UNIFIED DEVELOPMENT ORDINANCE

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CHAPTER 1

INTRODUCTION, ZONING, AND ANNEXED LAND

10-1-1 TITLE

This title of the Village code shall be known, and may be referred to, as the GILBERTS UNIFIED DEVELOPMENT ORDINANCE

10-1-2 AUTHORITY AND PURPOSES

This code is adopted pursuant to the authority granted to the Village by the Illinois Municipal Code for the following purposes:

A. Overall Purpose The overall purpose of this code is to implement and foster the goals and policies of the Village's comprehensive plan. The intent of this code is to preserve Gilberts's community character through regulations designed specifically for that purpose. This code should provide a means of maintaining the distinctive character which provides the Village with its identity and serves as a needed contrast to surrounding suburban development in the region.

B. Land Use Patterns. The purposes of this code related to land use patterns are to:

1. Preserve the rational pattern of land uses that has been established in the Village and encourage the most appropriate and consistent use of individual lots in and around the Village; and

2. Encourage compatibility between different land uses; and

3. Protect the existing residential, business, office, industrial, and other areas of the Village from the encroachment of incompatible uses; and

4. Provide for the gradual elimination of nonconforming uses that adversely affect the character and value of permitted development; and

5. Secure adequate natural light, clean air, privacy, a safe environment, and convenience of access to property; and

6. Promote and protect the public health, safety, morals, and general welfare of the Village.

C. Development Scale. The purposes of this code related to development scale are to:

1. Preserve the community character of the Village, which is unique to the greater metropolitan area of which the Village is a part; and

2. Preserve the scale of development of the Village; and

3. Encourage the preservation and enhancement of natural features and resources and aesthetic amenities.

D. Public Infrastructure. The purposes of this code related to public infrastructure are to:

1. Facilitate the most efficient use of existing and planned public facilities and utilities; and

2. Protect Village streets from degradation by non-residential traffic; and

3. Reduce congestion and promote safety on streets and highways by limiting traffic generation through the control of land use intensity; and

4. Avoid or lessen the hazards of flooding and storm water accumulation and run-off; and

5. Preserve development patterns consistent with the Village's modest investment in public infrastructure in order to minimize long-term financial responsibilities and related liabilities of the Village.

E. Justifiable Expectations and Taxable Value. The purposes of this code related to justifiable expectations and taxable value are to:

1. Protect and respect the justifiable reliance of existing residents, business owners, and taxpayers on the continuation of existing, established land use patterns; and

2. Protect and enhance the taxable value of land and buildings in the Village; and

3. Minimize financial responsibilities relating to capital and administrative investments and thereby avoid undue burdens on the taxable value of land in the Village.

F. Administration. The purposes of this code related to administration are to:

1. Define the powers and duties of administrative officers and bodies necessary to administer this code; and

2. Establish procedures for the efficient and effective use of the provisions of this code; and

3. Establish standards for the review of applications filed pursuant to this code; and

4. Prescribe penalties for the violation of the provisions of this code.

10-1-3 EXEMPTION

Notwithstanding any other provision of this Title 10 to the contrary, all Village uses, buildings, structures, and facilities shall be permitted by-right in all zoning districts in the Village, currently existing and hereafter created, and such Village uses, buildings, structures, and facilities shall be exempt from the otherwise applicable regulations of this Title 10, including without limitation height, setback, bulk, parking and loading, landscaping, and other regulations, provided that the Village use, building, structure, or facility is primarily for a public purpose.

10-1-4 ESTABLISHMENT OF ZONING DISTRICTS

To carry out the purposes of this code, the Village is hereby divided into the following zoning districts:

A. Agriculture District (chapter 2)

A-1 Agriculture District

B. Residential Districts (chapter 3)

R-1 Estate Residence District
R-2 Rural Residence District
R-3 Urban Residence District
R-4 Multi-Family Residence District

C. Commercial District (chapter 4)

C-1 General Business District

D. Office/Research District (chapter 5)

O-1 Office/Research District

E. Industrial District (chapter 6)

I-1 General Industrial District

F. Old Town District (chapter 7)

10-1-5 INTERPRETATION OF DISTRICT SEQUENCE

A. General Rule. This code rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts and, except as noted below, is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development, and to protect that development from being encroached upon by incompatible types of development.

B. Special Rule. Within the foregoing philosophy, however, it is recognized that when different districts are juxtaposed, their differing characters may require

special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this code recognizes the concept of "more restrictive" and "less restrictive" districts. For this purpose, the districts established by this code shall be considered "more restrictive" or "less restrictive" in accordance with the following rules:

1. The residential districts shall be deemed to be more restrictive than any non-residential district.

2. The R-1 district shall be deemed to be the most restrictive residential district and the R-3 district shall be deemed to be the least restrictive residential district.

10-1-6 ZONING MAP

A. Map Incorporated. The location and boundaries of the zoning districts established by this code are as shown on a map entitled "Zoning Map of the Village of Gilberts, Illinois," hereinafter referred to as the zoning map, which is by this reference incorporated as part of this code. All notations, references, and other information shown on the zoning map, and all amendments thereto, shall be as much a part of this code as if specifically set forth and literally described herein.

B. Omitted Land. It is the intent of this code that the entire area of the Village, including all land and water areas, be included in the districts established by this code. Any area lying within the Village but not shown on the zoning map as being included in such a district shall be deemed to be, and it is hereby, classified in the R-1 district.

C. District Boundaries. In the event that any uncertainty exists with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. The district boundaries are the centerlines of tollways, expressways, highways, streets, alleys, waterways, railroads, and other rights-of-way unless otherwise indicated. When the designation of a boundary line on the zoning map coincides with the location of any such right-of-way, the center line of such right-of-way shall be construed to be the boundary of such district.

2. When a district boundary does not coincide with the location of the centerline of any right-of-way but does coincide with a lot line, such lot line shall be construed to be the boundary of such district.

3. When a district boundary does not coincide with the location of the centerline of any right-of-way or with a lot line, the district boundary shall be determined by the use of the scale shown on the zoning map.

D. Maintenance and Availability of Zoning Map. The official copy of the zoning map shall be maintained by the Zoning Administrator and shall be available for public inspection during Village business hours at the Village hall. Any amendment to

zoning district boundaries or any change in any other information shown on the zoning map made by amendment to this code shall be indicated on the official copy of the zoning map.

E. Annual Publication of Zoning Map. A revised, up-to-date copy of the zoning map, certified as to being inclusive of all amendments and drawn to a convenient scale, shall be published at least once annually and made available for sale at the Village Hall.

10-1-7 ANNEXED LAND

A. Annexation of Land. All land annexed to the Village after the effective date of this code shall be classified automatically upon annexation in the R-1 district.

B. Application for Different Classification. When any land is classified pursuant to this section, it shall remain so classified unless and until an application to amend the classification is filed and granted pursuant to section 10-11-9 of this code. An application for reclassification may be filed prior to or contemporaneously with the annexation of the land in question.

CHAPTER 2

AGRICULTURE DISTRICT

10-2-1 PURPOSES

The A-1 Agriculture District regulations are intended to provide an environment suitable for and limited to those uses, activities, and structures related to agricultural uses. The standards and densities prescribed for this district are intended to preserve the open character of the area and to protect the business of agriculture. To protect the character of the district, permitted activities are limited to agriculturally oriented uses, including cropland, pastureland, farmsteads, nurseries, greenhouses, and single-family residential dwellings when ancillary to an agricultural use. The A-1 District also allows limited agri-business uses, farm support services, and other related uses that are dependent on or closely related to modern agricultural practices.

10-2-2 PERMITTED USES

The following uses and no other are permitted as of right in all residential districts:

1. Growing and cultivation of field and garden crops, trees, and forest products.

2. Breeding, keeping, and grazing of livestock, poultry, and other farm animals.

3. Apiaries.

4. Private stables.

5. Trees and forest products.

6. Greenhouses, wholesale.

7. Nurseries, wholesale.

8. Roadside farm stands selling products grown on the premises on which the stand is located.

9. Single family detached dwellings, ancillary to the agricultural use.

10. Village uses, buildings, and facilities, subject to section 10-1-3.

10-2-3 SPECIAL USES

The following uses may be permitted in all residential districts, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Roadside farm stands selling products grown off the premises on which the stand is located.

3. Fire stations, government offices, police stations, post offices, radio and television broadcasting facilities, utility substations, sewage treatment and distribution facilities, water treatment and distribution facilities, water wells, reservoirs, towers, and storage facilities, except for Village uses, buildings, and facilities which are subject to section 10-1-3.

4. Forest preserves.

5. Kennels.

6. Commercial stables.

10-2-4 USE LIMITATIONS

A. One Principal Building Per Lot. Unless otherwise permitted expressly pursuant to a planned unit development approval, not more than one principal detached residential building shall be located on a zoning lot.

B. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, not more than one principal use shall be located on a zoning lot, and each principal use shall be located entirely on a single zoning lot.

10-2-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Home Occupations. Home occupations are subject to the provisions of section 10-8-2 of this code.

D. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

E. Site Development Regulations. The site development regulations applicable in the agriculture district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapters 8 and 9 of this title, and in the Village Code.

F. Exterior Lighting. All exterior lighting in the agriculture district must be shaded or inwardly directed so that no direct lighting or glare is cast on adjacent residential or institutional property. The intensity of such lighting shall not exceed two foot candles as measured at the abutting lot line.

10-2-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and minimum dwelling size requirements applicable in the agriculture district are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for subdivisions existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether supplemental or more restrictive regulations will apply.

	A-1
Minimum Lot Area	15 acres
Minimum Lot Width (feet)	250 feet
Maximum Lot Coverage for all buildings	5% of lot area
Maximum Floor Area Ratio for all buildings	40% of lot area
Maximum Building Height (feet)	35 (residential dwellings)
	60 (agricultural buildings)
Minimum Front and Corner Side Yard Setback (feet)	40 (residential dwellings)
	60 (agricultural buildings and off-street parking areas)
Minimum Interior Side Yard Setback (feet)	20 feet (residential dwellings)
	30 feet (agricultural buildings and off street parking areas)
Minimum Rear Yard Setback (feet)	50 feet (residential dwellings, agricultural buildings, and off-street parking areas)

CHAPTER 3

RESIDENTIAL DISTRICTS

10-3-1 PURPOSES

The residential district regulations are intended to protect the overall character of the Village by preserving established residential areas and encouraging new development consistent with the character of the Village. Certain properties previously zoned in the A-1 district are intended to be rezoned to other zoning districts and permitted to be used for those agricultural uses existing on the effective date of this new code. Commercial activities are prohibited in the residential districts. Four zoning districts are provided for residential development, the R-1, R-2, R-3, and R-4 districts.

The R-1 Estate Residence District is intended to create an environment which promotes a mixture of agriculture uses and estate-type single-family residential development. Those areas included in the R-1 district are intended for extremely low density single-family residential use. Many of these locations are environmentally sensitive and are frequently characterized by steep or rolling hills, wooded terrain, and contain soils with poor development potential. Public utilities are not expected to be available in areas classified in the R-1 district. To protect the character of the district, uses are limited to single family residential dwellings and certain specified agriculture, cultural, educational, religious, and public uses.

The R-2 Rural Residence District is intended to provide a quality environment for single-family dwellings on moderately large lots. The R-2 district is located in those portions of the village where moderately large lot residential development presently exists and where similar development appears likely to occur in the future. Areas designed in the R-2 district may or may not have, depending on their location, at least partial access to public utilities. To protect the character of the district, uses are limited to single-family residential dwellings and certain specified agriculture, cultural, educational, religious, and public uses.

The R-3 Urban Residence District is intended to promote single-family residential development in a suburban environment. The R-3 district provides for the orderly expansion of existing neighborhoods and encourages new growth in areas appropriate for urbanized, predominantly single-family development. The R-3 district is concentrated in those portions of the community which can be more readily provided with public facilities and services. To protect the character of the district, uses are limited to single-family residential dwellings and certain specified agriculture, cultural, educational, religious, and public uses.

The R-4 Multi-Family Residence District is intended for those areas of the Village, given consideration for location, surrounding uses, topography and appropriate soil, which can be devoted to more intensive uses. To protect the character of this district, uses are limited to single and multiple family residential dwellings and certain specified agriculture, cultural, educational, religious, and public uses.

10-3-2 PERMITTED USES

The following uses and no other are permitted as of right in all residential districts:

1. Single family detached dwellings.

2. Open space.

3. Parks and playgrounds.

4. Village uses, buildings, and facilities, subject to section 10-1-3.

5. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.

10-3-3 SPECIAL USES

The following uses may be permitted in all residential districts, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Multiple family dwellings, but only in the R-4 district pursuant to a planned unit development.

3. Assembly uses pursuant to section 10-8-5 of this code.

4. Convalescent homes, day care facilities, and nursing homes.

5. Fire stations, government offices, police stations, post offices, radio and television broadcasting facilities, utility substations, sewage treatment and distribution facilities, water treatment and distribution facilities, water wells, reservoirs, towers, and storage facilities, except for Village uses, buildings, and facilities which are subject to section 10-1-3.

6. Public athletic fields (with or without outdoor stadium lighting), public gymnasiums, and public swimming pools.

7. Forest preserves.

8. Private recreational uses such as country clubs, golf courses, auditoriums, gymnasiums, and swimming pools, provided that (1) there is an adequate distance or screening and buffering to neighboring dwelling units; (2) restaurants are permitted only when occupying an integral part of the main structure, and (3) signage must be submitted and approved as part of the special use permit approval.

9. New agricultural uses, buildings, and facilities established after the effective date of this code, subject to the regulations contained in section 10-8-6.

10-3-4 USE LIMITATIONS

A. One Principal Building Per Lot. Unless otherwise permitted expressly pursuant to a planned unit development approval or an approved multi-family development in the R-4 district, not more than one principal detached residential building shall be located on a zoning lot; and no principal detached residential building shall be located on the same zoning lot with any other principal building.

B. One Principal Use Per Lot. Unless otherwise permitted expressly pursuant to a special use permit or planned unit development approval, not more than one principal use shall be located on a zoning lot, and each principal use shall be located entirely on a single zoning lot.

10-3-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Home Occupations. Home occupations are subject to the provisions of section 10-8-2 of this code.

D. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

E. Site Development Regulations. The site development regulations applicable in the residential districts, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapters 8 and 9 of this title, and in the Village Code.

F. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-3-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and minimum dwelling size requirements applicable in the residential districts are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for subdivisions existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	R-1	R-2	R-3	R-4
Minimum Lot Area *(notes 1 and 2)*	4 acres	1 acre	**RESIDENTIAL**: 20,000 s.f. (septic) 12,000 s.f. for interior lots (sewer) 14,000 s.f. for corner lots (sewer) **NON- RESIDENTIAL**: 1 acre	30,000 s.f. for interior lots 40,000 s.f. for corner lots
Minimum Lot Width at Frontage (feet) *(note 2)*	250	150	**RESIDENTIAL**: 100 (septic); 75 (sewer) **NON- RESIDENTIAL**: 150	150
Maximum Lot Coverage for all Buildings *(note 2)*	**RESIDENTIAL**: 10% **NON- RESIDENTIAL**: 25%	**RESIDENTIAL**: 15% **NON- RESIDENTIAL**: 25%	**RESIDENTIAL**: 20% (septic); 30% (sewer) **NON- RESIDENTIAL**: 25%	30% (buildings and off-street parking areas)
Maximum Principal Building Height (feet) *(note 3)*	35	35	35	35
Maximum Accessory Building Height (feet)	20	20	20	20
Minimum Front and Corner Side Yard Setback (feet) *(note 2)*	**RESIDENTIAL**: 50 **NON- RESIDENTIAL**: 50 (buildings and off-street parking areas)	**RESIDENTIAL**: 50 **NON- RESIDENTIAL**: 50 (buildings and off-street parking areas)	**RESIDENTIAL**: 30 **NON- RESIDENTIAL**: 30 (buildings and off-street parking areas)	50
Minimum Interior Side Yard Setback (feet) *(note 2) (note 4)(note 5)*	**RESIDENTIAL**: 40 **NON- RESIDENTIAL**: 40	**RESIDENTIAL**: 50 **NON- RESIDENTIAL**: 15	**RESIDENTIAL**: 10 **NON- RESIDENTIAL**: 10	30 (buildings on lots abutting a single family zoning district) 15 (buildings on other lots) 10 (off-street parking areas)
Minimum Rear Yard Setback (feet)	**RESIDENTIAL**: 50 **NON- RESIDENTIAL**: 50	**RESIDENTIAL**: 40 **NON- RESIDENTIAL**: 40 (buildings); 15 (off-street parking areas)	**RESIDENTIAL**: 40 (septic); 30 (sewer) **NON- RESIDENTIAL**: 40 (buildings); 15 (off-street parking areas)	50 (buildings on lots abutting a single family zoning district) 40 (buildings on other lots) 20 (off-street parking areas)
Minimum Dwelling Size (square feet) *(note 6)*	1,200	1,200	1,200	1,000 (3 or more bedrooms) 800 (2 bedrooms); 620 (1 bedroom)
Maximum number of multiple family units	N/A	N/A	N/A	8 dwelling units per building, nor more than 6 ground floor units
Building separation *(note 7)*	N/A	N/A	N/A	See Note 4

B. Notes.

1. Nonconforming Lots. See section 10-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.

2. Special Subdivision Standards: Notwithstanding the district regulations set forth in the chart, the following special standards shall apply to lots contained in the following approved subdivisions:

   a. Windmill Meadows:

      (i) Minimum lot area: 10,890 square feet

      (ii) Minimum lot width at frontage: 68 feet

      (iii) Maximum lot coverage for buildings: 30%

      (iv) Minimum front yard and corner side yard setbacks: 30 feet

      (v) Minimum interior side yard setback: 10 feet

   b. Dunhill Estates:

      (i) Minimum lot area: 30,000 square feet

      (ii) Minimum lot width at frontage: 90 feet

      (iii) Maximum lot coverage for buildings: 15%

      (iv) Minimum front yard and corner side yard setbacks: 50 feet

      (v) Minimum interior side yard setback: 15 feet

   c. Old Town: See chapter 7.

   d. Approved planned unit developments: For special bulk, space, and yard requirements applicable to planned unit developments, consult the ordinance approving the planned unit development, as it may be amended from time-to-time.

   Where no special bulk, space, or yard requirement has been established in this subsection B or in a zoning, subdivision, or annexation approval document, the otherwise applicable district standards of subsection A shall apply.

3. Height Exceptions. Agricultural buildings and religious steeples and towers may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings) and section 10-8-5 (assembly uses) of this code.

4. Application of Setbacks. Unless expressly provided otherwise, for non-residential and multiple family developments, the setback requirements shall apply to both buildings and off-street parking areas (but not driveways).

5. Special Side Yard Setback. For non-residential uses, the side yard setback for buildings shall be increased by one foot for each foot that a building exceeds 35 feet, up to a maximum setback of 40 feet.

6. Minimum Dwelling Size Calculation:

   a. R-1, R-2, and R-3 districts. For the R-1, R-2, and R-3 districts, the calculation of minimum dwelling size shall exclude garage and unfinished basement area.

   b. R-4 district. For the R-4 district, the calculation of minimum dwelling size shall exclude garage, basement, hallways, and other common areas.

7. Building Separation for R-4 District. The separation between buildings shall be as follows:

   a. Not less than 60 feet when any part of the front wall is opposite the front or rear wall of a building on the same lot or adjoining lot

   b. Not less than 50 feet when any part of the rear wall of a dwelling is opposite the rear wall of the nearest building located on the same or adjacent lot.

   c. Not less than 25 feet when any part of the side wall of a dwelling is opposite the side wall of the nearest building located on the same or adjacent lot.

   d. Not less than 35 feet when any part of the side wall of a dwelling is opposite the front or rear wall of the nearest building located on the same or adjacent lot.

10-3-7 "ITO" INDIAN TRAILS OVERLAY ZONING DISTRICT

A. Purpose and Intent. The purpose of the "ITO" Indian Trails Overlay Zoning District is to regulate the uses of and structures on property within the Indian Trails subdivision, in a manner that upholds the character of the neighborhood. The ITO district applies more stringent requirements than are otherwise permitted by the subdivision's underlying zoning so as to protect and maintain the character, health, welfare and safety of the neighborhood.

B. Applicability. The ITO district regulations shall apply to all platted lots within the Indian Trails subdivision. The regulations of this district shall apply to new and existing uses and structures.

C. Scope of Provisions. This section contains the regulations for the "ITO" Indian Trails Overlay Zoning District of the Village of Gilberts, Illinois. A property zoned in the ITO district is also zoned under another applicable district governed by the Village of Gilberts Zoning Ordinance and is subject to all applicable district regulations except as expressly modified in this section 10-3-7. Land included in the ITO district may be used in a manner permitted in the underlying zoning district only if, and to, the extent permitted in the ITO district.

D. General Standards.

1. Minimum Allowable Floor Area.

a. Every single family residence erected in the zoning district shall not have less floor area than the minimum set for each type of residential structure in the underlying zoning district, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not constructed so as to be fit for year-round use for living, eating or sleeping.

b. All minimum allowable floor area requirements pertain to living areas that are above grade. Grade shall mean the elevation at its highest point of finished grade adjacent to the dwelling. No living area shall be considered in the minimum allowable floor area requirements if it is partially or completely below grade.

c. Minimum Allowable Floor Areas Defined. The following definitions shall determine the classification of single family residences in establishing minimum allowable floor area requirements as set forth herein:

(i) Single story or ranch: one-story residence of elongated style built on a crawl space or partial or full basement. The minimum allowable floor area for a single story or ranch residence shall be 1,650 square feel.

(ii) Two-story: a residence with two stories of above grade living area built on a crawl space or partial or full basement. The minimum allowable floor area for a two-story residence shall be 2,100 square feet, with not less than 1,000 square feet on the first floor.

(iii) Tri-level or split-level: a residence of three or more levels of living area, with the two uppermost levels above grade. The minimum allowable floor area for tri-level or split-level residence shall be 825 square feet on the upper level and 825 square feet on the middle level or main level (level immediately down from the upper level).

(iv) Bi-level or mid-entry raised ranch: a one-story and basement residence having an entrance foyer between

two levels, with a basement that is partially below grade and partially above grade. The minimum allowable floor area for a bi-level or mid-entry raised ranch shall be 1,650 square feel on the upper level.

E. Modular Construction Prohibited. Residences of modular construction and log residences are prohibited.

F. Garages Required.

1. All residences shall have a garage that is no smaller than twenty (20) feet by twenty-four (24) feet in size.

2. The garage shall be of the same material and architectural style as the principle residence.

G. Fences Prohibited.

1. Fences shall not be permitted on any zoned lot in the subdivision except swimming pool fences, patio fences and dog run fences as provided herein and in compliance with any other applicable ordinance or law, including application for a fence permit.

2. Patio fences shall be permitted provided they are located no further than three feet on each side from the patio and do not exceed six feet in height. Patio fences must be adjacent to the building, not longer than the adjacent side of the building and located behind the building setback. The patio fence shall have an outside entrance, be constructed of non-metallic or plastic materials.

3. Dog run fences shall be permitted provided they do not exceed seventy-two (72) square feet in area and five (5) feet in height. Dog run fences must be adjacent to the building and located behind the building setback. The dog fence shall have an outside entrance, be constructed of horse fence wire, chain link fencing, or similar material. Wooden dog run fences of open type construction shall also be permitted.

H. Outdoor Storage and Parking.

1. The following outdoor storing or parking per single family residence is prohibited:

a. Recreational vehicles of twenty (20) feet or more in length.

b. Boats of eighteen (18) feet or more in length, as measured from bow to stern, or such boat on a trailer, or such trailer alone.

c. More than two snowmobiles or more than two snowmobiles on trailers, or more than two snowmobile trailers alone.

2. All permitted recreational vehicles, when stored outside, must be stored on a paved surface adjacent to the garage and behind the front elevation of the garage or building.

3. For purposes of this subsection H, the temporary parking of a recreational vehicle, boat, trailer and/or snowmobiles, for the purposes of loading and/or unloading shall not be considered "storing" or "parking" under this Section, provided that said vehicle or trailer is not present on the property for more than consecutive forty-eight (48) hour periods (i.e. vehicle may be present for 48 hours, then cannot be present on the property again for another 48 hours).

I. Animals. No poultry or livestock of any kind (other than customarily accepted house pets) shall be kept or raised on the premises.

J. Landscaping and Grading. At least two (2) deciduous trees of at least 1.5 inches caliper shall be installed and maintained in the front yard of each buildable lot within six (6) months of occupancy of a newly constructed residence.

K. Site Improvements.

1. No detached storage building shall be allowed to be constructed on any lot. "Storage building" shall be defined as any accessory structure in which materials, equipment or other items are stored for any period of time.

2. The owner of each lot shall be responsible for replacing and repairing any drain tile broken or damaged during the construction of his or her lot.

3. No improvements of any kind, other than landscaping, shall be permitted in detention easement areas.

4. All residences constructed on Lots 16 through 21 and Lot 39 shall be limited to three (3) bedrooms.

5. All lots abutting Tyrrell Road shall have their rear yards facing Tyrrell Road and no driveway entrances shall be permitted from Tyrrell Road directly to any of such lots.

L. Conflicts with Other Zoning Districts. If any provision or requirement of the overlay zoning district is found to be in conflict with any provision or requirement of another zoning district, ordinance, resolution, statute or other regulation that is applicable to the subject property, the regulation that establishes the more restrictive rule or regulation shall govern.

CHAPTER 4

COMMERCIAL DISTRICTS

10-4-1 PURPOSES

The commercial district regulations are intended to provide a suitable setting for the commingling of a variety of retail shopping, commercial service, and small office uses capable of fulfilling most of the daily living requirements of Village residents. The regulations of the district are designed to accommodate retail and service commercial uses in a manner that will minimize interference with area traffic patterns and ensure a high standard of side layout, design, and landscaping.

The C-1 General Commercial District is intended to be located only along or at the convergence of major arterial roadways where it can be sufficiently buffered from adjacent residential development.

10-4-2 PERMITTED USES

The following uses and no other are permitted as of right in the C-1 district:

1. Retail Business Uses

    a. Air condition sales and service
    b. Antique shops
    c. Appliance sales and service
    d. Banquet hall
    e. Bicycle sales and service
    f. Business machine sales and service
    g. Cigar, cigarette, and tobacco stores
    h. Convenience stores
    i. Electrical supply and equipment stores
    j. Farm supply stores
    k. Feed and grain stores
    l. Florists
    m. Grocery stores
    n. Hardware and home improvement stores
    o. Lawn mower sales and service
    p. Restaurant (without drive-through)
    q. Plumbing appliance and equipment stores
    r. Tool sales and service
    s. Retail business uses, general, except as noted elsewhere
    t. Tire, battery and accessory sales and service
    u. Bars and taverns
    v. Permanent outdoor seating areas accessory to bars, restaurants, and taverns

2. Service Uses

    a. Ambulance service

b. Banks, credit unions, savings and loans, and other financial institutions (without drive-through)
c. Barber and beauty shops
d. Blue printing, copying, and small duplicating establishments
e. Currency exchanges
f. Dry cleaners (except industrial laundries/dry-cleaning plants)
g. Employment agencies
h. Insurance agents
i. Furniture cleaning, upholstery and repair shops
j. Glass cutting and glazing services
k. Travel agencies
l. Service uses, general, except as noted elsewhere

3. Office and Professional Uses

a. Political organization offices
b. Real estate sales and brokerage offices
c. Office and professional uses, general, except as noted elsewhere

4. Health, Medical, and Care Facilities

a. Drug stores and pharmacies (without drive-through)
b. Health treatment centers
c. Hospitals
d. Medical appliance and supply stores
e. Medical offices

5. Public and Utility Uses

a. Fire stations
b. Government offices
c. Police stations
d. Post offices
e. Village uses, buildings, and facilities, subject to section 10-1-3.

6. Cultural, Recreational, and Entertainment Uses

a. Athletic fields
b. Billiard and pool halls
c. Bowling alleys
d. Clubs, lodges, and fraternal organizations
e. Dance halls and studios
f. Golf courses
g. Gymnasiums: school and park
h. Health clubs
i. Ice skating rinks: indoor
j. Libraries
k. Theaters
l. Parks and playgrounds
m. Swimming pools and clubs
n. Tennis, racquetball, handball, and other private recreational club

7. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.

8. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as permitted uses in the C-1 District, as determined by the Zoning Administrator.

10-4-3 SPECIAL USES

The following uses may be permitted in the C-1 district, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Retail Business Uses

   a. Agriculture implement sales and service
   b. Automobile, motorcycle, and truck sales and service
   c. Boat sales and service
   d. Building materials and garden supply stores

3. Service Uses

   a. Animal hospitals and veterinary clinics
   b. Animal pounds and shelters
   c. Automobile repair and service
   d. Banks, credit unions, savings and loans, and other financial institutions (with drive-through)
   e. Car wash facilities
   f. Equipment rental and leasing
   g. Gas stations
   h. Hotels and motels
   i. Motor vehicle rental agencies
   j. Parcel pick-up and delivery services
   k. Restaurants (with drive-through)

4. Health, Medical, and Care Facilities

   a. Day care centers
   b. Drug stores and pharmacies (with drive-through)
   c. Nursery schools
   d. Medical laboratories

5. Public and Utility Uses, except those uses exempt under section 10-1-3

   a. Forest preserves, nature preserves and sanctuaries
   b. Radio and television broadcasting facilities

c. Railroad stations
d. Utility substations
e. Sewage treatment and distribution facilities
f. Water treatment and distribution facilities
g. Water wells, reservoirs, towers, and storage facilities

6. Educational Uses

a. Colleges and universities
b. Barber and beauty schools
c. Business and technical schools
d. Personnel training centers
e. Trade and vocational schools

7. Assembly uses pursuant to section 10-8-5 of this code.

8. New agricultural uses, buildings, and facilities established after the effective date of this code, subject to the regulations contained in section 10-8-6.

9. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as special uses in the C-1 District, as determined by the Zoning Administrator.

10-4-4 USE LIMITATIONS

A. Site Plan Review. Any exterior construction, change in use, or increase in the intensity of an existing use in the C-1 District, excluding normal repair and maintenance activities, shall require site plan review in accordance with section 10-11-14 of this code.

B. Operation within an Enclosed Structure. All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for the following:

1. Agricultural uses subject to section 10-8-6 of this code.

2. Automobile service stations.

3. Motor vehicle rentals.

4. Motor vehicle sales.

5. Off-street parking and loading.

6. Temporary outdoor seating areas accessory to bars, restaurants, and taverns, subject to a temporary use permit, and permanent outdoor seating areas accessory to bars, restaurants, and taverns pursuant to a special use permit.

7. Refuse disposal area.

8. Sale or display of merchandise sold or offered for sale through vending machines, provided the machines do not occupy an aggregate ground area of more than 16 square feet.

9. Accessory uses, subject to section 10-8-1 of this code.

10. Temporary uses, subject to section 10-8-3 of this code.

C. Exterior of Buildings.

1. No exterior wall facing any road or street of any building in the C-1 District shall be constructed using any of the following materials: wrinkled aluminum, unfinished masonry cinder block, vinyl, or plastic or similar materials.

2. Not more than 65% of the square foot area of any side of the exterior wall of any building, other than a wall facing a road or street as described in section 1, shall be constructed of the following materials: wrinkled aluminum, unfinished masonry cinder block, vinyl, or plastic or similar materials.

10-4-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

D. Site Development Regulations. The site development regulations applicable in the commercial district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapters 8 and 9 of this title, and in the Village Code.

E. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-4-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and floor area ratio (FAR) requirements applicable in the C-1 District are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for developments existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether

supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	C-1
Minimum District Area *(note 1)*	4 acres
Minimum Lot Area	N/A
Minimum Lot Width (feet)	100
Maximum Lot Coverage for all buildings	35% of lot area
Maximum Floor Area Ratio for all buildings	40% of lot area
Maximum Building Height (feet) *(note 2)*	35 (principal)
	12 (accessory)
Minimum Front and Corner Side Yard Setback (feet)	15 (buildings)
	10 feet (off street parking and loading)
Minimum Interior Side Yard Setback (feet) *(note 3)*	10 feet (buildings)
	5 feet (off street parking and loading)
Minimum Rear Yard Setback (feet) *(note 3)*	15 feet (buildings)
	5 feet (off street parking and loading)

B. Notes.

1. Lot Area Combined. Property in the C-1 District may be combined with immediately abutting property in the O-1 or I-1 to meet the minimum area requirement.

2. Height Exceptions. Agricultural buildings and religious steeples and towers may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings) and section 10-8-5 (assembly uses) of this code.

3. Special Setback Abutting Residential District. Where a lot line abuts a Residential Zoning District, the off-street parking and loading areas shall be setback a minimum of 10 feet from the abutting lot line.

CHAPTER 5

OFFICE DISTRICTS

10-5-1 PURPOSES

The O-1 Office/Research District is intended to provide areas within the village for the development of office buildings and research and development facilities. Activities within the O-1 District are limited to assure that the high quality of the environment is maintained within the district and to minimize off-site impacts.

10-5-2 PERMITTED USES

The following uses and no other are permitted as of right in the O-1 district:

1. Office and Professional Uses

    a. Office and professional uses, general, except as noted elsewhere
    b. Real estate sales and brokerage offices

2. Retail Uses (only as an accessory use in a principal building)

    a. Business machine sales and services
    b. Cigar, cigarette, and tobacco stores
    c. Convenience stores
    d. Florists

3. Service Uses (only as an accessory use in a principal building)

    a. Banks, credit unions, savings and loans, and other financial institutions
    b. Banquet halls
    c. Barber and beauty shops
    d. Blue printing, copying, and small duplicating establishments
    e. Currency exchanges
    f. Dry cleaners (except industrial laundries/dry-cleaning plants)
    g. Employment agencies
    h. Restaurant
    i. Travel agencies
    j. Insurance agents

4. Health, Medical, and Care Facilities

    a. Health treatment centers
    b. Hospitals
    c. Medical laboratories
    d. Medical offices
    e. Pharmacies

5. Public and Utility Uses

    a. Fire stations

b. Government offices
c. Police stations
d. Post offices
e. Village uses, buildings, and facilities, subject to section 10-1-3

6. Cultural, Recreational and Entertainment Uses

a. Athletic fields
b. Golf courses
c. Gymnasiums: school and park
d. Health clubs
e. Nature preserves and sanctuaries
f. Parks and playgrounds
g. Swimming clubs and pools
h. Tennis, racquetball, handball and other private recreational clubs

7. Educational Uses

a. Business and technical schools
b. Personnel training centers
c. Trade and vocational schools
d. Barber and beauty colleges

8. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.

9. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as permitted uses in the O-1 District, as determined by the Zoning Administrator.

10-5-3 SPECIAL USES

The following uses may be permitted in the O-1 District, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Services Uses (only as an accessory use in a principal building)

a. Any drive-through accessory to a bank, pharmacy, dry cleaner, restaurant, or other use
b. Hotels
c. Motor vehicle rental agencies

3. Health, Medical and Care Facilities

a. Day care centers
b. Nursery schools

4. Public and Utility Uses, except those uses exempt under section 10-1-3 of this code.

   a. Forest preserves, nature preserves and sanctuaries
   b. Radio and television broadcasting facilities
   c. Railroad stations
   d. Utility substations
   e. Sewage treatment and distribution facilities
   f. Water treatment and distribution facilities
   g. Water wells, reservoirs, towers and storage facilities

5 Laboratories and Testing Facilities

6. Cultural, Recreational and Entertainment Uses

   a. Auditoriums: private
   b. Country clubs
   c. Stables and riding academies

7. Colleges and Universities

8. Assembly uses pursuant to section 10-8-5 of this code.

9. New agricultural uses, buildings, and facilities established after the effective date of this code, subject to the regulations contained in section 10-8-6.

10. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as special uses in the O-1 District, as determined by the Zoning Administrator.

10-5-4 USE LIMITATIONS

A. Site Plan Review. Any exterior construction, change in use, or increase in the intensity of an existing use in the O-1 district, excluding normal repair and maintenance activities, shall require site plan review in accordance with section 10-11-14 of this code.

B. Operation within an Enclosed Structure. All business, service, storage, and display of goods in the O-1 district shall be conducted within completely enclosed structures, except for the following:

   1. Agricultural uses subject to section 10-8-6 of this code.

   2. Motor vehicle rentals.

   3. Off-street parking and loading.

   4. Outdoor seating areas accessory to bars, restaurants, and taverns.

   5. Accessory uses, subject to section 10-8-1 of this code.

6. Temporary uses, subject to section 10-8-3 of this code.

C. Exterior of Buildings.

1. No exterior wall facing any road or street of any building in the O-1 district shall be constructed using any of the following materials: wrinkled aluminum, unfinished masonry cinder block, vinyl, or plastic or similar materials.

2. Not more than 65% of the square foot area of any side of the exterior wall of any building, other than a wall facing a road or street as described in section 1, shall be constructed of the following materials: wrinkled aluminum, unfinished masonry cinder block, vinyl, or plastic or similar materials.

10-5-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

D. Site Development Regulations. The site development regulations applicable in the office district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapters 8 and 9 of this title, and in the Village Code..

E. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-5-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and floor area ratio (FAR) requirements applicable in the O-1 district are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for subdivisions existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	O-1
Minimum District Area	N/A
Minimum Lot Area (*note 1)*	1 acre, except corner lots or lots abutting residential districts shall be 1.25 acres
Minimum Lot Width (feet)	150
Minimum Open Space *(note 2)*	30% of lot area
Maximum Floor Area Ratio for all buildings	40% of lot area
Maximum Building Height *(feet) (note 3)*	45
Minimum Front and Corner Side Yard Setback (feet) *(note 4)*	45
Minimum Interior Side and Rear Yard Setbacks (feet) (note 5)	10 (buildings) 5 (off street parking and loading)

B. Notes.

1. Nonconforming Lots. See section 10-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.

2. Calculation of Open Space. Open space shall be defined as the sum total of ground area continuously maintained unobstructed by buildings, other structures, or off-street parking or loading facilities. Walkways and bicycle paths shall be included in the calculation of open space even if covered with impervious surfaces.

3. Height Exceptions. Agricultural buildings and religious steeples and towers may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings) and section 10-8-5 (assembly uses) of this code.

4. Special Setback Abutting Route 72 or Northwest Tollway (I-90). Where a corner or side yard lot line abuts Route 72 or the Northwest Tollway, the following special setback shall apply:

   a. Buildings: 100 feet.

   b. Off-street parking and loading: 50 feet.

5. Special Setback Abutting Residential District. Where an interior side or rear lot line abuts a Residential Zoning District, a special transitional yard setback of 30 feet for buildings and off-street parking and loading shall apply. The use of landscape berms in transitional yards is desirable where appropriate.

CHAPTER 6

INDUSTRIAL DISTRICTS

10-6-1 PURPOSES

The I-1 General Industrial District is intended to provide opportunities within certain specified areas of the village for a range of manufacturing, wholesaling, warehousing, and administrative uses. The regulations of this district are designed to permit the operation of most industrial and ancillary uses in a clean and quiet manner while simultaneously providing adequate protection for uses allowed in adjacent zoning districts. Typically, the I-1 District is situated only in those locations which have direct access to an existing or proposed arterial roadway, offer potential rail connection, and are compatible with adjacent land uses.

