavement may be used for edging planting beds but may not cover more than 20% of the landscaped area.
- C. A landscaped area must be located around the foundation perimeter of all buildings when visible from a public street. Such landscaping may be composed of a combination of shrubs, roses, ground cover, ornamental grasses, perennials, vines and annual flowers. Planted pots and/or planter boxes may be used to satisfy this requirement in tight and/or paved areas. This does not apply to structures that are sited 10 feet or less from the lot line, or where sidewalks, driveways, truck docks, and loading and service areas provide access to the building or where fire department connections are necessary.
- D. Shade trees should be located on the south side of buildings wherever feasible to block summer sun.
- E. Plantings shall be designed so as to provide massing of natural colors and shapes to offset the mass of the building and to provide visual relief from the straight lines of building architecture, parking lots, and other man-made features. The overuse of hybridized colored plantings (e.g., bright yellow & purple foliage) should be avoided.
- F. Service yards and exterior work areas must be screened from view from adjacent residential and commercial districts and the public right-of-way.

11.9 - BUFFER YARDS

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

- A. As of the effective date of this Ordinance, buffer yards are required for new construction ¹ along interior side and rear yards in the following cases:
 1. Where an R-3 or R-4 District abuts a R-1, R-2, or R-2-35 District. This does not apply to single-family and two-family dwellings located within an R-3 or R-4 District.
 2. Where a non-residential use is located within a residential district. This does not apply to parks.
 3. Where a non-residential district abuts a residential district. This does not apply to parks.

B. Buffer yards may be located within required yards, but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or other impervious surfaces are permitted within the buffer yard area.

C. The required design of buffer yards is as follows:

1. A buffer yard must be a minimum of 10 feet in width. This requirement may be reduced or eliminated for smaller parcels by the Director of Community Development if it is demonstrated that a 10 foot wide buffer yard presents a hardship.
2. One shade tree must be planted for every 25 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 25 linear feet of buffer yard length.
3. Existing trees that are preserved may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
4. Unless otherwise specifically required by the use standards of this Ordinance, a solid fence or wall of six feet in height must be erected along 100% of the buffer yard length.

5. One shrub, measuring a minimum of 18 inches in height at planting and reaching a minimum of three feet in height at be planted for every three linear feet of buffer yard length, spaced linearly.
6. 70% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses.

11.10 - STORMWATER MANAGEMENT BASIN LANDSCAPING

Storm water management basins must be designed as an integral part of the overall site plan, and should provide required storm water storage as well as desirable environmental functions and an aesthetically pleasing environment.

- A. Storm water management basins should be designed as follows:
 1. In permanently wet retention basins, emergent plantings must be incorporated to soften the shoreline, increase water quality, and provide wildlife habitat. The shoreline zone, consisting of an area from the normal water level to the top of the slope, around the entire perimeter, must be planted with suitable cover vegetation such as native grasses, sedges, forbs, or turf.
 - a. Maintained turf areas may be used within the shoreline zone to allow vehicle access for maintenance including, but not limited to, dredging equipment. Maintained turf must not constitute more than 30% of the area of the shoreline zone.
 2. In dry-bottom or occasionally inundated detention basins, all areas of the basin, including the floor, side slopes, berms, impoundment structures, or other earth structures must be planted with turf grass or other cover vegetation specifically suited for storm water basins. Turf grass areas must be sodded or hydro-seeded to minimize erosion during the establishment period, and once established, should be maintained at a height of not more than six inches. Wildflowers, meadow plantings, and nonaggressive grasses suitable to the intermittently wet conditions of the detention basin are encouraged as alternatives to turf grass, provided that they provide continuous cover to all areas of the basin, and do not interfere in the safe and efficient function of the basin.
 3. Storm water management basins are required to provide a buffer zone, extending 20 feet from the top of slope, around the entire perimeter of the basin. This area serves to buffer adjacent uses and to provide a transition to a development's overall landscape theme. Required plantings in the buffer zone may be grouped together or spaced as necessary to provide an aesthetically appealing transition to the surrounding landscape. Plantings in the buffer zone are required as follows:
 - a. A minimum of one deciduous tree is required for each 2,500 square feet of total buffer area.

- b. A minimum of one evergreen tree is required for each 3,000 square feet of total buffer area.
 - c. A combination of deciduous and evergreen shrubs are required, at a minimum rate of one shrub for each 400 square feet of total buffer area.
 - d. The remainder of the buffer area must be planted with live groundcover, perennials, or ornamental grasses.
 - e. In the case that any of the above calculations result in a fraction, it must be rounded up to the nearest whole number.
4. Basins must incorporate curvilinear features to blend with and complement the natural surrounding topography. The use of sharp geometric shapes must be avoided.
 5. Where appropriate, dry bottom or occasionally inundated storm water management basins should be designed to serve a secondary purpose for recreation, open space, or other types of uses that will not be adversely affected by occasional or intermittent flooding.
 6. Amenities, such as bike paths, sidewalks, gazebos, benches, and other such items are encouraged around storm water management basins.
 7. All storm water management basins that can be expected to flood to a depth of three feet must have warning signs posted on all sides.
- B. Maintenance should be considered at the time of designing a stormwater management basin. To make maintenance easier and less costly, designs should include the following features where applicable:
1. A discharge drain made of concrete or other durable materials other than corrugated metal.
 2. A discharge drain located in the embankment with easy access for repair and debris removal.
 3. Shoreline protection measures to prevent erosion from any potential wave action.
 4. Facilities to allow the water level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
 5. Plant selections that consider the climate and other events likely to contribute to erosion, based on an evaluation of the risks, costs, and benefits involved.
 6. Protection of natural vegetation wherever possible in areas immediately adjacent to natural watercourses.
- C. A maintenance bond will be held by the Village's Department of Community Development for a two year period following initial approval of the landscape plan. This must be equivalent to 25% of the vegetation and installation cost related to any storm water management basin, and will be collected to ensure sufficient establishment of the plants. The project sponsor must provide a written cost estimate or actual contract amount as a basis for the bond amount.
- D. A management plan for storm water management basins must be provided to the Village at the time of site plan review. Any homeowner association covenants and restrictions or master deed must include language for detention basin maintenance per the approved plan. The Village may require establishment of a special service area for maintenance of the stormwater management basin.

11.11 - STREET TREE REQUIREMENTS

- A. For any project classified as new construction, Village street tree requirements as provided in Section 106 shall be met.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

SECTION 12. - PLANNED UNIT DEVELOPMENTS

12.1 - PURPOSE

Planned unit developments (PUD) are allowed in this Ordinance as a distinct category of special use. The primary purpose of the planned unit development is to ensure that developments are consistent with the intent, purpose, and policies of the officially adopted Niles Comprehensive Plan. It is intended that planned unit developments will encourage the innovative land planning, architecture, landscape architecture, and site amenities beyond that which would be possible through the strict application of the Niles Zoning Ordinance and Niles Subdivision regulations. In particular, the planned unit development technique is intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the Village. The underlying district dimensional and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, the planned unit development is intended to achieve some or all of the following objectives:

- A. Allow for the creation of projects with a variety of land uses to be developed as a unified project.
- B. Ensure that developments meet the intent, purpose, and policies of the Village of Niles Comprehensive Plan.
- C. Encourage innovation and creativity in the land planning and design process.
- D. Preserve natural site amenities and features such as vegetation, topography, geologic features, environmentally sensitive areas, access to public lands, and other unique features of the site.
- E. Encourage the availability of recreational opportunities and the preservation of open space.
- F. Prevent and control soil erosion and surface flooding.
- G. Create a method for the preservation of common open space for the continued use and enjoyment of residents within the development as well as village-wide.
- H. Provide for the efficient location of institutions and public buildings and facilities.
- I. Provide a process that encourages the innovative reuse and/or redevelopment of older under-performing properties.
- J. Encourage flexibility in the development of land and in the design of structures.
- K. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
- L. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
- M. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
- N. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
- O. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
- P. Facilitate the implementation of adopted Village land use policies, particularly with respect to areas planned for potential redevelopment.