10-6-2 PERMITTED USES

The following uses and no other are permitted as of right in the I-1 district:

1. Industrial and Manufacturing Uses

    a. Construction and contractor's offices and yards

    b. Facilities for manufacturing, processing, assembly, and packaging of:

        1. Advertising, trade show and product displays
        2. Apparel and other finished products made from fabric and similar products
        3. Electrical and electronic machinery, equipment, and supplies
        4. Fabricated metal products
        5. Food and kindred products
        6. Furniture and fixtures
        7. Jewelry, silverware, and plated ware
        8. Lead pencils, crayons, and artists materials
        9. Leather and leather products
        10. Lumber and wood products
        11. Machinery
        12. Musical instruments
        13. Paper and allied products
        14. Primary metal products
        15. Rubber and plastics products
        16. Stone, clay and glass products
        17. Textile mill products
        18. Tobacco products
        19. Toys and amusement, sporting, and athletic goods
        20. Transportation equipment

2. Office and Professional Uses

    a. Office and professional uses, general, except as noted elsewhere

3. Retail Business Uses

   a. Agriculture implement sales and service
   b. Air condition sales and service
   c. Appliance sales and service
   d. Bicycle sales and service
   e. Building materials and garden supply stores
   f. Business machine sales and service
   g. Electrical supply and equipment stores
   h. Farm supply stores
   i. Feed and grain stores
   j. Lawn mower sales and service
   k. Plumbing appliance and equipment stores
   l. Tire, battery, and accessory sales and service
   m. Tool sales and service

4. Service Uses

   a. Ambulance services
   b. Automobile body shops
   c. Automobile repair and service
   d. Blue printing, copying, and small duplicating establishments
   e. Diaper, linen, and towel services
   f. Equipment rental and leasing
   g. Exterminating and fumigating services
   h. Furniture cleaning, upholstery and repair shops
   i. Glass cutting and glazing services
   j. Kennels
   k. Motor vehicle rental agencies
   l. Motor vehicle towing services
   m. Parcel pick-up and delivery services
   n. Sewer and septic cleaning and rodding services

5. Health, Medical, and Care Facilities

   a. Health treatment centers
   b. Hospitals
   c. Medical laboratories
   d. Medical offices

6. Public and Utility Uses

   a. Fire stations
   b. Government offices
   c. Police stations
   d. Post offices
   e. Radio and television broadcasting facilities
   f. Railroad stations
   g. Sewage treatment and distribution facilities
   h. Utility substations
   i. Utility yards

j. Water treatment and distribution facilities
k. Water wells, reservoirs, towers, and storage facilities
l. Village uses, buildings, and facilities, subject to section 10-1-3.

7. Cultural, Recreational, and Entertainment Uses

a. Athletic fields
b. Parks and playgrounds

8. Educational Uses

a. Business and technical schools
b. Barber and beauty colleges
c. Personnel training centers
d. Trade and vocational schools

9. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.

10. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as permitted uses in the I-1 District, as determined by the Zoning Administrator.

10-6-3 SPECIAL USES

The following uses may be permitted in the I-1 District, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Industrial and Manufacturing Uses

a. Facilities for manufacturing, processing, assembly, and packaging of:
   1. Chemicals and allied products
   2. Petroleum refining and related industries
b. Motor freight terminals
c. Motor vehicle wrecking and salvage yards
d. Plants for asphalt, cement, concrete, and similar products
e. Recycling centers

3. Retail and Service Uses

a. Any drive-through accessory to a bank, pharmacy, dry cleaner, restaurant, or other use
b. Automobile, motorcycle, and truck sales and services
c. Boat, snowmobile and other motorized vehicle/equipment sales and service
d. Taxicab offices and storage

4. Public and Utility Uses, except as exempt under section 10-1-3

   a. Airports
   b. Forest preserves, nature preserves and sanctuaries
   c. Railroad stations

5. Cultural, Recreational, and Entertainment Uses

   a. Amusement parks, indoor only
   b. Auditoriums, private
   c. Gymnasiums, school and park
   d. Health clubs
   e. Ice skating rinks, indoor
   f. Race tracks
   g. Stables and riding academies
   h. Swimming clubs and pools
   i. Tennis, racquetball, handball, and other private recreational clubs

6. Adult uses, subject to section 10-8-4 of this code.

7. New agricultural uses, buildings, and facilities established after the effective date of this code, subject to the regulations contained in section 10-8-6.

8. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as special uses in the I-1 District, as determined by the Zoning Administrator.

10-6-4 USE LIMITATIONS

A. Site Plan Review. Any exterior construction, change in use, or increase in the intensity of an existing use in the I-1 District, excluding normal repair and maintenance activities, shall require site plan review in accordance with section 10-11-14 of this code.

B. Operation within an Enclosed Structure. All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for the following:

   1. Agricultural uses subject to section 10-8-6 of this code

   2. Automobile service stations

   3. Motor vehicle sales

   4. Off-street parking and storage

   5. Outdoor storage, when associated with and ancillary to a permitted or special use and provided the storage does not consist of uncontained bulk material

6. Sale or display of merchandise sold or offered for sale through vending machines, provided the machines do not occupy an aggregate ground area of more than 16 square feet.

7. Accessory uses, subject to section 10-8-1 of this code.

8. Temporary uses, subject to section 10-8-3 of this code.

C. Outdoor Storage. Outdoor storage areas allowed in the I-1 District shall be effectively screened and enclosed to a minimum height of six feet by a reasonably secured solid fence, wall, or other comparable barrier to conceal the areas from adjacent zoning lots and from public rights of way. All such areas shall be graded to prevent the accumulation of surface water and be provided with a permanent, durable, dustless surface.

D. Exterior of Buildings.

1. No exterior wall facing any road or street of any building in the I-1 District shall be constructed using any of the following materials: wrinkled aluminum, flat concrete masonry, masonry cinder block, wood, vinyl, or plastic or similar materials.

2. Not more than 65% of the square foot area of any side of the exterior wall of any building, other than a wall facing a road or street as described in section 1, shall be constructed of the following materials: wrinkled aluminum, flat concrete masonry, masonry cinder block, wood, vinyl, or plastic or similar materials.

10-6-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

D. Adult Uses. Adult uses are subject to the provisions of section 10-8-4 of this code.

E. Site Development Regulations. The site development regulations applicable in the industrial district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapter 9 of this code.

F. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-6-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and floor area ratio (FAR) requirements applicable in the I-1 District are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for subdivisions existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	I-1
Minimum District Area *(note 1)*	4 acres
Minimum Lot Area (*note 2)*	N/A
Minimum Lot Width (feet)	100
Maximum Lot Coverage for all buildings	45% of lot area
Maximum Floor Area Ratio for all buildings	60% of lot area
Maximum Building Height (feet) *(note 3)*	45
Minimum Front and Corner Side Yard Setback (feet) *(note 2)(note 4)*	30 (buildings) 25 feet (off street parking and loading)
Minimum Interior Side Yard Setback (feet) *(note 5)*	15 feet (buildings) 0 feet (off street parking and loading)
Minimum Rear Yard Setback (feet) (*note 5)*	15 feet (buildings) 0 feet (off street parking and loading)

B. Notes.

1. Lot Area Combined. A property owner may combine land it owns in the O-1 or C-1 District that is immediately abutting property zoned in the I-1 District to meet the minimum lot area requirement.

2. Nonconforming Lots. See section 10-10-5 of this code for lot requirements with respect to legal nonconforming lots of record.

3. Height Exceptions. Agricultural buildings may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings).

4. Special Front and Corner Side Yard Setback. The front and corner side yard setback for buildings shall be increased by one foot for each foot that a building exceeds 16 feet in height.

5. Special Setback Abutting Residential District. Where a lot line abuts a Residential Zoning District, the off-street parking and loading areas shall be setback a minimum of 10 feet from the abutting lot line.

CHAPTER 7

OLD TOWN (OT) DISTRICT

10-7-1 PURPOSE

The Old Town (OT) district regulations are intended to provide a suitable setting for the comingling of single-family residential uses with a variety of low-intensity commercial services, small offices and retail shopping within a neighborhood setting. The regulations of the district are designed to accommodate small retail, office and service commercial uses that are compatible in intensity and appearance with the residential uses also present in the district.

10-7-2 PERMITTED USES

The following uses and no other are permitted as of right in the OT district:

1. Residential Uses

    a. Single family detached dwellings.

2. Retail Business Uses

    a. Antique shops
    b. Art and school supplies
    c. Art sales and studios
    d. Bicycle sales and service
    e. Bookstores
    f. Camera shops/photography studios, including film developing
    g. Candy shops
    h. Cigar, cigarette, and tobacco stores
    i. Florists
    j. Gift and novelty shops
    k. Hobby/crafts shops
    l. Jewelry stores
    m. Lawn mower sales and service
    n. Newspaper and magazine stores
    o. Shoe sales and repair

3. Service Uses

    a. Barber and beauty shops
    b. Blue printing, copying, and small duplicating establishments
    c. Employment agencies
    d. Furniture cleaning, upholstery and repair shops
    e. Glass cutting and glazing services
    f. Travel agencies
    g. Service uses, general, except as noted elsewhere

4. Office and Professional Uses

   a. Political organization offices
   b. Real estate sales and brokerage offices
   c. Office and professional uses, general, except as noted elsewhere

5. Public and Utility Uses

   a. Village uses, buildings, and facilities, subject to section 10-1-3.

6. Cultural, Recreational, and Entertainment Uses

   a. Libraries
   b. Parks and playgrounds
   c. Open space

7. Agriculture uses, buildings, and facilities lawfully existing as of the effective date of this code, subject to the nonconformity regulations of chapter 10 and the regulations contained in section 10-8-6.

8. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as permitted uses in the OT District, as determined by the Zoning Administrator.

10-7-3 SPECIAL USES

The following uses may be permitted in the OT district, subject to the issuance of a special use permit as provided in section 10-11-11 of this code and subject to the additional standards set forth in this section.

1. Planned unit developments, but only subject to the special procedures and standards set forth in section 10-11-12 of this code.

2. Retail Business Uses

   a. Pet shops
   b. Building materials and garden supply stores

3. Service Uses

   a. Laundromats / dry-cleaning, without on-site processing
   b. Hotels and motels
   c. Funeral homes
   d. Parcel pick-up and delivery services

4. Health, Medical, and Care Facilities

   a. Convalescent homes, day care facilities, and nursing homes
   b. Nursery schools
   c. Medical laboratories
   d. Health treatment centers

e. Medical offices

5. Public and Utility Uses, except those uses exempt under section 10-1-3

a. Fire stations
b. Government offices
c. Police stations
d. Post offices
e. Forest preserves, nature preserves and sanctuaries
f. Radio and television broadcasting facilities
g. Railroad stations
h. Utility substations
i. Sewage treatment and distribution facilities
j. Water treatment and distribution facilities
k. Water wells, reservoirs, towers, and storage facilities

6. Educational Uses

a. Barber and beauty schools
b. Business and technical schools
c. Personnel training centers
d. Trade and vocational schools
e. Colleges and universities

7. Cultural, Recreational, and Entertainment Uses

a. Clubs, lodges, and fraternal organizations
b. Dance halls and studios

8. Assembly uses pursuant to section 10-8-5 of this code.

9. Similar and Compatible Uses. Other uses that are similar and compatible to those allowed as special uses in the OT District, as determined by the Zoning Administrator.

10-7-4 USE LIMITATIONS

A. Site Plan Review. Any exterior construction of a non-residential use, change in a nonresidential use, or increase in the intensity of an existing nonresidential use in the OT District, excluding normal repair and maintenance activities, shall require site plan review in accordance with section 10-11-14 of this code.

B. Operation within an Enclosed Structure. All business, service, storage, and display of goods shall be conducted within completely enclosed structures, except for the following:

1. Agricultural uses subject to section 10-8-6 of this code.

2. Off-street parking and loading.

3. Temporary outdoor seating areas accessory to bars, restaurants, and taverns, subject to a temporary use permit, and permanent outdoor seating areas accessory to bars, restaurants, and taverns pursuant to a special use permit.

4. Refuse disposal area, subject to section 10-8-1 of this code.

5. Sale or display of merchandise sold or offered for sale through vending machines, provided the machines do not occupy an aggregate ground area of more than 16 square feet.

6. Accessory uses, subject to section 10-8-1 of this code.

7. Temporary uses, subject to section 10-8-3 of this code.

C. Exterior of Buildings. No exterior wall of any building in the OT District shall be constructed using any of the following materials: wrinkled aluminum, flat concrete masonry, masonry cinder block, or plastic or similar materials.

10-7-5 DISTRICT REGULATIONS

A. Accessory Structures and Uses. Accessory structures and uses are subject to the provisions of section 10-8-1 of this code.

B. Temporary Uses. Temporary uses are subject to the provisions of section 10-8-3 of this code.

C. Home Occupations. Home occupations are subject to the provisions of section 10-8-2 of this code.

D. Antennas and Support Structures. Antennas and support structures are subject to the provisions of section 10-8-7 of this code.

E. Site Development Regulations. The site development regulations applicable in the OT district, including parking, signs, fencing, landscaping, trees, lighting, storm water, utilities, access ways, and performance standards are set forth in chapters 8 and 9 of this title, and in the Village Code.

F. Agricultural Uses. Agricultural uses are subject to the provisions of section 10-8-6 of this code.

10-7-6 BULK, SPACE, AND YARD REQUIREMENTS

A. Requirements. The building height, lot area, setback, lot coverage, lot width, and floor area ratio (FAR) requirements applicable in the OT District are set forth in the table on the following page. Where the Village has approved specific bulk, space, and yard requirements for developments existing as of the date of approval of this code that are different than the otherwise applicable district requirements, those special requirements will apply. Thus, owners of land subject to special zoning or annexation approvals or private covenants, conditions, or restrictions should consult these approvals to determine whether

supplemental or more restrictive regulations will apply. Footnote references appear in subsection B of this section at the end of the table.

	OT
Minimum District Area	1 acre
Minimum Lot Area *(note 1)*	8,712 s.f.
Minimum Lot Width at frontage (feet) *(note 1)*	66
Minimum Lot Depth (feet) *(note 1)*	132
Maximum Lot Coverage for all buildings	40% of lot area
Maximum Floor Area Ratio for all buildings	40% of lot area
Maximum Principal Building Height (feet) *(note 2)*	35
Maximum Accessory Building Height (feet) *(note 2)*	20
Minimum Front and Corner Side Yard Setback (feet) *(note 3)*	15 (buildings) 10 feet (off street parking and loading)
Minimum Interior Side Yard Setback (feet) *(note 4)*	10 feet (buildings) 5 feet (off street parking and loading or accessory structure)
Minimum Rear Yard Setback (feet) *(note 4)*	15 feet (buildings) 5 feet (off street parking and loading or accessory structure)

B. Notes.

1. Minimum Lot Size. Existing lots that are less than 8,712 square feet in area or do not meet the minimum lot width and/or depth requirements and were platted before 1960 are buildable nonconforming lots of record, provided that said lots are not reduced in size or altered to increase their nonconformity. Nonconforming lots of record may be built in compliance with all other bulk, space and yard requirements.

2. Height Exceptions. Agricultural buildings and religious steeples and towers may exceed the maximum permitted height as set forth in section 10-8-6 (agricultural buildings) and section 10-8-5 (assembly uses) of this code.

3. Front Yard Setback Exception in the OT District. Where fifty (50) percent or more of the lots on one side of a street between two intersecting streets are developed with buildings that do not conform to the required front yard setback; the required building setback may be adjusted as follows:

   a. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of existing buildings on both sides, the minimum required front yard building setback shall be a straight line

drawn between the two closest front corners of the adjacent buildings on the two sides, or

b. Where a building is to be erected on a parcel of land that is within one-hundred (100) feet of an existing building on one side only, such building may be erected at the same or greater setback as the existing adjacent building.

4. Special Setback Abutting Residential District. Where a lot line abuts a Residential Zoning District, the off-street parking and loading areas shall be setback a minimum of 10 feet from the abutting lot line.

CHAPTER 8

GENERAL USE REGULATIONS

10-8-1 ACCESSORY STRUCTURES AND USES

A. Authorization. Subject to the limitations of this section, and except as limited by the regulations of the district where located, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within that district.

B. Definition. An accessory structure or use is a structure or use that:

1. Is subordinate in purpose, use, and floor area to, and serves, a principal structure or use; and

2. Is customarily incident to the principal structure or use; and

3. Contributes to the comfort, convenience, or necessity of those occupying, working at, or being served by the principal structure or use; and

4. Except as otherwise expressly authorized by the provisions of this code, is located on the same zoning lot as the principal structure or use; and

5. Is under the same ownership and control as the principal structure or use.

C. Detached Accessory Structures. Detached accessory structures shall:

1. Not be located in the required front, corner side, and interior side yards, except for detached garages as permitted in the Old Town zoning district.

2. Not occupy more than 30% of the required rear yard.

3. Be located at least 10 feet from the principal use or structure.

4. Not exceed the height of the principal use or structure or 20 feet in height, whichever is less, except as expressly permitted for accessory agricultural buildings and antenna facilities.

D. Permitted Accessory Uses by District. The following accessory uses are permitted in the specified zoning districts

1. All Zoning Districts.

a. Agricultural buildings and structures, subject to section 10-8-6 of this code.

b. Fallout shelters.

c. Garages, carports, and other parking facilities.

d. Radio, radar, and television antenna towers and dishes, subject to subsection E of this section.

e. Wind and other energy systems, subject to subsection E of this section.

f. Similar and compatible uses, as determined by the zoning administrator.

2. Residential Districts and Old Town District:

a. Children's playhouses.

b. Conservatories, private.

c. Gazebos and similar structures.

d. Greenhouses, private.

e. Guest houses, private, not to exceed 800 square feet in floor area.

f. Home occupations, subject to section 10-8-2 of this code.

g. Recreational tents, subject to subsection E of this section.

h. Recreational vehicles, subject to subsection E of this section.

i. Private swimming pools, tennis courts, and playing courts, subject to subsection E of this section.

j. Tool houses, sheds, and similar buildings

3. Commercial District, Office District, and Industrial District:

a. Commercial motor vehicles, provided each vehicle is operable and subject to subsection E of this section.

b. Refuse disposal areas, subject to subsection E of this section.

c. Tool houses, sheds, and other similar buildings.

d. Vending machines.

E. Special Regulations Applicable to Particular Accessory Structures and Uses.

1. Swimming Pools, Private.

a. Private swimming pools may be operated only for the exclusive use of the residents of the zoning lot and their invited guests. No private swimming pool may be operated as a business or private club.

b. No private swimming pool or any accessory apron, walk, or equipment room may protrude into any required yard.

c. Private swimming pools, whether above or level with the ground, must comply with the safety barrier requirements contained in the Village's building codes.

d. All gates and doors opening through the required fence or wall shall be kept locked when the pool is not in actual use or is left unattended. All gates and doors shall be self-latching with the latches placed not less than 54 inches above ground level or otherwise made inaccessible to small children.

2. Tennis and Playing Courts, Private.

a. Private tennis courts and playing courts may be operated only for the exclusive use of the residents of the zoning lot and their invited guests. No private tennis court may be operated as a business or private club.

b. No private tennis court, playing court, or any accessory apron, walk, and equipment room may protrude into any required yard.

c. Private tennis courts may be completely surrounded by a fence or wall not exceeding 10 feet in height above established grade level.

d. A tennis court or playing court shall not be built over a septic system.

e. A tennis court or playing court shall not be lighted for playing purposes.

3. Tents. Except as otherwise expressly permitted, tents shall not be erected, used, or maintained on any zoning lot except for customary recreational purposes. Recreational tents shall be located on the same zoning lot as the dwelling use and are not allowed within any required front, corner side, or interior side yard. All uses of tents other than recreational tents are subject to the temporary use regulations of section 10-8-3 of this code.

4. Outdoor Storage. Except as otherwise expressly permitted in the underlying zoning district, outdoor storage shall not be allowed as an accessory use.

5. Commercial Motor Vehicles. Commercial motor vehicles, as defined in chapter 12, shall not be used as an accessory structure in any zoning district. Commercial motor vehicles shall not have their wheels removed or be affixed to the ground so as to prevent ready removal of the vehicle. Commercial motor vehicles shall not be parked or stored to create a dangerous or unsafe condition. No major repair shall be performed on any commercial motor vehicle except within a garage or other enclosed

structure. No more than one commercial vehicle may be parked or stored on a residentially zoned lot.

6. Recreational Vehicles and Boats. At no time shall a parked or stored recreational vehicle or boat be used for living, sleeping, or other purposes. No recreational vehicle shall be connected to water, gas, or sanitary sewer service. Temporary electrical hook-up is permitted. Recreational vehicles and boats shall not be used as accessory structures in any zoning district. Recreational vehicles and boats shall not be parked or stored to create a dangerous or unsafe condition. No major repair shall be performed on any recreational vehicles or boat except within a garage or other enclosed structure. No more than one recreational vehicle and one boat may be parked or stored on a residentially zoned lot.

7. Storage of Disabled or Junk Motor Vehicles.

   a. In Residential Districts. Disabled, junk, or damaged motor vehicles may be stored in the open within a required yard in a residential district for a period not to exceed 30 days. However, major repairs may not be performed on such vehicles except within a garage or other enclosed structure.

   b. In Non-Residential Districts. Disabled, junk, or damaged motor vehicles awaiting or under repair may be stored in the open within a required yard in a non-residential district only on a zoning lot where such storage and repair is customary in the operation of a lawfully established principal use. However, such vehicles shall be removed, placed within an enclosed structure, or relocated to a lawfully permitted motor vehicle salvage yard within 30 days from the date of the initial storage

8. Storage of Refuse. The open storage of refuse, scrap, trash, or debris is prohibited in all zoning districts, unless expressly authorized and permitted as a special use. All materials shall be kept in enclosed containers while awaiting removal. The containers shall be stored in a neat and orderly fashion and properly secured so as to not interfere or be hazardous to pedestrian and vehicular traffic.

10. Fences. Fences shall be subject to the provisions of section 10-9-3 of this code.

11. Radio, Radar, Television, and Cellular Antenna Facilities. Antenna facilities shall be subject to the provisions of section 10-8-7 of this code.

F. Uses Subject to Special Restrictions. When the district regulations of this code require compliance with any procedures or standards with respect to a specific use, such use shall not be established as an accessory use except in compliance with those procedures and standards.

G. Use, Bulk, Space, and Yard Regulations. Except as expressly provided otherwise in this section, every accessory structure and use shall comply with the use, bulk, space, and yard regulations made applicable to them by the regulations of the district in which they are located.

H. Use Limitation. No accessory structure or use shall be constructed, established, or maintained on any lot prior to the substantial completion of construction of the principal structure to which it is accessory.

10-8-2 HOME OCCUPATIONS

A. Authorization. Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building for residential purposes shall be permitted in any dwelling unit or permitted accessory structure. A home occupation use shall not occupy more than 25 percent of the total floor area of all principal and accessory structures located on the lot.

B. Definition. A home occupation is a business, profession, occupation, or trade that:

1. Is conducted as an economic enterprise or for compensation by a full-time occupant of a dwelling unit; and

2. Is incidental and secondary to the use of the dwelling unit or permitted accessory structure, as the case may be, for residential purposes; and

3. Does not change the essential residential character of the dwelling unit or permitted accessory structure.

C. Use Limitations.

1. Employee Limitations. The entrepreneur of every home occupation must reside in the dwelling unit on the lot where the home occupation is conducted. Only one employee who does not reside in the dwelling unit on the lot where a home occupation is conducted may be present in the home at any one time in connection with the home occupation.

2. Structural Limitations.

a. No alteration of any kind shall be made to the dwelling unit or accessory structure where a home occupation is conducted that would change its residential character, including the enlargement of public utility services beyond that customarily required for residential use.

b. No separate entrance shall be provided in connection with the conduct of any home occupation, except as required by federal, state, or local law or regulation.

3. Operational Limitations.

a. The home occupation shall be conducted entirely within the dwelling unit or accessory structure, except for outdoor play areas for home day cares.

b. No mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor, or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.

c. No outdoor storage or display of business equipment, materials, merchandise, inventory, or heavy equipment shall be allowed in connection with any home occupation.

d. Not more than one vehicle identified or advertised as a commercial vehicle shall be permitted in connection with any home occupation, and any such vehicle shall be stored in an enclosed garage at all times.

e. Parking, receipt, and delivery of goods and equipment shall be in keeping with the residential character of the property.

4. Signage and Visibility. No exterior display or signage shall be permitted except as authorized in the respective residential district pursuant to section 10-9-2 of this code.

5. Traffic Limitations. No home occupation shall generate more vehicular or pedestrian traffic than is typical of dwellings in the area.

6. Nuisance Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause or create any nuisance, or be noxious, offensive, or hazardous.

7. Licensing Requirements. Every home occupation shall be subject to any applicable business or other licensing and inspection requirements.

8. Prohibited Home Occupation Uses. The sale of alcoholic beverages, tobacco products, firearms or other weapons and the operation of assembly uses shall not be permitted home occupation uses.

10-8-3 TEMPORARY USES

A. Authorization. Subject to the limitations of this section, temporary uses are permitted in the specified zoning districts.

B. Definition. A temporary use is a use that:

1. Is established for a fixed period of time with the intent to discontinue the use upon the expiration of time; and

2. Does not involve the construction or alteration of any permanent structure.

C. Permit Required; Special Standards for Issuance and Revocation.

1. Permit Required. No temporary use shall be established or maintained unless a permit evidencing the compliance of such use with the provisions of this code shall have first been issued by the Zoning Administrator.

2. Bases for Certificate Denial. A permit may be denied if the Zoning Administrator determines that the owner has failed to comply with the terms or conditions of any previously issued zoning certificate for a temporary use or that the permanent use of the lot fails to comply in all respects with the provisions of this code and all other Village ordinances regulating the development, use, and maintenance of such lot. A permit shall be denied if the Zoning Administrator determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

3. Conditions on Permit. A permit may be conditioned upon such special requirements as the Zoning Administrator may determine are necessary to achieve the purposes of this code and to protect the public health, safety, and welfare.

4. Revocation of Permit. A permit shall be revoked if any of the standards and conditions imposed pursuant to this section, or such permit, are violated.

D. Permitted Temporary Uses. Subject to the specific regulations and time limits that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses and no others are permitted in the zoning districts herein specified:

1. Any District.

a. Temporary Buildings and Construction Trailers. Temporary buildings or construction trailers that are exclusively used in connection with construction work may be permitted in any zoning district only during the period of construction subject to the following regulations:

i. Conditions. The Zoning Administrator may impose conditions to ensure that temporary buildings or trailers have the least possible negative impact on the adjoining neighborhood and meet existing health and safety standards.

ii. Permit Required. A permit is required and a site plan must be submitted detailing the trailer sizes, uses, and locations. The permit will be valid for one year.

iii. Required Removal Time. Trailers used under the provisions of this section must be removed within 30 days of the expiration of the building permit.

iv. Penalty. In addition to the otherwise applicable penalties for noncompliance, any manager of a construction site who fails to follow the provisions of this section or who willfully violates any other provision of this section is guilty of a misdemeanor and upon conviction thereof shall be liable in a civil action for the amount necessary to remove the temporary building or trailer from the construction site.

b. Real Estate Offices, Including Model Units. Real estate offices and model units are allowed when accessory to a new residential subdivision or nonresidential development. Use of any model unit as a real estate office shall cease within 30 days after sale of the last unit in the residential development, and any temporary real estate office shall be removed within the same 30 day period.

c. Block Parties. A temporary use permit is required for a block party or similar public gathering involving the closing of a public street. No arterial or collector street shall be blocked. No permit shall exceed 3 days.

d. Carnival and Circus. A temporary use permit is required for a carnival or circus involving the closing of a public street. No arterial or collector street shall be blocked. No permit shall exceed 30 days, and all temporary structures and tents shall be removed within 3 days after the carnival or circus has ended.

e. Christmas Tree Sales. A temporary use permit is required for the display and open-lot sale of Christmas trees. No permit shall exceed 45 days.

f. Special Events. Any special event shall provide adequate provisions for parking and traffic access and conditions may be placed on such special event to mitigate any adverse impact on other properties. Any special event that involves the use of public property will require Village Board approval of a property use agreement.

2. Nonresidential Districts and Old Town District:

a. Temporary Outdoor Sales. A temporary use permit is required for temporary outdoor sales and display, including sidewalk sales, and similar outdoor sales. A permit shall be valid for a period not to exceed 7 days, and not more than 4 permits shall be issued for the same property in one calendar year. The specific hours of operation shall be specified in the temporary use permit. Sales shall be conducted so as not to interfere with traffic or cause a nuisance.

3. Residential Districts and Old Town District.

   a. House, Garage, and Yard Sales. No temporary use permit shall be required for a home, garage, or yard sale, so long as the use is incidental to the residential use of the property, is conducted in a manner compatible with the residential character of the neighborhood, and is limited to the sale of the personal possessions of the owner-occupant of the dwelling unit at which the sale is being conducted. No garage sale shall extend more than four days, and no more than four garage sales shall be conducted on a property in a calendar year; provided that these limitations shall not apply to the Village-wide garage sale.

   b. Recreational Tents. No temporary use permit shall be required for recreational tents located to the rear of the dwelling in the residential districts.

E. Bulk, Space, and Yard Regulations. Every temporary use shall comply with the bulk, yard, and space regulations applicable in the district in which such temporary use is located.

F. Use Limitations.

1. General Limitations. No temporary use shall be permitted in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent lot or on the area, as a whole, in which it is located.

2. Hours and Days of Operation. The permit may designate the specific hours and days of the week during which a temporary use may operate on the basis of the nature of the temporary use and the character of the surrounding area.

3. Public Safety. No temporary use shall be permitted that can be expected to create any undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with any restrictions and conditions that may be imposed to eliminate any such threat. If required by the village, the operator of the temporary use shall employ a fire watch team and/or appropriate security personnel.

4. Traffic. No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses.

5. Conflicts with Other Temporary Uses. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

6. Temporary Use Sign Limitations. Temporary signs may be permitted in connection with an approved temporary use. Temporary signs shall be of sturdy construction and shall comply with any special conditions specified in the approval. Temporary signs shall not be erected sooner than 14

days before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.

7. Parking. Before approving any temporary use, the Zoning Administrator shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area, and shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Village, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

8. Additional Conditions. Every temporary use shall comply with other conditions imposed by the village as may be reasonably necessary to achieve the purposes of this code or to protect the public health, safety, and welfare.

10-8-4 ADULT USE REGULATIONS

A. Purpose and Intent. In the development and execution of this section regulating and limiting the location of adult oriented uses, it is recognized that such uses, by virtue of their nature, have documented objectionable operational characteristics which can have serious deleterious effect upon areas adjacent to such uses. It is the intent of this section to permit adult oriented uses in areas where they can be constructed and operated without placing undue burden upon the rights of the use(s), while minimizing the potential adverse economic, aesthetic, moral or safety impacts upon the citizens of the Village of Gilberts. It is not the intent of this section to impose a limitation or restriction on the content of any communicative materials, including those which are adult oriented, nor is it the intent to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors to their intended market. Further, it is not the intent nor the effect of this ordinance to condone or legitimize the distribution of obscene materials or acts or to authorize any acts of obscenity as defined and otherwise prohibited in the Village Code.

B. Restrictions and Limitations. Adult Oriented Uses, as defined below, shall only be allowed within the “I-1” Industrial zoning district and only upon issuance of a special use permit in accordance with the standards and procedures contained in this section 10-8-4. No Adult Oriented Use shall be allowed in any other zoning district in the Village as either a permitted or a special use.

Adult Oriented Uses that were lawfully established within other zoning districts on or before the effective date of this Ordinance, shall be considered legal, nonconforming uses, and shall be regulated pursuant to chapter 10 of this code.

No Adult Oriented Use, regardless of the zoning classification of subject property, shall be established if the subject property lies within 1,000 feet of a church or other place of worship, public or private elementary or secondary school, dram

shop, Galligan Road, Big Timber Road, Tyrrell Road, or Illinois Route 72, Interstate Tollway 90, residential use, parks, forest preserve, or land owned by a governmental agency (excluding Rights of Way) or any other Adult Oriented Use. The distances provided for in this section shall be measured by following a straight line, without regard to intervening structures or geographical features, from the nearest portion of the property line of the parcel on which an adult oriented use is established, to the nearest property line of the parcel containing the protected use.

C. Definitions. For the purposes of this section, the terms herein shall be defined as follows:

Adult Oriented Use*:* Any use which is predominately occupied by the sale, rental, lease, inspection, or viewing of media, or the provision of live entertainment, or any combination thereof, which depicts, describes, or characterizes "specified sexual activities" or "specified anatomical areas", as defined below.

Specified Sexual Activities*:* Any sexual activity, real or simulated, including but not limited to the following:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.

3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Specified Anatomical Areas*:* Anatomical areas, real or simulated, including but not limited to the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola.

2. Human male genitalia in a discernible turgid state, even if opaquely covered.

10-8-5 ASSEMBLY USES

A special use permit shall be required for any public assembly use, including any religious facility, library, school, and other similar assembly use not otherwise provided for in the underlying zoning district regulations. The public assembly use must comply with all bulk, yard, and all other applicable village code provisions. In considering an application for a special use permit, the following shall be taken into account:

1. Traffic flows shall be designed to ensure the least possible impact on neighboring properties and residential streets. The owner of the proposed assembly use shall be responsible for all needed improvements to ensure

safe traffic conditions are maintained. A traffic study may be required to demonstrate that these conditions have been met. Traffic management, such as police officers, shall be provided by the owner during peak traffic flows when the village finds it necessary to ensure safe ingress and egress.

2. The special use permit may include reasonable conditions to reduce the impact of the proposed assembly use on the neighboring area.

10-8-6 AGRICULTURAL USES (EXCEPT IN THE AGRICULTURE DISTRICT)

A. Applicability. This section 10-8-6 shall apply to agricultural uses in all zoning districts except for agriculture uses in the A-1 District which are subject to the regulations contained in Chapter 2 of this Code.

B. Existing Agricultural Uses, Buildings, and Facilities. Agricultural uses, buildings, and facilities lawfully existing as of the effective date of this code are permitted in all zoning districts and allowed to continue, subject to the nonconformity regulations of chapter 10, as well as the regulations contained in subsection C.

C. New Agricultural Uses, Buildings, and Facilities. New agricultural uses, buildings, and facilities established after the effective date of this code are allowed as a special use in all zoning districts subject to issuance of a special use permit pursuant to this code and must comply with the regulations contained in subsection C.

D. Agriculture Regulations.

1. Permitted Uses. The following are permitted agricultural uses:

a. Growing and cultivation of field and garden crops, trees, and forest products.

b. Breeding, keeping, and grazing of livestock, poultry, and other farm animals.

c. Apiaries.

d. Trees and forest products

e. Greenhouses, wholesale.

f. Nurseries, wholesale.

g. Roadside farm stands selling products grown on the premises on which the stand is located.

h. Kennels.

2. Special Uses. The following uses may be permitted, subject to the issuance of a special use permit as provided in section 10-11-11 of this code:

   a. Roadside farm stands selling products grown off the premises on which the stand is located.

3. Prohibited Uses. The following uses shall not be permitted agricultural uses in the village:

   a. Confined animal feeding operations.

   b. Commercial feeding of garbage or offal to swine or other animals.

   c. Commercial feeding of animals on an open lot where no feed is raised on the premises.

   d. Commercial feeding of fur bearing animals, poultry, or laboratory animals such as mice, rabbits and rodents.

4. Maximum Height. Notwithstanding the otherwise applicable height restriction for principal and accessory buildings, agricultural buildings may extend to a height of 60 feet.

10-8-7 ANTENNAS AND SUPPORT STRUCTURES

A. Purpose and Intent. It is the intent and purpose of this Section to permit antennas and satellite dishes where they can be installed with minimal visual impact by encouraging co-location and other aesthetic measures, without creating adverse economic or safety impacts and promoting the health, safety and general welfare of the community. Furthermore, it is the intent of this section to ensure compliance with Federal Communications Commission (FCC) regulations as they relate to the promotion of universal service, competitive contracting by ensuring fairness through the creation of clear and objective approval criteria.

B. Definitions. For the purpose of this Article, the following definitions apply:

1. Antenna: A device commonly in the form of a metal rod, wire panel or dish, for transmitting or receiving electromagnetic radiation. For the purposes of this section an antenna includes any supporting tower, pole, mast, or building to which it is affixed.

2. Co-location: The placement of two or more antenna systems or platforms by separate FCC license holders on the same structure, building, water tank, or utility pole.

3. Height: The height of an antenna or satellite dish shall be measured vertically from the highest point of the signal receiving/transmitting apparatus, when positioned for operation, to the bottom of the base, which supports the antenna.

4. Neutral in Color*:* Light or pastel hues of white, beige, gray or light blue. Dark, bright or brilliant colors (including but not limited to primary colors, neon colors, etc.) are prohibited.

5. Publicly Owned Property: Property in any district owned, leased, or otherwise controlled by a governmental entity.

6. Satellite Signal Receiving Antenna (Satellite Dish*)*: A device designed for the purpose of receiving and converting earth orbiting satellite communications signals. It may be a solid, open mesh or bar configured structure typically in the shape of a shallow dish or parabola. Said antenna of this type are hereinafter referred to as "satellite dishes."

7. Usable Satellite Signal: A satellite signal which, when converted and viewed on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

C. Permits Required.

1. Building and Electrical Permit. Building and electrical permits shall be required prior to the erection of an antenna or satellite dish, except as provided for in paragraph 2 below. The plans and specifications shall meet or exceed the applicable requirements identified in this code.

2. Exceptions: The private use of an antenna or satellite dish for the reception or transmission of radio or television signals, ham radio signals, or citizen band transmissions, of a height no greater than the maximum height permitted for a principal structure in the zoning district in which the antenna is located.

D. General Requirements

1. Federal Communication Commission Compliance: All antennas, towers, and satellite dishes shall comply with all Federal Communication Commission (FCC) requirements.

2. The only antennas, towers or satellite dishes allowed on a property or structure shall be those used related to the principal use of the property.

3. An antenna, tower, or satellite dish shall be located in the side or rear yard. In the situation of a corner lot, the antenna, tower, or satellite dish shall not be closer to the adjoining side street than the principal building.

4. In the event that a usable satellite signal cannot be obtained from the rear yard or side yard of the property, such antenna, tower, or satellite dish may be placed on the roof of a building as follows:

   a. Within a residential zoning district or planned development, an antenna or satellite dish shall be located behind the highest line of the main roof ridge parallel to the fronting street with that line

extending to the side yard lot line. The fronting street shall be the street that the residence is permanently addressed. In the case that the main roof ridge is perpendicular to the fronting street, the antenna or satellite dish shall be located behind the mid-point of the dwelling area foundation of the residence facing the required side yard.

b. Within a nonresidential zoning district or planned development, an antenna or satellite dish shall be located behind the midpoint of the occupied space of the main structure facing the side yard.

c. The location and arrangement of all antenna towers and satellite dishes shall be subject to review and approval by the Building Official.

5. Satellite dishes shall not be visible between the ground level and ten (10) feet above ground from any street adjoining the property. Screening used to achieve this requirement shall be in compliance with the Building Code, the provisions of this Ordinance and approved by the zoning administrator.

6. Within residential zoning districts, the diameter of satellite dishes shall not exceed three (3) feet. The dish and supporting structure shall be neutral in color and shall, as much as possible, blend with the character and appearance of the neighborhood.

7. No antenna or satellite dish shall be used or serve as a sign or bear an advertising emblem other than the name of the manufacturer or service provider in letters not to exceed two (2) inches in height.

8. Guy wires (only where necessary) shall not be anchored within any front yard area but may be attached to the building.

9. Whenever an antenna is installed within a distance less than the height of the tower to power or telephone lines, or where damage would be caused by its falling, a separate safety wire must be attached to the antenna or mast or tower and secured in a direction away from the hazard.