12.2 - INITIATION

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners. A minimum of one acre is required for a planned unit development proposal.

12.3 - AUTHORIZATION

A planned unit development is authorized as a special use in the zoning districts (see Section 8). A planned unit development must be granted in accordance with the procedures and standards of this Section and the special use provisions of Section 15. Unless specifically approved as part of the planned unit development and special use approval, the requirements of the underlying district apply.

12.4 - EXCEPTIONS FROM DISTRICT REGULATIONS

- A. The planned unit development is subject to the underlying district dimensional and use regulations unless an exception is specifically granted. The Planning and Zoning Board may recommend and the Village Board may grant exceptions to the zoning district use and dimensional regulations where a planned unit development is located. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:
1. Enhance the overall merit of the planned unit development.
 2. Promote the objectives of both the Village and the development.
 3. Enhance the quality of the design of the structures and the site plan.
 4. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
 5. Are compatible with adopted Village land use policies.
 6. Provide a public benefit to the Village, as described below.
- B. The underlying zoning district requirements apply, unless an exception is granted as part of the planned unit development and special use approval. Exceptions to district regulations may be granted where it is determined that such modifications do not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or traffic circulation on-site and off-site. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Village. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
1. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and public transit facilities.
 2. Preservation of existing environmental features.
 3. Preservation of historic features.
 4. Open space and recreational amenities such as:
 - a. Swimming pools.
 - b. Tennis courts.
 - c. Recreational open space accessory buildings.
 - d. Jogging trails and fitness courses.
 - e. Playgrounds, dog parks, skate parks, and similar recreational features.
 - f. Natural water features and conservation areas.
 - g. Multi-use trails, nature trails, boardwalks, overlooks, landscaped areas with native plantings, which may incorporate water features, such as a detention pond.
 5. The use of green building and sustainable development techniques, including LEED or LEED-equivalent certification of structures.
 6. Incorporation of storm water management techniques above that required by the development.
 7. Adaptive reuse of existing buildings.
 8. Provision of public car and/or bike share facilities.
 9. A senior housing set-aside, either rental or for-sale.

10. Affordable housing set-aside.

12.5 - PROCEDURE

In addition to the special use standards, the following procedures, requirements, restrictions, and conditions are required. In addition to the special use procedures, approval of a planned unit development includes a pre-application consultation, required concept plan review, preliminary plan approval, and final plan approval. A preliminary plan and a final plan may not be submitted and reviewed simultaneously but must follow the procedures as laid out sequentially in this section.

A. Pre-Application Consultation

1. Prior to formal submittal of an application, a pre-application conference with the Director of Community Development is required.
2. At a pre-application consultation, the applicant must provide information as to the location of the proposed planned unit development, the proposed uses, proposed improvements including the public benefits and amenities, anticipated exceptions to this Ordinance, and any other information necessary to explain the planned unit development.
3. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of concept plan, so that the applicant may determine whether the proposed planned unit development is in compliance with the provisions of this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the Village.
4. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Director of Community Development are in no way binding with respect to any official action that may be taken on the subsequent formal application.

B. Concept Plan

1. Before submitting a formal application for a planned unit development, the applicant must present a concept plan before the Planning and Zoning Board for the purpose of obtaining information and guidance prior to formal application. The concept plan will be presented at a public meeting and no notice is required. At minimum, the concept plan must consist of the following:
 - a. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the planned unit development, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
 - b. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
2. The Planning and Zoning Board will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the Planning and Zoning Board is in no way binding with respect to any official action the Planning and Zoning Board or Village Board may take on the subsequent formal application. The review of the concept plan is not a public hearing.

C. Preliminary Plan

1. Action by Director of Community Development

An application for a preliminary plan for a planned unit development must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

2. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Planning and Zoning Board, the Planning and Zoning Board will consider the

preliminary plan at a public hearing.

- b. The Planning and Zoning Board will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section and the approval standards for a special use. The Planning and Zoning Board must recommend either approval, approval with conditions, or denial of the preliminary plan.
- c. Following the close of the public hearing, the Planning and Zoning Board will forward its recommendation to the Village Board.

3. Action by Village Board

The Village Board will review the preliminary plan within 60 days of receipt of the Planning and Zoning Board recommendation, unless an extension of time is agreed to by the applicant and the Village Board. The Village Board must approve, approve with conditions, or deny the preliminary plan.

4. Conditions

The Planning and Zoning Board may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

5. Approval Standards

The recommendation of the Planning and Zoning Board and decision of the Village Board must make a finding that a preponderance of the special use standards of Section 15 and the following standards for a planned unit development have generally been met.

- a. The proposed planned unit development meets the purpose of a planned unit development as described in Section 12.1.
- b. The proposed planned unit development will not be injurious to the use and enjoyment of other property in the vicinity.
- c. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- d. There is provision for adequate utilities, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- e. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets.
- f. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

6. Expiration

The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within two years after the date the Village Board grants preliminary plan approval. As part of the Village Board approval of the preliminary plan, the Village Board may extend this period of time. An extension of this two years period may also be granted by the Village Board if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

D. Final Plan

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Director of Community Development.

1. Action by Director of Community Development

The Director of Community Development will review the final plan within 30 days of receipt of the complete final plan application and take the following action:

- a. If the final plan is in substantial compliance with the approved preliminary plan, the Director of Community Development will recommend approval of the final plan to the Village Board. The Director of Community Development will certify to the Village Board that the final plan is in substantial conformance with the previously filed preliminary plan.
 - b. If the final plan is not in substantial conformance with the approved preliminary plan, the Director of Community Development must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Director of Community Development with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Director of Community Development render a decision to be forwarded to the Village Board. In such case, the Director of Community Development will recommend to the Village Board that the final plan be denied. If denied, the applicant may reapply by submitting a new preliminary plan.
2. Action by Village Board

Within 60 days of receipt of the Director of Community Development's recommendation, the Village Board must review the final plan. The Village Board must approve or deny the final plan. If denied, the applicant may reapply pursuant to Section 14.1(E) by submitting a new final plan and the validity of the preliminary plan remains in effect.

3. Effect of Approval

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

4. Expiration

The final plan approval expires if a building permit has not been issued within two years after the date the Village Board grants final plan approval. As part of the Village Board approval of the final plan, the Village Board may extend this period of time. An extension of this two year validity period may be granted by the Village Board prior to the expiration date of the approval if the applicant requests an extension in writing prior.

12.6 - APPLICATION SUBMITTAL REQUIREMENTS

A. Preliminary Plan Submittal

The preliminary plan must include the following elements:

1. A legal description of the development, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated, or reserved for public or quasi-public uses.
2. Proof of ownership.
3. A site location map drawn to an appropriate scale showing the proposed planned unit development in relation to surrounding streets and properties located within 600 feet in all directions of the development site. The map must indicate the location, height, and use of all existing structures immediately adjacent to the development site.
4. A site plan drawn to an appropriate scale of no less than 1" = 100' indicating:
 - a. The location, building footprint, height, and approximate dimensions of all existing and proposed structures.
 - b. All proposed uses.
 - c. The dimensions of all yards and the distance between all structures.