10. Antennas, towers, and satellite dishes shall meet and be installed according to all manufacturers' specifications. The mast or tower shall be constructed of non-combustible materials, unless otherwise approved by Underwriters' Laboratories (UL). Brackets, turnbuckles, clips, and similar type equipment shall be protected with materials approved by Underwriters' Laboratories (UL).

11. Antennas, towers, or satellite dishes shall meet the setback requirement for a primary structure for the zoning district in which the facilities are located.

E. Prohibited Uses. The following uses are prohibited:

1. Towers or Antennas in Residential Districts - a tower or antenna used for any commercial or other non-residential purpose, including the placement of other support equipment or buildings, used in connection with the tower or antenna in any residential district, including the Old Town District.

F. Permitted Uses. The following uses are permitted:

1. Co-locating Antennas on Existing Towers in Industrial or Commercial Zones, or on Publicly Owned Property - Antennas on an existing communication tower of any height provided that:

   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing tower; and

   b. The antenna is neutral in color; and

   c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

2. Co-locating Antennas on Existing Non-Tower Structures in Industrial or Commercial Zones, or on Publicly Owned Property - Antennas on an existing structure other than a tower (such as a building, water tank, sign, utility pole, power pole, or other structure), provided that:

   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and

   b. The antenna is neutral in color; and

   c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

G. Special Uses. The following uses may be permitted under the conditions and requirements specified elsewhere in the Zoning Ordinance, in addition to those outlined below:

1. Co-locating Antennas on Existing Non-Tower Structures or Existing Commercial Towers in Residential Districts - Antennas on an existing structure (such as a building (excluding dwelling units), water tank, sign, utility pole, or other structure), provided that:

   a. The additional antennas are cumulatively no more than twenty-two (22) feet higher than the existing structure; and

   b. The antenna is neutral in color; and

   c. A qualified engineer submits evidence that the existing structure can adequately support the proposed co-location apparatus.

2. Towers or Antennas in Commercial or Industrial Zones or on Publicly Owned Property - Antennas or towers of any height, including the placement of other supporting equipment and accessory buildings. Any equipment shelter shall comply with development standards (i.e., setbacks, height limitations, bulk, etc.) of the property's zoning district classification.

3. Private Use Antennas, Towers or Dishes Greater than the maximum height for the zoning district in which the structure is to be located - The residential use of an antenna or satellite dish for the reception of radio or television signals, ham radio signals, or citizen band transmissions, in excess of the maximum height permitted for a principal structure in the zoning district in which the structure is to be located. These special uses shall meet the requirements of section 10-11-11, but will be exempt from the requirements in subsection H.

H. Application for a Special Use Permit for Antenna Facilities. In addition to the requirements of section 10-11-11, the applicant shall be required to submit information that includes, but is not necessarily limited to, how the proposed special use will satisfy the following conditions:

1. Points of Visual Interest Shall be Protected. Views from residential structures located within 250 feet of the proposed antenna or tower to the following points of visual interest shall be protected to the greatest practical extent:

   a. Public Open Spaces.

   b. Natural Areas as defined on the Comprehensive Plan.

   c. Landmark Structures

2. Methods for Protecting Points of Visual Interest. The following standards shall be used to protect the above identified points of visual interest to the greatest practical extent if views from a residential structure located within 250 feet from a proposed antenna or tower to a point of visual interest specifically identified above, are significantly impacted. The applicant shall:

   a. Examine locations within the same area where such visual impacts can be minimized;

   b. Investigate alternative tower designs that can be used to minimize the interruptions of views from the residence to the point of visual interest;

   c. Minimize visual impacts to the point of visual interest referred to above, by demonstrating that co-location or the use of other structures within the service area is not feasible at this time;

d. Minimize visual impacts by varying the setbacks or landscape standards that would otherwise be applicable, so long as the overall impact of the proposed development is as good as or better than that which would otherwise be required without said variations.

3. Color. Antennas or towers and their support structures shall be a neutral color that is the same or similar in color as the supporting structure to make the antenna and equipment as visually unobtrusive as possible, unless otherwise specified under Federal Aviation Administration (FAA) standards.

4. Height. Antennas or towers shall not exceed the maximum building height plus fifteen (15) feet, in the zoning district in which it is located, applicants who wish to exceed this height shall provide evidence demonstrating the need for exceeding this maximum standard. The Plan Commission and Village Board shall decide, through the special use permit, if sufficient evidence has been provided to demonstrate the need for the additional height requested.

5. Setbacks (Adjacent to Residential Uses). Antennas or towers shall be set back from any existing adjacent residential property line by a distance equal to the height of the tower, unless building plans are submitted demonstrating that the tower will collapse within itself. Such building plans shall be affixed with the seal of a certified structural engineer.

6. Lighting. None allowed except as required by the Federal Aviation Administration (FAA).

7. Fencing and Security. For security, antennas or towers and ancillary facilities shall be enclosed by a fence not less than six (6) feet in height.

8. Landscaping and Screening. Landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material.

9. Noise. Noise generating equipment shall be sound buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 30dBA when adjacent to residential areas and 45dBA in other areas.

10. Tower Design. Towers shall generally be designed without the use of guy wires or external supports. In instances where such a requirement may not be feasible, appropriate documentation shall be provided by the petitioner, demonstrating why such a tower is not feasible. The applicant will offer alternatives to the design so as to minimize the visual impact of the tower.

11. Co-location Protocol. Any special use request for the erection of a new tower shall complete the co-location protocol as outlined in this section.

I. Co-location Protocol.

1. Purpose. The purpose of this requirement is to create a process that will allow providers to equitably share publicly available, nonproprietary information among themselves, with interested persons and agencies, and with the Village of Gilberts, at the time the provider schedules a pre-application conference with the Village. This co-location protocol is designed to increase the likelihood that all reasonable opportunities for co-location have been investigated and that the appropriate information has been shared among the providers.

   The Village of Gilberts recognizes that co-location is preferable, where technologically feasible and visually desirable, as a matter of public policy, but that co-location of antennas by providers is not always feasible for technical or business reasons. However, if all licensed providers are made aware of any pending tower or antenna permit requests, such disclosure will allow providers to have the maximum amount of time to consider possible co-location opportunities, and will also assure the Village that all reasonable accommodations for co-location have been investigated.

2. Pre-Application Requirement. A pre-application conference is required for all proposed support structures.

3. Co-location Request Letter Requirement. At the time of pre-application conference, the applicant shall demonstrate that the following notice was mailed to all other providers rendering service within the Village of Gilberts:

   "Pursuant to the requirements of section _____, (applicant) is hereby providing you with notice of our intent to meet with the Village of Gilberts in a pre-application conference to discuss the location of a wireless communication facility that would be located at _____ _____. In general, we plan to construct a support structure of _____ feet in height for the purpose of providing (Cellular, PCS, etc.) Service"

   Please inform us whether you have any existing or pending antenna or tower facilities located within _____ feet of the proposed facility that may be available for possible co-location opportunities. Please provide us with this information within ten (10) business days after the date of this letter. Your cooperation is appreciated.

   Sincerely, (applicant)"

4. Applicant's Duty to Analyze the Feasibility of Co-location. If a response to a co-location request letter is received by an applicant indicating an opportunity for co-location, the applicant shall analyze the feasibility of co-location. This analysis shall be submitted with an application for any support structure. The investigation of the feasibility of co-location shall

be deemed to have occurred if the applicant submits all of the following information:

a. A statement from a qualified engineer indicating whether the necessary service can or cannot be provided by co-location at the possible location site;

b. Evidence that the lessor of the possible co-location site either agrees or disagrees to co-location on their property;

c. Evidence that adequate access does or does not exist at the possible co-location site to accommodate needed equipment and meets all of the site development standards.

d. Evidence that adequate access does or does not exist at the possible co-location site.

5. Result of Co-location Feasibility Analysis. If the applicant has provided information addressing each of the criteria above, the co-location protocol shall be deemed complete.

J. Abandoned Facilities. An antenna or satellite dish which has been discontinued for a period of six consecutive months or longer is hereby declared abandoned. Abandoned facilities shall be removed by the property owner within 90 days of abandonment. Failure to remove an abandoned facility is declared a public nuisance and is subject to penalties as outlined in the Gilberts Village Code.

10-8-8 PERFORMANCE STANDARDS

A. Applicability. The standards set forth in this chapter shall prevail in all zoning classifications within the village.

B. Business and Industrial. A certification of compliance with performance standards by a competent expert or governmental authority charged with the standard or regulation may be required to be submitted for commercial and industrial uses prior to the issuance of any building permit.

C. Noise. All noise (other than ordinary vehicular noise) from operations of any use in any district shall comply with limitations on noise and noise pollution standards established by the State of Illinois.

D. Glare and Heat. No glare or heat from any operations of any use in any district shall be detectable at any point off the zoning lot on which the use is located.

E. Vibration. No earthborne vibration from any operations of any use in any district shall be detectable at any point off the zoning lot on which the use is located.

F. Electromagnetic Interference. Electromagnetic interference from any operation of any use in any district shall not adversely affect the operation of any equipment located off the zoning lot on which interference originates.

G. Fire and Explosive Hazards. Materials that present potential fire and explosive hazards shall be transported, stored, and used only in conformance with all applicable federal, state, and local laws.

H. Special Hazards. Hazardous, toxic, and radioactive materials shall be transported, stored, and used only in conformance with all applicable federal, state, and local laws.

I. Additional Restrictions. In addition to the performance standards specified in this section, the dissemination of noise, vibration, particulate matter, odor, toxic substances, smoke, fire, or explosive materials in either such manner or quantity as to be determined to endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall be unlawful.

10-8-9 BULK REQUIREMENTS

A. Continued Conformity. Required yards, open space, and minimum lot area are a continuing obligation on the owner of the building or property on which it is located.

B. Division of Zoning Lot. No zoning lot may be divided into two or more zoning lots unless all zoning lots resulting from the division conforms to all applicable bulk regulations of the underlying zoning district.

C. Required Yards.

1. Location. All required yards and other open spaces must be located on the same zoning lot as the building or use to which the yard or open space is allocated, unless otherwise expressly authorized under this code.

2. Determination of Yards in Particular Cases.

a. Established setbacks. Where lots comprising 25% or more of the frontage on a block have been developed, new buildings on that block may not be constructed closer to the street than the established building setback line of the existing buildings on that block, unless otherwise determined in writing by the zoning administrator.

b. Corner lots. Either lot line abutting a roadway may be selected at the time of issuance of a building permit as the front lot line. However, for those corner lots developed prior to 1988, the front lot line shall be the lot line that faces the front entrance of the principal building on the lot, as indicated on the building plans. No building or other structure constructed on a through lot and no landscaping material or other obstruction exceeding 3 feet in height shall be located within 25 feet of the intersecting street lines bordering corner lots.

c. Through lots. The front lot line of a through lot shall be determined by the zoning administrator. However, when a front lot line has been established on one or more of the lots in the same block and all have front lot lines established along the same right of way line, then that right of way line shall be the front lot line for all remaining through lots on that same block. All front yard requirements shall apply to the required rear yard unless the rear yard is properly screened by a solid fence, landscaping, or screening to a minimum height of five feet.

D. Permitted Exceptions to Bulk Requirements.

1. Height Exceptions. No building or other structure may exceed the maximum building height required by the underlying zoning district except for:

a. Public utility poles, towers, and wires.

b. Antenna facilities, subject to section 10-8-7 of this code.

c. Water tanks and towers.

d. Agricultural buildings, subject to section 10-8-6 of this code.

e. Steeples.

2. Permitted Obstructions in Required Yards. All required yards must be unobstructed from ground level to the sky except for the following permitted obstructions when located in the specified yard:

a. In all yards:

(1) Accessory uses and structures, subject to section 10-8-1 of this code.

(2) Arbors.

(3) Awnings or canopies, projecting four feet or less into a required yard.

(4) Bay windows, projecting three feet or less into a required yard.

(5) Chimneys, projecting three feet or less into a required yard.

(6) Decorative barriers, not more than four feet in height and twelve feet in length in any one direction.

(7) Fences, subject to section 10-9-3 of this code, and walls and hedges, subject to section 10-9-4 of this code.

(8) Flagpoles.

(9) Fountains.

(10) Gardens.

(11) Lighting.

(12) Marquees, projecting four feet or less into a required yard.

(13) Overhanging roofs, eaves, gutters, cornices, and other architectural features, projecting three feet or less into a required yard.

(14) Sculptures and other ornamental features.

(15) Sidewalks and other walkways

(16) Signs, subject to section 10-9-2 of this code.

(17) Steps and ramps, uncovered, not more than four feet above the established grade that are necessary for access to a structure or to a zoning lot from a public right of way.

(18) Stormwater facilities

(19) Temporary uses and structures, subject to section 10-8-3 of this code.

(20) Window unit air conditions, projecting two feet or less into a required yard.

b. In interior side yards:

(1) Lawn furniture, including benches, sun dials, birdbaths, and feeders, and similar equipment.

(2) Mechanical equipment, including heating and air conditioners, projecting four feet or less into a required yard.

(3) Recreational vehicles, boats, and similar equipment.

c. In rear yards:

(1) Barbeque equipment.

(2) Decks

(3) Dog houses and runs.

(4) Laundry drying equipment.

(5) Lawn furniture, including benches, sun dials, birdbaths, and feeders, and similar equipment.

(6) Mechanical equipment, including heating and air conditioners, projecting four feet or less into a required yard.

(7) Outdoor fireplaces

(8) Patios

(9) Playground equipment

(10) Recreational vehicles, boats, and similar equipment.

(11) Swimming pools, private, pursuant to section 10-8-1 this code.

(12) Tennis courts, private, pursuant to section 10-8-1 of this code.

(13) Tents, pursuant to section 10-8-1 of this code.

(14) Terraces, not over four feet above the established grade.

E. Exclusion of Easements in Particular Cases.

1. Where a zoning lot is subject to an easement for stormwater facilities, the area subject to the easement shall be excluded for purposes of calculating the minimum lot area, maximum lot coverage, and minimum yard requirements for that lot.

2. Where a zoning lot is subject to an easement for a private roadway right of way, the area subject to the easement shall be excluded for purposes of calculating the minimum lot area, maximum lot coverage, and minimum yard requirements for that lot.

CHAPTER 9

SITE DEVELOPMENT REGULATIONS

10-9-1 PARKING AND LOADING

A. General Requirements for Parking and Loading Facilities.

1. Applicability to Existing, New, and Expanded Uses.

   a. General Applicability. Except as expressly provided otherwise in this code, the provisions of this section shall apply to all existing and new uses, in accordance with the provisions of this code.

   b. Increase in Use Intensity. Whenever the intensity of use of any structure or use is increased through the addition of floor area, dwelling units, seating capacity, or other units of measurement specified in this code for required parking and loading spaces, parking and loading spaces as required by this code shall be provided for the increase in intensity of use.

   c. Change in Existing Use. Whenever a use existing on the effective date of this code is changed to a new use, parking and loading spaces shall be provided as required for the new use; provided, however, that when any existing use was deficient in required parking or loading spaces on the effective date of this code, the new use may be established with a deficiency in required parking or loading spaces equal to the pre-existing deficiency.

2. Existing Parking and Loading Facilities. Off-street parking and loading facilities in existence on the effective date of this code and located on the same zoning lot as the structure or use to which the parking or loading serves, shall not be reduced (or if already less than required, shall not be further reduced) below the requirements for a comparable new building, structure, or use under this code.

3. Duty to Provide. It is the joint and several responsibility of the operator, tenant, and owner of the building, structure, or premises for which off-street parking is required to provide and maintain the required parking facilities.

4. Minimum Requirements. Nothing in this section shall be construed to limit the right of any person to provide off-street parking and loading in excess of the requirements established by this code but all such parking and loading must comply with the standards of this section.

5. Storage and Repair. Unless otherwise specified in this code, off-street parking and loading facilities shall not be used for the sale, display, storage, repair, dismantling, or servicing of any vehicles, equipment, materials, goods, or supplies, except that emergency service required to start vehicles is permitted.

6. Approval. The arrangement, access, surfacing, drainage, screening, landscaping, and illumination of all off-street parking and loading facilities shall be subject to the review and approval of the Zoning Administrator.

B. Parking. Subject to the limitations of this section, off-street parking is permitted as an accessory use in all districts. Off-street parking is permitted as a principal use only when expressly authorized by the applicable district regulations.

1. Location of Required Parking Spaces.

a. Parking spaces required by this section must be located on the same zoning lot as the building, structure, or use to which they are accessory; provided, however, that the Village Board may, by covenant or other agreement, allow all or part of the required off-street parking for a particular building, structure, or use to be located on a lot other than the zoning lot on which the building, structure, or use to which the parking is accessory is located.

b. Off-street parking may be located in a required yard subject to section 10-8-9 of this code.

c. Except as otherwise provided in the Old Town District, all attached or detached single family dwelling units shall include an attached two-car garage measuring no less than 22 feet deep by 20 feet wide. The garage shall be completed prior to occupancy of the dwelling unit and be constructed of exterior materials equal to that applied to the face of the dwelling unit. A garage shall be defined as an enclosed structure composed of a concrete floor, roof, and three enclosed walls plus a door large enough to provide entrance and exit of two motor vehicles from or onto a driveway.

2. Design and Maintenance. Every parking garage, area, lot, and structure that serving any use except single family residential uses shall be designed, constructed, and maintained in accordance with the applicable standards and requirements herein set forth:

a. Surface. All new parking lots shall be constructed with a paved surface.

b. Drainage. All off-street parking areas shall be graded to ensure proper drainage.

c. Design.

i. Access to street. All parking garages, areas, lots, and structures shall be so located and designed as to provide access to adjacent streets with the least interference with vehicular traffic movements.

ii. Ingress/Egress. Except in a residential district, each parking garage, area, lot, or structure shall be designed to

avoid the backing of vehicles over a sidewalk or into a public street.

iii. Curbing and Wheel Stops. All off-street parking facilities shall be provided with curbs, wheel stops, or bumper guards around the perimeter of all parking areas, including landscaped areas located within the parking lot.

iv. Circulation Aisles. Each parking space in a parking lot, except spaces accessory to a single family dwelling, shall be accessed by a circulation aisle of a width, in feet and inches, as specified in Table 1 below.

v. Space Dimensions. Each off-street parking space, excluding its associated circulation aisle, shall have the minimum dimensions, in feet and inches, set forth in Table 1 below. Each parking space shall have a vertical clearance of at least 7 feet, 6 inches.

TABLE 1: Parking Module Dimensions (See Graphic in Appendix)

Angle (in degrees)	Minimum Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Module Width (D)	Interlock Reduction (E)	Bumper Overhang (F)
30	9.0’	17.0’	12.0’	46.0’	2.7’	1.8’
45	9.0’	17.5’	13.0’	48.0’	2.0’	2.0’
50	9.0’	18.0’	14.0’	50.0’	1.8’	2.1’
55	9.0’	18.5’	14.5’	51.5’	1.6’	2.2’
60	9.0’	19.0’	16.0’	54.0’	1.3’	2.3’
65	9.0’	19.0’	16.5’	54.5’	1.2’	2.3’
70	9.0’	19.5’	17.5’	56.5’	1.0’	2.4’
75	9.0’	19.0’	19.0’	57.0’	0.7’	2.5’
90	9.0’	18.5’	24.0	61.0’	--	2.7’
Parallel	9.0’	23.0’	12.0’	30.0’	--	--

d. Screening. All parking lots and garages must comply with the screening and landscaping regulations set forth in section 10-9-4 of this code.

e. Lighting. All exterior lighting of parking spaces and areas must comply with the lighting regulations set forth in section 10-9-5 of this code.

f. Maintenance. All parking garages, areas, lots, and structures shall be properly maintained at all times.

3. Required Spaces.

USE	REQUIRED SPACES
a. Residential Uses	
Single Family Dwelling	2 spaces per dwelling unit
Multiple Family Dwelling	2 spaces per dwelling unit, plus one guest parking space for each 20 required parking spaces
b. Assembly and Institutional Uses	
Assembly Uses, including religious facilities, amusement, cultural, recreational, and entertainment uses, and clubs, lodges, and fraternal organizations	1 for each 3 persons, based on maximum capacity
Colleges, Universities, Trade Schools and Vocational Schools	1 for each 3 students, based on maximum student capacity, plus 2 spaces for each 3 employees
Elementary and Junior High Schools	2 parking spaces for each classroom, unless parking for a place of assembly that is equal to or exceeds classroom requirement is provided
High School	1 parking space for every 3 students, based on maximum student capacity, plus 2 spaces for each classroom, unless parking for a place of assembly that is equal to or exceeds classroom requirement is provided
Theaters	1 parking space for each 4 seats
c. Health, Medical, and Care Facilities	
Nursing homes and convalescent centers	1 for every 4 beds, plus 2 spaces for each 3 employees
Health Treatment Centers	6 parking spaces for every 1,000 square feet of net floor area
Hospitals	1 parking space for each 2 beds, plus 2 spaces for every 3 employees
Medical Offices and Laboratories	6 parking spaces for every 1,000 square feet of net floor area
Nursery Schools and Day Care Centers	3 parking spaces for every 1,000 square feet of floor area
d. Retail and Service Uses	
All retail and service uses not otherwise listed below	6 parking space for every 1,000 square feet of net floor area
Appliance and Furniture Stores	1 parking space for every 250 square feet of net floor area
Auto Repair and Body Shop	4 parking spaces for each service bay, plus 1 space for each employee
Automobile Service Station	2 parking spaces for each island of pumps, plus 4 spaces for each service bay, plus 1 space for each employee

Automobile Sales	6 parking spaces for each 1,000 square feet of net showroom floor area, plus 1 space for each employee, plus 3 spaces for each service bay
Banks and other Financial Institutions	6 parking spaces for every 1,000 square feet of net floor area, plus 6 stacking spaces for each drive-through window up to a maximum of 20 stacking spaces
Bars and Taverns	18 parking spaces for each 1,000 square feet of net floor area
Restaurants, sit down (with or without carry-out)	18 parking spaces for each 1,000 square feet of net floor area
Restaurants, carry-out only	8 parking spaces for each 1,000 square feet of net floor area
Car Wash	1 parking space for each employee, plus 6 stacking spaces
Drive-Through Establishment	6 stacking spaces for each drive-through window or facility up to a maximum of 20 stacking spaces
Hotels and motels	1 parking space for each lodging room, plus 1 additional space for each employee. Additional parking spaces are required for other facilities, such as bars and restaurants
Funeral Homes	1 parking space for every 50 square feet of net floor area

e. Office and Professional Uses

Professional offices less than 50,00 square feet of net floor area	6 parking spaces for each 1,000 square feet of net floor area for the first 4,000 square feet, and 4 spaces for each 1,000 square feet of net floor area thereafter
Professional offices 50,00 square feet of net floor area and larger	4 parking spaces for each 1,000 square feet of net floor area

f. Industrial and Manufacturing Uses

Manufacturing, Processing, Assembly, and Packaging	2 parking spaces for each 1,000 square feet of net floor area
Warehousing and Distribution	1 parking space for each 1,000 square feet of net floor area

g. Other Uses Not Specifically Listed	Parking spaces shall be provided on the same basis as required for the most similar use, as determined by the Zoning Administrator

4. Unspecified Uses. When the ultimate use of a structure is not known, the maximum number of spaces that might be required for any use to which the structure might reasonably be devoted shall be provided.

5. Computation of Required Spaces.

   a. Fractional Spaces. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction of one-half or less may be disregarded and any fraction in excess of one-half shall require one additional parking space.

   b. Capacity Calculations. When parking spaces are required on the basis of capacity, capacity shall be determined based on the occupancy standards established by the Village building code.

   c. Population Calculations. When parking spaces are required on the basis of the number of customers, employees, students, or similar measure, the maximum number for which the structure is designed shall govern, except that when the structure has no design capacity the maximum number present at any one time shall govern.

6. Disabled Persons Parking. Disabled persons parking spaces shall be provided in accordance with state requirements.

7. Collective Provision of Parking Facilities. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces provided is not less than the sum of the separate requirements for each use; provided that all regulations governing location of parking spaces are observed. Further, no parking space or portion thereof shall serve as the required space for more than one use unless specifically authorized in accordance with this code.

8. Landbanking Authorized. Notwithstanding any other provision of this section, the Village Board may reduce the total number of off-street parking spaces required to be provided subject to acceptance by the property owner of the following conditions:

   a. Termination of Landbanking. The Village Board shall have the right, in its sole and absolute discretion, to require the property owner or his or her successor at any time to increase the number of parking spaces provided to serve the development up to the maximum required for the property in question as if landbanking had been granted.

b. Alternate Plans Required. Every application to allow landbanking of required parking spaces shall be accompanied by alternate detailed parking plans. One plan shall show the full number of parking spaces required pursuant to this section; the other plan shall show the landscaping treatment of areas proposed to be reserved for future parking requirements. Both such plans shall show the location on the site of all parking areas, the exact number of parking spaces to be provided, and complete details for 1) markings, 2) curbing, 3) surfacing, 4) screening and landscaping, 5) lighting, 6) signing, and 7) access. The design plans for such parking areas shall be subject to the approval of the Village Board.

c. Open Space Covenant. As a condition of granting a landbank, the applicant shall file with the Village Board the applicant's unconditional agreement and covenant in form and substance satisfactory to the Village Attorney that areas reserved for future parking shall be maintained as landscaped open space until and unless required to be used for off-street parking; or until such covenant is released by the Village Board. The agreement and covenant shall be recorded with the Recorder of Deeds.

C. Loading.

1. Purpose. Subject to the limitations of this section, off-street loading is permitted as an accessory use in all districts other than residential districts.

2. General Requirements.

a. Location. All loading berths (docks) shall be located on the same zoning lot as the use served and may be located inside or outside the building served. Loading berths may be located in a required yard subject to section 10-8-9 of this code.

b. Design. All loading berths and loading areas shall be designed so that no portion of a vehicle shall project a street, access drive or aisle, parking area, or walkway while loading or unloading.

c. Size. Unless otherwise specified in this code, all off-street loading berths shall be at least 12 feet in width by at least 50 feet in length, exclusive of aisle and maneuvering space, and have a vertical clearance of at least 15 feet.

d. Screening. Loading berths shall be screened from view from any public or private street or from any adjacent property. Screening materials will consist of landscaping, walls, berms, or any other permanent material that will provide continuous screening throughout the entire year.

e. Access. Each required loading berth shall be served by appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movements.

f. Surface. Every loading space shall be surfaced with an all-weather, heavy-duty, and dustless surface approved by the Village, and maintained at all times free of trash and debris.

g. Grading and Draining. All loading facilities shall be graded and drained to dispose of water accumulation by means of a storm water drainage system approved by the Village.

h. Space Allocated. Space allocated to a required loading berth shall not be used to satisfy any requirements of the zoning code for off-street parking spaces.

i. Maintenance. All off-street loading facilities shall be continually maintained in a state of good repair.

3. Change of Use. Whenever the existing use of a building, structure, or premises shall hereafter be changed to a new use, loading facilities shall be provided as required for such new use.

4. Change of Intensity of Use. When the intensity of use of any building, structure, or premises shall be increased through the addition of gross floor area, such additional loading facilities as required shall be provided.

5. Required Number of Off-Street Loading Berths. All buildings, structures, and uses shall provide adequate off-street loading facilities, as determined by the zoning administrator.

6. Calculating the Number of Berths. Square footages which produce a fraction less than one-half ($^1/_2$) will not be required to add one additional berth. All fractions over one-half ($^1/_2$) will be required to provide the additional berth.

7. Optional Berths. Owners and/or operators may install more loading berths than required by the minimum standard, providing all regulations of this code are met.

10-9-2 SIGNS

A. Intent and Purpose. Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the village without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this title to establish regulations governing the display of signs that will:

1. Promote and protect the public health, safety, comfort, morals and convenience.

2. Enhance the economy and the business and industry of the village by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.

3. Restrict signs and lights which overload the public capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.

4. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

B. Definitions.

1. Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

2. Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations; provided, that such flags, emblems and insignia are displayed for noncommercial purposes.

3. Building Official: The building official of the village of Gilberts, Illinois.

4. Business Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

5. Canopy: A structure, other than an awning, made of cloth, metal, or other material with frames affixed to a building and carried by a frame which is supported by the ground.

6. Construction Sign: A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

7. Curb Level: The level of the established curb in the front of a building or other structure measured at the center of such front. Where no curb elevation has been established, the mean elevation of the centerline of the street fronting the building or structure shall be considered "curb level".

8. Directional Sign: A sign providing no advertising of any kind which provides direction or instruction to guide persons to facilities intended to serve the public including, but not specifically limited to, those signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

9. Directory Sign: A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

10. Existing Permanent Sign: A permanent sign displayed in the village on and after the effective date hereof.

11. External Illumination: Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

12. Flashing Sign: An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this title, any moving illuminated sign affected by intermittent lighting shall be deemed to be a "flashing sign".

13. Grade: The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

14. Gross Surface Area: The entire area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in "gross surface area"; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total "gross surface area" of the sign.

15. Ground Sign: A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

16. Illuminated Sign: A sign in which an artificial source of light is used in connection with the display of such sign.

17. Instructional Sign: A sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public including, but not specifically limited to, those signs identifying restrooms, public telephones, public walkway, parking areas, and other similar facilities.

18. Internal Illumination: Illumination of a sign which is affected by an artificial source of light which is contained within the sign itself.

19. Item of Information: A word, an abbreviation, a number, a symbol, or a geometric shape contained in a sign. A sign which combines several different geometric shapes, or shapes of unusual configuration, is assessed one "item of information" for each noncontinuous plane.

20. Light Emitting Diode (LED). A sign utilizing technology of diode arranged in pixels to create messages changeable by electronic means. These signs shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma display screen signs, incandescent signs, or any such signs using similar technologies.

21. Marquee: A permanent, roof like structure extending from part of the wall of a building but not supported by the ground and constructed of durable material such as metal or glass.

22. Monument Sign: A sign with a base larger or equal to the size of the sign. The base of the sign is masonry construction (all masonry signs are allowed). The sign is directly attached to the masonry base.

23. Moving Sign: A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners or pennants, except for digital signs.

24. Neon or Gas Tube Illumination: Illumination effected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes. When calculating sign area for a building which includes neon tubing used to outline an entire building, area of a wall, window area or roofline, the neon tubing shall be calculated at an equivalency of one linear foot of neon tubing equals one square foot of sign area that counts toward the maximum signage allowed on a particular building.

25. Nonconforming Sign: A sign which does not adhere to one or more of the provisions contained in this title.

26. Off Premises Sign: A sign which directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

27. Open Sign: A sign in which the area exposed to wind is less than seventy percent (70%) of such sign's aggregate gross surface area.

28. Political Sign: A temporary sign identifying a political candidate, issue, or party.

29. Portable Sign: A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

30. Principal Building: The main or principal building located upon a single zoning lot; the building in which the principal use of the premises is conducted.

31. Projected Illumination Sign: A sign in which the light source is projected onto the wall of a building or other surface.

32. Projecting Sign: A sign which is affixed to a building or wall and extends beyond the face of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than sixteen inches (16").

33. Real Estate Sign: A sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed.

34. Roof Sign: A sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.

35. Shopping Center: A commercial development under unified control consisting of four (4) or more separate commercial establishments sharing a common building, entranceway, or parking area.

36. Sign: Any identification, description, illustration, or device, illuminated or nonilluminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

37. Solid Sign: A sign in which the area exposed to wind is seventy percent (70%) or more of such sign's aggregate gross surface area.

38. Temporary Sign: A nonpermanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time. The fixed period of time is thirty (30) days with one extension per year, with a maximum allowable duration of sixty (60) days in any calendar year.

39. Wall Sign: A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

40. Warning Sign: A sign, containing no advertising material, warning the public of the existence of danger.

41. Window Sign: A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

42. Zoning Lot: A designated parcel, tract, or area of land, established by plat, subdivision or otherwise, permitted by law to be used, developed or built upon as a single unit under single ownership or control.

C. Permit Requirements.

1. Permit Required; Exceptions. Except for the following, no person may erect, alter, or relocate within the village any sign without first obtaining a sign permit from the building official and paying the required permit fee:

a. Exempt signs as specified in subsection I.

b. Temporary political, real estate, and other so identified signs as specified in subsection J.

c. Routine maintenance or changing of the parts or copy of a sign; provided, that the maintenance or change of parts or copy does not alter the surface area, height, number of items of information displayed, or otherwise render the sign nonconforming.

2. Application For Permit. Applications for sign permits shall be submitted to the building official and shall contain or have attached thereto the following information:

a. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign and the person to be erecting or affixing the sign.

b. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.

c. A site plan of the property involved, showing accurate placement thereon of the proposed sign.

d. Two (2) blueprints or ink drawings, not greater than twenty four inches by thirty six inches (24" x 36") in size, of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.

e. If required by the building official, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the state of Illinois showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this title and all other applicable code sections and ordinances of the village.

f. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.

g. Such other information as the building official may require to determine full compliance with this code and other applicable ordinances of the village.

3. Permit Fees. Permit fees for signs regulated by this title shall be those as specified in chapter 4 of title 2 of this code.

4. Issuance Of Permit. Upon the filing of an application for a sign permit, the building official shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this title and other applicable code sections and in conformance with the zoning code and other ordinances of the village, and if the appropriate permit fee has been paid, the building official shall issue a permit for the proposed sign.

5. Time For Completion Of Work; Extensions. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void unless otherwise extended by the building official for a single additional ninety (90) day period.

6. Revocation Of Permit. All rights and privileges acquired under the provisions of this section are mere licenses and, as such, are at any time revocable for just cause by the village board. All permits issued pursuant to this section are hereby subject to this subsection.

D. Variations.

1. Intent. It is the intent of this title to use variations only to modify the application of this title to achieve a parity among signs similarly located and classified. Specifically, variations are to be used to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from displaying his/her sign as intended by this title. Such practical difficulty must be clearly exhibited and must be a result of an external influence; it may not be self-imposed.

2. Petition For Variation.

a. A petition for a variation from any provision of this title may be made by any person having a proprietary interest in the sign for which such variation is requested.

b. A variation request shall be addressed to the village board, shall be filed in writing with the village clerk and shall include the following information:

(1) The names, addresses, and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.

(2) A description of the requested variation.

(3) Justification of the requested variation.

(4) The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.

(5) A site plan of the property involved, showing accurate placement thereon of the proposed sign.

(6) A blueprint or ink drawing of the plans, not greater than twenty four inches by thirty six inches (24" x 36") in size, and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.

(7) The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.

(8) Such other information as the sign variation committee may require to determine full compliance with this code and other applicable ordinances of the village.

(9) Each variation request to the village board shall be accompanied by the applicable fee as specified in chapter 4 of title 2 of this code to be paid at the time of filing of the variation request.

3. Public Hearing.

a. Timing: The village board shall hold a public hearing on a variation request within sixty (60) days of its completed written filing.

b. Attendance: The petitioner and village clerk and/or their authorized representatives shall attend those meetings of the village board at which a variation is to be heard.

4. Standards For Variations. A variation may be granted when it shall be determined from evidence presented to the village board that the variation will not merely serve as a convenience to the petitioner but is necessary to alleviate some demonstrable hardship or unusual practical difficulty and that the granting of the variation will not in any way be inconsistent with the intent, purpose, and objectives of this title.

5. Village Board Determination.

a. Within thirty (30) days after the public hearing concerning a variation, the village board, upon the majority vote of its entire membership, shall grant, deny, wholly or in part, or modify said variation request as it determines appropriate and, to that end,

shall have all the powers of the officer from which the requested variation was taken.

b. No requested variation which has been denied wholly or in part by the village board in accordance with the provisions established herein may be resubmitted for a period of one year from the date of said denial, except on grounds of new evidence or proof of changed conditions found to be valid by the village board.

6. Village Board Revocation. In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one calendar year from the date of village board approval of the requested variation, then, without further action by either the sign variation committee or the village board, said variation shall become null and void.

7. Records. The village clerk shall maintain complete records of all findings of fact and all determinations of the village board relative to a requested variation. All such records shall be open to the public for inspection.

E. Basis of Regulations.

1. The display of signs in the village is hereby regulated on the basis of the following factors:

a. The type of activity displaying the sign; and

b. The following four (4) design features:

(1) The type of sign;

(2) The area of the sign;

(3) The height of the sign; and

(4) The location of the sign.

2. In addition, certain signs and certain activities are regulated on the basis of additional factors as set forth in this title.

F. Illumination. The illumination of signs must comply with the following:

1. Electrical Permit Required. In addition to complying with the provisions of this title, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the village electrical code.

2. Illumination Of Buildings, Structures And Areas.

a. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to

illuminate buildings, structures, outdoor sales areas, or outdoor storage areas is prohibited, except:

(1) During the month of December for areas in which Christmas trees are offered for sale;
(2) On a temporary basis for areas in which carnivals, fairs, or other similar activities are held; and
(3) On a temporary basis as otherwise determined appropriate by the village board of trustees.

b. A building or other structure may be illuminated, but all lighting used for this purpose must be designed, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.

3. Brightness. In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed seventy five (75) foot-candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.

4. Glare. All signs shall be designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

5. External Illumination. All illumination on a sign shall be from an internal source. The use of projectors or other equipment to externally illuminate the structure is not allowed.

G. Construction Specifications. All permanent signs permitted by this title shall be constructed in accordance with the provisions of this section.

1. Compliance With Applicable Codes. In addition to complying with the provisions of this title, all signs shall be constructed in accordance with the applicable provisions of the village building code and electrical code.

2. Auxiliary Specifications. All signs permitted by this title shall be constructed in accordance with the following provisions:

a. Obstruction Of Exits. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

b. Obstruction Of Ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

c. Clearance From Electrical Power Lines And Communication Lines. All signs shall be located in such a way that they maintain

horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the village electrical code. However, in no instance shall a sign be erected or constructed within eight feet (8') of any electrical power line, conductor, or service drop or any communication line, conductor, or service drop.

d. Clearance From Surface And Underground Facilities. All signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.

e. Obstruction To Existing Or Instructional Signs. No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.

3. Wind Loads. All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as follows:

a. Solid signs. Thirty (30) pounds per square foot per face of the sign.

b. Open signs. Thirty six (36) pounds per square foot of the total face area of the letters and other sign surfaces, or ten (10) pounds per square foot of the gross surface area of the sign, whichever is greater.

H. Prohibited Signs. The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the village, except as otherwise permitted in this title:

1. A-Frame Or Sandwich Board Signs. A-frame or sandwich board and sidewalk or curb signs, except as a temporary sign, as provided in subsection J.

2. Banners, Pennants And Inflatable Signs. Banners, pennants, streamers, inflatable signs, balloons, and other gas filled figures, except as a temporary sign, as provided in subsection J.

3. Billboards And Other Off Premises Signs. Billboards and other off premises signs, except as a temporary sign, as provided in subsection J.

4. Moving And Flashing Signs. Signs which flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of parts, including automatic electronically controlled copy changes, or through the impression of movement or flashing, except for:

a. That portion of those signs indicating the time and/or temperature and signs fully located within an enclosed building and are not observable from the exterior of such building; and

b. Except as a temporary sign, as provided in subsection J.

c. LED signs.

5. Portable And Wheeled Signs. Portable and wheeled signs, except as a temporary sign, as provided in subsection J.

6. Projecting Signs. Signs which are attached or otherwise affixed to a building and project more than sixteen inches (16") beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.

7. Pylon Signs. Signs which are mounted on top of a single or of multiple poles.

8. Roof Signs. Signs on roofs.

9. Signs On Parked Vehicles. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right of way, public property, or private property so as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

10. Signs On Tree. Signs which are attached or otherwise affixed to trees or other living vegetation.

11. Painted Signs. Signs painted on an exterior wall, fascia, parapet, or a chimney of a building or on a fence.

12. Signs With Inaccurate Information. Signs which contain untruthful or misleading information.

13. Signs Interfering With Traffic Or Imitating Traffic Control Devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

I. Exempt Signs. The following signs are hereby exempt from the provisions of this title, excepting for such instances where any sign listed herein is found to be unsafe or unlawful:

1. Signs On Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers which are parked on a public right of

way, public property, or private property as to be visible from a public right of way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

2. Awning, Canopy, And Marquee Signs. Signs, not exceeding an aggregate gross surface area of two (2) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees. Awning, canopy, and marquee signs exceeding four (4) square feet in aggregate gross surface area shall be allowed only as specified in this section.

3. Directional Or Instructional Signs. Signs, not exceeding two feet (2') in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public; provided, that such signs contain no advertising of any kind, with a maximum of two (2) directional or instructional signs per building or per tenant space. Such signs include those identifying restrooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.

4. Flags. Flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations; provided, that such flags, emblems, and insignia are displayed for noncommercial purposes.

5. Governmental Signs. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aid to service or safety which are erected by, or at the order of, a public officer or employee in the performance of the officer's or employee's duties.

6. Holiday Decorations. Signs or other materials temporarily displayed on recognized civic, patriotic, or religious holidays displayed no more than thirty (30) days after the holiday.

7. Interior Signs. Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby, court, or entrance of any theater which are intended solely for information relating to the interior operation of the building in which they are located.

8. Memorial Signs. Memorial plaques or tablets, grave markers, statuary, or other remembrances of persons or events that are noncommercial in nature.

9. Name And Address Plates: Signs, not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate

gross surface area of four (4) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.

10. No Trespassing, No Dumping, No Parking, Towing, And Other Similar Signs: No trespassing, no dumping, no parking, towing and other similar signs (as set forth by the current regulations of the Illinois commerce commission), not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet and not exceeding two (2) in number per zoning lot in residential areas, not exceeding four (4) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of eight (8) square feet and not exceeding four (4) in number per zoning lot in nonresidential areas. However, under proven special circumstances, the building official may permit additional such signs if determined to be warranted.

11. Parking Lot Directional And Instructional Signs.

    a. Directional Signs. Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five feet (5'), as measured from the established grade of the parking area to which such signs are accessory.

    b. Instructional Signs. Signs designating the conditions of use or identity of parking areas and not exceeding nine (9) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen feet (16'). Parking lot instructional signs shall not project higher than ten feet (10') for wall signs and seven feet (7') for ground signs, as measured from the established grade of the parking areas(s) to which such signs are accessory.

    c. Obstructing View Prohibited. Parking lot signage shall not obstruct the line of sight for vehicles entering and exiting a parking lot or area and/or entering a public street.

12. Public Notices. Official notices posted by public officers or employees in the performance of the officers' or employees' duties.

13. Public Signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

14. Symbols Or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross

surface area for each exposed face nor exceeding four (4) square feet in aggregate gross surface area.

15. Vending Machine Signs. Permanent, nonflashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information, not exceeding four (4) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of eight (8) square feet.

16. Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

J. Temporary Signs. Temporary signs may be erected and maintained in the village only in accordance with the provisions contained in this section:

1. Permit Required; Conditions.

a. No person shall erect, construct, repair, alter, or relocate within the village any temporary sign, except temporary political and real estate signs, without first obtaining a permit from the building official.

b. The building official shall impose, as a condition of the issuance of a permit for temporary signs, such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.

2. Illumination. Temporary signs may be illuminated in compliance with the requirements of this title.

3. Permitted Temporary Signs. Temporary signs shall be limited to nonprojecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.

4. Temporary Business Signs. Temporary business signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

a. Number: There shall not be more than two (2) permits for temporary business signs issued for the same premises within one calendar year.

b. Area:

(1) Residential Areas: In residential areas, temporary business signs shall not exceed four (4) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of eight (8) square feet.

(2) Nonresidential Areas: In nonresidential areas, temporary business signs shall not exceed thirty two (32) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty four (64) square feet.

c. Location: Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service, project, or sale is to occur. Such signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway. Temporary signs shall not obstruct the line of sight for any vehicle.

d. Height:

(1) Residential Areas: In residential areas, temporary business signs shall not project higher than seven feet (7'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

(2) Nonresidential Areas: In nonresidential areas, temporary business signs shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

e. Timing: Temporary business signs shall be erected and maintained for a period not to exceed thirty (30) days, and shall be removed within three (3) days of the termination of the activity, service, project, or sale.

5. Temporary Construction Signs. Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed shall be subject to the following:

a. Number: There shall not be more than one temporary construction sign for each project or development; except, that where a project or development abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

b. Area:

(1) Residential Areas: In residential areas, temporary construction signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet.

(2) Nonresidential Areas: In nonresidential areas, temporary construction signs shall not exceed seventy five (75) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred fifty (150) square feet.

c. Location: Temporary construction signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

d. Height: Temporary construction signs shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

e. Special Conditions:

(1) Accessory Use: Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development.

(2) Timing: Temporary construction signs may be erected and maintained for a period not to exceed sixty (60) days prior to the commencement of construction and shall be removed within fourteen (14) days of the termination of construction of the project or development.

6. Temporary Event Signs. Temporary event signs announcing a drive, activity, or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes shall be subject to the following:

a. Number, Area, Height And Location:

(1) The permitted number, area, height, location, and construction of temporary event signs shall be determined by the building official with consideration given to the public safety and the signage reasonably necessary and appropriate for the intended purpose.

(2) Any temporary event sign which is permitted by the building official to extend over or onto a public right of way shall be erected and maintained in such a manner as to not interfere or obstruct access, activity, or vision along any such public right of way.

b. Special Conditions:

(1) Timing: Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior

to the date on which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity or event.

(2) Limit On Number Of Permits: No more than two (2) permits for temporary event signs shall be issued for the same premises within one calendar year.

7. Temporary Political Signs. Temporary political signs announcing political candidates seeking public office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

a. Number:

(1) Private Property: There shall be no limit on the number of temporary political signs for each zoning lot, provided all such signs meet the area, location, height, and other regulations contained in this section.

(2) Public Right Of Way: There shall be no political signs placed in the public right of way. All removed signs shall be discarded by the public works department and shall not be returned to the owner, candidate, or political party.

(3) Other: There shall be no political signs attached to telephone poles, utility poles, other permanent signs or fences. All removed signs shall be discarded by the public works department and shall not be returned to the owner, candidate, or political party.

b. Additional Private Property Restrictions:

(1) Area: Temporary political signs are permitted on private property; provided however, that all temporary political signs on a private lot shall not exceed an aggregate total gross surface area of sixty four (64) square feet and in no event shall any temporary political sign exceed four feet (4') in height or eight feet (8') in width.

(2) Location: The temporary political signs may be located in any required yard. The signs shall not block the sidewalk or the line of sight at any intersection.

8. Temporary Real Estate Signs. Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

a. Number: There shall not be more than one temporary real estate sign for each zoning lot; except, that where a lot abuts two (2) or

more streets, additional signs, one oriented to each abutting street, shall be permitted.

b. Area:

(1) Residential Areas: In all residential areas, temporary real estate signs shall not exceed four (4) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of eight (8) square feet.

(2) Nonresidential Areas: In nonresidential areas, temporary real estate signs shall not exceed seventy five (75) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred fifty (150) square feet.

c. Location: Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

d. Time For Removal: Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

K. Permitted Signs for Residential Uses. For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:

1. Building Name And Address Signs. Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

a. Type: Building name and address signs may be monument signs.

b. Number: There shall not be more than one name and address sign for each building; except, that where a building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

c. Area: Building name and address signs shall not exceed six (6) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of twelve (12) square feet.

d. Location: Building name and address signs shall not be located closer than one-half ($^1/_2$) the minimum setback required for the zoning district in which the sign is to be erected or within fifteen

feet (15') of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the building official.

e. Height: Building name and address signs shall not project higher than seven feet (7') as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

2. Residential Development Signs. Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

a. Type: All residential development signs shall be monument signs.

b. Number: There shall not be more than two (2) residential development signs for each point of vehicular access to a development.

c. Area: Residential development signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface of one hundred (100) square feet.

d. Location: Residential development signs shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the building official.

e. Height: Residential development signs shall not project higher than seven feet (7'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

3. Exempt Signs. Exempt signs are as specified in subsection I.

4. Temporary Signs. Temporary signs are as specified in subsection J.

L. Permitted Signs for Commercial Uses. For all commercial uses, only the following signs are hereby permitted and then only accessory and incidental to a permitted or special use:

1. Commercial Use Signs. Commercial use signs shall be subject to the following:

a. Wall Signs:

(1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2)

or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

(2) Area:

(A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

(i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').

(ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').

(iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').

(iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.

(B) Consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and

(C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall

be subject to the review and approval of the building official.

(4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

(1) Type: The only type of ground sign allowed is a monument sign.

(2) Number: There shall not be more than one monument sign for each principal building.

(3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.

(4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

(5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base.

(6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

(1) Number:

(A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.

(B) This sign is not allowed if there is a wall sign.

(2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.

(3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.

(4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

d. Window Signs: Window signs which are on the interior of the window shall not cover more than fifty percent (50%) of the window surface area.

2. Shopping Center Signs. Shopping center signs shall be subject to the following:

a. Wall Signs:

(1) Number: There shall not be more than one wall sign for each tenant or use contained in a shopping center; except, that where a tenant or use abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

(2) Area:

(A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

(i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').

(ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').

(iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').

(iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.

(B) If such wall consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

(C) When all wall signs located in the shopping center utilize lettering and background uniform in style and coloring.

(3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

(4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

(1) Type: The only type of ground sign allowed is a monument sign.

(2) Number: There shall not be more than one monument sign for each principal building.

(3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.

(4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

(5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base specified in subsection B2c of this section.

(6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

(7) Directory Signs: Each shopping center monument sign may include, affixed directly thereto, a directory indicating only the names of the tenants of the shopping center in which the sign is to be located. The gross surface area of the directory sign shall not exceed sixty (60) square feet for each exposed face nor exceed an aggregate gross surface area of twenty (20) square feet for each tenant located in the shopping center in which the sign is to be located. The information displayed by a shopping center directory sign, which is in compliance with the requirements of this subsection, shall not be treated as items of information.

c. Awning, Canopy And Marquee Signs:

(1) Number:

(A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.

(B) An awning, canopy or marquee sign is not allowed if there is a wall sign.

(2) Area: The gross surface area of an awning, canopy, or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.

(3) Location: A sign may be affixed to or located upon any awning, canopy or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.

(4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

3. Automobile Dealership Signs. Specific signage requirements for automobile dealership signs will be determined concurrent with their special use permit application.

4. Automobile Service Station Signs. Automobile service station signs shall be subject to the following:

a. Wall Signs:

(1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

(2) Area:

(A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

(i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').

(ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').

(iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').

(iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.

(B) Consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and

(C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where

the light source is visible or exposed on the face or sides of the characters.

(3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

(4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

b. Monument Signs:

(1) Type: The only type of ground sign allowed is a monument sign.

(2) Number: There shall not be more than one monument sign for each principal building.

(3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.

(4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

(5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base.

(6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

(1) Number:

(A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.

(B) An awning, canopy, or marquee sign is not allowed if there is a wall sign.

(2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.

(3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.

(4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

d. Service Bay Identification Signs: Service bay identification signs providing direction or instruction to persons using the facility and containing no advertising material of any kind shall be subject to the following:

(1) Type: All service bay identification signs shall be wall signs.

(2) Number: There shall not be more than one service bay identification sign for each service bay located on the premises.

(3) Area: The gross surface area of a service bay identification sign shall not exceed ten (10) square feet.

(4) Location: A service bay identification sign may be located on the outermost wall of any principal building adjacent to a service bay entrance but shall not project more than sixteen inches (16") from the wall to which the sign is to be affixed. The location and arrangement of all service bay identification signs shall be subject to the review and approval of the building official.

(5) Height: A service bay identification sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building to which the sign is to be affixed, whichever is lower.

(6) Special Conditions: The information displayed by a service bay identification sign which is in compliance with the requirements of this subsection shall not be treated as items of information.

e. Service Island Identification Signs: Service island identification signs indicating the type of service offered, the price of gasoline, and other relevant information or direction to persons using the facility but containing no advertising material of any kind shall be subject to the following:

(1) Type: All service island identification signs may be either wall signs or ground signs.

(2) Number: There shall not be more than one service island identification sign for each service or pump island located on the premises.

(3) Area: The gross surface area of a service island identification sign shall not exceed six (6) square feet for each exposed face nor exceed an aggregate gross surface area of twelve (12) square feet.

(4) Location: Service island identification signs may be located on the outermost wall of any principal building or in any required yard. The location and arrangement of all service island identification signs shall be subject to the review and approval of the building official.

(5) Height: A service island identification sign shall not project higher than fifteen feet (15'), as measured from the base of the sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is lower.

(6) Special Conditions: The information displayed by a service island identification sign which is in compliance with the requirements of this subsection shall not be treated as items of information.

5. Exempt Signs. Exempt signs are as specified in subsection I.

6. Temporary Signs. Temporary signs are as specified in subsection J.

7. Light Emitting Diode (LED) Sign Regulations. Light Emitting Diode (LED) signs shall be permitted under the following conditions:

a. Signs shall only be permitted in non-residential zoning districts subject to a special use permit issued pursuant to section 10-11-11 of this code.

b. Only one sign shall be permitted on each zoning or shopping center lot.

c. Signs shall only be allowed as a freestanding ground sign and shall not be in addition to the number of allowed freestanding signs.

d. No sign shall be located within 100 feet of a residential use, except as otherwise approved in the special use permit. No sign shall be located within 400 feet of another LED sign on the same side of the street. No sign shall be located within 200 feet of another LED sign on the opposite side of the street.

e. Signs shall only display promotional messages of a good or service that is being offered at the place of business on the particular zoning lot that the sign is located, with the exception of advertisements for community events, or as otherwise expressly approved by a special use permit.

f. Animated signs, sign that change image signs, video signs or tri-vision signs shall be prohibited. Movement, including flashing, scrolling or rotating so as to draw attention is prohibited. Each message must be static or depicted for a minimum of ten seconds.

g. The message area shall not have an undue brightness, which shall be defined as 5,000 nits during the day and 500 nits at night. The owner/user shall reduce the level of brightness if determined by the Village that the light levels exceed the levels specified. The sign shall be programmed to dim and brighten automatically in response to changes in ambient light. Prior to issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been factory preset not to exceed the levels specified above. The sign shall be controlled electronically by a computer or other similar device that has a manual override. The sign shall either freeze or go blank in the event of a malfunction.

h. Electronic messages shall be turned off at all times when the business or use that it serves is closed, except LED signs that display fuel prices.

i. Fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers. Signs used to display fuel prices shall be for the exclusive use of the display of fuel prices and may not display any other type of message or advertisement. Signs that display fuel prices may not change until a change in the price of fuel has occurred. The fuel price displayed on an electronic message board sign shall not scroll, move or flash and must be static.

M. Permitted Signs for Office, Industrial and Institutional Uses. For all office, industrial and institutional uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:

1. Office, Industrial And Institutional Use Signs. Office, industrial and institutional use signs shall be subject to the following:

a. Wall Signs:

(1) Number: There shall be not more than one wall sign for each tenant; except, that where the building abuts two (2) or more streets, additional such signs, one oriented to each abutting street, shall be permitted.

(2) Area:

(A) The gross surface area of a wall sign shall not exceed three (3) times the linear frontage of the tenant space on which the sign is installed nor the following maximum surface area, whichever is less:

(i) Eighty (80) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is less than one hundred feet (100').

(ii) One hundred twenty (120) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is one hundred feet (100') or more but less than two hundred feet (200').

(iii) Two hundred forty (240) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is two hundred feet (200') or more but less than four hundred feet (400').

(iv) Four hundred (400) square feet where the building setback from the closest perpendicular street or approximately perpendicular street is four hundred feet (400') or more.

(B) Consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and

(C) If illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

(3) Location: A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen inches (16") from the wall to which the sign is to be

affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the building official.

(4) Height: A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or twenty feet (20'), as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

(5) Special Conditions: Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall. The maximum gross surface area of said sign shall be determined by calculating the proportionate building wall, including doors and windows, to which affixed and applying such proportion to the aggregate gross surface area for the building.

b. Monument Signs:

(1) Type: The only type of ground sign allowed is a monument sign.

(2) Number: There shall not be more than one monument sign for each principal building.

(3) Specifications: The base of all monument signs shall be two feet (2') in height and the base and columns constructed of masonry to match the building.

(4) Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

(5) Height: A monument sign shall not project higher than eight feet (8'), as measured from the top of the base specified in subsection A2c of this section.

(6) Length: The maximum length of the message area on a monument sign shall be ten feet (10'), and the maximum length of the monument sign inclusive of columns or side supports shall not exceed fourteen feet (14') in length.

c. Awning, Canopy And Marquee Signs:

(1) Number:

(A) There shall not be more than one awning, canopy, or marquee sign exceeding an aggregate gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee

signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this title.

(B) An awning, canopy, or marquee sign is not allowed if there is a wall sign.

(2) Area: The gross surface area of an awning, canopy or marquee sign shall not exceed fifty percent (50%) of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.

(3) Location: A sign may be affixed to or located upon any awning, canopy, or marquee. The location and arrangement of all such signs shall be subject to the review and approval of the building official.

(4) Height: An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

2. Office And Industrial Park Signs. Office and industrial park signs indicating only the name of the park, the manager of the park or of the developer thereof, and/or the address or location of the park shall be subject to the following:

a. Type: The only type of ground sign allowed is a monument sign.

b. Number: There shall not be more than one monument sign for each principal building.

c. Base Specifications: The base of all monument signs shall be two feet (2') in height and constructed of brick to match the building.

d. Location: A monument sign shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

e. Height: A monument sign shall not project higher than eight feet (8'), as measured from the base of the sign or grade of the nearest adjacent roadway or the average grade within thirty feet (30'), whichever is lower.

3. Directory Signs. Directory signs indicating only the names of the occupants of the premises on which the sign is to be located but containing no advertising material of any kind shall be subject to the following:

a. Type: Directory signs may be either wall signs or ground signs.

b. Number: There shall not be more than one directory sign for each office, industrial, and institutional building or complex under unified control consisting of two (2) or more occupants. Directory signs shall not be permitted for single occupant office, industrial, and institutional buildings and complexes.

c. Area: The aggregate gross surface area of a directory sign shall not exceed five (5) square feet for each occupant located in the building or complex.

d. Location: A directory sign may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from a zoning lot to a public roadway.

e. Height: A directory sign shall not project higher than ten feet (10'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

4. Institutional Attraction Boards. Attraction boards displayed by civic, philanthropic, educational, and religious organizations identifying activities, events, and services involving the organization occupying the premises on which the attraction board is to be erected and containing no commercial advertising material of any kind shall be subject to the following:

a. Type: Institutional attraction boards may be either ground signs or wall signs.

b. Number: There shall not be more than one institutional attraction board for each principal building.

c. Area: The gross surface area of an institutional attraction board shall not exceed fifty (50) square feet for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet.

d. Location: An institutional attraction board may be located in any required yard but shall not extend over any lot line or within fifteen feet (15') of any point of vehicular access from any zoning lot to a public roadway.

e. Height: An institutional attraction board shall not project higher than fifteen feet (15'), as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.

f. Items Of Information: The information displayed by an institutional attraction board which is in compliance with the requirements of this subsection shall not be treated as items of information.

5. Exempt Signs. Exempt signs are as specified in subsection I.

6. Temporary Signs. Temporary signs are as specified in subsection J.

N. Special Regulations.

1. Special District Regulations. The village board may, from time to time, establish sign regulations separate from the provisions of this title for a designated area of the village. Such districts shall be contiguous, of substantial size, and possess certain unique characteristics, as determined by the village board, to warrant sign regulations which differ from one or more of the provisions of this title. A map defining the district and special regulations, which may modify certain defined provisions of this title, will, upon approval by the village board, be made an attachment to this title. If, and to the extent that, special district regulations are approved by the village board, such regulations shall be observed by the persons affected in lieu of compliance with the affected provisions of this title. However, those provisions of this title which are not affected by the special district sign regulations shall continue to apply in the designated special district. Nothing in this section or elsewhere in this title shall prevent the establishment of special district sign regulations which are more stringent than those set forth in this title. No special district sign regulations shall be approved by the village board unless the regulations are binding upon all persons and property located in the designated area to which the regulations are intended to apply.

2. Sign Packages. The village board may, from time to time, approve special sign regulations for a particular development or property as part of a comprehensive sign package approved pursuant to an annexation agreement, planned unit development, or other ordinance or agreement. The provisions of any such approved sign package shall supersede and control over the sign regulations contained in this section where they vary for the effective period of the sign package approval. As part of the approval of a sign package, the village board is authorized to modify the provisions of the sign regulations contained in this section where the village board determines that the modifications are in the best interest of the village and its residents.

O. Nonconforming Signs. Nonconforming signs shall be subject to the regulations contained in section 10-10-6 of this code.

10-9-3 FENCES

A. Permit Required. No person shall erect any fence, screen or wall on any property without first securing a permit from the village building official.

B. Location.

1. No fence, wall, or other similar screening material shall be erected or maintained in any public right of way except those fences, walls, or other screening materials erected by a public body for public safety purposes.

2. All fences must be constructed within the confines of the property for which the permit is sought.

3. In no event shall any fence, wall, or other screening material be erected or maintained in any location near a public or private street, alley, driveway, or other means of ingress or egress that results in impairing the visibility of oncoming vehicular or pedestrian traffic.

4. All fences shall be oriented with the finished side facing any public right-of-way.

C. Height. Except as otherwise expressly provided by this code, no fence shall extend to more than five feet in height.

D. Special Fence Regulations.

1. Height Restrictions for Fences in Front Yards (other than corner yards).

a. Solid Fences, Walls, and other Solid Screening Materials. No solid fence, wall or other screening material in a front yard shall exceed three feet in height when located in a front yard.

b. Open Fences and Other Similar Screening Materials. No open fence or other similar screening material shall exceed four feet in height when located in a front yard.

2. Patio Fences, Screens And Walls. In residential areas, a solid fence, screen or wall may be erected around the immediate boundaries of any patio for the purpose of securing privacy; provided, that such fence, screen or wall does not exceed seven feet in height and is located not less than three feet from the property line.

3. Special Regulations for Accessory Uses and Structures. Swimming pools, tennis courts, and antenna facilities shall comply with the special fence regulations and requirements contained in section 10-8-1 of this code.

4. Corner Yards. A fence, wall, or screen may not extend forward of any rear corner of the house but may be located in the rear yard, provided that the fence must be located within the lot lines of the property.

E. Barbed Wire Fences. No person shall erect any fence along a street, alley or public place within the village in which barbed wire or any other sharp, pointed or dangerous material forms a part, without prior approval of the village board.

F. Building Code Compliance. All fences shall comply with the village's building code regulations.

G. Maintenance. All fences, walls, and similar screening materials shall be maintained in good condition.

10-9-4 LANDSCAPING AND TREES

A. Landscaping and Screening.

1. Purpose. The landscaping and screening requirements set forth in this section are intended to help preserve and protect the appearance, character, general health, well-being and safety of the Village by ensuring the compatibility of different land uses. Specifically, these regulations are intended to increase the compatibility of adjacent uses by requiring a buffer or screen between such uses so as to minimize the negative impacts of noise, dust, and other debris, unsightly views, motor vehicle headlight glare and the intrusion of other sources of artificial light.

2. Application. The landscaping and screening requirements set forth in this section shall apply to site plan review applications, special uses, planned unit developments and other new developments. Existing developments shall be exempt from these landscaping regulations unless a building or parking expansion or alteration is sought. The extent of landscaping required for a given site shall be proportionate to the size of the site and the extent of new development, or expansion of an existing building or parking area. For development activity involving improved property, such landscaping shall be required when the floor area of any existing building or structure, or parking areas, or any combination thereof, is increased as follows:

   a. If the total of the existing area is increased ten (10) percent or less, no additional landscaping is required.

   b. If the total of the existing area is increased more than ten (10) but less than fifty (50) percent, such landscaping is required for that portion of the lot which is faced by the expanded area(s).

   c. If the total of the existing area is increased fifty (50) percent or more, such landscaping is required for the entire development.

   The percentage of increase shall be calculated by combining all increases in interior floor area or parking area.

3. Authority. The landscape requirements set forth below shall be enforced by the building official, or his designee.

4. Acceptance of Landscape Plan.

   a. Upon completion of the installation of landscaping on a development site, the building official or designated representative shall inspect the site for conformance with the adopted landscape plan.

   b. The applicant must receive a sign-off on the installed landscape, in accordance with the approved landscape plan, from the building official prior to receipt of an occupancy permit.

c. If inclement weather prohibits completion of the landscaping during a given planting season and prior to issuance of an occupancy permit a petitioner may post a bond or establish a cash escrow for the value of the outstanding plant material and cost of labor to install such landscaping. The bond or escrow shall be held by the Village until such planting is completed to the satisfaction of the building official.

d. Upon completion of the landscaping the petitioner shall post a two year letter of credit in amount of 125 percent of the total cost of landscape material for the first year, following Village acceptance of the installed landscaping to guarantee the maintenance and replacement of planting and landscaping materials shown on the approved landscape plan. Said letter of credit may be reduced to 25 percent of the total costs in the second year. The two year letter of credit shall be based on costs determined by a nursery and approved by the building official.

5. Standards.

a. Plant Variety. A minimum number of species of shade trees and a minimum number of species of shrubs may be required on each parcel in order to provide visual diversity, seasonal interest and to reduce the chance for extensive plant loss as a result of insect infestation and the spread of disease within a given species. The quantities of species shall be as follows:

Size of Parcel (acres)	Quantity of Shade* Tree Species**	Quantity of Shrub Species
0 up to but not including 1 acre.	Not Applicable	Not Applicable
1 up to but not including 5 (e.g., convenience food store or small office building)	3	3
5 up to but not including 15 (e.g., small strip center or moderate size office building)	4	5
15 up to but not including 30 (e.g. major shopping center with large food store as primary anchor or large office building complex)	5	7

*More species may be required by the village board for parcels over 30 acres.

**On a site where ornamental or evergreen trees are used these species would be in addition to the minimum number of shade trees required.

6. Landscape Plan Submittal Requirements

   a. Landscape plans shall be submitted and approved for all projects requiring landscape plan review.

   b. All residential developments shall require both a master landscape plan to be submitted for the entire site and a typical foundation landscape plan for each style of dwelling.

7. Elements of the Landscape Plan. All landscape plans shall include the following:

   a. North arrow and scale. The scale shall be a minimum of one (1) inch equals fifty (50) feet for site landscape plans and one (1) inch equals twenty (20) feet for typical foundation landscape plans for multi-family developments. The scale of the landscape plan and the engineering plan shall be the same.

   b. Date of preparation and revisions, and name of the preparer.

   c. Topographic information and proposed grades, including the location and contour lines, at one (1) foot intervals, of all proposed berms.

   d. Proposed and existing buildings, structures and pavements.

   e. Existing and proposed utilities, above and below the ground.

   f. Location, type, size, spacing, quantity and planting condition (balled and burlapped, bare root, etc.) of all proposed landscape materials (including trees, shrubs, ground cover, bulbs, wildflowers, prairie plants and mulch quantity and depth).

   g. Common and botanical names of all proposed plant material.

   h. Location, size and common and botanical name of existing vegetation to be preserved.

   i. Symbols representing proposed plant material shall be drawn to scale showing the plants expected size five (5) years from the date of planting.

   j. Landscape features including retaining walls, fences, site furniture, lights, and paving.

   k. Ground signs and lights.

l. Refuse disposal areas location(s) and an elevation of the screen(s).

m. Landscaping of tot lots.

n. Elevations, cross-sections, and other details determined necessary by the building official.

8. Substitutions and changes. Once a landscape plan has been approved and a building permit issued, the building official may authorize minor revisions to the approved landscape plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved landscape plan. As such, revisions must be made in writing and will require the written approval of the building official. A revision shall be considered minor when there is no reduction in the quality of plant material, no significant change in size or location of plant material, and substitute Plants are of the same category (i.e., shade trees, ornamental, evergreen trees, large or small shrubs, groundcover, etc.) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.

9. Selection, Installation and Maintenance of Plant Materials

a. Selection

(1) Planting materials used in conformance with this Section shall be of specimen quality, shall have been grown in the same hardiness zone as Northeastern Illinois, and be capable of withstanding extremes of individual site microclimates.

(2) Trees selected for planting shall be healthy, free of insects and diseases, and damage that would threaten the viability of the plant. Parkway trees and Parking lot trees shall have a minimum branching height of six (6) feet above the ground to allow adequate visual and physical clearance.

(3) All plant material shall comply with the provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1-1980.

b. Plant Sizes. Unless otherwise specified, the minimum size for plant materials shall be as follows:

(1) Shade trees: three (3) inch caliper, measured six (6) inches above the ground

(2) Evergreen trees: six (6) feet in height

(3) Ornamental trees:

(a) Single trunk: two (2) inch caliper, measured six (6) inches above the ground

(b) Multi-trunk: six (6) feet in height

(4) Large shrubs*:* thirty-six (36) inches in height

(5) Small shrubs: twenty-four (24) inches in height

10. Installation. All landscaping shall be installed according to the following requirements:

a. All plantings shall be installed in accordance with the I.D.O.T. Standard Specifications for Road and Bridge Construction, as amended from time-to-time.

b. Sodding. All unpaved areas in any development within a street right-of-way and all swales forming the drainage system for a parcel shall be sodded. All unpaved street right-of-way areas shall be sodded with a salt tolerant sod. In all commercial, office and industrial developments, a water supply for maintaining adequate moisture levels in the parkways shall be provided within at least one hundred (100) feet of all points within the parkway. Upon recommendation of the village engineer, the village board may require additional sodding of a lot to prevent soil erosion and blockage of drainage systems.

c. The planting season shall be approximately mid-March, or when the ground is thawed and workable, through approximately mid-November, or when the ground is frozen and unworkable. The unique transplanting characteristics of each plant shall be accounted for when planning planting times (e.g., evergreens transplant better in the fall than the spring).

d. The branches of deciduous trees and shrubs may be selectively thinned by up to 1/3 at the time of planting, to reduce stress from transplanting, in accordance with good horticultural practice; however, in no case shall trimming result in reducing the overall height of the plant below that specified on the approved landscape plan.

e. All trees and shrubs (excluding those on single-family lots) shall be mulched with a minimum four (4) inch depth of shredded hardwood bark or other mulch. All flower and groundcover beds shall be mulched with a minimum two (2) inch depth of shredded hardwood bark mulch or other mulch.

f. Landscape materials shall be selected and located so as to avoid obstructing visual or physical access to fire hydrants. Trees shall not be located closer than ten (10) feet and shrubs shall not be

located closer than five (5) feet to fire hydrants, transformers or other above ground utilities.

g. All trees and shrubs shall be located in such a way that they do not obstruct views of vehicles and pedestrians at intersections, alleys, driveways, parking lots and sidewalks. In all cases trees shall be set back a minimum of ten (10) feet from the edge of driveways.

11. Maintenance. All landscaping shall be maintained as follows:

a. Responsibility. Unless such responsibility is apportioned differently by agreement of the owner and tenants, the owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this section.

b. Plant Material Maintenance. All plant materials shall be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. Plants shall be replaced as, necessary, and shall be kept free of refuse and debris.

c. All common landscaped open space areas maintained as part of a planned development or commercial or industrial development, by either homeowners association or property owner, shall be maintained in accordance with an approved maintenance plan and schedule.

12. Penalty for Non-Compliance with Maintenance Standards. Property owners notified by the Village that their landscaping violates the provisions of this section shall be required to restore or replace the plant material within one growing season. Restoration or replacement of fences, walls and/or other barriers shall occur within nine months of notice by the Village. If the violation is not corrected within the given period of time, the property owner shall be subject to penalties as provided in this code.

13. Selection of Plant Material. Plant material should be selected for its form, texture, color, and concern for its ultimate size and shape. A list of preferred and prohibited plant and tree species is available from the building official.

14. Shade Trees. Shade trees shall have a minimum caliper of one and one-half inches at the time of planting, as measured six (6) inches above the ground.

15. Planting Trees Under Overhead Utility Wires. Plants located under overhead utility wires shall be selected for a mature height that is at least five (5) feet less than the height of the wires.

16. Energy Conservation. Deciduous trees are encouraged on the southwest and east sides of buildings to provide shade from the summer sun and evergreens are encouraged on the northwest-side of buildings to dissipate the effect of winter winds where practical.

17. Preservation of Existing Plants. Existing plant material and other landscape features of a quality and of a size as required by this section shall be incorporated into the landscape treatment of a site and be developed according to the requirements set forth in this ordinance for Existing Tree Preservation.

18. Berming. Earthen berms and existing topography should, wherever practical, be incorporated into the landscape treatment of a site. The maximum slope for any berm constructed on a site shall be 4 foot run: 1 foot rise.

19. Right-of-Way Landscaping.

a. Applicability. Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with the provisions of this section.

b. Parkway Trees.

(1) Quantity. Trees shall be planted on a maximum forty (40) feet and a minimum twenty-five (25) feet spacing such that the total number of trees shall equal or exceed the ratio of one (1) for each thirty-five (35) feet of street frontage.

(2) Spacing. Trees shall be planted in the parkway along all streets no closer than ten (10) feet from driveways and forty (40) feet from the corner of an intersection as measured from the right-of-way lines extended. In addition, no trees shall be planted within ten (10) feet of a fire hydrant or other above-ground public utility.

(3) Exceptions. When conditions are such that the required spacing cannot be satisfied in the Parkway or, if in the opinion of the building official the Parkway is not wide enough to support tree growth, trees shall be planted inside the sidewalk line, subject to approval by the subject property owner.

(4) Size. Trees shall have a caliper of not less than three (3) inches as measured six (6) inches above the ground, up to and including four (4) inch caliper size, at twelve (12) inches above the ground for trees larger in size.

(5) Prohibited Species. Evergreen trees shall be prohibited in the public right-of-way.

20. Sodding. The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass.

21. Method to Determine Future Use of Vacant Land. For the purposes of determining landscaping and buffering requirements of this section, whenever a site is adjacent to or across from vacant or undeveloped agricultural land, the method to be used to determine the future use of vacant land shall be as follows:

    a. Incorporated Lands. The future use of land within the corporate limits of the Village of Gilberts shall be that as shown on the Village's official zoning map.

    b. Unincorporated Lands. For properties not within the corporate limits of the Village of Gilberts, the future use of land shall be that as shown in the Village's Comprehensive Plan.

22. Non-Residential Parking Lot Landscaping

    a. Perimeter Parking Lot Landscaping

        (1) Curbing. All parking lots shall have six (6) inch concrete curbs around the perimeter.

        (2) Front and Corner Side Yard Landscaping

            (a) Across from Residential Property: Where a parking lot is located across a dedicated public right-of-way from property zoned for residential use, a continuous hedge shall be provided across one hundred (100) percent of the parking lot perimeter, exclusive of driveways to a minimum height of three (3) feet. The shrubs shall be planted at a max mum *of* four (4) feet on center. The shrubs shall be approximately fifty (50) percent evergreen and fifty (50) percent deciduous. In addition, a mix of shade, ornamental and evergreen trees shall be planted at the equivalent of one (1) every thirty-five (35) feet.

            (b) Across from Non-Residential Property: Where a Parking lot is located across a dedicated public right-of-way from property zoned for non-residential *use,* shrub clusters shall be provided across fifty (50) percent of the parking lot, exclusive of driveways to a minimum height of the three (3) feet. The shrubs shall be planted at a maximum of four (4) feet on center. In addition, a mix of shade trees, ornamental or evergreen trees shall be planted at the equivalent of one (1) every fifty (50) feet.

        (3) Rear and Interior Side Yard Landscaping

(a) Abutting Residential Property: Where a parking lot abuts a property zoned for residential use, continuous landscaping shall be provided across one hundred (200) percent of the parking lot to a minimum height of six (6) feet. plant material shall consist of approximately fifty (50) percent evergreen plants and fifty (50) percent deciduous material. Shrubs shall be spaced at a maximum of four (4) feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six (6) foot high solid commercial grade wood fence along the length of the property with shade trees inside the fence at the equivalent of one (1) tree every fifty (50) feet.

(b) Abutting Non-Residential Property: Where a parking lot abuts a property zoned for non-residential use, landscaping shall be provided across fifty (50) percent of the parking lot. Such landscaping shall include shrub clusters to a minimum height of three (3) feet. The shrubs shall be Planted at a maximum of four (4) feet on center. In addition, a mix of shade trees, ornamental or evergreen trees, shall be planted at the equivalent of one (1) every seventy (70) feet.

(4) Sod, Seed and Ground Cover. Front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

23. Interior Parking Lot Landscaping.

a. Islands

(1) The interior of parking lots shall be planted with shade trees at a ratio of one (1) tree for every ten (10) parking spaces or. fraction thereof. The shade trees shall be evenly dispersed throughout the parking lot. No shade trees shall be required on islands containing a light pole, but in no event shall islands containing light poles be counted toward fulfilling the required number of landscaped islands in a given parking lot.

(2) The minimum area of a landscaped island shall be equivalent to the square footage of one parking stall. These landscaped islands shall have a minimum width of eight (8) feet excluding curbs and shall he curbed with a six (6) inch wide barrier curb. Landscaped islands may be

combined to create larger planting islands within parking lot.

(3) The entire island shall be landscaped with live plant material, excluding mulch around the base of plants. Such live plant material may include small shrubs, flowers, groundcover or salt-tolerant sod. Seeding to establish turf in parking lot islands shall be prohibited. All plant material other than required shade trees shall be limited to a maximum mature height of two (2.) feet. Such plants shall be set back a minimum of two and one-half (2.5) feet from the curb to avoid damage from overhanging car fenders and doors.

(4) Curbed planting islands shall be provided at the ends of each row of parking. These islands shall be equivalent to the square footage of one parking stall. These islands shall meet the same requirement as the other parking lot islands.

24. Residential Landscaping.

a. Right-of-Way. The public right-of-way abutting single and multi-family residential uses shall be landscaped according to the requirements of this code.

b. Single and Multi-Family Sod, Seed and Groundcover Requirements. All residential front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

c. Multi-Family Perimeter.

(1) Front and corner Side Yards. The front and corner side yards of multi-family uses shall contain a minimum of one (1) shade tree per fifty (50) feet of street frontage.

(2) Interior Side and Rear Yards. The interior side and rear yards of multi-family uses shall contain a mix of shade, ornamental and evergreen trees with the equivalent of at least one (1) per fifty (50) feet and large shrubs to a minimum height of three (3) feet along at least thirty (30) percent of the yard. Shrubs shall be spaced at no more than four (4) feet on center. The trees and shrubs may be clustered.

d. Multi-Family Patio Screening. In multi-family developments where two patios are adjacent to one another, a hedge shall be provided along the common boundary of the two patios to a minimum height of three (3) feet. The shrubs shall be selected for a mature height of at least six (6) feet.

e. Multi-Family Driveway Plantings. In multi-family developments, the lawn areas between driveways of adjacent buildings shall include a minimum of one (1) shade tree and a cluster of shrubs along at least fifty (50) percent of the length of the adjacent driveways, spaced at no more than four (4) feet on center. The shrubs shall have a minimum height of three (3) feet at the time of planting.

f. Multi-Family Window to Window Views. Trees shall be required between multi-family buildings where two walls containing windows are opposite each other. A minimum of one tree (shade, ornamental or evergreen) shall be. required in such locations, and shall be situated to maximize privacy for the adjacent dwellings. Trees should be selected for a mature height equal to at least the height of the dwelling.