- d. The location and dimensions of all pedestrian walkways, driveways, streets, and parking and loading facilities, including parking spaces serving each land use.
 - e. The location of all areas to be conveyed, dedicated, or reserved for open space and/or institutional uses.
 5. Typical building elevations and schematic design presentations indicating the general architectural character of all proposed structures.
 6. A traffic circulation plan indicating the proposed movement of vehicles, bicycles, and pedestrians within the development, and to and from adjacent streets. The plan must also indicate an evaluation of the adequacy of on-site parking facilities, vehicular circulation patterns, and pedestrian and bicycle access and safety.
 7. A drainage plan prepared indicating how surface drainage will be controlled and managed, consistent with all Village and other governmental jurisdictions, regulations, and requirements.
 8. A utilities study indicating the adequacy of the utility systems serving the proposed planned unit development, including water distribution lines, sanitary sewers, and stormwater drainage facilities.
 9. A landscape plan as required per Section 11.
 10. A lighting plan as required per Section 9.2.
 11. A schedule setting forth any proposed exceptions to any Village regulations. This schedule must cite by section number each regulation from which an exception is sought.
 12. A description of the public benefits and amenities to be provided.
 13. A traffic impact analysis indicating the volume of traffic to be generated by the development and proposing any special engineering design features and/or traffic regulation devices needed to ensure efficient and safe traffic circulation to, through, and around the planned unit development.
 14. Proposed commercial planned unit developments should delineate uses. Uses that are classified as 'special uses' will need to be designated as such with the final approval.
- B. Final Plan Submittal
1. A site plan drawn to an appropriate scale of no less than 1" = 100' indicating:
 - a. Final designation of the location, building footprint, height, and exact dimensions of all existing and proposed structures.
 - b. A detailed tabulation of each separate land use, including building footprint area and gross floor area, and where applicable, the total number of residential dwelling units.
 - c. The existing uses and anticipated uses of proposed structures and land by general land use category.
 - d. The dimensions of all yards and the distances between all structures.
 - e. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each land use, and all parking lot landscape.
 - f. The exact location and dimensions of all areas to be conveyed, dedicated, or reserved for open space and/or institutional uses.
 2. All covenants, easements, agreements and other provisions required to govern the use, maintenance, and continued protection of the development.
 3. All plats, certificates, seals, and signatures required for the dedication or vacation of land and/or the recording of the final site plan.
 4. Building elevations and schematic design presentations indicating the final architectural character of all proposed buildings and structures.
 5. A detailed landscape plan indicating the specific location and character of all landscape, including the number, size and species of all trees, shrubs, hedges, and other groundcover, the location, size and type of all screening and fencing.
 6. A final lighting plan indicating the location, height, design, and illumination characteristics of all external lighting fixtures within the development.

7. A detailed utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers, and storm drainage facilities required to serve the development and the manner in which surface drainage will be controlled and managed consistent with all applicable Village and state regulations.
8. A development and construction schedule indicating the following:
 - a. The date when construction of the planned unit development will begin or, if developed in phases, the date when construction of the first phase will begin.
 - b. If the development is to be developed in phases, a map indicating the phases in which the development will be built, the dates when the final plans for all but the first phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - c. The date when construction is anticipated to be completed or, if developed in phases, the date when construction of each phase is anticipated to be completed.
9. A separate schedule setting forth any proposed exceptions to any Village regulations. This schedule must cite by section number each regulation from which an exception is sought.
10. A description of the public benefits and amenities to be provided and during which phase of construction they will be constructed.
11. A letter of credit, cash deposit, or bond equal to 125% of the construction estimate or 110% of accepted contractor bids must be provided for public and common area improvements.

(Ord. No. 2017-58, § 2(Exh. 1), 11-28-17)

12.7 - MODIFICATIONS TO APPROVED FINAL PLANS

No adjustments may be made to the approved final plan, except upon application to the Village in accordance with the following.

A. Administrative Modifications

The Director of Community Development may approve the following administrative modifications to an approved final plan when it is determined by the Director of Community Development that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Director of Community Development, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Planning and Zoning Board. No notice is required for an administrative modification.

1. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
2. Changes in building location of no more than five feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
3. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to 10 feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
4. Interior modifications that do not increase the area of the building footprint.
5. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
6. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
7. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Ordinance.
8. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

B. Minor Modifications

The Planning and Zoning Board may approve the following minor modifications to an approved final plan when it is determined by the Planning and Zoning Board that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning and Zoning Board, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the Village Board. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

1. An increase or decrease in the number of dwelling units of up to 10%.
2. An increase or decrease in building height of up to 10%.
3. An increase or decrease in building coverage up to 10%.
4. An increase or decrease in open space up to 10%.
5. A change of in the location of walkways, vehicle circulation ways, and parking areas between 10 to 20 feet.
6. A change in the location and arrangement of general land use categories within the development, or an increase or decrease of up to 10% in the overall final approved land use mix in any phase.
7. A change or relocation of any rights-of-way.
8. An increase or decrease in the number of parking spaces of up to 10 parking spaces.
9. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
10. Altering any final grade by no more than 20% of the originally planned grade.

C. Major Modifications

1. The Village Board may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
 - a. Any request for an extension of time of the final plan approval.
 - b. Changes to any conditions imposed as part of final plan approval.
 - c. Reductions or alterations in the approved public benefit and amenities to be provided.
 - d. Any development action that does not comply with zoning district regulations.
2. All major modifications to the final plan must be approved by the Village Board. Approval of major modifications will follow the special use process. The Village Board may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted Village land use policies.
3. Upon review of the proposed major modifications, the Village Board may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section.

SECTION 13. - ORDINANCE ADMINISTRATORS

13.1 - DESIGNEES

Certain Village officials within this Section are cited as having powers that may also be administered by a designee, indicated by the language "or his/her designee." The ability to direct powers to a designee applies to the actions of such officials throughout this Ordinance.

13.2 - VILLAGE BOARD

The Village Board has the following powers, pursuant to this Ordinance:

- A. To make final decisions on zoning text and map amendment applications (Section 15.2).
- B. To make final decisions on special use applications (Section 15.3).
- C. To make final decisions on planned unit development applications (Section 12).

13.3 - PLANNING AND ZONING BOARD

Creation. The Planning and Zoning Board is hereby created and is hereby designated as the Planning and Zoning Board referred to in this ordinance.

Membership. The Planning and Zoning Board shall consist of seven members appointed by the President of the Village Board by and with the advice and consent of the Village Trustees. The term shall be for one year. The appointing authority has the power to remove any member of the board for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. All members of the Planning and Zoning Board shall serve as ex-officio members of the Economic Development and Neighborhood Renewal Commission.

Officers and staffing. One of the members so appointed shall be named as Chairperson by the President of the Village Board by and with advice and consent of the Village Trustees. One of the members so appointed shall be named as Vice-Chairperson by the President of the Village Board by and with the advice and consent of the village trustees. In the event of the absence of the Chairperson, the Vice-Chairperson shall act in their place and stead as acting chairperson. The President of the Village Board by and with the advice and consent of the village trustees shall appoint a Secretary from the members.

The commission may, at the discretion of the Village Board of trustees, employ a paid secretary or staff, or both, whose salaries, wages, and other necessary expenses shall be provided for by the Village of Niles from the public funds. If said Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Village Board of trustees and appropriations by the Village Board of trustees therefor.

Meetings. All meetings of the Planning and Zoning Board shall be held at the call of the Chairperson, and at such other times as the Planning and Zoning Board may determine. The Chairperson, or in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All regular meetings of the Planning and Zoning Board shall be open to the public. The Planning and Zoning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every decision upon which the Planning and Zoning Board is required to act under this ordinance shall be a public record. The commission shall keep written records of its proceedings, which shall be open at all times to public inspection.

Jurisdiction and authority. In the absence of an appointment of a Board of Appeals under the provisions of the ordinances of the Village of Niles to perform the function of such Board of Appeals and to have all of the powers incidental thereto, the Planning and Zoning Board is hereby invested with the following jurisdiction and authority:

- (a) To hear and decide variations from the terms provided in this ordinance in the manner set forth in the applicable statutes of the State of Illinois and subject to the standards set forth in this section (15.4); and
- (b) To hear and decide appeals from any order, requirement, decision, or determination made by the Director of Community Development under this ordinance (15.9);
- (c) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

Additionally, in the absence of an appointment of a Plan Commission under the provisions of the ordinances of the Village of Niles to perform the function of such Plan Commission and to have all of the powers incidental thereto, the Planning and Zoning Board is hereby invested with the following jurisdiction and authority:

- (d) To make recommendations to the Village Board on zoning text and map amendment applications (Section 15.2).
- (e) To make recommendations to the Village Board on special use applications (Section 15.3)
- (f) To make recommendations to the Village Board on planned unit development applications (Section 12).