25. Non-Residential Landscaping

a. Right-of-Way. The public right-of-way abutting non-residential uses shall be landscaped according to the requirements of this code.

b. Front and Corner Side Yard Landscaping

(1) Across from Residential Property: A mix of shade trees, ornamental or evergreen trees, shall be planted at the equivalent of at least one (1) every thirty-five (35) feet.

(2) Across from Non-Residential Property: A mix of shade trees, ornamental or evergreen trees shall be planted at the equivalent of one (1) every seventy (70) feet.

c. Interior Side and Rear Yard Landscaping.

(1) Non-Residential Use Abutting a Non-Residential Use. Where a non-residential use abuts a nonresidential use shade trees shall be provided at a minimum of one (1) tree every seventy (70) feet. The trees may be clustered. In addition, shrubs shall be provided along at least thirty (30) percent of the length of the yard. The interior side and rear yards shall be sodded or seeded.

(2) Non-Residential Use Abutting a Residential Use: Where a non-residential use abuts a property zoned for a residential use, continuous landscaping shall be provided across one hundred (100) percent of the yard to a minimum height of six (6) feet. Plant material shall consist of approximately fifty (50) percent evergreen plants and fifty (50) percent deciduous material. Shrubs shall be spaced at a maximum of four (4) feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees,

by using evergreen trees, or any mix thereof, or by providing a six (6) foot solid commercial grade wood fence along the length of the property with shade trees inside the fence at the equivalent of one (1) tree every fifty (50) feet.

d. Sod, Seed, and Groundcover Requirements for All Yards. All non-residential front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

e. Building Foundations.

(1) Foundation landscaping shall be provided on those sides of a building that faces a public right-of-way.

(2) Foundation landscaping shall be located in a planting bed with a minimum width of five (5) feet adjacent to the building.

(3) The required foundation landscaping area shall contain all live landscaping except for mulch used at the base of the plants. The landscaped area shall be free of all paving except where sidewalks and driveways which lead directly into the building are necessary for ingress and egress. In no case shall the foundation landscaping area be reduced to extend across less than fifty (50) percent of the building face due to said sidewalks or driveways.

(4) The building foundation planting area shall contain one hundred (100) percent live landscaping except for mulch required at the base of the plants. At least fifty (50) percent of the foundation planting area shall contain shrubs and small trees. The balance of the planting area may contain any mix of groundcover, perennial flowers, bulbs, ornamental grasses or sod.

(5) At the discretion of the building official, the required foundation landscaping may be relocated elsewhere on site or provided in an alternative manner, such as through the use of above ground planters or boxes.

f. Loading Docks, Service Yards and Exterior Work Areas Adjacent to Non-Industrial Uses. Service yards, loading docks and exterior work areas adjacent to non-industrial uses shall be screened from view. They shall also be screened from view from the public right-of-way. The screening shall consist of either of the following:

(1) Solid board constructed of commercial-grade wood or masonry wall, of a design approved by the Village, with a minimum height of six (6) feet.

(2) 100% landscaping consisting of at least 75% evergreen plant material, to a minimum height of six (6) feet.

g. Open Storage Yards for Industrial Uses Adjacent to Non-Industrial Uses. Open storage yards an industrial sites adjacent to non-industrial sites shall be screened on all sides by solid walls or fences (including solid doors or gates) and shall be at least eight (8) feet tall, but in no case lower in height than the materials stored. If stored materials exceed eight (8) feet in height, then landscaping shall be provided along the outside perimeter of that portion *of* the fence or wall visible from the adjacent non-industrial site or public right-of-way. The landscaping shall be in addition to the fence or wall. The installed height of the landscaping shall be equal to or greater than the height of the materials being screened.

26. Miscellaneous Landscaping

a. Retention and Detention Ponds

(1) Landscaping shall be provided around the perimeter of retention and detention ponds generally above the high water level. Only plants which are adapted to temporary flooding may be planted below high water level.

(2) Landscaping shall be provided along a minimum of 30% of the share line of a retention or detention area. Such landscaping shall consist of at least 50% shade trees. The balance may be landscaped with any mix of ornamental and evergreen trees and shrubs.

b. Ground Level Air Conditioning Units and Mechanical Equipment. Ground level air conditioning units and other mechanical equipment shall be landscaped on all sides visible from the public right-of-way to a minimum height of thirty (30) inches. The plants used shall have a mature height which will meet or exceed the height of the equipment which it is screening.

c. Satellite Dishes. The sides and rear of satellite dishes shall be screened from view from the public right-of-way and adjacent properties with a solid planting of evergreen trees to a minimum height of six (6) feet.

d. Ground Signs and Ground Lights.

(1) Ground Signs. The foundation of ground signs shall be planted with shrubs, groundcover, or perennial flowers. Plants shall be selected for a mature height which will not exceed that of the sign's message.

(2) Ground Lights. The sides of ground lights for signs shall be screened from view of the public right-of-way with evergreen shrubs or groundcover to a minimum height equal to that of the light(s).

e. Refuse Receptacles. Refuse receptacles and waste removal areas shall be screened from view on three sides. The screening shall consist of a solid fence constructed of masonry, or commercial-grade wood fencing and shall be a minimum of six (6) feet and a maximum of eight (8) feet tall. Shrub and groundcover plantings' along such screens are desirable to help soften their appearance. Refuse receptacles shall be enclosed on the fourth side with a gate to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the interior of the site, i.e., toward the building and away from view from the public right-of-way and adjacent sites.

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B. Tree Preservation.

1. Intent and Purpose. The purpose of this section is to conserve and protect the land, vegetation and other natural resources of Gilberts, while allowing for reasonable improvement of the land; and to take necessary measures to preserve and protect trees and other vegetation during all phases of site work. The preservation of existing trees in the Village is intended to accomplish, where possible, the following objectives:

a. To preserve trees as an important public resource enhancing the quality of life and the general welfare of the Village and enhancing its unique character and physical, historical, and-aesthetic environment;

b. To preserve the essential character of those areas throughout the community which are heavily wooded and in a natural state;

c. To enhance and preserve the air quality of the Village through the filtering effect of trees on air pollutants;

d. To reduce noise within the Village through the baffle and barrier effect of trees on the spread of noise;

e. To reduce topsoil erosion through the soil retention effect of tree roots;

f. To preserve and enhance nesting areas for birds and other wildlife which in turn assist in the control of insects;

g. To reduce storm water runoff and the costs associated with runoff through the water-retaining characteristics of existing woodlands and replenish ground water supplies; and

h. To protect and increase property values.

2. Applicability. The Tree Preservation regulations of this section shall apply to all lands in the Village unless expressly exempt.

   a. No land shall be cleared of woods nor shall free-standing trees with a diameter at breast height (DBH) of six (6) inches or greater be cleared and/or removed without a Tree Removal Permit issued by the building official unless exempt from regulation under this section.

   b. Clearance and removal of trees shall mean, but not be limited to, damage inflicted to the root system by machinery, storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious materials within such proximity as to be harmful to the tree.

   c. No Site Work shall occur without a Tree Survey and a Tree Removal Permit.

   d. No building permit, grading plan, or erosion and sediment control permit shall be issued for the construction, alteration or addition to a building or the grading or alteration of the land surface without the conformance to these Tree Preservation provisions.

   e. No Tree Removal Permit shall be issued for any parcel of land or development, which requires an approved site plan until a site plan including a Tree Survey and Preservation Plan *is* submitted to and approved by the village.

   f. No Tree Removal Permit shall be issued for any parcel of land or development, which requires a Subdivision Plan approval, until a Preliminary Subdivision Plan is approved by the village.

3. Vegetation Requiring Preservation.

   a. Existing trees shall be preserved as follows:

      (1) Free-Standing Trees. All Free-Standing Trees located outside of any grove of trees with a diameter of six (6) inches or greater at 4.5 feet above the ground (i.e., diameter at breast height - DBH) shall be preserved to the greatest extent possible. Additionally, a lesser sized tree can be considered a specimen if it is a rare or unusual species, or of exceptional quality. If existing trees can not be preserved they shall be transplanted where feasible. Generally trees over seven (7) inches in caliper should not be transplanted.

(2) Woodlands. Existing woodlands shall be protected as open *space* according to the following sliding-scale criteria: 10 percent minimum retention of total woodlands on a site in commercial and industrial districts; 20 percent in high-density residential (R-3 and R-4); and 20 percent in medium-density residential areas (R-2) and 50 Percent retention on large-lot residential lots (R-1). A woodland(s) shall be measured by drawing a line around the Critical Root Zone of all trees on the outer edge of the woodland(s) and measuring the area contained within that envelope. Where mare than one woodland exists on a site the areas as defined above shall be added together to obtain the total from which to calculate the percentage of woodlands required to be retained.

b. Priority Save Areas. Wooded 100-year floodplains, wooded wetlands, wooded stream corridors, and steep wooded slopes shall be considered priority save areas to help prevent erosion and protect wildlife. Preservation of priority save areas shall not be counted toward meeting the requirements of this section.

c. Credit for Preserved Trees. All preserved trees and vegetation and transplanted trees shall he credited toward meeting the landscaping and screening requirements for the applicable portion of a site.

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4. <u>Plan Submittal and Approval.</u>

a. Submittal Procedures.

(1) For any parcel of land that requires site plan or subdivision plat approval containing free-standing trees which have diameters greater than six (6) inches or woodlands, a Tree Survey and Tree Preservation Plan must be submitted at the time of application for concept plan/plat approval. The Tree Survey and Tree Preservation Plan shall be reviewed by and approved by the village.

(2) Prior to issuance of a building permit for development activities covered by this section, the protection and management of all .protected landscape elements identified on the Tree Preservation Plan will be subject to review by the village and the petitioner must designate one or more persons on the petitioner's development team *as* "Tree Preservation Supervisor(s)."

(3) Tree Surveys and Tree Preservation Plans shall be prepared by qualified professionals, including landscape architects and arborists. The development applicant must designate a Tree Preservation Supervisor who must have training in landscape preservation techniques and take

responsibility for ensuring the protection of existing trees during construction.

b. Tree Survey. The Tree Survey shall include the following:

(1) A scale at a minimum of 1' = 50' and a north arrow.

(2) All existing buildings, structures and paved areas.

(3) The location, species (common and botanical), size and condition of each Free-Standing Tree over, six (6) inches DBH.

(4) Delineate stands of natural woodlands by a circumferential line around all stands of trees with similar characteristics, such as tripe or species, defined as areas which include the outer perimeter of the Critical Root Zone of the individual trees. A notation shall be included which indicates the range of height and DBH of the trees within the areas, the predominant species within the area, and the general health of the trees.

(5) Trees noteworthy due to size, age, historic, cultural or aesthetic value.

(6) Name and address of the preparer and the date prepared.

c. Tree Preservation Plan. The Tree Preservation Plan shall include the following information:

(1) A scale at a minimum of 1'= 50' and a north arrow.

(2) The footprint of any existing and proposed buildings, structures Paving and any other facilities.

(3) The location, species (common and botanical), size and condition of each tree to be preserved, transplanted or removed for all trees with a DBH of six (6) inches or greater.

(4) Delineate stands of natural woodlands by a circumferential line around. all stands of trees with similar characteristics, such as type or species, defined as areas which include the outer perimeter of the Critical Root Zone of the individual trees. A notation shall be included which indicates the range of height and DBH of the trees within the areas, the predominant species within the area, and the general health of the trees.

(5) The location and type of protective tree fencing (orange snow fence or red picket construction fence).

(6) Proposed grading and site chances around trees to be preserved and any proposed retaining walls.

(7) A statement concerning where and how deliveries for construction purposes are to be made to the site.

(8) Name and address of preparer and date of preparation.

(9) A panoramic photographic survey of all freestanding trees outside of a woodland with a six (6) inch DBE and the perimeter of all woodlands to be preserved, with corresponding labels on the Tree Preservation Plan indicating where each photo/panoramic elevation was taken.

(10) A utility trenching plan containing the following information: all storm drains, sewers, easements, area drains, gas lines, electrical service, cable TV and water mains. Additionally, the plan must show all lateral lines serving structures. The plan should be developed to avoid going into the Critical Root Zone of any tree on its path from the street to a building. Where it is not possible to avoid some encroachment, the design must minimize the extent of encroachment.

5. Issuance of Tree Removal Permits.

a. Criteria for Tree Removal. Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without a written Tree Removal Permit from the Village to remove, injure, destroy, or undertake any procedure the result of which is to cause the death or substantial destruction of any tree having a diameter of six (6) inches DBH or larger, or having an aggregate diameter of ten (10) inches DBH or larger (i.e., clump trees). Tree Removal Permits authorizing the removal of such trees may be issued by the building official for, but not necessarily limited to those below. Any petition for a Tree Removal Permit associated with a site plan approval or subdivision approval shall require review by the plan commission and approval by the village board.

Criteria:

(1) The tree is dead or dying;

(2) The tree is diseased;

(3) The tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property;

(4) Removal of the tree is consistent with good forestry practices;

(5) Removal of the tree will enhance the health of remaining trees within the immediate vicinity;

(6) Removal of the tree will avoid or alleviate an economic hardship or hardship of another nature on the lot or residence located on the lot as approved by the village board.

b. Tree Removal Permit When a Building Permit is Sought. In the event a Tree Remover Permit is sought in connection with construction requiring a building permit, the application shall be accompanied by

(1) A Tree Removal Permit fee in the amount set forth in chapter 4 of title 2 of the code;

(2) A Tree Survey of the lot prepared in conformance with the requirements of this section;

(3) A Tree Preservation Plan in conformance with the requirements of this section; and

(4) A report from a certified arborist, if required by the building official.

c. Tree Removal Permit When No Building Permit is Sought. In the event a Tree Removal Permit is sought in connection with work for which no building permit is required, there shall be no charge for the permit. The application for the Tree Removal Permit shall contain:

(1) Name and address of applicant;

(2) Commonly known address of lot or property where tree or trees sought to be removed are located;

(3) A written statement indicating the reason for removal of the tree or trees;

(4) A general description of the tree or trees to be removed, including species and size*;* and

(5) Name and address of contractor or other person who is proposed as having responsibility for Tree Removal.

d. Fees. A fee shall be paid for permit processing, site inspections, and anneals based on the size of the site. Government agencies shall be exempt from paying such fees. Fees shall be waived in

the case of a permit to remove a tree deemed to be damaged or diseased. All fees and fines from protection and planting programs shall be deposited in a Tree Preservation Account. This fund shall be separate from the general fund and shall be used only for tree planting on public property.

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6. Tree Protection During Construction. During construction, all reasonable steps necessary to prevent the damaging or destruction of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:

a. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted outside the building activity area or within the tree preservation area and no excess soil, additional fill, liquids, or construction debris shall be placed within the Critical Root Zone of any tree that is required to be preserved; nor shall storage of hazardous chemicals occur within 100 feet of a protected tree.

b. Unless otherwise authorized by a Tree Removal Permit, no sail is to be removed from within the Critical Root Zone of any tree designated for preservation;

c. Within a designated preserved woodland a property owner or builder may clear underbrush inside the woodland boundary line for the purposes, of removing trees and other undesirable vegetation, consistent with good forestry practices, subject to the Critical Root Zone Protection requirements in this section, and the approval of the building official or his designee.

d. Prior to commencing any grading or construction activity on a site, the developer shall tag the trees that are intended for removal.

e. The following guidelines shall apply to site grading:

(1) Building elevations and street elevations shall minimize the change in existing natural grade of yards.

(2) Storm and sanitary sewers should be located and elevations set in a manner that requires a minimum of regrading and tree removal.

(3) Tree retaining walls shall be required if grades will be lowered by more than 12 inches to create level ground for road or building construction nearby. These walls shall be used to protect roots from exposure and damage. If grades are to be raised around a tree by filling with new dirt, a dry wall around the base of a tree shall be provided to allow infiltration of water and air and drainage tiles shall be provided to facilitate drainage away from the trunk and to

avoid smothering the roots. Light-porous materials shall be used for fill material.

f. Where possible, no digging or trenching shall take place within the established Tree Preservation Area. If there is no alternative, certain precautions shall apply: (1) trenches shall be no closer to the trunk than half the distance of the Critical Root Zone area; (2) roots shall be cut with sharp instruments to reduce the potential damage to the tree; and (3) the trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted.

g. Appropriate protective fencing shall be temporarily installed to protect remaining trees. Trees to be saved in any development *shall* be surrounded by orange plastic or red picket snow fencing placed outside the Critical Root Zone. The area within this fence shall be known as the Root Preservation Zone. The snow, fencing shall be secured in place by pasts spaced six (6) feet apart and sunk two (2) feet into the ground with a minimum aboveground height of four (4) feet.

h. All required protective fencing or other physical barriers must be in place and approved by the village prior to beginning construction; such fencing must remain in place during the entire construction period to prevent the impingement of construction vehicles, materials, spoils, and equipment into *or* upon the Tree Preservation Area; and should not come down until all construction is completed and equipment and materials and debris have been moved off site.

i. No attachments, signs, fences or wires, other than those approved for bracing, guying or wrapping trees, shall be attached to trees during the construction period; and

j. Other ,measures such as construction pruning and root .pruning of trees directly effected by construction must also be indicated on the plan.

k. Trees must also be fertilized to aid in the recovery from possible construction damage.

l. Periodic photo surveys maybe required at the discretion of the building official during and after construction completion to document that appropriate tree preservation techniques were observed.

m. The following guidelines shall apply transplanting:

(1) Trees may be transplanted with a tree spades truck or be hand dug. The following procedures shall be followed for hand digging: tree balls shall be hand shaped, burlapped,

and tied with twine to provide maximum protection to the root system structure. A ball chain shall be used to remove a hand dug ball from the hole.

(2) One-third (1/3) to one-half (1/2) of the vegetative growth shall be pruned from the top of the tree Prior to transplanting or stockpiling, to balance root loss.

(3) If transplanted trees will be stockpiled they shall be set far enough apart to allow for air circulation. The balls will be covered with mulch. The root balls will be watered regularly and fertilized as needed.

(4) Upon planting, all trees shall be given the same orientation to the sun as they maintained in their previous location. The trunks should be marked with paint, indicating which side faced north, in its original location, prior to relocation.

7. Tree Replacement. In the event that a tree or trees designated for preservation on an approved Tree Preservation Plan are severely damaged, destroyed or removed they shall be replaced upon notice by the building official at the rates specified in “d" below.

a. All trees planted to meet the tree replacement requirements of this ordinance shall be common and native to northeastern Illinois and to the specific existing plant community found on the site. The tree replacement species are subject to the approval of the building official or designee.

b. Replacement trees shall be located close to the damaged or removed trees. If this is not feasible, an alternate location shall be approved by the building official.

c. In the event that the building official determines that full replacement would result in the unreasonable crowding of trees upon the lot, the cash value of the outstanding trees including the *cost* of the tree and labor to install, as determined by the building official, shall be placed in the Tree Preservation Fund, for use on public lands.

d. Tree replacement schedule:

DBH/Caliper of Existing Trees in inches	Minimum Caliper Of Replacement Trees **(See footnotes)
6 - 10/7-11	3 inch
11 - 15/13-17	3 inch
16+ /18+23	4 inch

* The number of replacement trees required will vary depending on the size of the existing tree(s). The petitioner has the option to use fewer but larger replacement trees than specified here subject to approval of the building official.

The caliper of a tree can be estimated by taking the DBH and multiplying by a factor of 0.15.

** In each case the combined calipers of the replacement trees shall equal the calipers of the existing tree(s) which they are replacing. For existing trees, in the event of a fraction of an inch, if the fraction is less than one-half (1/2) inch, the lower full number shall be used. If the fraction is one-half (1/2) an inch or greater, the higher number shall be used.

8. Exemptions. The following activities and properties are exempt from the Tree Preservation regulations and no Tree Removal Permit is required:

   a. Developments of one acre or less.

   b. The removal of a dead, diseased or damaged tree.

   c. The removal of trees in time of an emergency or when they pose potential danger to life or property.

   d. Removal of a tree by an individual homeowner on a privately owned lot.

   e. The removal of trees necessary for the construction, operation and maintenance of drainage facilities, sanitary and storm sewers.

   f. The removal of trees for construction of public roadways and associated improvements.

   g. The removal of trees required for the installation, maintenance and repair of underground and overhead utilities.

9. Emergencies. In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or removal of a tree or trees protected hereunder a Tree Removal Permit shall be issued by the building official upon notice by the person removing the tree, and without submittal of a formal application. In the event of such an emergency, if neither the building official nor a designated representative are available to issue a Tree Removal Permit, it shall be lawful to proceed with the cutting of the tree or trees to the extent necessary to avoid immediate danger or hazard. In such event the person causing the cutting shall report the action taken to the building official within forty-eight (48) hours thereof.

10. Stop Work Order. If, in the opinion of the building official, the necessary tree preservation precautions as specified in this Zoning Ordinance were

not undertaken before construction commenced or are not maintained at any tine during construction, a Stop Work Order shall be issued by the building official until such time as the permittee complies with these precautions. The penalty provisions of this code will apply.

11. Penalties. In the event of violation of this section, shall be subject to such fine or other penalty as provided for in this code.

12. Tree Preservation Escrow.

a. Tree Preservation Escrow shall be provided by the permittee to insure the installation, maintenance, and adequate performance of preservation measures on a project. These measures include installation of tree protection devices during construction; repair of damaged trees; removal of dead, dying, or hazardous trees; and planting of replacement trees. If the agreed-upon measures are not complied with, the Village can use the funds to perform the work. On completion of the installation of vegetation, the permittee shall post a two year letter of credit in the amount of 125 percent of the total cost of landscape material for the first year, following Village acceptance of the installed landscaping, to guarantee the maintenance and replacement of planting and landscaping materials shown on the final development plan. The letter of credit may be reduced to 25 percent of total costs in the second year. The amount of the letter of credit shall be based on costs determined by a plant nursery and approved by the building official.

C. Definitions.

1. Berm. A hill or contour of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets.

2. Caliper. A measurement of a tree equal to the diameter of its trunk measured six (6) inches above natural grade for trees having calipers less than or equal to four (4) inches in diameter; and measured twelve (12) inches above grade for tree calipers greater than four (4) inches in diameter.

3. Critical Root Zone. The area inscribed by an imaginary line an the ground beneath a tree having its center point at the center of the trunk of the tree and having a radius equal to one (1) foot for every inch of DBH and shall extend five (5) feet below surface ground level.

4. Diameter at Breast Height or DBH. The diameter of a tree measured at four and one-half feet (4-1/2') above the existing grade at the base of the tree.

5. Deciduous Plant. A plant which sheds its foliage at the end of the growing season.

6. Evergreen Plant. A tree or shrub whose foliage persists year round. The plant may be a cone and needle bearing plant (i.e., pine, spruce, etc.) or a broadleaf plant (i.e., a rhododendron, holly, etc.)

7. Free-Standing Tree. An existing tree with a DBE of six (6) inches or greater that is located by itself outside of any woodlands on a site.

8. Opaque. When describing a landscape buffer: a dense, solid mass of plantings obstructing the view of uses on the other side of the buffer.

9. Remove or Removal. The causing or accomplishing of the actual physical removal of a tree, or the effective removal through severe pruning, damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death *of* a tree.

10. Shrub, Evergreen. An evergreen plant with an expected mature height of not more than fifteen (15) feet, with either a single or multiple primary trunks.

11. Shrub, Large. Deciduous or evergreen woody plant with an expected mature height of not less than five (5) feet, and generally not more than fifteen (15) feet, with multiple trunks or multiple leaders.

12. Shrub, Small. Deciduous or evergreen woody plant with an expected mature height of *less* than five (5) feet with multiple trunks or multiple leaders.

13. Site Work. The performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights, as well as demolition of a structure or removal of trees and other vegetation. Also, any clearing, excavating, grading, trenching, filling or similar land-disturbing activities.

14. Swale. A topographical indentation which channels periodic water runoff.

15. Tree, Evergreen. An evergreen plant with a single trunk and an expected mature height of thirty (30) feet or more and expected spread of twenty (20) feet or more.

16. Tree, Ornamental. A deciduous, woody plant with an expected mature height of fifteen (15) to thirty-five (35) Feet, and possessing either a single trunk or multiple trunks.

17. Tree Preservation Area. That area of a lot or parcel of land within which all trees and shrubs shall be protected.

18. Tree Preservation Fund. A fund established by the Village for collecting all fees issued for unauthorized Tree Removal and for collecting cash equivalents for replacement trees which in the opinion of the building official will not fit in. a given location. These funds shall be used for the expressed purpose *of* purchasing and planting trees on public land within the Village.

19. Tree Preservation Plan. A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve existing trees during construction.

20. Tree Preservation Supervisor. A member of the applicant's development team who is a professional landscape architect or arborist with training in tree Preservation techniques. This person shall take responsibility for ensuring the protection of existing trees designated for preservation, during construction.

21. Tree Removal Permit. The permit required by the tree preservation regulations to be issued in order to remove any tree within the corporate limits of the Village.

22. Tree, Shade. A deciduous tree with an expected mature height of thirty-five (35) feet or with a single straight trunk.

23. Tree Spade Truck. A truck with a cone-shaped appendage specifically designed for digging established trees for the purpose of transplanting.

24. Tree Survey. A written plan having text and/or graphics indicating the location, size, species and condition of all existing free-standing trees with a caliper of six (6) inches or greater and the boundary line, variety of species, range of sizes and condition of trees within a wooded area.

25. Vehicular Use Area. All areas used for the display or parking of four (4) or more vehicles, including boats and heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not (i.e., trailers), and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to driveways, parking lot aisles, drive-through window lanes, stacking areas for car washes and gas stations.

10-9-5 EXTERIOR LIGHTING

A. Purposes. The regulations established in this section are designed and intended to prevent excessive spillover of light and glare from the zoning lot on which the light source is located. The standards are deemed to be the minimum standards necessary to prevent nuisance and adverse impacts on the public health, safety and welfare. The provisions shall not apply to village-owned and operated lighting and facilities or to street lighting.

B. Provisions.

1. Spillage from Exterior Lights. All exterior lighting used in any district shall be shaded, shielded or directed to limit spillage of light onto adjacent properties. Maximum horizontal foot-candles as given off by lighting on the neighboring property as measured at the property line of residential districts shall not exceed 2 foot candles.

2. Prevention of Direct Glare. All exterior lighting shall be arranged to prevent direct glare of beams onto any residential or institutional property by the use of luminaire cutoffs.

3. Heat from Lighting Fixtures. No heat from operations or processes of lighting fixtures shall be sensed at any lot line to the extent of raising the temperature of air or materials more than five degrees fahrenheit.

4. Hazardous Lighting. Any lighting, illumination or signage that is determined to be a hazard to public health, safety and welfare or a nuisance to surrounding or existing properties as deemed by the village building inspector shall be in violation of this chapter.

5. Approval of Exterior Lighting Plan. Any time exterior lighting is to be installed or substantially modified in any manner, an exterior lighting plan may be required by the Zoning Administrator for approval, prior to the implementation of any installation or modification.

   a. Submit the following information:

      i. Lighting layout.

      ii. Photometric data.

      iii. Photometric computation for entire site, including adjacent property lines.

      iv. Pole and luminaire manufacturer data.

   b. Submitted information to be reviewed by the village building official.

C. Enforcement. The Zoning Administrator shall enforce the provisions of this chapter. Upon certification of a violation, enforcement and penalty provisions shall prevail. In addition, the Village may require that the offending party install, maintain and operate continuous measuring or recording instruments to demonstrate the operation of lighting fixtures and to ensure continuous compliance with the prescribed standards.

CHAPTER 10

NONCONFORMITIES

10-10-1 GENERAL PROVISIONS

A. Purposes. This chapter 10 regulates and limits the continued existence of uses, structures, lots, and signs established prior to the effective date of this code that do not conform to the regulations of this code applicable in the zoning districts in which such uses, structures, lots, and signs are located.

The zoning districts established by this code are designed to guide the future use of land within the village by encouraging the development or maintenance of desirable residential, commercial, office, and industrial areas with appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such districts are established and thus the gradual elimination of such nonconformities is generally desirable.

B. General Scope and Scheme of Regulation. Separate restrictions are established for nonconforming uses of land and nonconforming uses of structures designed for a permitted use (10-10-2), nonconforming uses of structures not designed for a permitted use (10-10-3), nonconforming structures (10-10-4), nonconforming lots of record (10-10-5), and nonconforming signs (10-10-6). The degree of restriction made applicable to each category of nonconformity is generally related to the degree of incompatibility with permitted uses and the amount of investment typically associated with nonconformities of that type. Pursuant to section 10-11-10 of this code, provision is made for relief from some of the restrictions of this chapter 10 when practical difficulties or a particular hardship exist.

In the cases of nonconforming uses of land, nonconforming uses in structures designed for a permitted use, and nonconforming signs, the degree of incompatibility is frequently great, the investment is comparatively small, and the economic life is short. In these cases, elimination of the nonconformity is required after a relatively short, but reasonable, amortization period. In the case of nonconforming uses in structures not designed for any conforming use, the degree of incompatibility is also frequently great, but so too is the investment and economic life of the structure. In such cases, while eventual elimination is required, a more extended period is allowed in which to amortize the investment. While the regulations of this chapter 10 related to all other nonconformities allow such nonconformities to continue without specific limitation of time, they restrict further investments that would make more permanent their location in inappropriate districts.

C. Exception for Repairs Pursuant to Public Order. Nothing in this chapter 10 shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not

otherwise in violation of the various provisions of this chapter 10 prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

D. Nonconforming Accessory Uses and Structures. No use, structure, or sign that is accessory to a principal nonconforming use or structure may continue after the principal use or structure has been terminated, unless it thereafter conforms to all the regulations of the zoning district in which it is located.

10-10-2 NONCONFORMING USES OF LAND AND NONCONFORMING USES IN STRUCTURES DESIGNED FOR A PERMITTED USE

A. Authority to Continue. Except as provided in subsection I of this section, any lawfully existing nonconforming use not involving the use of a structure, or involving only a structure that is accessory to a nonconforming use of land, or located in a structure designed for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsections D and E of section 10-10-1 of this code.

B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure that is accessory to a nonconforming use of land or that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.

C. Structural Alteration. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

D. Enlargement of Structure. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner, including the interior addition of floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. No such enlargement shall create any new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

E. Extension of Use. A nonconforming use of land or of a structure that is accessory to a nonconforming use of land or a nonconforming use in a structure designed for a permitted use shall not be extended, expanded, enlarged, or

increased in intensity. Such prohibited activity shall include, without being limited to:

1. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this code or any amendment hereto that causes such use to become nonconforming; and

2. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this code or any amendment hereto that causes such use to become nonconforming; and

3. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this code or any amendment hereto that causes such use to become nonconforming.

F. Moving. No structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change in Use. A nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or a nonconforming use in a structure designed for a use permitted in the district in which it is located shall not be changed to any use other than a use permitted in the zoning district in which the use or structure is located. When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonpermitted use. For purposes of this subsection G., a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of five days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. Damage or Destruction. Any structure that is accessory to a nonconforming use of land or that is designed for a permitted use and devoted in whole or in part to a nonconforming use and that is damaged or destroyed, by any means, to the extent of more than 50 percent of the cost of replacement of such structure new shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, bulk, yard, or space nonconformity or increasing the degree of any parking, bulk, yard, or space nonconformity existing prior to such damage or destruction. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of not more than 50 percent of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section 10-10-2; provided, however, that no repairs or restorations shall be made that would create any new parking, bulk, yard, or space nonconformity or increase the degree of any parking, bulk, yard, or space nonconformity existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion. In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

I. Termination by Abandonment. When a nonconforming use of land not involving a structure or involving only a structure that is accessory to the nonconforming use of land or when a nonconforming use of part or all of a structure that was designed for a use that is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located.

Any period of such discontinuance caused by government action, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

10-10-3 NONCONFORMING USES IN STRUCTURES NOT DESIGNED FOR A PERMITTED USE

A. Authority to Continue. Except as provided in subsection I of this section, any lawfully existing nonconforming use located in a structure not designed or intended, in whole or in part, for a use permitted in the district in which it is located may be continued so long as it remains otherwise lawful, subject to the regulations contained in subsections B through H of this section and in subsections D and E of section 10-10-1 of this code.

B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring, or plumbing, may be performed on any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located; provided, however, that this subsection shall not be deemed to authorize any violation of subsections C through I of this section.

C. Structural Alteration. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be structurally altered unless the

entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

D. Enlargement of Structure. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be enlarged or added to in any manner, including the interior addition of floor area, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the district in which it is located. No such alteration shall create a new parking, bulk, yard, or space nonconformity or increase the degree of any existing parking, bulk, yard, or space nonconformity of such structure. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

E. Extension of Use.

1. Prohibited Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall not be extended, expanded, enlarged, or increased in intensity by:

   a. An extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this code or any amendment to it that causes such use to become nonconforming; or

   b. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this code or any amendment to it that causes such use to become nonconforming.

2. Permitted Extensions. A nonconforming use in a structure not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located may be extended throughout any part of such structure designed for such nonconforming use and not for any use permitted in the district and lawfully existing on the effective date of this code or any amendment to it that causes such use to become nonconforming; provided, however, that such extension shall not be allowed unless off-street parking spaces required for such extension can be, and are, provided in accordance with the requirements and restrictions of section 10-9-1 of this code. No such extension shall be deemed to affect the duty to terminate such use pursuant to subsection I. of this section.

F. Moving. No structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located shall be moved, in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless

the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

G. Change in Use. A nonconforming use in a structure not designed or intended in whole or in part for a use permitted in the district in which such structure is located shall not be changed to any use other than a use permitted in the zoning district in which the structure is located. When a nonconforming use has been changed to a permitted use of the subject zoning district, it shall not thereafter be changed to any use other than a use permitted in the subject district. For purposes of this subsection G, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use of the subject district shall have commenced and continued for a period of five days. Any change of use in violation of this subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

H. Damage or Destruction. Any structure devoted in whole or in part to a nonconforming use and not designed or intended, in whole or in part, for a use permitted in the district in which such structure is located that is damaged or destroyed, by any means, to the extent of more than 50 percent of the cost of replacement of such structure new shall not be restored unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, bulk, yard, or space nonconformity or increasing the degree of any existing parking, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction. In determining whether a parking nonconformity has been created or increased, the provisions of section 10-9-1 of this code shall control.

When any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of not more than 50 percent of the cost of replacement of the structure new, repair or restoration of such structure may be made and the nonconforming use may continue subject to the regulations of this section 10-10-3; provided, however, that no repairs or restorations shall be made that would create any new parking, bulk, yard, or space nonconformity or increase the degree of any parking, bulk, yard, or space nonconformity of such structure existing prior to such damage or destruction nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with subsections B, C, and D of this section.

I. Termination by Abandonment. When a nonconforming use of a part or all of a structure that was not designed or intended in whole or in part for a use permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of twelve consecutive months, regardless of any intent to resume or not to abandon such use, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure

shall comply with the use regulations of the district in which such structure is located.

Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

10-10-4 NONCONFORMING STRUCTURES OTHER THAN SIGNS

A. Authority to Continue. Any nonconforming structure, other than a sign, that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in subsections B through D of this section and subsection D of section 10-10-1 of this code.

B. Repair, Maintenance, Alterations, and Enlargement. Any nonconforming structure, other than a sign, may be repaired, maintained, altered, or enlarged; provided, however, that no such repair, maintenance, alteration, or enlargement shall either create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

C. Moving. No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being so moved.

D. Damage or Destruction.

1. Not within the Control of the Owner. Any nonconforming structure, other than a sign, that is damaged or destroyed, by any means not within the control of the owner thereof, to any extent, may be repaired, restored, or replaced; provided, however, that no repair, restoration, or replacement shall be made that would create any new nonconformity not existing prior to such damage or destruction nor shall any repair, restoration, or replacement except in conformity with the applicable district regulations be made unless the repair, restoration, or replacement is actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.

2. Within the Control of the Owner. In no event shall any damage or destruction to a nonconforming structure by means within the control of the owner be repaired, restored, or replaced except in accordance with subsection B of this section; provided, however, that a nonconforming structure as defined in paragraph 2 of the definition of nonconforming structure that is damaged or destroyed by means within the control of the owner may be repaired, restored, or replaced in the following circumstances:

a. if damaged or destroyed to the extent of 50 percent or less of the gross floor area of such structure, such repair, restoration, or

replacement shall not create any new nonconformity not existing prior to such damage or destruction; or

b. if damaged or destroyed to the extent of more than 50 percent of the gross floor area of such structure, such nonconforming structure shall only be repaired, restored, or replaced in conformity with all applicable district regulations except for lot area.

10-10-5 LEGAL NONCONFORMING LOTS OF RECORD

A. Definition. A legal nonconforming lot of record is a lot that:

1. Is shown by a recorded plat or deed to have been a lot of record owned separately or individually from adjoining tracts of land at a time when the creation of a lot of such size, depth, and width at such location would not have been prohibited by any zoning or other ordinance or regulation; and

2. Has remained in separate or individual ownership from such adjoining tracts of land continuously during the entire time since such lot became nonconforming by reason of this code or any predecessor zoning or other ordinance or regulation. For purposes of this section, a lot shall not be deemed to have been owned separately or individually unless the owner of such lot did not, directly or indirectly, have legal title to or a beneficial interest in the adjoining tracts of land at any relevant time.

B. Authority to Use. In any zoning district, a legal nonconforming lot of record may be used for any use permitted in the district in which it is located if, but only if:

1. The lot has a total lot area of at least 75 percent of the minimum lot area required in the district in which said lot is located; and

2. The development of the lot meets all other requirements of this code, including the floor area ratio and yard requirements of the district in which said lot is located.

C. Contiguous Nonconforming Lots. Where two or more lots of record or combination of lots and portions of lots of record with continuous frontage are developed as a single zoning lot under single ownership or unified control, are of record at the time of passage or amendment of this code, and where all or part of the lots do not meet the requirements established for lot widths and area, the lots involved shall be considered to be a single zoning lot for the purpose of this code. No portion of the zoning lot shall be used or sold which would diminish compliance with the lot width and area requirements established by this code for the district in which the lots are located, and no building permit shall be issued for development on any such nonconforming lot.

10-10-6 NONCONFORMING SIGNS

A. Authority to Continue. Except as provided in subsection F, any lawfully existing nonconforming sign may be continued so long as it otherwise remains lawful,

subject to the regulations contained in subsections B through E of this section and in subsections C and D of section 10-10-1 of this code.

B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement of non-bearing sign elements and electrical wiring and fixtures may be performed on any sign; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced and provided further, however, that this subsection B shall not be deemed to authorize any violation of subsections C through F of this section.

C. Alteration; Enlargement; Moving. No nonconforming sign shall be changed or altered in any manner that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

D. Change of Sign. A nonconforming sign that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.

E. Damage or Destruction. Any nonconforming sign, or any nonconforming element of a sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed by any means to the extent of 35 percent or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this code.

F. Termination of Certain Signs.

1. Immediate Termination. The following nonconforming signs or sign features shall be terminated within 30 days after the effective date of this code by removal of the sign or by alteration of the sign to eliminate the specified feature:

   a. Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located.

   b. Any sign on a tree or utility pole, whether on public or private property.

   c. Any sign on public property, except governmental signs or signs authorized by this code.

   d. Any sign constructed or erected without a valid permit.

2. Termination by Abandonment. Any nonconforming sign the use of which is discontinued for a period of 30 consecutive days, regardless of any intent to resume or not to abandon such use, shall be deemed to be abandoned and shall not thereafter be re-established or resumed. Every such sign shall be immediately removed or brought into conformity with

the provisions of this code. Any period of such discontinuance caused by government actions, strikes, material shortages, or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this paragraph.

3. Termination by Change of Business. Any nonconforming sign advertising, identifying, or pertaining to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

CHAPTER 11

ZONING ADMINISTRATION AND ENFORCEMENT

PART ONE: ADMINISTRATIVE OFFICIALS AND BODIES

10-11-1 ZONING ADMINISTRATOR

A. General Powers. The Zoning Administrator is charged with the administration and enforcement of this code. In addition to the jurisdiction, authority, and duties conferred on the Zoning Administrator by other provisions of State statutes and Village codes and ordinances, the Zoning Administrator has all powers necessary for the administration and enforcement and has, in particular, the jurisdiction, authority, and duties set out in this Code. The Zoning Administrator shall be designated by the Village Administrator. In the event a Zoning Administrator is not designated by the Village Administrator, or in the event of a vacancy in this office, the Village Administrator shall act as Zoning Administrator. Whenever the phrase "Zoning Administrator" is used in this code, it will be deemed to include Zoning Administrator or his or her designee.

B. Rules; Regulations; Application Forms. Consistent with the express standards, purposes, and intent of this code, the Zoning Administrator is authorized to promulgate, adopt, and issue procedural rules, regulations, and forms that are in the Zoning Administrator's opinion necessary to the effective administration and enforcement of the provisions of this code.

C. Assistance to the Zoning Board of Appeals and Plan Commission. Within budgets available for that purpose, the Zoning Administrator will make consulting assistance available to the Zoning Board of Appeals, and the Plan Commission. The Zoning Administrator will provide clerical and technical assistance as may be required by each body in the exercise of its duties.

D. Records. The Zoning Administrator will maintain:

1. Permanent and current records pertaining to this code, including all maps, amendments, special permits, and planned unit development approvals and denials, interpretations, and decisions rendered by the Zoning Board of Appeals, the Plan Commission, the Village Attorney, and the Zoning Administrator, together with relevant background files and materials.

2. A current file of all notices of violations, discontinuances, terminations, or removals, issued by or entrusted to the Zoning Administrator's office for such time as necessary to ensure continuous compliance with the provisions of this code.

E. Zoning Text; Zoning Map. The Zoning Administrator will prepare and have available for public sale:

1. The compiled text of this code in book or pamphlet form; and

2. The official zoning map, showing the zoning districts, divisions, and classifications.

The Zoning Administrator will maintain and have available for reproduction at least one up-to-date copy of both the zoning code text and the zoning map, showing all amendments through the most recent meeting of the Board of Trustees for which official minutes have been approved.

F. Applications: Receipt, Processing, Referral to Interested Parties and Agencies. The Zoning Administrator will receive all applications required to be filed pursuant to this code. Upon receipt of any application, the Zoning Administrator will see to its expeditious processing, including its prompt referral to and retrieval from each official, board, or commission of the Village, or other government, with any interest or duty with respect to such application.

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

H. Interpretations. Pursuant to the provisions of section 10-11-15 of this code, the Zoning Administrator will issue a written interpretation of the meaning and applicability of specific provisions of this code. Any interpretation of this code that may be rendered by the Zoning Board of Appeals or the Zoning Administrator will be kept on file with the Zoning Administrator and will be a public record of the Village open to inspection by interested parties at reasonable times and upon reasonable notice.

I. Extensions of Time. Upon written request, the Zoning Administrator may, for good cause shown and without any notice or hearing grant extensions of any time limit imposed on an owner or applicant by this code or, unless the ordinance or resolution expressly provides otherwise, by any ordinance or resolution of any body acting pursuant to this code. The total period of time granted by an extension or extensions will not exceed the length of the original period.

J. Inspection and Enforcement. In furtherance of the enforcement of this code, the Zoning Administrator will undertake regular and continuing programs of inspection of work approved and under way and of existing structures and uses as are feasible and proper within the limits of staff and budgeted funds; will undertake such additional inspections as may be necessary to the performance of his or her duties hereunder; will receive from any person complaints alleging with particularity a violation of this code; and when appropriate will cause investigations and inspections as may be warranted by complaints to be made. Upon finding the existence of any violation of this code, the Zoning Administrator will take or direct all actions necessary and appropriate to abate and redress such violation.

K. Reports. The Zoning Administrator, as may from time to time be appropriate, will prepare and submit a report to the Board of Trustees, the Zoning Board of

Appeals, and the Plan Commission concerning the administration of the land use and development regulations of the Village, setting forth information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such regulations, and setting forth the Zoning Administrator's recommendations for the improvement of such regulations and their administration.

L. Site Plan Review. The Zoning Administrator will receive and review all site plans as required by this code.

M. Administrative Policies for Applications. The Zoning Administrator is authorized and directed to prepare and implement administrative policies pertaining to applications for zoning, subdivision, and other relief as provided by this code, including without limitation the required form, number, scale, data submittals, and filing deadlines.

N. Other Duties. The Zoning Administrator will perform such other duties as may be assigned by the Village Administrator.

10-11-2 ZONING BOARD OF APPEALS

A. Creation; Membership. The Zoning Board of Appeals is established in accordance with the Zoning Enabling Act of the Illinois Municipal Code. As of May 31, 2012, seven (7) members of the plan commission shall also serve as members of the zoning board of appeals, and the chair of the plan commission shall also serve as the chair of the zoning board of appeals. The resignation, removal, or replacement of any member from the plan commission shall be deemed to be a resignation, removal, or replacement from the zoning board of appeals if that member is serving a concurrent membership.

B. Meetings; Hearings. Regular meetings of the Zoning Board of Appeals will be held at the call of the chairperson or as established annually by the Board of Appeals. Special meetings may be called at the request of the chairperson or of any two members of the Board of Appeals. All meetings, hearings, and deliberations of the Board of Appeals will be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.

C. Procedures. The Board of Appeals may adopt its own rules of procedure for the conduct of its business as it deems proper and necessary. These rules must be approved by the Village Board. Any rule adopted that relates solely to the conduct of the Board of Appeal's hearing and that is not mandated by this code or state statute may be waived by the chairperson upon good cause being shown.

D. Record. The transcript of testimony, if any; the minutes of the Zoning Board of Appeals; all applications, requests, exhibits, and papers filed in any proceeding before the Zoning Board of Appeals; and the decision of the Board of Appeals will constitute the record.

E. Decisions and Recommendations. Every decision and recommendation of the Zoning Board of Appeals upon an application filed pursuant to this code shall

include findings of fact; will refer to all the pertinent evidence in the record and to the exhibits, plans or specifications upon which such decision or recommendation is based; will specify the reason or reasons for such decision or recommendation; shall contain a conclusion or statement separate from the findings of fact setting forth the specific decision or recommendation; and will expressly set forth any limitations or conditions relative to such decision or recommendation.

The Board of Appeals may take final action on any decision pertaining to an application pending before it prior to the preparation of written findings, but in such event it will, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Board of Appeals' decision or recommendation will be deemed made as of the date of the taking of the final action.

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

The decisions of the Board of Appeals on appeals from orders, decisions or determinations of the Zoning Administrator will be final administrative determinations subject to review as provided by law. The recommendations of the Board of Appeals on applications for variations and other matters will not be binding on the Board of Trustees but are advisory only.

As to other matters brought before the Zoning Board of Appeals, the Board of Appeals will prepare a report as appropriate to the subject matter.

F. Conflicts. No member of the Zoning Board of Appeals may participate in the hearing or disposition of any matter in which that member has an interest as such term is defined in state statute. Any conflict of interest prohibited by state statute will disqualify a member.

G. Jurisdiction and Authority. The Zoning Board of Appeals has the following jurisdiction and authority:

1. Subject to the provisions of section 10-11-16 of this code, to hear and decide appeals from, and to review orders, decisions, or determinations made by the Zoning Administrator.

2. Subject to the provisions and standards of section 10-11-10 of this code, to hear, review, and offer its recommendations to the Board of Trustees on applications for variations.

3. To hear and decide all matters referred to it or upon which it is required to pass under this code.

10-11-3 PLAN COMMISSION

A. Creation; Membership. The Plan Commission is established as follows:

1. Establishment and Appointment. The plan commission shall consist of seven members, who have been residents in the village for at least one year, appointed by the village president, subject to confirmation by the board of trustees. One of the seven members shall be designated by the village president, subject to confirmation by the board of trustees, as chairperson of said commission and shall hold office as chairperson for a period of one year from June 1 to May 31. One of the members shall be designated by the village president, subject to confirmation by the board of trustees, as vice chairperson of said commission and shall hold office as vice chairperson for a period of one year from June 1 to May 31.

2. Concurrent Membership of Plan Commission and Zoning Board of Appeals. As of May 31, 2012, the members of the plan commission shall also serve as members of the zoning board of appeals, and the chair of the plan commission shall also serve as the chair of the zoning board of appeals. The resignation, removal, or replacement of any member from the plan commission shall be deemed to be a resignation, removal, or replacement from the zoning board of appeals if that member is serving a concurrent membership.

3. Terms of Office. The terms of office of the seven members of the plan commission shall be concurrent with the terms of the zoning board of appeals members.

4. Resignations; Vacancies. The corporate authorities may accept the resignation of any member of the commission desiring to resign, and upon said acceptance, the office shall be considered vacant. Further, a vacancy shall be deemed to have occurred upon any one of the following:

   a. Death;

   b. Removal from office for cause by the village president, only after a hearing before the corporate authorities, at which hearing, such cause is found by the corporate authorities to be justifiable cause for removal; or

   c. Location of a member's residence outside of the village.

5. Compensation. The members of the plan commission shall be paid such compensation, if any, as the corporate authorities shall from time to time provide.

6. Meetings.

   a. Meeting Days: The plan commission shall meet on the second and last Wednesdays of each month to consider matters within its jurisdiction, and at such other times and places as the chairperson or the village board may determine.

b. Duties Of Chair: The chairperson, or in his/her absence the vice chairperson, may administer oaths and compel the attendance of witnesses.

c. Open Meetings: All meetings of the plan commission shall be open to the public except as permitted by the Illinois open meetings act.

d. Minutes: The commission shall keep minutes of the proceedings, showing the vote of each member on every question, or if absent or failing to vote, indicating such fact, and also shall keep a record of its proceedings.

e. Public Records: Every rule, regulation or amendment, or repeal thereof, and every order, requirement, decision or determination of the commission shall be filed in the office of the commission and with the village clerk and shall be a public record.

B. Meetings; Hearings. Regular meetings of the Plan Commission will be held at the call of the chairperson, as set forth in this section, or as provided by rule of the Plan Commission. Special meetings may be called at the request of the chairperson or of any two members of the Plan Commission. All meetings, hearings, and deliberations of the Plan Commission will be open to the public except when closed pursuant to the provisions of the Illinois Open Meetings Act.

C. Procedures. The Plan Commission may adopt its own rules of procedure for the conduct of its business as it deems proper and necessary. These rules must be approved by the Village Board. Any rule adopted that relates solely to the conduct of the Plan Commission's meetings or hearings and that is not mandated by this code or state statute may be waived by the chairperson upon good cause being shown.

D. Record. The transcript of testimony, if any; the minutes of the Plan Commission; all applications, requests, exhibits, and papers filed in any proceeding before the Plan Commission; and the decision of the Plan Commission will constitute the record.

E. Decisions and Recommendations. Every decision and recommendation of the Plan Commission upon an application filed pursuant to this code will include findings of fact; will refer to all the pertinent evidence in the record and to the exhibits, plans, or specifications upon which such decision or recommendation is based; will specify the reason or reasons for such decision or recommendation; will contain a conclusion or statement separate from the findings of fact setting forth the specific decision or recommendation; and will expressly set forth any limitations or conditions relative to such decision or recommendation.

The Plan Commission may take final action on any recommendation or decision pertaining to an application pending before it prior to the preparation of written findings, but in such event it will, before taking such action, first state its findings and conclusions as above required at a meeting open to the public. The Plan

Commission's decision or recommendation will be deemed made as of the date of the taking of final action.

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

As to other matters brought before the Plan Commission, the Plan Commission will prepare such report as appropriate to the subject matter.

F. Conflicts. No member of the Plan Commission may participate in the hearing or disposition of any matter in which that member has an interest as that term is defined in state statute. Any conflict of interest prohibited by state statute will disqualify a member.

G. Jurisdiction and Authority. In addition to the jurisdiction conferred on it by the state statutes and other codes and ordinances of the Village, the Plan Commission has the following jurisdiction and authority:

1. Subject to the provisions of sections 10-11-7 and 10-11-8, to prepare and recommend a comprehensive plan, including an official map, to the Board of Trustees, which, upon its adoption by the Board of Trustees, will be known as the "official comprehensive plan" of the Village of Gilberts, as well as amendments to the plan and official map.

2. Subject to the provisions of section 10-11-9 of this code, to initiate, hear, review, and offer its recommendations to the Board of Trustees on applications for amendments to this code or the zoning map.

3. Subject to the provisions and standards of section 10-11-11 of this code, to hear, review, and offer its recommendations to the Board of Trustees on applications for special use permits.

4. Subject to the provisions and standards of section 10-11-12 of this code, to hear, review, and offer its recommendations to the Board of Trustees on applications for planned unit development approval.

5. Subject to the provisions and standards of section 10-11-13 of this code, to hear, review, and offer its recommendations to the Board of Trustees on applications for subdivision approval.

6. To review and report on any matters referred to it by the Board of Trustees or the Zoning Administrator.

PART TWO: GENERAL PROCESS REQUIREMENTS

10-11-4 APPLICATIONS

A. Place of Filing. All applications filed pursuant to this code shall be filed with the Zoning Administrator or with such other Village official or body as the Zoning Administrator may designate.

B. Compliance with Administrative Application Policy. All applications filed pursuant to this code shall comply with the administrative application policy established by the Zoning Administrator pursuant to section 10-11-1 of this code, including the required form, number, scale, data submittals, and filing deadlines contained in such policy.

C. Fees.

1. Application Fee. Every application filed pursuant to this code shall be accompanied by a non-refundable filing fee in the amount set forth in chapter 4 of title 2 of the code.

2. Reimbursement of Village Costs. Where the nature of the application requires the Village to publish or mail legal notices or to employ the services of planners, engineers, attorneys, or other consultants for the purposes of reviewing the application or plans in connection with it or development pursuant to it, the applicant shall be responsible for reimbursing the Village for these recoverable costs and to submit a deposit of an escrow for the Village to draw on to pay the recoverable costs, in accordance with the provisions set forth in chapter 4 of title 2 of this code. These recoverable costs include, without limitation, legal publications; recording secretarial services; court reporter; document preparation and review; professional and technical consultant service; legal review, consultation, and advice; copy reproduction; document recordation; and inspection fees.

3. Liability; Lien. The owner of the lot which is the subject of the application, and if different, the applicant, shall be jointly and severally liable for the payment of all application fees and reimbursement costs. By signing the application, the owner shall be deemed to have agreed to pay such fees and costs and to consent to the filing and foreclosure of a lien on the lot to insure collection of any such fees and costs, plus the costs of collection, which have not been paid within 30 days following the mailing of a written demand for such payment to the owner at the address shown on the application. Any lien filed pursuant to this section may be foreclosed in the manner provided by statute for mortgages or mechanics' liens.

4. Condition of Approvals and Permits. No application shall be considered complete unless and until all fees and costs pursuant to this section have been paid. Every approval granted and every permit issued pursuant to this code, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of fees and costs as required by this section.

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

D. Special Data Requests. In addition to the data and information required by the administrative application policy, every owner shall submit such other and additional data, information, or documentation as the Zoning Administrator may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

E. Waiver of Application Requirements. Notwithstanding any other provision of this section, the Zoning Administrator shall have the authority to waive any requirement set forth in the administrative application policy when, in the Administrator's judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome.

F. Concurrent Applications. When a proposed use or development requires more than one approval pursuant to this code, applications for all such approvals may be filed concurrently notwithstanding the fact that approval of one application may be a pre-condition to approval of other applications. Such applications may, in the discretion of the Zoning Administrator, be processed together; provided, however, that no application shall be approved unless all applications that are a pre-condition to its approval have first been approved.

G. Withdrawal of Application. An owner may withdraw an application at any time prior to a final decision having been rendered by the Village Board, provided that the owner shall have paid all applicable fees pursuant to this code. Such withdrawal shall be without prejudice to the owner's right to refile such application, but any such refiling shall be treated as an entirely new filing and shall be subject to the procedures and fees of this code in the same manner as any other new application.

10-11-5 NOTICE

A. Zoning Administrator to Give Notice. The Zoning Administrator will cause notice to be given of public hearings and public meetings in the form and manner and to the persons herein specified.

B. Content of Notice. All notices shall include the date, time, and place of the hearing or meeting, a description of the matter to be heard or considered, and the address and parcel identification number (PIN) of the lot.

C. Persons Entitled to Notice.

1. All Hearings and Meetings. Notice of every hearing or meeting required by this code will be provided in accordance with the Illinois Open Meetings Act.

2. Hearings on Zoning Text and Map Amendments, Special Use Permits, Planned Unit Developments, Appeals, and Variations. In addition to notice required by subparagraph B.3a of this section, notice of every hearing in connection with any application for an amendment to this code or the zoning map, a special use permit, planned unit development, appeal, or a variation will be given by publication in a newspaper with a

general circulation within the Village at least once no less than 15 days nor more than 30 days in advance of the hearing date.

3. Hearing on Official Comprehensive Plan. In addition to notice as required by subparagraph B.3a of this section, notice of a hearing in connection with the adoption or amendment of the official comprehensive plan will be given by publication in a newspaper of general circulation in the Village at least 15 days before such hearing.

4. Personal Notice. In addition to other notices required by this section, an applicant requesting relief that requires a public hearing must mail notice of the hearing no less than 10 days in advance of the hearing date to owners of property within 250 feet of the subject property. The content of the personal notice must be approved by the Zoning Administrator. Evidence of satisfaction of this notice requirement must be provided to the Zoning Administrator at or before the hearing on the application.

5. Posted Notice. If required by the Zoning Administrator, in addition to other notices required by this section, an applicant requesting relief that requires a public hearing must also post notice on the subject property no less than 10 days in advance of the hearing date. The content of the sign must be approved by the Zoning Administrator. The sign must be installed by the applicant and suitably maintained until the public hearing has closed. The sign must be removed no more than 10 days after the closure of the public hearing.

10-11-6 PUBLIC HEARINGS AND MEETINGS

A. Setting Hearing or Meeting. When the provisions of this code require a public hearing or public meeting in connection with any application filed pursuant to this code, upon receipt of a properly completed application, the Zoning Administrator will fix a reasonable date, time, and place for the hearing or meeting.

B. Conduct of Hearings.

1. Rights of All Persons. Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney, and may submit documentary evidence; provided, however, that the hearing body may exclude irrelevant, immaterial, or unduly repetitious evidence.

2. Rights of Parties and Proximate Owners. Subject to the rules adopted by the hearing body, the owner, any board, commission, or official of the Village, and any owner of lots within 250 feet of the subject lot may be allowed, in addition to the rights granted by paragraph B.1 of this section, any or all of the following rights:

a. To present witnesses on their behalf.

b. To cross-examine all witnesses testifying in opposition to their position.

c. To examine and reproduce any documents produced at the hearing.

d. To have subpoenas issued by the body in charge of the hearing as may be provided by state law for persons to appear at the hearings and for examination of documents by the person requesting the subpoena either before or during the hearing, where such persons or documents are shown to have a substantial evidentiary connection with:

i. the lot to which the request applies; or

ii. facts that would support or negate the legal standards for granting the request.

e. To a continuance, upon request, for the purpose of presenting evidence to rebut evidence introduced by any other person.

In determining whether to grant or withhold such rights, the discretion of the hearing body will be governed by the goal of securing all information and opinion relevant and material to its deliberations. Such rights may not be granted, however, when undue and unwarranted delay would result, or when to do so would tend to produce no new evidence to aid the hearing body in reaching its decision.

3. Adjournment of Hearing. The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time, and place, for the purpose of giving further notice, taking further evidence, gathering further information, deliberating further, or for such other reason as the hearing body may find to be sufficient. The hearing body shall notify in writing all members of the hearing body, the owner and owner, and any other person designated on the vote of adjournment of the date, time, and place of the adjourned hearing.

4. Testimony to be Sworn. All testimony at any hearing held pursuant to the provisions of this code should be given under oath.

5. Right to Submit Written Statements. Any person may at any time prior to the commencement of a hearing hereunder, or during such hearing, or within such time as may be allowed by the hearing body following such hearing, submit written statements in support of or in opposition to the application being heard.

C. Pre-Hearing and Pre-Meeting Examination and Copying of Application and Other Documents. At any time following the giving of notice as required by this code, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Illinois Freedom of Information Act, all other documents on file with the Zoning Administrator pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such

application and documents upon reasonable request and payment of a fee as established in the Village's Freedom of Information Act policy.

PART THREE: FORMS OF RELIEF

10-11-7 OFFICIAL COMPREHENSIVE PLAN

A. Authority. The Plan Commission has the authority to prepare and recommend to the Board of Trustees a comprehensive plan of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, any or all of which the Board of Trustees may adopt as the "official comprehensive plan of the Village of Gilberts," all in accordance with the procedures set forth in this code and subject to the standards set forth in this section.

B. Purpose. The official comprehensive plan is considered an official statement of the policy of the Village with respect to the existing and developing character of the various areas of the Village and its vicinity; the proper objectives, standards, and direction for future maintenance, growth, development, and redevelopment of the Village; the means to be employed to protect existing character or development and to encourage future development that will be in the best interests of the Village; and the actions and programs to be undertaken by the Village with respect to its future maintenance and development.

C. Procedures.

1. Referral. The Board of Trustees may, at any time, refer a proposed comprehensive plan to the Plan Commission for consideration and recommendation.

2. Public Hearing. A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

3. Action by Plan Commission. The Plan Commission will return its recommendation on the proposed comprehensive plan to the Board of Trustees not later than 90 days following the receipt of the referral. In the event a recommendation is not delivered, the Board of Trustees may proceed to consider the plan without a recommendation. When satisfied that a plan or a part thereof is adequate for adoption as an amendment of the official comprehensive plan of the Village or a part thereof, the Plan Commission will transmit such plan or part thereof to the Board of Trustees together with its recommendations for adoption of such plan as well as any reports or statements deemed necessary to a full consideration of such plan or part thereof. The transmittal will be made not later than 15 days following the close of the public hearing concerning such plan.

4. Action by Board of Trustees. Upon receiving a recommendation of the Plan Commission with respect to the adoption or amendment of any plan or a part thereof, the Board of Trustees may adopt such plan in whole or

in part by ordinance duly enacted, with or without amendments; or may refer the plan or any part thereof back to the Plan Commission for further consideration; or may reject the plan. The Board of Trustees will take such action not later than 90 days following the close of the Plan Commission public hearing on such plan. The failure of the Board of Trustees to act within this time period will be deemed to be a rejection of the plan. Upon the adoption of any such plan or part thereof, it will be designated as the "official comprehensive plan of the Village of Gilberts" and, if less than a total comprehensive plan, shall carry a subheading designating its specific contents.

5. Amendment to Comprehensive Plan. The official comprehensive plan, or any part thereof, may be amended at any time in accordance with the provisions of this section. An amendment may be initiated by the Board of Trustees, the Plan Commission, the Zoning Administrator, or by any owner of lots affected by the provisions of such plan sought to be amended. Amendments initiated by the Board of Trustees, the Plan Commission, or the Zoning Administrator shall require no formal application and will be processed as provided in paragraphs C.1 and C.2 of this section. Amendments initiated by the owner of affected land must be initiated by an application filed pursuant to section 10-11-4 of this code, except that the time limits specified in paragraphs C.1 and C.2 of this section shall apply.

6. Plan Filing and Notice of Adoption. The Zoning Administrator will cause a certified copy of the ordinance adopting the comprehensive plan or amendment to be placed on file in the Office of the Village clerk and shall cause a notice evidencing the adoption of such plan, or part thereof, to be filed with the Recorder of Deeds.

10-11-8 OFFICIAL MAP

A. Authority. The Plan Commission has the authority to prepare and to recommend to the Board of Trustees an official map of the Village and the unincorporated areas surrounding the Village and from time to time to prepare and recommend amendments thereto, all of which the Board of Trustees may adopt as the "official map of the Village of Gilberts." The official map shall have the effect accorded to it by sections 11-12-8 et seq. of the Illinois Municipal Code, 65 ILCS 5/11-12-8 et seq., and also shall have the effect accorded to the official comprehensive plan.

B. Purpose. The official map is adopted to implement the official comprehensive plan, to assure the adequacy of the public facilities to which it relates, and to secure for the Village the authority and benefits provided by state law in connection with such an official map.

C. Procedures. The procedures for the development, adoption, amendment, and filing of the official map shall be the same as those provided in subsection 10-11-7 of this code with respect to the official comprehensive plan.

10-11-9 TEXT AND MAP AMENDMENTS

A. Authority. The Board of Trustees has the authority to amend this code and the zoning map in accordance with the procedures set forth in this code and subject to the standards set forth in this section.

B. Purpose. The amendment process established by this section is intended to provide a means for making changes in the text of this code and in the zoning map that have more or less general significance or application. It is not intended to relieve particular hardships nor to confer special privileges or rights. Rather, it is intended as a tool to adjust the provisions of this code and the zoning map in light of changing, newly discovered, or newly important conditions, situations, or knowledge.

C. Parties Entitled to Seek Amendments. An application for an amendment may be filed by the Board of Trustees, the Plan Commission, the owner of, or any person having a contractual interest in, any lot to be affected by a proposed amendment to the zoning map, or any person interested in a proposed amendment to the text of this code.

D. Procedure.

1. Application. Applications for amendments shall be filed in accordance with the requirements of section 10-11-4 of this code; provided, however, that amendments proposed by the Board of Trustees or the Plan Commission are not subject to that section but may be transmitted to the Zoning Administrator in a form appropriate to the initiating body.

2. Public Hearing. In any case where an application for amendment is referred to the Plan Commission for a hearing, a public hearing will be set, noticed, and conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

3. Action by Plan Commission. Within 45 days following the conclusion of the public hearing, the Plan Commission will transmit to the Board of Trustees its recommendation. The failure of the Plan Commission to act within 45 days following the conclusion of such hearing, or such further time to which the owner may agree, will be deemed a recommendation for the approval of the proposed amendment as submitted.

4. Action by Board of Trustees; Protest. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees will either deny the application or, by ordinance duly adopted, adopt the proposed amendment, with or without modifications; provided, however, that in the event a duly signed and acknowledged protest against a proposed amendment is filed with the Village clerk before the adoption of such amendment by the owners of 20 percent or more of the frontage to be affected by the proposed amendment, or by the owners of 20 percent or more of the frontage immediately adjoining or across therefrom, or by the owners of 20 percent or more of the frontage directly opposite the frontage to be affected, the amendment shall not be passed except by a two-thirds vote of all the Trustees then holding office.

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

E. Standard for Amendments.

1. Map Amendment. The following standards will be considered in amending the zoning map:

a. Identification of the existing uses of property within the general area of the affected property.

b. Identification of the zoning classification of property within the general area of the affected property.

c. Determination as to the suitability of the property in question to the uses permitted under the existing classification or district and under the proposed classification or district.

d. The trend of development, if any, in the general area of the affected property, including changes, if any, which have taken place since the date the affected property was placed in its present zoning classification or district.

e. The trend or development, if any, as to the proposed uses of property within the general area of the affected property, as represented on the Comprehensive Plan.

f. The length of time the property has been vacant as zoned, considered in the context of the land development and the area surrounding the subject property.

g. The extent to which property values are diminished, if at all, by particular zoning restrictions.

2. Text Amendment. There are no specific findings of fact required for a requested zoning code text amendment, but the Plan Commission will evaluate the request against the intent of this code, the recommendations of the comprehensive plan, and the public health, safety and general welfare. The wisdom of amending the zoning map or the text of this code is a matter committed to the sound legislative discretion of the Board of Trustees.

10-11-10 VARIATIONS

A. Authority. The Board of Trustees has the authority to grant variations from the provisions of this code in accordance with the procedures set forth in this code and subject to the standards set forth in this section.

B. Purpose. The variation procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular

applications of this code that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this code, the variation procedure is necessarily inappropriate.

C. Parties Entitled to Seek Variations. Applications for variations may be filed by the owner of, or person having a contractual interest in, the lot.

D. Procedure.

1. Application. Applications for variations shall be filed in accordance with the requirements of section 10-11-4 of this code.

2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with sections 10-11-5 and 10-11-6 of this code.

3. Action by Zoning Board of Appeals. Within 35 days following the close of the public hearing, the Zoning Board of Appeals shall render its decision recommending the granting or denying of the variation. The failure of the Board of Appeals to act within 35 days, or such further time to which the owner may agree, shall be deemed to be a decision recommending denial of the variation.

4. Recommendations of Denial. Where the Zoning Board of Appeals has recommended that a variation be denied, it shall not be granted except by the favorable vote of two-thirds of all the Trustees then holding office.

E. Prohibited Variations. Notwithstanding any other provision of this section, no variation shall be granted that is greater than the minimum variation necessary to relieve the particular hardship or practical difficulty demonstrated by the owner.

F. Standards for Variations.

1. General Standard. No variation shall be recommended or granted pursuant to this section unless the owner shall establish that carrying out the strict letter of the provisions of this code would create a particular hardship or a practical difficulty.

2. Supplemental Standards. In considering proposed variations to this code, the Board of Appeals will consider whether the proposed variation will:

a. Impair an adequate supply of light and air to adjacent property.

b. Unreasonable increase the congestion in public streets.

c. Increase the danger of fire or endanger the public safety.

d. Unreasonably diminish or impair established property values within the surrounding area.

e. In any other respects impair the public health, safety, or welfare of the inhabitants of the village.

3. Findings of Fact. Upon review of the application and information presented at the public hearing, the Board of Appeals shall consider and adopt findings of fact sustaining each of the following criteria which are consistent with the rules provided to govern determinations of the Board of Appeals as referenced by state statute.

a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.

b. The extraordinary or exceptional conditions of the property requiring the request for the variance were not caused by the applicant.

c. The proposed variance will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.

d. The denial of the proposed variance will deprive the applicant the use permitted to be made by the owners of property in the immediate area.

e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

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

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

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

I. Effect of Grant of Variation. The grant of a variation shall not authorize the establishment or extension of any use nor the development, construction,

reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approval that may be required by the codes and ordinances of the Village including, but not limited to, building permits.

J. Limitations on Variations. Subject to an extension of time granted by the Zoning Administrator pursuant to section 10-11-1 of this code, no variation from the provisions of this code shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

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

10-11-11 SPECIAL USE PERMITS

A. Authority. The Board of Trustees has the authority to grant special use permits authorizing the development of uses listed as special uses in the regulations applicable to the district in which the lot is located in accordance with the procedures set forth in this code and subject to the standards set forth in this section.

B. Purpose. In addition to those uses specifically classified and permitted in each district, there are certain additional uses which may be desirable to allow because of the service they provide to the public. However, because of their unusual and unique characteristics and impacts, these "special uses" (sometimes referred to as "conditional uses") require particular consideration as to their proper location in relation to adjacent established or intended uses or with respect to site layout, traffic circulation, etc. The special uses itemized in each zoning district require a special use permit. The ordinance adopted by the Village Board that authorizes a special use shall serve as the special use permit.

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

D. Procedure.

1. Application. Applications for special use permits shall be filed in accordance with the requirements of section 10-11-4 of this code.

2. Public Hearing. A public hearing shall be set, noticed, and conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

3. Action by Plan Commission. Within 45 days following the conclusion of the public hearing, the Plan Commission shall transmit to the Board of Trustees its recommendation, recommending either granting the

application for a special use permit; granting the application subject to conditions; or denying the application. The failure of the Plan Commission to act within 45 days, or such further time to which the owner may agree, shall be deemed a recommendation for the approval of the proposed special use permit.

4. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees shall either deny the application or, by ordinance duly adopted, shall grant the special use permit, with or without modifications or conditions. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the special use permit. Where the Plan Commission has recommended that a special use permit be denied, it shall not be granted except by the favorable vote of two-thirds of all the Trustees then holding office.

E. Standards for Special Use Permits.

1. General Standards. No special use permit shall be recommended or granted pursuant to this section unless the owner shall establish that:

a. The proposed special use complies with all provisions of the applicable district regulations.

b. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.

c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

i. The location, nature and height of buildings, structures, walls and fences on the site; and

ii. The nature and extent of proposed landscaping and screening on the proposed site.

d. Adequate utility, drainage and other such necessary facilities have been or will be provided.

e. The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted

developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the Village of Gilberts.

2. Special Standards for Specified Special Uses. When the district regulations authorizing any special use in a particular district impose special standards to be met by such use in such district, a permit for such use in such district shall not be recommended or granted unless the owner shall establish compliance with such special standards.

F. Conditions on Special Use Permits. The Plan Commission may recommend and the Board of Trustees may impose such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this code upon the premises benefited by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other lots and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use and may include, but are not limited to, one or more of the following: size, height, and location of proposed buildings and structures; landscaping and screening; parking and loading areas; signage; traffic flow and access requirements; lighting; hours of operation; open-space areas; drainage and storm water facilities; or architectural and engineering features. These conditions shall be in addition to any regulations contained in the underlying zoning district or other applicable regulations of the Village. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of the special use permit.

G. Permit Effective Date. The permit shall become effective upon adoption of the appropriate ordinance by the Board. In the event that a special use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.

H. Site Plan Approval. Upon issuance of a special use permit, but prior to the issuance of a building permit, the petitioner shall submit a site plan which conforms to the conditions of the special use permit and the underlying zoning district regulations for review and approval in accordance with the applicable sections of this code and the Village Code.

I. Time Limit of Special Use Permits. Special use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the special use permit be reviewed by the Village Board, which may extend it for an unlimited period or for a specified additional period of years.

J. Failure to Commence Construction or Operation. Unless otherwise stated in the conditions of a particular special use permit, substantial construction or operation of the special use where construction is not required shall commence within two years of the effective date of the permit unless such time period is extended by approval of the Village Board. If no appeal is made or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the two year period.

K. Revocation of Special Use Permit. Upon a finding that an approved special use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use, the Village Board shall have the authority to fine the applicant(s), property owner(s) or other responsible parties identified by the special use permit to the maximum amount permitted by state statue and/or Village Code, or to revoke the permit after affording the current property owner the right to be heard.

L. Transferability. All special use permits shall be approved for the specific tract or parcel of land, and may not be transferred to any other location. An approved Special Use Permit is transferable to any subsequent land owner unless otherwise specified at the time of the approval of the special use permit.

M. Procedure to Amend Approved Special Use Permit. Any expansion, increase in extent of operation, or other changes made to a special use beyond that which was designated on the original special use permit application and/or authorized by ordinance by the Village Board, shall be considered an amendment to the special use permit. In order to amend an existing special use permit, the application procedures, required materials, and approval process shall be the same as for a new permit.

10-11-12 PLANNED UNIT DEVELOPMENTS

A. Authority. The Board of Trustees has the authority to grant special use permits authorizing the development of planned unit developments, but only in the districts where such developments are listed as an authorized special use, and in accordance with the procedures set forth in this code and subject to the standards set forth in this section.

B. Purpose. Planned unit developments are included in this code as a distinct category of special use. As such, they are authorized for the same general purposes as all other special uses. In particular, however, the planned unit development technique is intended to allow the relaxation of otherwise applicable substantive requirements based upon procedural protections providing for detailed review of individual proposals for significant developments. This special regulatory technique is included in this code in recognition of the fact that traditional bulk, space, and yard regulations that may be useful in protecting the character of substantially developed and stable areas may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of lots or areas that lend themselves to an individual, planned approach. Through the flexibility of the planned unit development technique, the Village seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other Village land use regulations.

2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.

3. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.

4. Combination and coordination of architectural styles, building forms, and building relationships.

5. Provision for the preservation and beneficial use of open space.

6. An increase in the amount of open space over that which would result from the application of conventional subdivision and zoning regulations.

7. Encouragement of land uses that promote the public health, safety and general welfare.

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

D. Procedure.

1. Preliminary Plat.

a. Purpose. The preliminary plat is intended to provide the owner an opportunity to submit a detailed plan showing the scope, character, and nature of the proposed planned unit development.

b. Application. Applications for approval of a preliminary plat shall be filed in accordance with the requirements of section 10-11-4 of this code.

c. Public Hearing. A public hearing will be set, noticed, and conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

d. Coordination With Subdivision Regulations. When a subdivision of land subject to the Village's subdivision regulations is proposed in connection with a planned unit development, review of the tentative plat of the proposed subdivision will be carried out simultaneously with review of the preliminary plat.

e. Standards for Planned Unit Developments.

i. Special Use Permit Standards. No special use permit for a planned unit development shall be recommended or granted pursuant to this section unless the owner shall establish that the proposed development will meet each of the standards made applicable to special use permits pursuant to section 10-11-11 of this code.

ii. Additional Standards for All Planned Unit Developments. No special use permit for a planned unit development will be recommended or granted unless the owner establishes that the proposed development will meet each of the following additional standards:

(a) The proposed plan is consistent with the stated purpose of the planned unit development regulations.

(b) The proposed use and development will be in harmony with the general and specific purpose for which this code was enacted and for which the regulations of the district were established and with the general purpose and intent of the comprehensive plan.

(c) The proposed use and development will not have an undue adverse impact on adjacent property, the character of the area, or the public health, safety, and welfare.

(d) The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate area or interfere with the use and development of neighboring property in accordance with applicable district regulations.

(e) The proposed use and development will be adequately served by essential public facilities and services, including streets, public utilities, drainage facilities, police and fire protection, refuse, disposal, parks, or schools, or the applicant will provide adequately for such services.

(f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(g) The proposed use and development will not result in the destruction, loss, or damage of natural, scenic, or historic features of significant importance including trees, habitat reserves, rivers, streams, lakes, ponds, hills, ridges, and historic structures.

(h) The proposed use and development complies with all additional standards imposed on it by the particular provision of this code authorizing such use.

f. Action by Plan Commission. Within 60 days following the conclusion of the public hearing on the preliminary plat, the Plan Commission shall transmit to the Board of Trustees its recommendation that the preliminary plat either be approved, be approved subject to modifications, or not be approved, based on the standards set forth in subsection D.1.e. The failure of the Plan Commission to act within 60 days, or such further time to which the owner may agree, shall be deemed a recommendation for the approval of the preliminary plat as submitted.

g. Action by Board of Trustees**.** Within 60 days following the receipt of the recommendation of the Plan Commission or its failure to act as above provided, the Board of Trustees shall deny the application for approval of the preliminary plat, or shall refer it back to the Plan Commission for further consideration of specified matters, or, by ordinance duly adopted, shall approve the preliminary plat, with or without modifications and conditions to be accepted by the owner as a condition of such approval, and shall grant a special use permit authorizing the proposed planned unit development and such additional approvals as may be necessary to permit development of the planned unit development as approved; provided, however, that every such ordinance and special use permit shall be expressly conditioned upon approval of the final plat in accordance with paragraph D3 of this section and upon the applicant's compliance with all provisions of this code and the ordinance granting the special use permit.

The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a decision denying approval of the Preliminary Plat.

h. Effect of Preliminary Plat Approval. Approval of a preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Village and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any.

i. Limitation on Preliminary Plat Approval. Subject to an extension of time granted by the Zoning Administrator pursuant to subsection 10-11-1 of this code, unless a final plat covering at least the area designated in the preliminary plat as the first stage or unit of the planned unit development has been filed within two years from the date the Board of Trustees grants preliminary plat approval, or in any case where the owner fails to file the final plat

and to proceed with development in accordance with the provisions of this code, the preliminary plat approval shall automatically expire and be rendered void and the Zoning Administrator shall, without further direction, initiate an appropriate action to formally revoke the special permit for all portions of the planned unit development area that have not yet been completed.

j. Simultaneous Submission of a Final Plat. The owner may, at his or her option, submit a final plat for the proposed planned unit development pursuant to the requirements of paragraph D.2 of this section simultaneously with the submission of the preliminary plat. In such case, the owner shall comply with all provisions of this code applicable to submission of the preliminary plat and to submission of the final plat. The Plan Commission and the Board of Trustees shall consider such plans simultaneously, applying the standards for both preliminary and final plats, and shall grant or deny final plat approval in accordance with the provisions of paragraph D.2 of this section.