Additionally, the Planning and Zoning Board is hereby invested with the following jurisdiction and authority:

- (g) To initiate, direct, and review, from time to time, studies of the provisions of this ordinance and to make reports of its recommendations to the Village Board;
- (h) To recommend to the Village Board of trustees of the Village of Niles, the subdivision or consolidation of any lot(s).
- (i) At any time or times, before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within 1½ miles from the corporate limits of the Village of Niles. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds, and filing of said plan and ordinances, including the official map, with the village clerk shall be complied with as provided for by law. No map or plat of any subdivision or resubdivision presented for record affecting land within the corporate limits of the Village of Niles or within contiguous territory which is not more than 1½ miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, streetlights, public grounds, size of lots to be used for residential purposes, storm[water] and floodwater runoff channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances, including the official map.
- (j) In order to make adequate provisions for the preparation of a comprehensive village plan for the guidance, direction and control of the growth and development or redevelopment of the Village of Niles and contiguous territory not more than 1½ miles beyond the corporate limits and not included in any municipality, the Planning and Zoning Board for the Village of Niles is hereby invested with the following powers under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended:
 - i. To prepare and recommend to the Village Board of Trustees of the Village of Niles, a comprehensive plan for the present and future development or redevelopment of said village and contiguous unincorporated territory not more than 1½ miles beyond the corporate limits of said village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of the Village of Niles. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board of trustees. All requirements for public hearing, filing of notice of adoption with the county recorder of deeds and filing of said plan and ordinances with the municipal clerk shall be complied with as provided by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the Village of Niles and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways, for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.
 - ii. To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.
 - iii. To recommend to the Village Board of Trustees of the Village of Niles, from time to time, such changes in the comprehensive plan, or any part thereof, as may be deemed necessary.
 - iv. To prepare and recommend to the Village Board of trustees, from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.
 - v. To give aid to the officials of the Village of Niles charged with the direction of projects for improvements embraced within the official plan, or parts thereof, to further the making of such improvements and generally

to promote the realization of the official comprehensive plan.

- vi. To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- vii. To cooperate with the municipal or regional planning commissions and other agencies or groups to further the local planning program and to ensure harmonious and integrated planning for the area.
- viii. To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the Village Board of Trustees of the Village of Niles.

Decisions.

- (a) All final decisions on variations arrived at by the Planning and Zoning Board as provided in Section 15.4 shall require a majority vote of all its members and shall be subject to judicial review in accordance with applicable statutes of the State of Illinois.
- (b) All final decisions of appeals from decisions of the Director of Community Development arrived at by the Planning and Zoning Board as provided in Section 15.9 shall require a majority vote of all its members and shall, in all instances, be final administrative determinations subject to judicial review in accordance with applicable statutes of the State of Illinois.

(Ord. No. 2018-23, § 1, 5-22-18)

13.4 - DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of Community Development may designate one or more Village staff persons to act as the Director of Community Development; however, a zoning decision may only be rendered once. The Director of Community Development, or his/her designee, has the following powers, pursuant to this Ordinance:

- A. To make final decisions on administrative exception applications (Section 15.5).
- B. To make final decisions on site plan review applications (Section 15.6).
- C. To make final decisions on zoning interpretation applications (Section 15.7).
- D. To make final decisions on temporary use permit applications (Section 15.8).
- E. To receive and forward zoning applications as required by this Ordinance to the Planning and Zoning Board, Village Board, or Village official, as appropriate.
- F. To maintain permanent and current records as required by this Ordinance.
- G. To maintain and make available the Village's Official Zoning Ordinance and Zoning Map, and all permanent and current records required by this Ordinance.
- H. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.
- I. To make decisions on matters set forth herein assigned to the Director of Community Development.

SECTION 14. - APPLICATION PROCEDURES

14.1 - APPLICATION

- A. Filing and Pre-Application Conference
 - 1. All zoning applications must be filed with the Director of Community Development. The application must be on forms provided by the Village and filed in such quantity as required by the instructions.
 - 2. Prior to formal submittal of an application, the applicant may request a pre-application conference with the Director

of Community Development. The purpose of a pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the formal application.

B. Completeness

1. An application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Director of Community Development will examine all applications within 30 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Director of Community Development will reject the application and provide the applicant with the reasons for the rejection. The Director of Community Development will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.
4. Once the application is under consideration by the appropriate body, additional information, or revisions are not subject to this provision.

C. Fees

Each application must be accompanied by the required filing fee as set forth in Appendix D in the Village Code. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the Village Board or Planning and Zoning Board, then all fee requirements are considered waived.

D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled by a board or official. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

E. Consideration of Successive Applications

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration. The Director of Community Development will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Director of Community Development finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

14.2 - NOTICE

A. Required Notice

Table 14-1: Required Notice indicates the types of notice required for zoning applications.

Table <u>14-1</u>: Required Notice	
Zoning Application	Notice Type

	Published	Mailed (First Class)	Posted On Property
Zoning Text Amendment Notice for Public Hearing	X		
Zoning Map Amendment Notice for Public Hearing	X	X	X
Special Use Notice for Public Hearing	X	X	X
Variation Notice for Public Hearing	X	X	X
Administrative Exception Notice of Decision Date		X	
Zoning Appeals Notice for Public Hearing	X		

B. Published Notice

When published notice is required, the Director of Community Development will publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.

C. Mailed Notice

1. General Requirements

The following mailed notice requirements apply to all applications cited in Table 14-1: Required Notice as requiring notice for a public hearing.

- a. Written notice will be mailed by the Village via First Class mail no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 250 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the Village, notification must also be mailed to the owner of the subject property.
- b. Nothing in this section is intended to prevent the applicant or the Village from giving additional notice as he/she may deem appropriate.

2. Administrative Exception Mailed Notice

- a. For administrative exceptions, written notice will be mailed by the Village to owners of property within 150 feet of the subject property no less than 15 and no more than 30 days in advance of the date of when the Director of Community Development will make a decision.
- b. If a noticed property owner objects to the administrative exception prior to the date indicated on the notice, the application is then considered a variation and subject to the variation notice requirements, including any

additional notice fees.

D. Posted Notice

When posted notice is required, it must be located on the subject property in accordance with the following provisions:

1. The required posting period must be no less than 15 days and no more than 30 days in advance of the scheduled hearing date. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign visible on each street frontage. Posted signs may be removed the day following the scheduled hearing date.
2. The Village will install and maintain the sign during the required posting period.

14.3 - PUBLIC HEARING

A. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

B. Conduct of the Public Hearing

The public hearing must be conducted in accordance with all applicable requirements of Illinois law and the rules and regulations of the body conducting the hearing. The general procedure for public hearings is as follows:

1. All persons offering testimony at a public hearing must testify under oath. All persons wishing to testify at the public hearing must state for the record his/her name and address. Interested parties may appear for themselves or be represented by a person of their choosing. Written statements will be accepted prior to the hearing to be entered into the public hearing record.
2. The applicant presents testimony regarding the petition and associated applications. The application and any accompanying exhibits will be identified and made part of the record.
3. Questions are directed to the applicant by the body conducting the hearing.
4. An interested party may appear at a hearing and submit evidence. An interested party wishing to ask questions of a witness may, at the time indicated by the Chair, direct questions to the witness. All persons shall state his/her name and address before questioning a witness. This opportunity for questioning a witness shall not be used by the questioner to offer testimony or evidence.
5. Follow-up questions and discussion of evidence gathered by the body conducting the hearing.
6. The body conducting the hearing will close that portion of the public hearing in regard to receiving testimony and evidence. Following close of the hearing, the body conducting the hearing will deliberate. The hearing body shall keep minutes of its proceedings that show the vote of each member of the hearing body on the application, or if absent, or failing to vote, indicating that fact. The hearing body will keep records of its hearings and its evaluation of standards.

C. Continuances

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that is required for the initial public hearing.

SECTION 15. - ZONING APPLICATIONS

15.1 - GENERAL REQUIREMENTS

- A. All applications must be submitted in accordance with Section 14.1.
- B. All notice for public hearings or meetings must meet the requirements of Section 14.2.
- C. All public hearings must be conducted in accordance with Section 14.3

15.2 - ZONING TEXT AND MAP AMENDMENT

A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Initiation

- 1. The Village Board, the Planning and Zoning Board, or a property owner in the Village, or his/her designee, may propose a zoning text amendment.
- 2. The Village Board, the Planning and Zoning Board, or a property owner in the Village, or his/her designee, may propose zoning map amendments.

C. Authority

The Village Board, after receiving a recommendation from the Planning and Zoning Board, will take formal action on requests for zoning text or map amendments.

D. Procedure

All applications must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board. Amendments initiated by the Village Board or the Planning and Zoning Board also require an application, but are exempt from fees.

1. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development, the Planning and Zoning Board will consider the proposed zoning amendment at a public hearing.
- b. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. For zoning text amendments, the Planning and Zoning Board must recommend approval, approval with conditions, or denial of the application. For zoning map amendments, the Planning and Zoning Board must recommend approval or denial of the application.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Board must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

2. Action by Village Board

The Village Board will review the proposed amendment within 60 days of receipt of the Planning and Zoning Board recommendation, unless an extension of time is agreed to by the applicant and the Village Board. The Village Board may take action in the form of approval, approval with conditions, or denial on applications for zoning text amendments, and approval or denial on applications for zoning map amendments, remand the issue back to the Planning and Zoning Board for further consideration, or table the discussion until a future meeting of the Village Board.

E. Approval Standards

The Planning and Zoning Board recommendation and the Village Board decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Planning and Zoning Board and the Village Board must consider the following standards. The approval of amendments is based on a balancing of these standards.

1. Approval Standards for Map Amendments

- a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- b. The compatibility with the existing use and zoning of nearby property.
- c. The extent to which property values of the subject property are diminished by the existing zoning.
- d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- e. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- f. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.
- g. The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.
- h. That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.
- i. The extent to which the proposed amendment creates nonconformities.
- j. The trend of development, if any, in the general area of the property in question.
- k. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

2. Approval Standards for Text Amendments

- a. The consistency of the proposed amendment with the Comprehensive Plan.
- b. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- c. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.
- g. The extent to which the proposed amendment creates nonconformities.
- h. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

F. Written Protest of Amendment

Written protest of an amendment may be filed in accordance with Illinois state law (65 ILCS 5/11-13-14).

15.3 - SPECIAL USE

A. Purpose

This Ordinance is based upon the division of the Village into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the Village, or his/her designee, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

The Village Board, after receiving a recommendation from the Planning and Zoning Board, will take formal action on special use applications.

D. Procedure

An application for a special use must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

1. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development, the Planning and Zoning Board will consider the special use at a public hearing.
- b. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Board must recommend either approval, approval with conditions, or denial of the special use.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Board must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

2. Action by Village Board

The Village Board must act on the special use within 60 days of receipt of the Planning and Zoning Board recommendation. The Village Board may take action in the form of approval, approval with conditions, or denial of the special use, remand the issue back to the Planning and Zoning Board for further consideration, or table the discussion until a future meeting of the Village Board

3. Conditions on Special Uses

The Planning and Zoning Board may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as may be deemed necessary for the protection of the public health, safety, and welfare. The Village Board may require such guarantees, as it may deem necessary, to assure compliance with any stipulated conditions.

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Planning and Zoning Board and decision of the Village Board must be based on findings to support each of the following conclusions:

1. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance, the adopted Comprehensive Plan and other adopted Village land use policies.
2. The proposed special use will not endanger the public health, safety, or welfare.

3. The proposed special use is compatible with the general land use of adjacent properties and other property within the vicinity.
 4. The proposed special use is deemed necessary for the public convenience at the proposed location.
- F. Modifications to Approved Special Uses
- Any modifications to the conditions of approval for a previously approved special use must be resubmitted as a new special use application. Any modifications that meet Ordinance standards are permitted, subject to the regulations of this Ordinance.
- G. Expiration
1. A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending:
 - a. When an approved special use is changed to another use.
 - b. For special uses approved in conjunction with new construction or additions or enlargements to an existing structure, the special use approval expires within one year of the date of approval if a building permit has not been issued, subject to 2. below.
 - c. For special uses approved in conjunction with an existing structure or on a lot where no structure is planned, the special use approval expires within one year of the date of approval if the structure or site have remained vacant or if the special use has not commenced, subject to Section '2' below.
 - d. For special uses approved in conjunction with a preliminary plan for a planned unit development, the special use approval expires in conjunction with the preliminary plan expiration.
 2. In the event that a lawsuit or other legal challenge is filed against an approved special use permit, the calculation of the one-year time limit for the expiration of that special use is suspended from the date the lawsuit or legal challenge is filed until a final decision, after any and all appeals, is rendered.
- H. Revocation
1. A special use permit may be revoked for cause by the Village Board of Trustees, after a public hearing held in front of the Planning and Zoning Board.
 2. Notice of the public hearing shall be provided in writing to the owner of the property no fewer than 15 days and no more than 30 days before the public hearing.
 3. The owner of the property shall be given the opportunity to discuss the proposed revocation of the special use permit at the public hearing.
 4. The decision of the Village Board regarding the revocation of a special use permit shall be final and may not be appealed to the corporate authorities and/or to any other Village body.

(Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

15.4 - VARIATION

A. Purpose

The purpose of the variation process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create particular hardships, usually as a modification to a dimensional or quantitative requirement of the zoning ordinance.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may file an application for a variation. A property owner, or his/her designee, may only propose a variation for property under his/her control.

C. Authority

The Planning and Zoning Board will take formal action on variation applications. However, the Director of Community Development is authorized to grant certain administrative exceptions, as described in Section 15.5 (Administrative Exceptions).

D. Procedure

All applications must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

1. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development, the Planning and Zoning Board will consider the variation at a public hearing.
- b. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Board must either approve, approve with conditions, or deny the variation, unless an extension is agreed to by the applicant.

2. Conditions

- a. The Planning and Zoning Board may impose such conditions and restrictions upon the variation as may be deemed necessary for the protection of the public health, safety, and welfare.
- b. The Planning and Zoning Board may grant a variation that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the variation application.

E. Approval Standards

The decision of the Planning and Zoning Board must be based on findings to support the following conclusions. No single standard is controlling and a recommendation will be made based on the cumulative weight of the evidence submitted.

- a. The strict application of the terms of this Ordinance will result in undue hardship, as distinguished from a mere inconvenience, unless the specific relief requested is granted.
- b. The variation, if granted, will not alter the essential character of the locality.
- c. The plight of the owner is due to unique circumstances inherent to the subject property, related to the particular physical surroundings, shape, or topographical conditions of the specific property, and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

F. Expiration of Variation

An approved variation will expire one year from the date of approval unless a building permit is obtained or applied for within such period. Variations which do not entail a building permit, such as parking variations, expire when the use for which the parking variation was granted is discontinued. The Director of Community Development may grant an extension for a period of validity longer than one year, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

15.5 - ADMINISTRATIVE EXCEPTION

A. Purpose

The purpose of the administrative exception is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

B. Initiation

A property owner in the Village, or his/her designee, may file an application for an administrative exception. A property owner may only propose an administrative exception for property under his/her control.

C. Authority

The Director of Community Development is authorized to grant certain administrative exceptions, as defined below. Only those items listed below are eligible for an administrative exception; all other requests for relief are variations (Section 15.4).

1. A reduction in any required district lot width or lot area standard of no more than 10%.
2. A reduction in any required district dimensional standard of no more than 10%.
3. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
4. A reduction in required bicycle parking of up to 25%.