2. Final Plat.

a. Purpose. The final plat is intended to particularize, refine, and implement the preliminary plat. The final plat may be submitted for the entire planned unit development or in stages as approved in the preliminary plat.

b. Application. Upon approval of the preliminary plat, and within the time limits established in Subparagraph D.1 of this section, the owner shall file an application for final plat approval in accordance with the requirements of section 10-11-4 of this code. The application may include the entire area included in the approved preliminary plat or one or more stages or units thereof in accordance with a staging plan approved as part of the preliminary plat. The application shall refine, implement, and be in substantial conformity with the approved preliminary plat.

c. Public Meeting. A public meeting shall be set, noticed, and conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

d. Coordination with Subdivision Regulations. When a subdivision of land subject to the Village's subdivision regulations is proposed in connection with a planned development, review of the final plat of proposed subdivision shall be carried out simultaneously with review of the final plat or contained within the same document.

e. Action by Plan Commission.

i. Evaluation. Within 60 days following the filing of an application for approval of a final plat, the Plan Commission will review and act on the plan.

ii. Approval Based on Substantial Conformity. If the Plan Commission finds substantial conformity between the Final Plat and the approved preliminary plat and further finds the final plat to be in all other respects complete and in compliance with any and all conditions imposed by approval of the preliminary plat and with the provisions of this code and all other applicable federal, state, and Village codes, ordinances, and regulations, it will transmit the plan to the Board of Trustees with its recommendation, that the Board of Trustees approve the final plat, with or without modifications and conditions to be accepted by the owner as a condition of approval.

iii. Recommendation of Approval without Substantial Conformity. If the Plan Commission finds that the final plat lacks substantial conformity to the preliminary plat but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this code, it will transmit the plan to the Board of Trustees with its recommendation that the final plat be approved, with or without modifications and conditions to be accepted by the owner as a condition of approval.

iv. Recommendation of Denial. If the Plan Commission finds that the final plat is not in substantial conformity with the approved preliminary plat and does not merit approval, or if the Plan Commission requires modifications of a final plat that are not accepted by the owner, the Plan Commission will transmit the plan to the Board of Trustees together with its recommendation that the final plat not be approved.

v. Failure to Act. The failure of the Plan Commission to act within 60 days, or such further time to which the owner may agree, shall be deemed to be a recommendation to the Board of Trustees to deny the final plat as submitted.

f. Action by Board of Trustees. Within 60 days following the receipt of the recommendation of the Plan Commission, or its failure to act as above provided, the Board of Trustees will either:

i. Approval Based on Substantial Conformity. If the Plan Commission has recommended approval of a final plat based on substantial conformity with the preliminary plat, the Board of Trustees may, unless it specifically rejects one or more of the findings of the Plan Commission on the basis of expressly stated reasons, approve the final plat by a duly adopted ordinance,

ii. Approval Without Substantial Conformity. If the Plan Commission has recommended approval of a final plat without substantial conformity, the Board of Trustees may,

if it finds that the final plat merits approval and otherwise conforms to the requirements of this code, approve the final plat by a duly adopted ordinance.

iii. Referral Back to Plan Commission. The Board of Trustees may refer the final plat back to the Plan Commission for further consideration of specified matters.

iv. Denial. The Board of Trustees may deny final plat approval if it finds, whether pursuant to a recommendation of the Plan Commission or not, that the final plat is not in substantial conformity with the approved preliminary plat and does not merit approval or would only merit approval subject to modifications or conditions that are not accepted by the owner.

v. Failure to Act. The failure of the Board of Trustees to act within 60 days, or such further time to which the owner may agree, will be deemed to be a decision denying final plat approval.

g. Recordation of the Final Plat. The ordinance approving the final plat shall be effective only upon recording of the final plat and supporting data with the county recorder of deeds. The recording of the final plat shall inform all who deal with the planned unit development of the restrictions placed upon the land and act as a zoning control device.

h. Building Permits. No building permits shall issue and no construction may occur until the final plat has been approved and recorded with the county recorder of deeds.

E. Conditions on Planned Unit Development Approvals. The approval of a planned unit development may be conditioned on such matters as the approving body may find necessary to prevent or minimize any possible adverse effects of the proposed planned unit development, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this code, the Village's subdivision regulations, and the official comprehensive plan; provided, however, that no such condition of final plat approval shall impair the rights granted by preliminary plat approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this code and shall constitute grounds for revocation of all approvals granted for the planned unit development.

F. Authority to Vary Regulations. The planned unit development may depart from strict conformance with the required density, dimension, area, bulk, use, and other regulations for the standard zoning districts and other provisions of this code to the extent specified in the preliminary land use and zoning plat and documents authorizing the planned unit development so long as the planned unit

development will not be detrimental to or endanger the public health, safety, or general welfare.

G. Time Schedule. The President and Board of Trustees shall consider the planned unit development subject to revocation if construction falls more than two years behind the schedule filed with the final plat. Extensions in the building schedule may be granted by the Plan Commission. With the exception of the installation of the final one inch bituminous concrete roadway surface, all public improvements within each phase of the planned unit development shall be completed within two years of final plat approval for that phase.

H. Adjustments to Final Plat During Development. The planned unit development project shall be developed only according to the approved and recorded plat and all supporting data. The recorded final plat and supporting data together with all recorded amendments shall be binding on the owners, their successors and assigns and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

1. Major Changes. Changes which include increases in density, reductions of proposed open space, or other changes which change the concept or intent of the development, may be approved only by submission of a new preliminary plat and supporting data and following the "preliminary approval" steps and subsequent amendment of the final land use and zoning plat.

2. Minor Changes. The Village Board may approve minor changes in the planned unit development which do not change the concept or intent of the development without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.

I. Impact Fees. See section 10-12-10 of this code for applicable impact fee regulations.

10-11-13 SUBDIVISION

The Board of Trustees has the authority to grant subdivision approval, in accordance with the procedures and standards set forth in chapter 12 of this code.

10-11-14 SITE PLAN REVIEW

A. Purpose. The Village hereby establishes a site plan review process for exterior construction, change in use, or increase in intensity of use for all non-residential uses.

B. Application. Applications for approval of a site plan shall be filed in accordance with the requirements of section 10-11-4 code.

C. Standards. Approval of a site plan will be based on compliance with village ordinances and codes.

10-11-15 INTERPRETATIONS

A. Authority. The Zoning Administrator, subject to the procedures, standards, and limitations of this section, may render interpretations, including use interpretations, of the provisions of this code and of any rule or regulation issued pursuant to it.

B. Purpose. The interpretation authority established by this section is intended to recognize that the provisions of this code, though detailed and lengthy, cannot possibly address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this code in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority herein established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this code but rather is intended only to allow authoritative application of that content to specific cases.

C. Parties Entitled to Seek Interpretations. Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided, however, that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

D. Procedure.

1. Application. Applications for interpretations of this code shall be filed in accordance with the requirements of section 10-11-4 of this code.

2. Action on Application. Within 30 days following the receipt of a properly completed application for interpretation, the Zoning Administrator will inform the owner in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Zoning Administrator to act within 30 days, or such further time to which the owner may agree, will be deemed to be a decision denying the application rendered on the day following such 30-day period.

3. Appeal. Appeals from interpretations rendered by the Zoning Administrator may be taken to the Zoning Board of Appeals as provided in sections 10-11-5 and 10-11-6 of this code.

E. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Village including, but not limited to, a special use permit, a building permit, and subdivision approval.

F. Time Limitation. Subject to an extension of time granted by the Zoning Administrator pursuant to section 10-11-1 of this code, no use interpretation finding a particular use to be permitted or specially permitted in a particular

district shall be valid for a period longer than six months from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

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

10-11-16 APPEALS TO ZONING BOARD OF APPEALS

A. Authority. The Zoning Board of Appeals is authorized to hear and decide appeals from, and review orders, decisions, determinations, or the failure to act, of the Zoning Administrator acting pursuant to his or her authority and duties under this code and to that end the Zoning Board of Appeals has the same powers and is subject to the same standards and limitations as the Zoning Administrator with respect to any order, decision, or determination being appealed.

B. Purpose. The appeal procedure is provided as a safeguard against arbitrary, ill-considered, or erroneous administrative decisions. It is intended to avoid the need for resort to legal action by establishing local procedures to review and correct administrative errors. It is not, however, intended as a means to subvert the clear purposes, meanings, or intents of this code or the rightful authority of the Zoning Administrator to enforce the requirements of this code. To these ends, the reviewing body should give all proper deference to the spirit and intent embodied in the language of this code and to the reasonable interpretations of that language by those charged with the administration of this code.

C. Parties Entitled to Appeal. An application for appeal to the Zoning Board of Appeals may be filed by any person aggrieved or adversely affected by an order, decision, determination, or failure to act of the Zoning Administrator acting pursuant to his or her authority and duties under this code.

D. Procedure.

1. Application. An application for appeal to the Zoning Board of Appeals shall be filed not later than 30 days following the action being appealed and in accordance with the requirements of section 10-11-4 of this code.

2. Action by Zoning Administrator. Upon receipt of a properly completed application for an appeal, the Zoning Administrator shall transmit to the Zoning Board of Appeals the application together with all papers constituting the record upon which the action appealed from was taken.

3. Public Hearing. A public hearing shall be set, noticed, and conducted by the Zoning Board of Appeals in accordance with sections 10-11-5 and 10-11-6 of this code.

4. Action by Zoning Board of Appeals. Within 30 days following the close of the public hearing, the Zoning Board of Appeals shall render a decision on the appeal. Such decision may reverse, affirm, or modify, in whole or in part, the action appealed from and may include such order or determination as, in the opinion of the Board of Appeals, is proper to be made in the premises. The failure of the Board of Appeals to act within such 30 days, or such further time to which the owner may agree, shall be deemed to be a decision denying the appeal.

E. Stay of Proceedings. An application for appeal properly filed pursuant to subsection D of this section shall stay all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the application for appeal has been filed with the Zoning Administrator that, by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by the circuit court on application, upon reasonable written notice to the Zoning Administrator and on due cause shown.

F. Conditions and Limitations on Rights Granted by Appeal. In any case where this code imposes conditions and limitations upon any right, any such right granted by the Zoning Board of Appeals on appeal shall be subject to such conditions and limitations in the same manner and to the same extent as if secured without the necessity of an appeal.

PART FOUR: ENFORCEMENT

10-11-17 GENERAL ENFORCEMENT AUTHORITY

Upon finding the existence of any violation of this code, the Zoning Administrator has have the authority and duty to take or direct all actions necessary or appropriate to abate and redress such violation.

A. Stop and Cease-and-Desist Orders. Upon finding the existence of any violation of this code, the Zoning Administrator has the authority to notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; specifically, the Zoning Administrator has the authority to order the discontinuance of any illegal use of land or structures, the removal of illegal structures, additions, or alterations, and the discontinuance of illegal work being done.

B. Legal Actions. In the enforcement of this code, the Zoning Administrator has the authority to exercise all the powers authorized by the statutes of the state of Illinois and Village codes and ordinances to ensure compliance with, or to prevent or abate any violation of, the provisions of this code, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village attorney in the name of the Village of Gilberts any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this code.

C. Abatement; Liens. Where authorized by state statute, the Zoning Administrator may order any work necessary to abate any violation of this code and shall assess the cost of such work to the lot owner. Upon the failure of the owner to pay such cost, the Zoning Administrator has the authority to file a lien for such costs and for all costs of collection against the lot in question.

D. Revocation of Zoning Approvals. The violation of any provision of this code, or of any permit or approval granted pursuant to this code, or of any condition imposed pursuant to this code shall be grounds for the revocation of any rezoning, permit, variation, or approval granted pursuant to this code and affecting the lot involved in the violation. The Zoning Administrator may recommend and the Board of Trustees may order such revocation; provided, however, that where the original rezoning, permit, variation, or approval was granted following a public hearing required pursuant to this code, the revocation shall be preceded by a similar public hearing.

E. Fines. In the enforcement of this code, the Zoning Administrator has the authority to, where necessary and appropriate, order the issuance and enforcement of citations to recover fines and penalties for the violation of this code as authorized by State law and this code.

F. Penalty. Any person who shall violate, disobey, omit, neglect, or refuse to comply with, or who shall resist enforcement of, any provision of this code shall be subject to a fine as set forth in the chapter 4 of title 2 of this code. Each separate provision of this code that is not complied with shall constitute a separate violation. Each day a violation continues to exist shall constitute a separate offense.

G. Private Remedies. Nothing in this code shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this code from bringing an appropriate action to secure such relief.

CHAPTER 12

SUBDIVISIONS

10-12-1 GENERAL PROVISIONS

A. Title. This chapter 12 of title 10 shall be known and may be cited as the "Subdivision Code of the Village of Gilberts, Illinois".

B. Purpose. This ordinance is adopted for the following purposes:

1. To protect and provide for the public health, safety and general welfare of the Village.

2. To guide the future growth and development of the Village in accordance with the planning and development policies, and generalized land use plan of the Village and in accordance with local plans and policies.

3. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to preserve the integrity, stability, and natural beauty of the Village.

4. To prevent the pollution of air and surface waters; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the Village.

5. To provide the most beneficial relationship between the uses of land and buildings and the safe circulation of traffic throughout the Village, having particular regard to the avoidance of congestion and hazards in the roadways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of roads and building lines.

6. To protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

7. To guide public and private policy and action in facilitating adequate provision for transportation, water, sewage, schools, parks, playgrounds, recreation and other public requirements.

8. To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in the zoning code.

9. To protect natural areas and wildlife habitats and to maintain the diversity of flora and fauna throughout the Village.

10. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land and to insure proper legal descriptions and monumenting of subdivided land.

C. Application of Ordinance.

1. No person may subdivide any tract of land which is located within the Village of Gilberts or in any unincorporated area which is located entirely or in part within one and one-half (1-1/2) miles of the nearest limits of the Village, except in conformity with the provisions of this ordinance. The subdivision plans and plats, proposed improvements to be installed, and all procedures, must in all respects be in full compliance with these regulations.

2. The Village Board, upon request, may waive any requirement of the preliminary plat process for those subdivisions not exceeding five (5) acres divided into three or fewer lots or the division of a single tract into two lots. Grant of this privilege is purely discretionary and the Village reserves the right to later require any detail or compliance with any procedure which may have been waived by the Board.

D. Required Actions Before Subdividing and Constructing Related Improvements. The improvement plans and final plat of subdivision must be approved by the Village Board of Trustees before any of the following actions may be taken:

1. Subdivision of land.

2. Extension of any public street.

3. Improvements to the natural land.

4. Sale, contract for sale, or option for any lot, tract, or parcel of land within any subdivision.

5. Improvements such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets by any owner or owners or his or their agent, or by any public service corporation at the request of the owner or owners or his or their agent.

E. Interpretation. The provisions of this chapter will be held to be the minimum requirements for the promotion and effectuation of the purposes set forth in this chapter. Nothing in this chapter will repeal, abrogate, annul or in any way interfere with any provision of law, or any rules or regulations other than subdivisions adopted or issued pursuant to law relating to subdivisions or development of land. Where this Chapter imposes greater restrictions or requirements than one imposed or required by other provisions of laws, rules, regulations, covenants, or agreements, the provisions of this Chapter will control, but nothing will interfere with, abrogate, or annul any easements, covenants,

deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Chapter.

F. Severability. If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion will be deemed a separate, distinct and independent provision and that holding will not affect the validity of the remaining portions thereof.

10-12-2 ADMINISTRATION

A. Procedure for Approval.

1. Preliminary Plan.

a. Application. Applications for approval of a preliminary plan of subdivision must be filed in accordance with the requirements of section 10-11-4 of this code.

b. Public Meeting. A meeting will be conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

c. Action by the Plan Commission. Within 90 days after the completion of the applicant's application for preliminary plat approval, the Plan Commission will recommend whether the preliminary plat should be approved, approved with modifications or conditions, or disapproved and shall transmit such recommendation to the Board of Trustees. The Plan Commission may recommend approval of a plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. The failure of the Plan Commission to act within the time period specified in this subsection, or such further time to which the applicant may agree, will be deemed to be a recommendation of the Plan Commission to disapprove the preliminary plat.

d. Action by Board of Trustees. Within 30 days after its next regularly scheduled meeting following the transmission of a recommendation by the Plan Commission on an application for preliminary plat approval, the Board of Trustees will disapprove the preliminary plat or approve it by ordinance or resolution duly adopted. Any approval of a preliminary plat may be subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. If the Board of Trustees disapproves the preliminary plat, then the Village will notify the applicant in writing of the reasons stated for such disapproval. The failure of the Board of Trustees to act within the time period specified in this subsection, or such further time to which the applicant may agree, will be deemed to be a decision of the Board of Trustees disapproving the preliminary plat.

e. Effect of Approval. Approval of a preliminary plat does not entitle the applicant to any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied.

f. Limitation on Preliminary Plat Approval. Every approval by the Board of Trustees of a preliminary plat of subdivision will be effective for a maximum period of one year after the date of approval unless, pursuant to a written application therefor filed by the applicant before the expiration of the preliminary plat approval, the Board of Trustees grants an extension of that one year period. If, within the one year period, no extension of time has been granted by the Board of Trustees and no application for approval of a final plat of subdivision has been filed with the Village, then the applicant must resubmit an application for approval of a new preliminary plat for full review of the Plan Commission and Board of Trustees.

2. Final Plat.

a. Application. Applications for approval of a final plat of subdivision must be filed in accordance with the requirements of section 10-11-4 of this code.

b. Public Meeting. A meeting will be conducted by the Plan Commission in accordance with sections 10-11-5 and 10-11-6 of this code.

c. Action by the Plan Commission. Within 60 days after the completion of the application for final plat approval, the Plan Commission will determine whether the final plat is in substantial conformity with the preliminary plat and recommend whether the final plat should be approved, approved with modifications or conditions, or disapproved; and will transmit such recommendation to the Board of Trustees. The Plan Commission may recommend approval of a final plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. The failure of the Plan Commission to act within the time period specified in this subsection, or such further time to which the applicant may agree, will be deemed to be a recommendation of the Plan Commission to disapprove the final plat.

d. Action by Board of Trustees. The Board of Trustees, within 45 days after receipt of the report of the Plan Commission, will disapprove the final plat or shall approve it by ordinance or resolution duly adopted. Any approval of a final plat may be subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. If the Board of Trustees disapproves the final plat, then the Village will notify the applicant in writing of the reasons stated for such

disapproval. The failure of the Board of Trustees to act within the time period specified in this subsection, or such further time to which the applicant may agree, will be deemed to be a decision of the Board of Trustees disapproving the final plat. Approval of a final plat will not entitle the applicant to any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied, and such approval will be subject in any event to the requirements of this section.

e. Recordation**.** After approval of a final plat of subdivision or resubdivision by the Board of Trustees, the applicant must file with the Village the approved plat bearing all appropriate signatures and in proper form for recording by the Village with the respective county recorder of deeds. The applicant must pay, at the time of filing of the reproducible version of the plat, all costs and fees associated with the recording of the plat. After receipt of such payment, the Village will cause such plat to be recorded. The recorded plat will remain permanently on file with the Village.

B. Subdivision Variations. In some cases, strict compliance with the provisions of this title may present a hardship on the owners of property under certain situations and therefore the Board of Trustees may in its sole discretion waive the requirement of this title.

1. Statement of Justification. In applying for a subdivision variation, the applicant must demonstrate in writing that each of the following criteria is satisfied:

a. The terms and provisions of the Illinois Plat Act have been met; and

b. That a hardship would result if compliance of this title were required. Hardship shall not be defined to include a mere inconvenience to the owner or an owner's financial difficulty.

2. Procedure. Applications for subdivision variations will be reviewed concurrently with the related subdivision application, except as otherwise provided by the Board of Trustees on a case by case basis. Every application for a subdivision variation will first be considered at a public meeting of the Plan Commission, which will formulate a recommendation regarding such application for variation as part of its recommendation on the subdivision itself. Thereafter, the Board of Trustees will consider the variation at a public meeting.

3. Conditions. In authorizing a subdivision variation, the Board of Trustees may impose such conditions regarding the location, character, and other features of the proposed subdivision or development as it may, in its sole and absolute discretion, deem necessary in the public interest.

C. Impact Fees. See section 10-12-10 of this code for applicable impact fee regulations.

10-12-3 REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

A. General Provisions.

1. Conformance to Applicable Rules and Regulations. The design of a subdivision must conform to the generalized land use plan, the planning and development policies, official street map of the Village, the zoning code, the flood plain ordinance, the requirements stated herein, all ordinances pertaining to the control of land development and to all applicable rules, regulations, specifications, and standards of the Village, Kane County and the State of Illinois and other duly constituted agencies, including the Village's Subdivision Engineering Specifications Manual incorporated into this Chapter by subsection 10-12-3A4. No deviations from approved plans and specifications will be made without prior approval of the Village.

2. Character of the Land. The design of each subdivision must take into consideration the preservations, capabilities and limitations of topography, drainage, soils, vegetation and other features and irreplaceable assets of the site. The use of lands unsuited to development because of, but not limited to, flood, inundation and soil characteristics shall not be approved unless the development of said lands shall meet the requirements of the ordinances and regulations of the Village.

3. Required Improvements. The following improvements must be provided as part of the development of the subdivision:

a. Streets improved with

1. Curb and gutters,

2. Sidewalks,

3. Street lighting;

4. Parkway landscaping and trees,

5. Street signs, and

6. Guard rails;

b. Public utilities for telephone, electric, cable television, and natural gas;

c. Grading per grading plan;

d. Storm sewer systems;

e. Storm water management;

f. Erosion control;

g. Drain tile routing;

h. Wastewater facilities;

i. Water facilities; and

j. House services, water and sewer.

4. Incorporation of Village Engineering Specifications Manual. All improvements covered by this chapter and required for a subdivision must be designed and constructed in accordance with the Village's Engineering Specifications Manual, which manual is incorporated into this chapter as if set forth fully herein.

5. Oversize Design and Recapture. Where required in the overall utility planning for water distribution, sanitary sewers and stormwater management, any subdivision improvement must be larger than necessary to serve the immediate subdivision adequately, and agreement may be made to repay the subdivider the construction cost resulting from the increased design. All engineering, insurance and inspection costs must be paid by the subdivider. This will apply to, but is not limited to, collector sewers, lift stations, disposal facilities, wells, pumping stations, water mains, storage tanks, culverts, storm sewers, etc.

6. Off-Site Improvements. If it is determined that any existing infrastructures including, but not limited to, water distribution systems, sanitary sewers or other wastewater treatment facilities, storm sewers or other stormwater management facilities, roads and curbs and gutters, which may be situated either in part or entirely off site, is inadequate to facilitate a proposed subdivision when one hundred (100) percent built-out, then improvements to any one or all of the facilities may be required.

B. Lots and Blocks.

1. Lots.

a. Lot Arrangement. The lot arrangement must be such that there will be no foreseeable difficulties, for reasons of topography, soils, flooding or other conditions, in securing permits to build on all lots in compliance with the zoning code, the flood plain ordinance, and sewage treatment and disposal system rules and regulations. Subdivisions must not contain left-over pieces, corners, or remnants of land.

b. Lot Configuration. The lot size, width, depth, shape and orientation must be appropriate for the location of the subdivision and for the type of development and use contemplated.

c. Lot Dimensions. Lot dimensions and areas within the Village limits and the 1-1/2 mile jurisdictional boundary must conform to the requirements of the Village's zoning code. If the County zoning code is more restrictive with regard to a lot in the 1-1/2 mile jurisdictional boundary, then the County zoning code shall apply.

d. Lots Affected by Surface Water. Lots abutting a stormwater retention/detention pond, water course, drainage way, channel or stream must have a minimum width or depth as required to provide an adequate building site and to afford the minimum usable area required in this chapter or the Village's zoning code for front, side and rear yards.

e. Lot Drainage. Lots must be laid out so as to provide positive drainage away from all building sites and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage must be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

f. Proximity to Dedicated Street. All lots, tracts and parcels must abut on a publicly dedicated street.

g. Double and Reverse Frontage. Double frontage and reverse frontage lots must be avoided except where essential to provide separation of residential development from any public right of way or to overcome specific disadvantages of topography and orientation. A planting screen and easement of at least ten (10) feet, and across which there shall be no right of vehicular access, shall be provided along the rear lot lines abutting any public right of way.

h. Side Lot Line. Side lot lines must be substantially at right angles or radial to street lines.

i. Corner Lots. Corner lots must be sized to accommodate setbacks and lot coverage as provided for in the zoning code.

2. Blocks.

a. Determination of Block Dimensions. The length, widths, and shapes of blocks will be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

2. Zoning requirements as to lot sizes and dimensions within the corporate limit of the Village of Gilberts.

3. Needs for convenient access, circulation, control and safety of street traffic.

b. Block Dimension Restrictions. The length, width, and shape of blocks will be appropriate for the locality and the type of development contemplated, but length in residential areas must not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide two (2) tiers of lots of appropriate depth between road lines, except for blocks with one tier of lots which meet the double frontage requirements of this ordinance.

c. Pedestrian Crosswalks. Pedestrian crosswalks not less than ten (10) feet wide are required where deemed necessary by the Village to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportations and other community facilities.

d. Blocks Located in Industrial/Commercial Areas. Blocks or portions of blocks intended for commercial or industrial use must be designated as such, and the plans must show adequate off-street areas to provide for parking, loading docks, and other facilities as provided in the zoning code.

3. Easements.

a. Utility Easements. Utility easements must be provided at the rear of all lots and along the side and front lot lines where required. On wooded sites, utility easements must be located so as to minimize environmental damage. Utility easements must be at least twenty (20) feet wide, and normally centered upon the rear or side lots lines. Evidence shall be furnished to the Zoning Administrator that easements and any easement provisions to be incorporated on the final plat or in the deeds have been reviewed by the individual utility companies or organizations responsible for furnishing the services. The wording of utility easements on the final plat is subject to approval by the Zoning Administrator.

b. Drainage and Stormwater Management Facility Easements.

1. Drainage easements must be provided at the side and rear of all lots to accommodate drainage from each lot. The width of drainage easements within each lot shall be not less than ten (10) feet wide along each rear lot line (totaling 20 feet) and five (5) feet along each side lot line.

2. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, or other body of water,

appropriate dedications or easements, with adequate width to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision, shall be made. The width of the easement or dedication is dependant on the area of land drained by the watercourse and must allow access for construction and maintenance equipment. In general, the easement must conform substantially with the lines of the watercourse and must include the flood plain, where applicable, plus an additional area not less that twenty (20) feet wide adjoining both edges of the flood plain.

3. All permanent stormwater management facilities for a subdivision must be protected by easements or dedications for drainage and shall permit ingress and egress for maintenance. All side lot lines must have twenty (20) foot easements centered on the lot line. All lot lines adjacent to non-subdivided lands must have a twenty (20) foot easement for drainage.

4. No construction of structures, dams, embankments or channels (except as indicated in the improvement plans) and no planting of trees, shrubbery or other vegetation, which hinder the flow of water or otherwise inhibit the intended purposes, will be allowed within any drainage or stormwater management facility easement. In the event the area within the easements is obstructed, reshaped, regarded or restricted for uses other than as intended or as shown on the improvement plans, the Village will cause to have any alterations corrected at the expense of the party or parties causing the obstruction, restriction, regarding or alteration.

5. Where possible drainage easement must be separate and distinct from utility easements.

6. Drainage and stormwater management facility easements must be adequately maintained so as to provide for removal of accumulation of vegetation, silt, debris or other material which may interfere with the flow characteristics of drainageways or the essential features or retention or detention facilities.

c. <u>Landscaping and Conservation Easements</u>.

1. A screen planting and easement is required between residential and commercial or industrial lots, or along lot lines to discourage the undesirable development of residential lots fronting on traffic arteries. If the easement is to be used for public utilities, the easement must be of

sufficient width to accommodate appropriate screen planting without interfering with utility service or maintenance.

2. Easements may be required to protect areas designated for the restoration of site flora.

d. Temporary Turnaround Easements. Temporary turnaround easements must be reserved for road purposes until the extension of the road is publicly dedicated. The temporary easement will then be considered automatically released for the use and purpose. The dimensions of the turnaround must meet the requirements for temporary "T" turnarounds as provided in this ordinance.

e. Pedestrian Way Easements. Easements or dedications must be provided for pedestrian ways where deemed appropriate by the Village. Pedestrian way easements must be maintained to permit their continued use.

f. Line of Sight Easements at Intersections. At all intersections, a line of sight easement must be established within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

C. Streets.

1. General. All streets and street right-of-way improvements must be designed in substantial relation to topographic conditions, drainage, public convenience, safety, and the proposed uses of the land to be served by such roads. All road and road right-of-way improvements shall conform to the applicable standards of the Illinois Department of Transportation, the Village, the County Division of Transportation, and the Township Highway Commissioner. The design and construction standards of all streets, alleys, curbs and gutters, and other street improvements must conform to the standards set forth in the Village's Engineering Specifications Manual.

2. Variations for Private Streets. A public street must be provided for convenient access to all property and lots within a subdivision. Private streets and easements of access will not be permitted except when approved by the Village Board of Trustees. All private streets must be built to Village approved specifications and standards.

3. Location. Wherever a planned street is located within a proposed subdivision, the street must be designed and located in the place and with the width indicated on the official street plan. Where the street is not

shown on the official street plan, the arrangement of streets in the subdivision must either:

a. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area; or

b. Conform to a plan for the area or neighborhood approved or adopted by the Village to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

4. Street Classifications. All existing and planned streets must be classified according to the following:

a. Major streets are those whose primary purpose is to carry high volumes of traffic, with trip lengths generally over one (1) mile. All marked state and federal routes, and those county and township streets and other streets so designated by the county board will be considered major streets. These should provide continuous service at moderate speeds through an urban area and moderate to high speed travel in rural areas.

Freeways and expressways are major streets with fully or partially controlled access, permitting moderate to high speed travel. Access or modifications of access to county roads designated by the county board as freeways may be permitted only by approval of the Village Board.

b. Collector streets are those whose purpose is to collect and distribute medium to low traffic volumes between major and local roads. Collector streets should be inter-neighborhood streets and particularly related to serving specific traffic generating facilities such as schools, churches, commercial or employment areas, and other areas of greater traffic generation. All county highways and some township roads are considered collector streets.

c. Local streets are those whose primary purpose is to provide access to abutting property. They should be laid out so as to discourage use by through traffic. All streets other than major and collectors are considered local streets.

d. Frontage roads are special types of local roads running approximately parallel and adjacent to the right-of-way of a railroad, limited-access road, or county, state, federal, or interstate route, so as to provide access to abutting property only on the side of the road opposite said right-of-way.

e. Streets within office or business districts are those whose primary purpose is to carry traffic with greater volume to commercial entities.

f. Streets within industrial districts are those whose primary purpose is to carry traffic with heavier vehicular weights to industrial entities.

5. Abutting Planned or Existing Highway or Railroad.

a. Where a subdivision abuts or contains an existing or proposed highway or major thoroughfare, the Village may require marginal access streets; double frontage with screen planting contained in a non-access reservation at least ten (10) feet wide, along the rear property line; deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

b. Where a subdivision borders on or contains a railroad or highway, the Village may require a street approximately parallel to and on each side of such railroad or highway, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

6. Reserve Strips and Half Streets. Reserve or “spite” strips controlling access to streets shall not be permitted. Half streets are not permitted, except to provide right-of-way for officially adopted, planned streets. Whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract to be subdivided or the existing half street must be vacated prior to final approval.

7. Dead-End Streets. Permanent dead-end streets shall be designed as a cul-de-sac and temporary dead-end streets (if approved by the Village Board of Trustees) must be designed for a "T" turnaround with temporary easements.

8. Street Elevations. Street elevations must conform to existing natural elevations wherever possible. The centerline elevation of the paved street surface shall be a minimum of two (2) feet above the 100 year flood plain elevation.

9. Street Names. No street names may be used which will duplicate or be confused with names of existing streets.

10. Width of Roadway Rights-of-Way. The width of roadway right of ways must conform to the standards set forth in the Village’s Subdivision Engineering Specifications Manual.

11. Cul-de-sac and “T” Turnarounds. Cul-de-sacs and "T" turnarounds shall meet all the requirements for a local street and shall be subject to the

standards set forth in the Village's Subdivision Engineering Specifications Manual.

12. Alleys.

a. Alleys in residential areas are not permitted, except where deemed necessary. In commercial, office and industrial districts, definite and assured provisions must be made for service access such as off-street loading, unloading and parking consistent and adequate for the uses proposed.

b. The design and construction of curbs and gutters must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

13. Curb and Gutter. A concrete curb and gutter must be constructed along the outside lines of all street pavements. The design and construction of curbs and gutters must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

14. Street Signs. All street signs and their placement are subject to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

15. Guardrails. Guardrails must be placed along the shoulder of any roadway as set forth by the county superintendent of highways or the Village.

D. Sidewalks and Pedestrian Ways.

1. Requirements for Sidewalks and Pedestrian Ways. Sidewalks must be at least five (5) feet wide and located one (1) foot off the property line. Pedestrian ways may be located one (1) foot off of the property line within the right-of-way or within a pedestrian way easement adjacent the right-of-way.

a. Residential Subdivisions: Sidewalks are required on both sides of all streets.

b. Business and Office Districts: Sidewalks are required on both sides of all streets.

c. Industrial Districts: The decision for providing sidewalks in industrial districts rests with the Board of Trustees.

d. Pedestrian ways or sidewalks may be required by the Village through the center of blocks more than nine hundred (900) feet long, where deemed essential to provide circulation of access to schools, playgrounds, shopping centers, transportation, and other community facilities. Pedestrian ways or sidewalks shall be located within a right-of-way or easement at least ten (10) feet in width.

2. Design and Construction Standards. The design and construction of sidewalks and pedestrian ways must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

E. Street Lighting.

1. General. Street lighting must be provided throughout the subdivision by the subdivider.

2. Location. All street intersections, cul-de-sacs and "T" turnarounds must be illuminated by lighting systems as required by the Village's street lighting regulations set forth in the Village's Subdivision Engineering Specifications Manual.

F. Parkway Grading, Landscaping and Trees. Parkway grading, landscaping, and trees must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

G. Public Utilities. All utility lines for telephone, electric service, and cable television must be placed underground entirely throughout a subdivided area. The conduits or cables must be placed within easements or dedicated public ways, in a manner which will not conflict with other underground services. Further, all transformer boxes must be located so as not to be unsightly or hazardous to the public. The utility lines must be parallel to and not less than twelve (12) inches from the property lines. Corner property markers shall not be disturbed by the installation of utility lines.

H. Grading. The excavation of, the filling of, or any combination thereof of any lot or parcel of any subdivision must be in accordance with an approved grading plan submitted as part of the engineering plans of the subdivision. The grading plan must contain the Surface Water Drainage Certificate and once approved shall be submitted to the Village on a reproducible mylar at the same scale as the Final Plat. Contents of the grading plan and grading standards must conform to the standards set forth in the Village's Engineering Specifications Manual. In those cases where conditions, in the opinion of the Village Engineer, do not permit compliance with the approved grading plan, a revised grading plan must be submitted to the Village in the same detail as the original submission requires. In the case of those parcels that need additional detail, the same shall be provided as required by the Village Engineer.

I. Storm Sewer System.

1. General. An adequate system of storm water drainage facilities and improvements must be constructed and installed, consisting of pipes, storm water detention facilities, tiles, swales, manholes, inlets and other necessary facilities, that will adequately drain the subdivision and protect roadway pavements and buildings from flooding. The storm water drainage system must be in compliance with other ordinances enacted by the Village and subject to the approval by the Village Engineer. The design and construction of storm sewer drainage and detention

improvements must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

2. Required Storm Water Management Facilities. The controlled release and storage of excess storm water runoff will be required in combination for all commercial and industrial development sites and for all residential development sites which exceed one (1) acre in gross area, including rights-of-way, easements, and other dedicated lands. Any exceptions shall be evidenced by a prepared engineering drainage study subject to approval by the Village Engineer.

3. Submittal of Computations at Preliminary Plat. Computations for the storm sewer system for on-site and off-site drainage must be presented with the preliminary plat for approval. Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider must reserve an adequate drainage right-of-way as determined by the Village or other authority having jurisdiction along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream.

4. Compensatory Storage. Where developments form only a portion of a watershed or contain portions of several watersheds, the requirements for providing storage will be based upon that proportion of the area being developed in a watershed, but if necessary to preserve an existing storage function for that watershed or those watersheds, the Village may require adequate compensatory storage if that existing storage would be eliminated.

5. Sequence of Construction. The facilities for storm water runoff control must be constructed prior to any site grading, street or drainage construction and shall include provisions for siltation control.

J. Flood Plain Regulations. All foundation elevations, proposed grading, storm water management facilities and structures must be designed and constructed in conformance with the Village of Gilberts Flood Plain Ordinance.

K. Field Drain Tile Survey. The submission of engineering drawings must include a completed survey of field drain tiles within the proposed subdivision and drawings and specifications of proposed improvements to redirect drain tiles around conflicting improvements. The survey must include pipe sizes and depths and shall be in accordance with current Kane County ordinances.

L. Wastewater Facilities.

1. Private disposal systems located on individual lots must conform to Village of Gilberts and Illinois Department of Public Health Standards.

2. Wastewater disposal systems servicing a population equivalent of 15 of more must conform to Village of Gilberts and the Illinois Environmental Protection Agency standards and regulations.

3. Sanitary Sewers.

   a. When any part of the subdivision is located within 1500 feet of an existing Village of Gilberts owned sanitary sewer main and if capacity exists within the sanitary sewer mains, pumping stations and force mains, and treatment facilities, sanitary sewer mains must be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to the public system.

   b. The design and construction of storm sewer drainage and detention improvements must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

   c. Five sets of the application for IEPA construction and operation permit must be completed by the subdivider and submitted to the Village for review and execution. Upon execution by the Village, the subdivider will be responsible to submit the required documents to IEPA for its review.

   d. All sanitary sewer systems must extend to the furthest limits of the property lines of the tract.

M. Water Facilities.

1. The design and construction of storm sewer drainage and detention improvements must conform to the standards set forth in the Village's Subdivision Engineering Specifications Manual.

2. At least five (5) sets of the completed Illinois Environmental Protection Agency (IEPA) application for water main extensions must be submitted to the Village at the same time as submittal of the final engineering plans and specifications of the subdivision improvements.

3. All water main and appurtenances must extend to the furthest limits of the tract.

N. House Services.

1. House water and sewer services must be constructed to connect with the utility service mains constructed within any street or thoroughfare, to serve each adjoining lot, tract or building site; such house services shall extend from the main to a point at least 2 feet beyond the property line of the property to be served..

2. All house services connected with utility mains constructed within any street or thoroughfare must be located at the approximate center line of each lot. All services boxes must be adjusted to finished grade prior to acceptance by the Village.

3. Upon completion of the in-place construction of all house service connections with utility mains, ten copies of an accurate map or maps showing the exact locations of all mains, together with manholes, water valves, B-boxes, and other similar facilities being a part thereof, by distances in feet from street lines, and of all house connections in distances in feet from the side lot lines, approved by the Village Engineer, must be filed in the office of the Village Clerk.