D. Procedure

1. Action by Director of Community Development

- a. All applications must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will consider an application for an administrative exception. Notice is required in accordance with Section 14.2.
- b. The Director of Community Development must review and evaluate the complete administrative exception application, pursuant to the standards of this section. The Director of Community Development may also decide that the administrative exception, even if it meets the thresholds of this section, is, by its nature, a variation and may resubmit the application to the Planning and Zoning Board as a variation, in accordance with the requirements of Section 15.4. No additional fees are required with the exception of additional fees for notice.
- c. The Director of Community Development must render a decision within 15 days of the date listed on the required notice and either approve, approve with conditions, or deny the application.
- d. If the Director of Community Development fails to act within 15 days, the administrative exception may be resubmitted to the Planning and Zoning Board as a variation, in accordance with the requirements of Section 15.4. No additional fees are required with the exception of additional fees for notice.
- e. If a noticed property owner objects to the administrative exception application in writing, prior to the date indicated on the notice that the Director of Community Development may render a decision, the application must be resubmitted as a variation, in accordance with the requirements of Section 15.4. No additional fees are required with the exception of additional fees for notice.

2. Conditions on Administrative Exceptions

- a. The Director of Community Development may impose such conditions and restrictions upon the administrative exception as may be deemed necessary for the protection of the public health, safety, and welfare.
- b. The Director of Community Development may grant an administrative exception that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

E. Approval Standards

The decision of the Director of Community Development must include findings to support the following conclusions:

- a. The strict application of the terms of this Ordinance will result in undue hardship unless the specific relief requested is granted.
- b. The particular physical surroundings, shape or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to

be carried out.

- c. The plight of the owner is due to unique circumstances inherent to the subject property and not from the personal situation of the owner and has not been created by any person presently having a proprietary interest in the property in question.

F. Expiration

An approved administrative exception will expire one year from the date of approval unless a) a building permit is obtained; b) a use which does not require a building permit is commenced; or c) a subdivision is applied for within such period. The Director of Community Development may grant an extension for a period of validity longer than one year, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration.

15.6 - SITE PLAN REVIEW

A. Purpose

The site plan review process is intended to promote orderly development and redevelopment in the Village, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with Village's adopted Comprehensive Plan and other land use policies, and promotes the public health, safety, and welfare of the Village. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of land uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of storm water management and sustainable design techniques.

B. Authority

The Director of Community Development will designate Village staff as he/she deems appropriate, to conduct site plan review as required by this Section.

C. Required Site Plan Review

No zoning approval or building permit may be issued until site plan approval has been granted. In addition, all other requirements of all other applicable Village codes and ordinances must be met. Site plan review and approval is required for the following developments:

1. All special uses.
2. Any new construction. Single-family and two-family dwellings are exempt from this requirement.
3. As of the effective date of this Ordinance, additions to existing townhouse, multi-family, non-residential, and mixed-use that increases the total floor area by 10% or more.
4. Parking structures and parking lots of 15 or more spaces.
5. Decks proposed in the R-3 or R-4 zoning districts
6. The reduction in the number of off-street parking spaces through a Shared Parking arrangement as provided in Section 10.1(G).

D. Procedure

1. Applications for site plan review must be submitted to the Director of Community Development. The Director of Community Development may convene a technical review group comprised of Village staff to review the application.
2. The Director of Community Development must begin the review of the site plan within 30 days of the date the application is deemed complete. The Director of Community Development must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the site plan.
3. If the Director of Community Development approves the site plan subject to certain conditions, all plans and drawings to be submitted as part of the application for a building permit or zoning approval must include those conditions.
4. If the Director of Community Development denies site plan approval, the applicant may appeal the decision to the

Planning and Zoning Board within 30 days of the date of the final decision.

5. The Director of Community Development may require the petitioner to provide copies of site plan review submittals to the Planning and Zoning Board.

E. Approval Standards

The following will be evaluated in the review of site plans:

1. Conformity with all the regulations of this Ordinance and any other applicable regulations of the Village Code, and the Village's Comprehensive Plan and adopted land use policies.
2. The location, arrangement, size, design, and general site compatibility of all structures, lighting, and signs to ensure:
 - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
 - b. Compatibility with and mitigation of any potential impact upon adjacent property.
 - c. Lighting designed and installed to minimize adverse impact on adjacent properties.
 - d. Signs in conformance with the sign ordinance
3. Landscape and the arrangement of open space or natural features on the site should:
 - a. Create a desirable and functional open space environment for all site users.
 - b. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
 - c. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the Village and microclimate of the site. The use of species native or naturalized to northeastern Illinois is encouraged.
 - e. Use of screening to minimize the impact of the development on adjacent uses and mitigate impacts between incompatible uses, creating a logical transition to adjoining lots and developments.
4. Circulation systems and off-street parking designed to:
 - a. Provide adequate and safe access to the site for motor vehicles as well as other modes of transportation, including pedestrians, bicyclists, and public transit users.
 - b. Minimize potentially dangerous traffic movements.
 - c. Minimize curb cuts, including the use of cross-access easements and shared parking.
 - d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is safe, visible, and identifiable.
 - e. Create parking accommodations for bicycles.
 - f. Accomplish Village goals for pedestrian, bicycle, and transit improvements.

F. Modifications to Approved Site Plans

1. An application for an amendment to an approved site plan must be submitted to the Director of Community Development. Amendment applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Director of Community Development may approve the following minor modifications to approved site plans:
 - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
 - b. Exterior renovations to a building façade.
 - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
 - d. The construction of additional bicycle or parking spaces.
 - e. The addition of any open space.

- f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
 - g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and is in conformance with all landscape requirements.
 - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the sign ordinance.
3. The Director of Community Development must approve or deny the proposed site plan modifications within 30 days of receipt of a complete application. The Director of Community Development may decide that the proposed change or changes to the approved site plan is such a significant change that it constitutes a new application and is subject to the complete site plan review provisions of this Section.

15.7 - ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Initiation

The Village Board, the Planning and Zoning Board, or a property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a zoning interpretation application. All interpretation requests must be for the purpose of furthering some actual development

C. Authority

The Director of Community Development will review and make final decisions on written requests for zoning interpretations.

D. Procedure

1. All applications for interpretations must be filed with the Director of Community Development.
2. The Director of Community Development must review a written request for an interpretation and render the interpretation in writing within 30 days of receipt of a complete application.
3. The Director of Community Development may request additional information prior to rendering an interpretation. Until such additional material is received, the 30 day period described in item 2 above is temporarily suspended.

15.8 - TEMPORARY USE PERMIT

A. Purpose

A temporary use permit allows for the short-term use and/or placement of structures on a lot. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public right-of-way are regulated separately by the Village Code.

B. Initiation

A property owner in the Village, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application

C. Authority

The Director of Community Development will review and make final decisions on temporary use permit applications.

D. Procedure

1. All applications for temporary use permit must be filed with the Director of Community Development.
2. The Director of Community Development must render a decision on the temporary use permit within 30 days of the

date of receipt of a complete application. The Director of Community Development must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

E. Approval Standards

All temporary uses must comply with the requirements of this Ordinance, including the temporary use standards of Section 8, and the following standards:

1. Unless expressly allowed by this Ordinance, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
2. The temporary use does not adversely impact the public health, safety, and welfare.
3. The temporary use is operated in accordance with any restrictions and conditions as the Police and Fire Department, or other Village officials, may require.
4. The temporary use does not conflict with another previously authorized temporary use.
5. The temporary use provides adequate parking if needed. If located on a lot with an operational principal use, does not impact the parking and site circulation of the principal use.
6. If upon review, the Director of Community Development finds that an application for a temporary building or structure has an adverse aesthetic, environmental, health, safety or architectural negative impact, the Director may deny the issuance of the permit.

F. Expiration

The temporary use permit is valid for the time period granted as part of the approval.

(Ord. No. 2018-29, § 2(Exh. 1), 6-26-18)

15.9 - ZONING APPEALS

A. Purpose

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Director of Community Development

B. Initiation

A property owner in the Village that is directly affected by a determination of the Director of Community Development may file an appeal of the Director of Community Development's decision on an administrative exception, site plan review, zoning interpretation, temporary use permit, or other administrative decision related to this Ordinance.

C. Authority

The Planning and Zoning Board will take formal action on zoning appeal applications.

D. Procedure

All applications must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

1. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development the Planning and Zoning Board will consider the appeal at a public hearing.
2. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing.
3. Within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant, the Planning and Zoning Board must either confirm or overturn the Director of Community Development's decision.

E. Limitations on Zoning Appeals

A decision of the Director of Community Development may only be appealed if an application is filed within 30 days of the date the decision is made.

15.10 - PARKING CREDITS

A. Purpose

The purpose of the parking credit process is to provide a means by which the Village may determine if sufficient parking exists for certain uses proposed within multi-tenant retail centers—as defined in Section 10.4(F).

B. Initiation

Only a property owner in the Village or his/her designee may file an application for parking credits.

C. Authority

The Planning and Zoning Board will take formal action on parking credit applications.

D. Procedure

All applications must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

1. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development, the Planning and Zoning Board will consider the request for parking credits at a public hearing.
- b. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Board must either approve, approve with conditions, or deny the request for parking credits, unless an extension is agreed to by the applicant.

2. Conditions

- a. The Planning and Zoning Board may impose such conditions and restrictions upon the parking credits as may be deemed necessary for the protection of the public health, safety, and welfare.

E. Approval Standards

The decision of the Planning and Zoning Board must be based on findings to support the following conclusions. No single standard is controlling and a recommendation will be made based on the cumulative weight of the evidence submitted.

- a. Credits may be given against required off-street parking whenever it can be demonstrated that, by virtue of the peculiar operating characteristics of a group of different land-uses within a multi-tenant retail center, joint utilization of off-street parking spaces will not result in a parking deficiency for any particular use.
- b. In each case, detailed data and supporting information to document the proposed parking credit must be furnished to the Niles Planning and Zoning Board which for their review and consideration.

15.11 - UNIQUE USE

A. Purpose

Applications for a unique use of property may be granted in accordance with this section for a use which is not expressly enumerated as a permitted, special, temporary or accessory use or not provided for, considered or contemplated at the adoption of this ordinance.

B. Initiation

Only a property owner in the Village or his/her designee may file an application for unique use.

C. Authority

The Village Board, after receiving a recommendation from the Planning and Zoning Board, will take formal action on unique use applications.

D. Procedure

An application for a unique use must be filed with the Director of Community Development. Once it is determined that the application is complete, the Director of Community Development will schedule the application for consideration by the Planning and Zoning Board.

1. Action by Planning and Zoning Board

- a. Within 60 days of receipt of a complete application, unless an extension of time is agreed to by the applicant and the Director of Community Development, the Planning and Zoning Board will consider the unique use at a public hearing.
- b. The Planning and Zoning Board must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Planning and Zoning Board must recommend either approval, approval with conditions, or denial of the unique use.
- c. Within 60 days of the close of the public hearing, the Planning and Zoning Board must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.

2. Action by Village Board

The Village Board must act on the unique use within 60 days of receipt of the Planning and Zoning Board recommendation. The Village Board may take action in the form of approval, approval with conditions, or denial of the unique use, remand the issue back to the Planning and Zoning Board for further consideration, or table the discussion until a future meeting of the Village Board

3. Conditions on Unique Uses

The Planning and Zoning Board may recommend, and the Village Board may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the unique use as may be deemed necessary for the protection of the public health, safety, and welfare. The Village Board may require such guarantees, as it may deem necessary, to assure compliance with any stipulated conditions.

E. Approval Standards

Each unique use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Applicants shall have the burden of presenting clear and convincing evidence that the unique use satisfies the standards and criteria enumerated in this section. Such evaluation will determine whether approval of the unique use is appropriate at the particular location and in the particular manner proposed. The recommendation of the Planning and Zoning Board and decision of the Village Board must be based on findings to support each of the following conclusions:

1. The unique use in the specific location proposed is consistent with the spirit and intent of this Ordinance, the adopted Comprehensive Plan and other adopted Village land use policies.
2. The proposed unique use will not endanger the public health, safety, or welfare.
3. The proposed unique use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
4. The applicant for a unique use has proof of special and extraordinary need for the unique use, including proof of unique characteristics of the subject property, proposed use, and surrounding neighborhood.
5. The applicant for a unique use has proof that the unique use will be an affirmative benefit to the surrounding properties and neighborhood from a land use and economic standpoint.

F. Modifications to Approved Unique Uses

Any modifications to the conditions of approval for a previously approved unique use must be resubmitted as a new unique use application. Any modifications that meet Ordinance standards are permitted, subject to the regulations of this Ordinance.

G. Expiration

1. A unique use approval expires if any one of the following conditions occurs and no request for an extension of the unique use approval is pending.
 - a. When an approved unique use is changed to another use.
 - b. For unique uses approved in conjunction with new construction or additions or enlargements to an existing structure, the unique use approval expires within one year of the date of approval if a building permit has not been issued or if the use is not commenced, subject to 2. below.
 - c. For unique uses approved in conjunction with an existing structure or on a lot where no structure is planned, the unique use approval expires within one year of the date of approval if the structure or site have remained vacant or if the use is not commenced, subject to 2. below.
 - d. For unique uses approved in conjunction with a preliminary plan for a planned unit development, the unique use approval expires in conjunction with the preliminary plan expiration.
2. In the event that a lawsuit or other legal challenge is filed against an approved unique use permit, the calculation of the one-year time limit for the expiration of that unique use is suspended from the date the lawsuit or legal challenge is filed until a final decision, after any and all appeals, is rendered.

SECTION 16. - NONCONFORMITIES

16.1 - GENERAL APPLICABILITY

A. Authority to Continue

Any structure, lot, or use that legally existed as a nonconformity as of the effective date of this Ordinance, and any structure, lot, or use that has been made nonconforming as of the effective date of this Ordinance, and any subsequent amendments, may continue subject to the provisions of this Section so long as it remains otherwise legal.

B. Burden on Property Owner

The burden of establishing the legality of a nonconformity under the provisions of this Ordinance is the responsibility of the property owner of the nonconforming structure or lot, or the operator of the nonconforming use.

C. Safety Regulations

All police power regulations enacted to promote public health, safety, and welfare including, but not limited to, all building, fire, and health codes, apply to nonconformities.

16.2 - NONCONFORMING USE

A. Definition

A nonconforming use is the use of a structure or lot that at one time was an allowed use within a zoning district, but because of subsequent amendments to the Ordinance is no longer allowed.

B. Expansion

A nonconforming use of a structure or lot cannot be expanded, extended, enlarged, or increased in intensity. Such prohibited activity includes additions or enlargements of any structure devoted to a nonconforming use that increases the intensity of a nonconforming use, and any expansion, extension, or relocation of a nonconforming use to any additional floor area, any lot area currently not occupied by such nonconforming use, or any other structure on the lot.

C. Relocation

A nonconforming use of a structure or lot cannot be relocated, in whole or in part, to any other location on the same lot. The nonconforming use may only be relocated to another structure or lot if the use conforms to all regulations of the zoning district where it is relocated.

D. Change of Use

A nonconforming use cannot be changed to any use other than one allowed within the zoning district where it is located. When a nonconforming use has been changed, in whole or in part, to an allowed use, the whole or part that conforms cannot be changed back to the nonconforming use. A change of use occurs when an existing nonconforming use has been terminated and another use has commenced. Any change in use in violation of this Ordinance is deemed an abandonment of the previously existing nonconforming use.

E. Discontinuation or Abandonment

If a nonconforming use is discontinued or the structure or lot that it occupies becomes vacant and remains unoccupied for a continuous period of 180 days, the nonconforming use is deemed abandoned and cannot be reestablished or resumed regardless of intent. Any subsequent use of such structure or lot must comply with all regulations of the zoning district in which the structure or lot is located. A period of discontinuance caused by acts of God or other events without any contributing fault by the user are not included in calculating the length of discontinuance for this section.

F. Damage or Destruction

In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed, the following apply.

1. If the structure prior to the damage or destruction complied with all standards of this Ordinance:
 - a. In the event that any structure containing a nonconforming use is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the nonconforming use may not be re-established.
 - b. When such a structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, then the nonconforming use may be re-established provided that no new nonconformities are created. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within one year of the date of damage or destruction. In the event that the building permit is not obtained within one year, then the nonconforming use cannot be re-established.
 - c. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Village.
2. If the structure prior to the damage or destruction was a nonconforming structure:
 - a. The provisions of item 1 apply in terms of permitting the re-establishment of the nonconforming use.
 - b. The provisions of Section 16.3 apply to reconstruction of a nonconforming structure.

16.3 - NONCONFORMING STRUCTURE

A. Definition

A nonconforming structure is a principal or accessory structure that at one time conformed to applicable zoning regulations, but because of subsequent amendments to the Ordinance no longer conforms to applicable dimensional regulations. However, certain structures are considered site elements, such as fences and exterior lighting, and are regulated by Section 16.5.

B. Maintenance

Normal maintenance and incidental repair may be performed on any nonconforming structure. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

C. Structural Alterations

Structural alterations are permitted on nonconforming structures in the following situations:

1. When the alteration is required by law or is necessary to restore the structure to a safe condition upon the order of any official charged with protecting public safety.
2. When the alteration will eliminate the nonconformity.
3. When the alteration will not create any new nonconformity or increase the degree of any existing nonconformity. (For example, if a structure is nonconforming in terms of the required front setback in that it does not meet the required minimum, the structure may add a rear addition if it meets all other dimensional regulations of the district.)

D. Relocation

A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same lot unless such relocation would make the structure conforming. A nonconforming structure may be relocated to another lot if the structure conforms to all regulations of the zoning district where it is relocated.

E. Damage or Destruction

1. In the event that any nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement value at the time, then the structure may not be restored or rebuilt unless the structure, including foundation, conforms to all regulations of the zoning district in which it is located.
2. When such a structure is damaged or destroyed to the extent of less than 50% of the replacement value at the time, it may be repaired and reconstructed provided that no new nonconformities are created and that the existing degree of the nonconformity is not increased. A building permit must be obtained for such rebuilding, restoration, repair, or reconstruction within eighteen (18) months of the date of damage or destruction. In the event that the building permit is not obtained within eighteen (18) months, then the structure cannot be restored unless it conforms to all regulations of the district in which it is located.
3. The replacement value of the structure is based on: 1) the sale of that structure within the previous year or, if that is not applicable; 2) an appraisal within the last two years or, if that is not available; 3) the amount for which the structure was insured prior to the date of the damage or destruction; or, 4) an alternative method determined acceptable by the Village.

F. Extension of Walls for Nonconforming Single-Family and Two-Family Dwellings

Where a single-family or two-family dwelling is deemed nonconforming because of encroachment into the required interior side or rear yard by 20% or less of that required by the district, the structure may be enlarged or extended vertically or horizontally along the same plane as defined by the existing perimeter walls, so long as the resulting structure does not increase the degree of the existing nonconformity or otherwise violate this Ordinance.

16.4 - NONCONFORMING LOT OF RECORD

A. Definition

A nonconforming lot of record is a lot of record that at one time conformed to the lot dimension requirements of the zoning district in which it is located, but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions.

B. Use

1. Individual Nonconforming Lots of Record in Residential Districts.

In residential districts, a single family dwelling may be constructed and maintained on a lot which is nonconforming as to minimum lot area and/or minimum lot width, if the lot was of record on the date of the adoption of the Village of Niles zoning ordinance—December 1, 1936, was in separate ownership on the effective date of this Title, and conforms to all other requirements of the zoning district in which it is located.

2. Nonconforming Lots of Record Held in Common Ownership in Residential Districts.

If on the date of the adoption of the Village of Niles zoning ordinance—December 1, 1936, there are two (2) or more lots of record with contiguous frontage in single ownership, and one or more of the lots is non-conforming as to the minimum lot area and/or minimum lot width, the lots shall be considered to be a single undivided parcel for the purposes of this Title.

A) No portion of said single undivided parcel shall be conveyed which does not meet the lot width and lot area requirements established by this Title. No division of said undivided parcel shall be made which leaves the remaining lot(s) with lot width or lot area below the requirements of this Title.

a. No building permit shall be issued for the use of any lot or portion of a lot, transferred or conveyed in violation of this Section.

B) The entirety of said undivided parcel shall be treated as a non-conforming lot per section 1 above.

3. A nonconforming lot of record in a non-residential district may be used for any permitted or special use allowed in the district so long as it complies with all other dimensional requirements of the district.

C. Development

Development of a nonconforming lot of record must meet all applicable dimensional regulations of the district in which it is located.

D. Common Ownership Limitation

1. If two or more abutting lots of record have contiguous frontage in common ownership as of the effective date of this Ordinance and one or more of the lots does not meet the requirements for lot area or width as established by this Ordinance, the abutting lots involved are considered to be a single zoning lot for the purposes of this Ordinance.

2. No portion of such zoning lot as described in item 1 can be used, transferred, or conveyed if it does not meet the lot width and lot area requirements established by this Ordinance. No division of such zoning lot as described in item 1 is permitted which will leave one or more lots of record resulting from such division nonconforming.

3. No building permit will be issued for the use of any lot, or portion of a lot, transferred or conveyed in violation of this Ordinance.

16.5 - NONCONFORMING SITE ELEMENTS

A. Definition

A nonconforming site element is a site development element, such as landscape, lighting, or parking, that at one time conformed to the requirements of this Ordinance, but because of subsequent amendments, has been made nonconforming.

B. Maintenance

Normal maintenance and incidental repair to a nonconforming site element may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity.

C. Required Conformance

All nonconforming site elements must be brought into conformance when the following occurs:

1. All Nonconforming Site Elements

a. A new principal structure is constructed on a site

b. An existing principal structure is increased in total gross floor area by 30% or more.

2. Nonconforming Parking Lots

a. An existing parking lot of 15 or more spaces is fully reconstructed or an existing parking lot of 10 or more

spaces is expanded by 50% (based on number of spaces). Resurfacing an existing parking lot which entails grinding-out and replacing less than two and one-half (2 ½) inches of existing pavement and does not change the stone sub-base or the existing grading is not considered reconstruction, nor is resealing or re-striping of an existing parking lot considered to be reconstruction.

- b. When an existing parking lot is required to provide landscape, which would result in creating a parking area that no longer conforms to the parking regulations of this Ordinance, such existing parking lot is not required to install all or a portion of the required landscape. The applicant is required to show that landscape cannot be accommodated on the site. If only certain requirements can be accommodated on the site, then only those elements are required. The Director of Community Development will make the determination that all or a portion of required landscape does not have to be installed.

3. Nonconforming Exterior Lighting

For exterior lighting, nonconforming luminaires must be brought into conformance when 25% of the illumination system is to be replaced or modified, calculated as installation of new lighting posts and/or non-post mounted lighting fixtures. This 25% is calculated based on the total lighting installed by type of mounting. For example, if over 25% of the wall-mounted fixtures are to be replaced, all wall-mounted fixtures must be brought into conformance while freestanding fixtures may remain.

Non-conforming parking lot lighting which includes only the replacement of the lamp and which meets ordinance requirements for intensity and for shielding shall be allowed on existing poles at existing mounting heights and shall not be required to be lowered to meet new ordinance requirements.

SECTION 17. - ENFORCEMENT

17.1 - ENFORCEMENT OFFICIAL

This Ordinance is enforced by the Director of Community Development. The Director of Community Development may secure the assistance of the Village Attorney to seek an injunction, abatement, or other appropriate actions to enjoin, abate, or stop any violation of this Ordinance. At times, the aid of the Police Department may be sought to enforce this Ordinance. The property owner charged with the violation may be held responsible for any legal expenses incurred by the Village.

17.2 - APPLICATION OF PENALTIES

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, will be fined for each offense. Each day that a violation continues constitutes a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, ceases upon correction of the violation.

17.3 - FINES

Each violation and each day that such violation continues is subject to a fine as established in the Village Code.