10-12-4 CONSTRUCTION AND POST CONSTRUCTION REQUIREMENTS

A. General Considerations.

1. The subdivider must be represented by a project engineer to observe the construction of the public improvements, to certify construction in conformance with the approved improvement plans, to review and certify the quantities of work items on any reductions in the constructing guarantee, witness required tests in the presence of the Village Engineer, and to prepare record drawings. All inspection reports of the project engineer and test results must be submitted to the Village on a weekly basis.

2. The Village Engineer will conduct periodic observations of the public improvements, witness the tests of the public improvements, review and recommend action relative to construction guarantee, advise the Village of potential problems, conduct semifinal and final inspections of the improvements. The subdivider must reimburse the Village for all services and costs of the Village Engineer incurred by the Village. If the Village determines through periodic observations of construction by the Village Engineer or unsatisfactory test results that insufficient inspections by the project engineer were being conducted, the Village will authorize the Village Engineer to conduct resident project representative services with all costs reimbursed by the subdivider to the Village. Prior to initiating the resident project representative services, the subdivider and Village will meet to discuss the procedures.

B. Preconstruction Meeting. Prior to beginning the installation of any improvements, the subdivider, the project engineer, and general contractor will attend a pre-construction meeting with Village staff, Village Engineer and the appropriate highway authorities. The purpose of the meeting is to review acceptable site development and constructing practices in accordance with the construction control plan and Village ordinances and policies. Following the pre-construction meeting and posting of construction guarantee, the subdivider may begin construction of land improvements.

C. Limited Completion Time of Public Improvements. Construction of all required improvements must be completed within two (2) years from the date of final plat approval unless good cause can be shown to the Village Board for granting an extension of time. A request for an extension will not halt the running of the two-year period. No extension will be granted unless adequate guarantee collateral has been received and approved by the Village Board.

10-12-5 PERFORMANCE SECURITY

A. General Requirement. The applicant must submit to the Village security for the public and other improvements required for the new subdivision in accordance with the requirements of this section.

B. Amount of Performance Security. Prior to the issuance of any building permit or commencement of any construction on the property, the applicant must deliver to the Village performance security, in a form approved by the Village Attorney and issued by a financial institution acceptable to the Village, in the amount of 110% of (1) the Village Engineer's estimate of the costs for constructing and installing all of the public and other required improvements or (2) the actual cost as shown by all contracts for construction and installation of all of the public and other required improvements, whichever is greater. The performance security is for the purpose of insuring the construction of all of the public and other required improvements in accordance with the final engineering plans and all applicable requirements of law.

C. Terms of Performance Security. The performance security shall remain in effect at all times until all of the public and other required improvements have been approved by the Village Engineer and the public improvements have been accepted by the Village pursuant to section 10-12-7. If the public and other required improvements have not been completed and accepted or approved by the Village 30 days prior to the date on which the security by its terms is to expire, then the applicant must deliver on or before that date replacement security which by its terms shall extend through the date the public and other required improvements are accepted or approved by the Village. If the applicant fails to so deliver the security, then the Village has the right at that time, without prior notice to applicant, to draw down the full amount of the existing security.

D. Draw on Performance Security. If the applicant fails or refuses to complete the construction of any of the public or other required improvements covered by the performance security, or fails to correct any defect or deficiency in the improvements upon request by the Village, or fails to increase the security upon the Village's request, or in any other manner fails or refuses to meet fully the obligations under the performance security, or the applicable annexation or development agreement or other approval, then the Village may, in its sole and absolute discretion, draw on or retain all or any part of the performance security.

E. Partial Reduction or Increase of Performance Security. The applicant may make a written request to the Village Engineer to partially reduce the amount of the approved performance security. The Village Engineer is authorized to recommend to the Village Board approval of a partial reduction in the amount of the performance security, provided that the public and other required improvements for which the reduction is sought have been completed, inspected, and approved by the Village Engineer. In no event will the amount of the performance security be reduced to a level that (i) would not allow the Village to complete the installation of the public and other improvements required for the subdivision, in the sole and absolute opinion of the Village Engineer or (ii) is less than the guaranty security required by section 10-12-8. In the event that the Village determines that the performance security is not sufficient to cover the

costs of the remaining public improvements, the applicant shall be required to increase the amount of the performance security in an amount determined by the Village to secure the remaining public improvements.

F. Release of Performance Security. Following the Village Engineer's certification that all public and other required improvements included in the security have been completed to the satisfaction of the Village Engineer, and the Village's acceptance of all public improvements in accordance with all requirements of section 10-12-7 including without limitation the delivery of satisfactory guaranty security or all public improvements, the Village will release the security.

10-12-6 INSPECTION OF WORK

The public and other required improvements will not be deemed completed until the Village Engineer, or the Village's appointed inspector, has inspected the public and other required improvements, determined that the approved engineering plans have been satisfactorily implemented, and has issued a written declaration of completion to the applicant. Upon written request from the applicant, and promptly thereafter, at a time mutually agreeable to applicant and the Village Engineer or its appointed inspector, the Village Engineer or its appointed inspector shall inspect the public and other required improvements and report its findings as to acceptability and completeness to applicant. The Village Engineer will prepare a punch list of items, if any, to be performed or corrected and shall fix a time within which applicant shall perform or correct the items listed thereon. Following applicant's performance or correction of these items, the Village Engineer or its appointed inspector will make another review of the public and other required improvements, and either issue a written declaration declaring the public and other required improvements to be complete or present another punch list to the applicant.

10-12-7 DEDICATION AND ACCEPTANCE OF THE IMPROVEMENTS

The acceptance of the public improvements will be made only by the adoption of a resolution by the board of trustees of the Village after there has been filed with the Village a certification by the Village Engineer stating that (i) the public and other required improvements have been completed and the public improvements are in all respects in satisfactory condition for acceptance, (ii) "as-built" plans of the public improvements constructed have been received, (iii) satisfactory guaranty security for the public improvements has been delivered to the Village in accordance with this chapter; and (iv) all surveying monuments have been placed and after the applicant has paid to the Village all monies due and owing by the applicant to the Village. Further, the Village will have no obligation to accept the public improvements if the applicant has failed in any respect to comply strictly with this chapter. Prior to acceptance of the public improvements, the applicant will, at applicant's own cost and expense, remove, discharge, or otherwise dispose of any and all liens and other encumbrances on the public improvements. The applicant must convey and transfer title to the public improvements by bill of sale to the Village. The applicant must deliver these documents to the Village, together with any other documents deemed necessary by the Village, including, without limitation, non-exclusive easements on, over, and across the property to enable the Village to access the public improvements. All documents must be acceptable to the Village in form and substance.

10-12-8 GUARANTY SECURITY

The applicant must provide to the Village guaranty security, in an amount equal to not less than ten percent (10%) of the actual cost of construction of all the public improvements, the form and substance of which shall be acceptable to the Village. The guarantee security will insure the Village against any defects in the work performed and materials used in the construction of the public improvements for two years after the Village's acceptance of the public improvements. The security, as approved by the Village, must be delivered to the Village prior to acceptance of the public improvements.

10-12-9 MISCELLANEOUS PROVISIONS

A. Conditions of Issuance of Building Permits. No building permit may be issued for any building unit in a subdivision until there has been filed with the Zoning Administrator, a certified copy of the plat of subdivision as recorded or registered in the Office of the Recorder of Deeds. Nor shall a building permit be issued for the improvement of any building unit until the improvement plans have been approved by the Village Board, until construction guarantee approved by the Village Board as provided by this ordinance is posted with the Village, and until the final plat has been recorded.

B. Occupancy Permit. No occupancy permit may be granted by any governing official for use on any structure within a subdivision approved for platting or replatting until:

1. An occupancy survey has been prepared and approved by the Village.

2. Utility facilities have been installed, tested, certified by the project engineer for compliance with this ordinance, operating permits have been received from appropriate agencies having authority, and ready to serve property, and

3. Street improvements have been constructed, tested, certified by project engineer for compliance with this ordinance, and ready to provide access to the subject lot or lots.

C. Enforcement. No plat of any subdivision will be entitled to record in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.

D. Record of Plats. After the final plat has been recorded, a reproducible copy of the plat must be provided for the permanent Village records.

10-12-10 DEDICATION OF LAND FOR PUBLIC USE; CASH CONTRIBUTION IN LIEU

A. Intent. As a condition of approval of a final plat of subdivision, final plat of a planned development, or annexation agreement, as the case may be, each subdivider or developer will be required to dedicate land for library, park, recreational, fire/rescue, police/public safety, Village administration facilities and school purposes to serve the immediate and future needs of the residents of the

development, or shall be required to make a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the Village, with the concurrence of the affected district or districts, which concurrence shall be obtained in writing. However, the Village will have the final decision making power in this regard. Land dedication sites may be made to the Village or to the applicable district at the discretion of the Village board. The dedications and cash contributions required hereunder will be made in accordance with the criteria and formulas herein as to property now within the corporate limits of the Village. Property which hereafter is annexed to the Village will be subject to those dedications and cash contributions as may be negotiated from time to time and included in an annexation agreement. The provisions of this chapter may provide a guide for the negotiations, but there may be increases or decreases in the dedications and cash contributions herein provided based on the overall circumstances which are applicable.

B. School Site Dedications.

1. Requirement and Population Ratio. The ultimate number of students to be generated by a subdivision or planned development will bear directly on the amount of land required to be dedicated for school sites. The land dedication requirement will be determined by obtaining the ratio of 1) estimated children to be served in each such school classification over the 2) maximum recommended number of students to be served in each such school classification as stated herein, and then applying such ratio to 3) the appropriate number of acres for a school site of each such school classification as stated herein. The product thereof will be the acres of land deemed needed to have sufficient land for school sites to serve the estimated increase in number of students for each such school classification.

2. School Classifications and Size of School Site.

a. The requirements for acreage are based upon a review of available data studies and literature on the subject including, but not limited to, information provided by the state superintendent of education and the unique characteristics of the Village, including its general rural character and open spaces, and the desire of the residents to maintain this character and open space in future school sites.

b. These requirements for acreage are presumed to be the appropriate acreage requirements and will be used in calculating any cash in lieu of land dedication unless timely objected to pursuant to this chapter.

c. Objections to this section must be made in accordance with this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

d. School classifications and size of school sites within the Village will be determined in accordance with the following criteria:

LOCAL SCHOOL DISTRICT CRITERIA

School Classification By Grades	Maximum Number Of Students For Each Such School Classification	Appropriate Number Of Acres Of Land For Each School Site Of Such Classification
Elementary schools, grades kindergarten through 5 or 6	670 students	15 acres
Junior high schools, grades 6 through 8 or 7 and 8	850 students	25 acres
High schools, grades 9 through 12	1,500 students	70 acres

3. Location. The comprehensive school plan and/or the standards adopted by the affected school district will be used as a guideline in locating sites. School sites shall be located in the Village in accordance with plans adopted by the school district. If the school district has not planned a school site within the Village or the proposed subdivision or planned development, or in the neighborhood in which such subdivision or planned development is located, the school site will be located to be readily accessible to the greatest number of children projected for such neighborhood.

4. Table of Estimated Population Per Dwelling Unit. The following table will be used in connection with the provisions of this chapter:

Type Of Unit	Preschool 0-4 Years	Elementary Grades K-6 5-11 Years	Junior High Grades 7-8 12-13 Years	Total Grades K-8 5-13 Years	Senior High Grades 9-12 14-17 Years	Adults 18 And Up	Total Per Unit
Detached single-family:							
2 bedroom	0.113	0.136	0.048	0.184	0.020	1.700	2.017
3 bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 bedroom	0.418	0.530	0.298	0.828	0.360	2.158	3.764
5 bedroom	0.283	0.345	0.248	0.593	0.300	2.594	3.770
Attached single-family:							
1 bedroom	0	0	0	0	0	1.193	1.193
2 bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.990
3 bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0	0	0	0	0	1.294	1.294
1 bedroom	0	0	0.001	0.003	0.001	1.754	1.758
2 bedroom	0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 bedroom	0.052	0.234	0.123	0.357	0.118	2.526	3.053

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C. Park and Recreation Land Dedications. Dedication is required to the applicable park district if one is created or to the Village park fund if park facilities are provided by the Village, as a condition of approval of a final plat of subdivision or of a final plat of a planned development.

1. Land Suitability. The land for park and recreational dedications must be suitable for the purpose for which it is intended. Land set aside by developers for parks, recreation and conservation purposes will not be what is "left over" after residential, commercial and industrial development.

2. Requirement and Population Ratio.

a. The ultimate density of a proposed development must bear directly on the amount of land required for dedication for park and recreational purposes. The total requirement will be fifteen (15) acres of land per one thousand (1,000) of ultimate population and may be allocated by the Village Board, at its discretion, based upon the following criteria:

Type Of Recreation Area	Minimum Size
Play lot	8,000 square feet
Neighborhood park	3 acres
Villagewide park for active sports	10 acres
Villagewide community park	15 acres

b. These requirements for acreage are based upon the comprehensive plan of the Village, a review of available data studies and literature on the subject including, but not limited to, the National Recreation and Park Association's "Recreation, Park And Open Space Standards And Guidelines, 1990", as amended from time-to-time. These requirements are presumed the appropriate acreage requirements and will be used in calculating any cash in lieu of land dedication herein unless timely objected to as provided herein. Objections to this section must be made in accordance with this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

3. Location. The park and recreation plans, as adopted by the Village comprehensive plan, will be used as a guideline in locating sites. A central location that will serve equally the entire development or a location that is adjacent to existing park and recreational land is most desirable. In large developments, these sites can be located throughout the development according to established standards for park area distances.

D. Fire/Rescue Capital Facilities Contributions and Site Dedication.

1. Requirement and Population Ratio.

   a. The development of new subdivisions and planned developments increases the demands upon the existing fire/rescue protection service provided by the Village in a proportionate and ascertainable manner and create the need for additional fire/rescue, firehouse and training sites. Studies reveal the need to develop additional fire/rescue protection services. Therefore, as a condition of approval of a final plat of subdivision or of a final plat of a planned development in connection with the approval of an annexation agreement, each developer or subdivider will be required to dedicate land for fire/rescue facilities to serve the immediate and future needs of the residents of the development or shall be required to make a cash contribution in lieu of actual land dedication.

   b. The ultimate density of a proposed development shall bear directly on the amount of land required for a fire/rescue site dedication. The Village hereby finds that the total requirement shall be three (3) acres of land per ten thousand (10,000) of ultimate population. This requirement is based upon a review of available data as well as the respective fire protection district's own internal examination of fire/rescue utilization and needs.

   c. This contribution and/or dedication is based upon a review of available data, studies and literature including, but not limited to, the requirements of surrounding communities. They are presumed to be correct and accurate and will be used in calculating cash contributions unless timely objected to as provided in this chapter. Objections to this section must be made in accordance with this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

2. Location. The location of any new fire/rescue facility and/or training site will be determined by the appropriate fire protection district in consultation with the Village.

E. Library Site Dedication.

Dedication is required to the applicable library district as a condition of approval of a final plat of subdivision or of a final plat of a planned development in connection with the approval of an annexation agreement.

1. Requirement and Population Ratio.

   a. The ultimate density of a proposed development shall bear directly on the amount of land required for dedication. New development and increased population create greater demands for adequate and efficient library services to meet the educational, cultural and recreational needs of the citizenry. They create the need for

additional library facilities. The Village hereby finds that the total requirement shall be two and one-half (2.5) acres of land per ten thousand (10,000) of ultimate population.

b. These requirements are based upon a review of available data, studies and literature on the subject, as well as the library district's own internal examination of library utilization and needs. They shall be presumed as the appropriate acreage requirements and shall be used in calculating any cash in lieu of land contribution herein unless timely objected to as provided in this chapter. Objections to this section must be made in accordance with this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

2. Location. The location of any new library facility will be determined by the library district after consultation with the Village.

F. Police/Public Safety Facilities Contributions and Site Dedication.

1. Requirement and Population Ratio.

a. The development of new subdivisions and planned developments increases the demands upon the existing police/public safety facilities provided by the Village in a proportionate and ascertainable manner and create the need for additional police/public safety facilities. Studies reveal the need to develop additional police/public safety facilities. Therefore, as a condition of approval of a final plat of subdivision or of a final plat of a planned development in connection with the approval of an annexation agreement, each developer or subdivider will be required to dedicate land for police/public safety facilities to serve the immediate and future needs of the residents of the development or will be required to make a cash contribution in lieu of actual land dedication.

b. The ultimate density of a proposed development must bear directly on the amount of land required for a police/public safety facilities site dedication. The Village hereby finds that the total requirement will be three (3) acres of land per ten thousand (10,000) of ultimate population. This requirement is based upon a review of available data as well as the respective police/public safety facilities' own internal examination of police/public safety utilization and needs.

c. This contribution and/or dedication is based upon a review of available data, studies and literature including, but not limited to, the requirements of surrounding communities. They are presumed to be correct and accurate and will be used in calculating cash contributions herein unless timely objected to as provided herein. Objections to this section must be made in accordance with this

chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

2. Location. The location of any new police/public safety facility and/or training site will be determined by the Village.

G. Village Administration Facilities Contributions and Site Dedication.

1. Requirement and Population Ratio.

a. The development of new subdivisions and planned developments increases the demands upon the existing Village administration facilities provided by the Village in a proportionate and ascertainable manner and creates the need for additional Village administration facilities. Studies reveal the need to develop additional Village administration facilities. Therefore, as a condition of approval of a final plat of subdivision or of a final plat of a planned development in connection with the approval of an annexation agreement, each developer or subdivider will be required to dedicate land for Village administration facilities to serve the immediate and future needs of the residents of the development or will be required to make a cash contribution in lieu of actual land dedication.

b. The ultimate density of a proposed development shall bear directly on the amount of land required for a Village administration facilities site dedication. The Village hereby finds that the total requirement will be three (3) acres of land per ten thousand (10,000) of ultimate population. This requirement is based upon a review of available data as well as the respective Village administration facilities' own internal examination of Village administration utilization and needs.

c. This contribution and/or dedication is based upon a review of available data, studies and literature including, but not limited to, the requirements of surrounding communities. They are presumed to be correct and accurate and will be used in calculating cash contributions herein unless timely objected to as provided herein. Objections to this section must be made in accordance with this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

2. Location. The location of any new Village administration site will be determined by the Village.

H. Cash Contribution in Lieu of Land Dedication.

1. When Permitted. When the development is small and the resulting site is too small for land dedication to be practical, or when the available land is inappropriate for park and recreational purposes or school, fire/rescue or library sites, or is in conflict with the approved comprehensive school

plan, the Village, with the concurrence of the affected district, will require the subdivider or developer to pay a cash contribution in lieu of the land dedication.

2. Monies Held In Trust.

a. School Sites. The cash contribution in lieu of dedication of school sites will be held in trust by the Village for the applicable school district or other public body designated by the benefiting school district and shall be used for the acquisition of land for school sites to serve the immediate or future needs of children from that subdivision or development or for the expansion of any existing school site that already serves such needs or for any other lawful school purpose.

b. Park And Recreation Land. The cash contribution in lieu of park and recreation land dedication shall be held in trust by the Village and will be used solely for the acquisition of park and recreation land as classified in this chapter, which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the expansion of other existing local park and recreation lands that already serve such needs, or for any other lawful park purpose, or for any park purpose agreed to by the subdivider or developer at the time of platting.

c. Library Sites. The cash contribution in lieu of a library site dedication will be held in trust by the Village for the library district and will be used for the acquisition of library land as required herein, which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the expansion of existing or proposed library facilities that already serve or will serve such needs, or for any other lawful purpose agreed to by the subdivider or developer at the time of platting.

d. Fire/Rescue Sites. The cash contribution in lieu of a fire/rescue site will be held in trust by the Village for the applicable fire protection district and will be used for the acquisition of land for fire/rescue facilities or training sites to serve the immediate and future needs of the residents of that subdivision or development, or for the expansion of any other existing fire station or training site that already serves such needs, or for any other lawful fire/rescue purpose agreed to by the subdivider or developer at the time of platting.

e. Police/Public Safety Sites. The cash contribution in lieu of police/public safety sites will be held in trust by the Village and will be used for the acquisition of land for police/public safety facilities sites to serve the immediate and future needs of the residents of that subdivision or development, or for the expansion of any other existing police/public safety site that already serves such needs,

or for any other lawful police/public safety purpose agreed to by the subdivider or developer at the time of platting.

f. Village Administration Sites. The cash contribution in lieu of Village administration sites will be held in trust by the Village and will be used for the acquisition of land for Village administration facilities to serve the immediate and future needs of the residents of that subdivision or development, or for the expansion of the existing Village administration site that already serves such needs, or for any other Village administration purpose agreed to by the subdivider or developer at the time of platting.

3. Refunds. If any portion of a cash contribution in lieu of park and recreation or fire/rescue land dedication or dedication of library and/or school sites or police/public safety or Village administration sites is not expended for the purposes set forth in this chapter within thirteen (13) years from the date of receipt, it will be refunded by the entity holding the contribution to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned development, as applicable, the record will shall share in the refund, pro rata, based on the cash contributions originally paid by each property.

4. Contributions Based On Fair Market Value.

a. The cash contributions in lieu of land will be based on the "fair market value" of the acres of land in the area that otherwise would have been dedicated as park and recreation, library, fire/rescue and school sites. The fair market value, on a per acre basis, will assume, unless determined otherwise pursuant to this chapter, that the land is zoned in a one-family dwelling residential zoning district, subdivided with appropriate frontage on a dedicated street or road, has all appropriate utilities available, is improved as set forth herein, and is otherwise property capable of being used for residential development.

b. Based upon a study of comparable real estate transactions, the Village has determined the present "fair market value" of improved land in and surrounding the Village, as set forth in the Village's fee regulations in chapter 4 of title 2 of this code. The fair market value as provided in this section will be adjusted annually according to the "CPI". In addition, the fair market value may be re-established from time to time after appropriate study and documentation.

c. Objections to the "fair market value must be made to the Village as provided by this chapter. Failure to timely object to these requirements will thereafter waive any right to raise an objection at a later time.

I. Land Dedication and Cash Contribution. There will be situations in subdivisions or planned developments when a combination of land dedication and a cash contribution in lieu of land are both necessary. These occasions will arise when: a) only a portion of the land to be developed is proposed as the location for a library, park, fire/rescue, police/public safety, Village administration or school site (that portion of the land within the subdivision falling within the library, park, fire/rescue, police/public safety, Village administration or school location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated); or b) a major part of the local library, park, fire/rescue, police/public safety, Village administration or school site has already been acquired by the particular district or Village, and only a small portion of land is needed from the development to complete the site (the remaining portion shall be required by dedication, and a cash contribution in lieu thereof for the rest of the required land shall be required).

J. Density Formula.

1. The "Table Of Estimated Ultimate Population Per Dwelling Unit", prepared by Illinois School Consulting Service/Associated Municipal Consultants, Inc., Naperville, Illinois, and as updated from time to time, constitutes projections of anticipated population density and is generally indicative of current and short range projected trends in family size for new construction and will be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof unless a written objection is filed thereto by the subdivider or developer pursuant to this chapter.

2. Bedrooms.

   a. The term "a bedroom", as used in this section, means any room, regardless of its designation by the owner or permit applicant, which is suitable to be used regularly as a room for sleeping including, but not limited to, dens, studies, bonus rooms, libraries, television rooms, sewing rooms and similar rooms (all of which are hereafter referred to as "extra rooms"), whether finished or unfinished, located on the bedroom level of a multi-story residence.

   b. Extra rooms located on the non-bedroom level of a multi-story residence will be considered bedrooms if there is a bath on that level containing a shower or tub. Extra rooms in a single story residence will always be considered bedrooms. All such extra rooms will be considered as potential bedrooms and included as bedrooms for the purpose of determining the required size of a septic seepage field of a residence.

3. The most recent version of the "Table Of Estimated Ultimate Population Per Dwelling Unit" will be used in calculating any cash in lieu of land dedication herein unless objected to as provided in section 11-2-19 of this chapter. Objections to the "Table Of Estimated Ultimate Population Per

Dwelling Unit" will be made to the plan commission in accordance with this chapter. Objections to this section shall be made in accordance with this chapter. Failure to timely object to these requirements shall thereafter waive any right to raise an objection at a later time.

4. In the event a subdivider or developer files a written objection to the "Table Of Estimated Ultimate Population Per Dwelling Unit" listed herein, he or she must submit his own demographic study showing the estimated additional population to be generated from the subdivision or planned development, and in that event, final determination of the density formula will be made in accordance with this chapter.

K. Reservation of Additional Land.

1. Required. When the comprehensive plan or the standards of the Village call for a larger amount of park and recreational land or library or school sites in a particular subdivision or planned development than the developer is required to dedicate pursuant to this chapter, the land needed beyond the developer's dedication shall be set aside and reserved by the developer for subsequent purchase by the Village or applicable governmental unit (at a price determined at the time of reservation) or other public body designated by the Village; provided, that acquisition is made within five (5) years from the date of approval of the final plat.

2. Combining With Adjoining Developments. Where appropriate, a public open space or a school site that is to be dedicated should, if possible, be combined with dedications from adjoining developments in order to produce usable recreation areas and/or school sites without undue hardship on a particular developer.

L. Topography and Grading.

1. General Requirements.

a. The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purpose.

b. Wetlands and floodplains may be accepted for Village ownership and maintenance but shall not serve as a credit toward the required park site dedication.

c. Stormwater detention areas will not be accepted for Village ownership and maintenance, and the portion of a detention area designed to function primarily as a component of the stormwater control system will not serve as a credit toward the required park site dedication.

d. A park site may be not less than one acre in area.

e. The Village Board reserves the right, however, in its sole discretion, to accept, in whole or in part, certain areas such as, but not limited to, tree massings, prairie remnants, or other natural features as all or part of the required park site dedication in furtherance of open space preservation that may be unique to a given parcel or development.

f. Wetlands, floodplains, detention areas, retention areas and areas of steep slope will not be accepted as school, park, fire/rescue or library sites and shall not serve as a credit toward the required school, park, fire/rescue or library site cash contribution in lieu of land dedication.

2. Additional Requirements. In addition, the following site conditions and preparation standards must be met:

a. Slope.

1. Slopes should not vary greatly in appearance from existing and adjacent slopes;

2. Optimum slopes range from two percent (2%) minimum to five percent (5%) maximum. No less than two percent (2%) slope is acceptable under any circumstances;

3. Maximum allowable slope is ten percent (10%), except under special conditions where greater slopes are desirable to enhance the use of the site; and

4. On site drainage patterns must be designated and constructed to:

(a) Ensure flow toward swales; and

(b) Ensure drainage away from active areas.

b. Grading.

1. Rough grading must be completed at the time of rough grading of adjacent contiguous areas;

2. Grading must comply with Village approved plans;

3. Subgrade must be graded and compacted so it will parallel finished grade;

4. Subgrade material must be loosened and fine graded to a depth of two (2) to four inches (4"). All stones over four inches (4") in size, sticks, debris, rubbish and other foreign substances shall be removed; and

5. Finished grades must be uniform in slope between points for which elevations have been established.

c. Soils.

1. Soils may not differ from those naturally occurring;

2. Soils may not offer any restriction to the ultimate use of the property;

3. Topsoil must be spread evenly and lightly compacted to a minimum depth of six inches (6") over the entire site;

4. Topsoil must be good, friable soil with good tillage and shall be without any admixture of subsoil, clay, gravel, stones, debris, refuse, sand or other subsurface elements;

5. Topsoil may not be placed in a muddy or frozen condition;

6. Topsoil may contain no toxic substances which may be harmful to plant growth; and

7. Topsoil must be spread no later than the placement of topsoil on the first lot adjacent to the site.

d. Seeding.

1. All proposed library, park and recreational and school sites must be seeded and an acceptable stand of grass or vegetation established prior to dedication of the area to the Village;

2. Village approved ground covers and grasses must be used for all park and recreational areas suitable for the nature of the activity planned to occur thereon;

3. Seeding must be completed during the fall or spring planting times, depending upon the recommended seed planting specifications;

4. Seeding must be on moderately dry soil on a seed bed which will easily accept and nurture germination of seeds;

5. Seeding must be watered sufficiently so that the vegetation becomes reasonably established; and

6. The developer is responsible for making necessary reparations to the site caused by erosion or other damage. Reparations must be completed prior to acceptance of the site.

M. Improved Sites.

1. Utility Services. All sites must be dedicated in a condition ready for full service of electricity, natural gas, telephone and cable television, and streets (including enclosed drainage and curb and gutter, where applicable), as applicable to the location of the site, and must otherwise comply with the requirements of Village ordinances and codes.

2. Landscaping. The landscaping normally included within the definition of "improved" sites under Village ordinances and codes may be deleted due to the delay time between dedication of any such school site and the construction of school facilities thereon, except for ground cover as required herein.

3. Access.

a. The site must have direct access to a fully improved street across at least twenty percent (20%) of the distance of its perimeter.

b. School and park sites should ideally be accessible by a bicycle/pedestrian trail, and any such access route onto the property shall be at least twenty five feet (25') wide.

c. Access routes should normally be dedications and not easements, depending on which entity of government is to be responsible for said routes.

d. Any vehicular access route leading to or on the site must be of sufficient size and good geometry to properly accommodate vehicles that will access and traverse the site including, but not limited to, good principles of traffic circulation, accommodation of one-way and/or two-way drives for school buses, separation of bus traffic from passenger automobile traffic, bus drop off areas separate from publicly dedicated streets, guest and employee parking areas, and the like.

e. Off street access routes, drives, drop offs and parking areas will not be dedicated rights of way and shall be the responsibility of the owner of the site to maintain.

N. Environmental Risk Audit.

1. Prior to the conveyance of any land to the Village, library district, fire protection district or school district, the intended grantee must be furnished with an environmental risk audit prepared by an environmental professional meeting the minimum requirements of 415 Illinois Compiled Statutes 5/22.2(j)(6)(E)(iii), certified to and acceptable to the grantee, assuring the grantee that there are no "hazardous substances" (as defined in state statute) on, under, to or from the land. Said environmental audit shall be what is commonly referred to as a "phase I environmental audit", which shall meet the minimum requirements for a

preacquisition audit as set forth in 415 Illinois Compiled Statutes 5/22.2(j)(6)(E)(v).

2. In the event the phase I environmental audit does not conclude that there is no presence or likely presence of a release or substantial threat of a release of hazardous substance(s) or pesticide on, under, to or from the land, the grantee must furnish a phase II environmental audit as set forth in 415 ILCS 5/22.2(j)(6)(E)(vi), including a soil toxicity analysis and recommendation from the environmental professional meeting the minimum requirements of 415 ILCS 5/22.2(j)(6)(E)(iii), which concludes that there is no presence or likely presence of a release or substantial threat of a release of hazardous substance(s) on, under, to or from the land, and certifying that, in the judgment of the environmental professional, there is no reasonable probability that the land contains any hazardous substance(s) in violation of any federal or state environmental standards.

3. In the event the phase II environmental audit and/or soil toxicity analysis discloses the presence or likely presence of a release or a substantial threat of a release of any hazardous substance(s) at, on, under, to or from the land to be conveyed, the grantor must first cause all hazardous substance(s) to be removed, at its sole cost and expense, in accordance with all federal, state and local environmental laws, rules and regulations and furnish the intended grantee with a "no further remediation letter" from the governmental agencies having jurisdiction over the cleanup prior to conveyance of any of the land to the intended grantee.

4. Prior to the conveyance of the land, the subdivider or developer, as the case may be, and the owner of the land to be conveyed, must execute and deliver to the intended grantee an environmental indemnification agreement, which form has been approved by the Village Attorney, agreeing to defend, indemnify and hold the Village, its corporate authorities, officers, officials, employees, agents, successors and assigns, and any recipient school district, as the case may be, and its respective officers, officials, employees, agents, successors and assigns, harmless from and against any and all liability, claims, damages, causes of action and expenses arising out of the presence of any hazardous substance(s) in, under or upon said land to be conveyed prior to the date of conveyance.

O. Sustainability of Soils. The subdivider or developer, at its own cost or expense, must provide to the Village, library district, fire protection district or school district soil boring data, soil compaction test results and such other engineering studies, data and information pertaining to the proposed school, library, fire/rescue or park and recreational site which the Village, library district, fire protection district or school district may request to enable it to determine the suitability of the proposed land dedication for library, fire/rescue or school sites or park and recreation purposes. The Village, library district, fire protection district or school district has the right to reject any site which the Village, library district, fire protection district or school district determines, in accordance with sound

engineering practices, is not suitable for library site, fire/rescue site, park and recreational site or school site purposes.

P. Title Insurance, Survey and Assessment Plats.

1. Required. Each deed or other instrument conveying land to the Village, library district, fire protection district or school district must be accompanied by:

   a. A written commitment issued by a title insurer licensed to do business in the state to insure the grantee's title to such real estate in an amount equal to the value computed pursuant to this chapter, with extended coverage over the general exceptions to this title and subject only to:

      1. Real estate taxes not yet due and payable;

      2. Covenants, conditions and restrictions which do not prohibit the use of the subject property for library, school or park and recreational uses;

      3. Utility easements located within twenty feet (20') of the boundary lines of the subject real estate (except where approved on the final engineering plans approved by the Village Engineer);

      4. Drainage ditches, feeders and laterals;

      5. Underground pipe or other conduit; and

      6. Acts done or suffered by or judgments against the grantees.

   b. A current ALTA boundary line survey, certified to the grantee by a licensed Illinois land surveyor to be in compliance with the "American Land Survey Standards", showing no encroachments; and

   c. Except in instances where the real estate to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in a form acceptable to the appropriate Village authorities so the land to be conveyed can be assigned its own permanent real estate index number (PIN) for exemption purposes.

2. Monuments. In addition, monuments must be established and the land staked immediately prior to dedication of the property.

3. Responsibility for Costs. The subdivider or developer must pay for the cost of the owner's title insurance, the ALTA survey, the assessment plat and any and all costs in connection with the tax division.

Q. Real Estate Tax Escrow. The developer must pay the general real estate taxes on the land not yet due and payable as of the date of transfer, and must deposit a sum of money in escrow with the intended grantee's attorney or a title company licensed to do business in the state of Illinois, which is prorated as of the date of transfer on the basis of one hundred ten percent (110%) of the tax assessor's latest assessed valuation, the latest known equalization factors and the latest known tax rate on the land. In the event the previous tax information or the previous tax bill includes other property, then the amount to be deposited in escrow shall be adjusted ratably based on the net acreage of the land compared to the net acreage of the other parcels covered by said tax bills. After the land has been divided for real estate tax purposes and has been conveyed to the intended grantee, the grantee must proceed with due diligence to apply for a real estate tax exemption on the land.

R. Objections. All objections relating to acreage requirements, presumptions as to fair market value, the "Table Of Estimated Ultimate Population Per Dwelling Unit" or any other application of this section to a particular subdivision or planned development, must first be referred to the plan commission for a hearing. An objection must be made, if at all, prior to the approval of the final plat of subdivision by the Village. A failure to object by that time will constitute a waiver of the right to object to the provisions of this section. The procedure for a hearing before the plan commission will be as follows:

1. Duties Of Plan Commission. The plan commission will serve in an advisory capacity and will have the following duties:

   a. Advise and assist the Village in resolving objections regarding the "Table Of Estimated Ultimate Population Per Dwelling Unit" in this chapter, the size of the school, park, fire/rescue, library, Village administration and police/public safety sites, the fair market value of the land used to calculate the cash contribution or any other application of this section to a particular subdivision or planned development.

   b. The Village will adopt procedural rules to be used by the plan commission in carrying out the duties imposed by this section.

2. Information And Services Used. The Village shall make available to the plan commission all professional reports relating to the "Table Of Estimated Ultimate Population Per Dwelling Unit", the size of the library, fire/rescue, park, school, Village administration and police/public safety sites and the fair market value of land used in calculating these cash contributions. The plan commission may also retain the services of professionals (attorneys, appraisers, statisticians, etc.) to assist in its review of issues raised by any objection.

3. Procedure.

   a. Village Board Agenda Item; Forward To Plan Commission. Upon receipt of an objection, the Village Clerk will place the same on the next regular meeting agenda of the Village Board. Thereafter, the

Village Board will refer the objection to the plan commission which will establish a hearing date.

b. Notice Requirements.

1. The plan commission shall provide public notice of the hearing date to consider the objection and shall notify the Village Board and the affected library, fire protection and school district sites, Village Administration and police/public safety by certified mail, return receipt requested, of the filing of the objection and of any hearing regarding same.

2. The objector will publish notice of the hearing date once each week for three (3) consecutive weeks, at least thirty (30) days before, but no more than sixty (60) days before, the scheduled date of the hearing. Notice shall be published in a newspaper of general circulation within the corporate limits of the Village.

3. The notice must contain all of the following information:

(a) The heading shall read: "NOTICE OF PUBLIC HEARING ON OBJECTION TO APPLICATION OF ORDINANCE REQUIRING THE DEDICATION OF PARK LANDS, LIBRARY SITES, FIRE/RESCUE SITES, SCHOOL SITES, VILLAGE ADMINISTRATION SITES, OR POLICE/PUBLIC SAFETY SITES OR PAYMENT OF THE CASH CONTRIBUTIONS IN LIEU THEREOF".

(b) The date, time and location of the public hearing.

(c) A statement that the purpose of the hearing is to consider the objection to a component of the application of this chapter requiring the dedication of park lands, library sites, school sites, fire/rescue sites, Village administration sites, or police/public safety sites or calculation of cash in lieu thereof.

(d) A general description of the parcel(s), service area or areas within the Village that are the subject of the hearing.

(e) A statement that the Village will make available to the public, upon request, an easily understandable and detailed map of the parcel(s), service area or areas to which this chapter applies, and any other available information about the objection.

(f) A statement that any member of the public affected by this chapter or the parcel(s) or service area has the right to appear at the public hearing and present testimony and/or evidence in support of or against the objection.)

c. Public Hearing. A public hearing will be held for the consideration of the objection. In addition to the Village, any affected library district, school district, fire/rescue provider, Village Administration, police/public safety and park lands will be allowed to participate in the hearing as a party thereto to present evidence, cross examine witnesses and make arguments to the plan commission regarding the issues raised in the objection.

d. Plan Commission Recommendation. The plan commission will make a recommendation to adopt, reject, in whole or in part, or modify the objection presented at the hearing, by written report to the Village, within sixty (60) days after the hearing.

e. Village Board Decision. The Village will then have at least sixty (60) but not more than one hundred twenty (120) days to approve, disapprove or modify, by ordinance or resolution, the findings in this chapter as it pertains to the development in question.

4. Costs and Fees. The objector must bear all costs of the hearing before the plan commission including, but not limited to, attendance fees paid the plan commission members, publication costs, professional consultant costs and any other expenses of the Village. Before a hearing date is set, the objector must deposit with the Village a ten thousand dollar ($10,000.00) escrow to cover these costs which shall be replenished when the balance reaches two thousand dollars ($2,000.00), or no less than monthly, by the objector after payment of any outstanding expenses incurred by the Village. Failure to promptly replenish the escrow will be cause to stay or defer any hearings, meetings or actions by the Village.

S. Application to Annexations. The dedications of land or cash contributions in lieu required by this chapter will also be required as a condition to the annexation of any land to the Village, and provisions for the dedications or cash contributions will, at a minimum, be incorporated in any annexation or preannexation agreement governing the land. However, in the event of annexation, the Village reserves the right to negotiate dedications of land or cash contributions in lieu of land or any combination greater than those set forth in this chapter.

T. Indemnification Agreement. As a condition to the Village distributing land dedications and/or cash contributions in lieu thereof, the appropriate district must execute an indemnification agreement in the form and substance acceptable to the Village.

U. Distribution of Dedications and Contributions.

1. The cash contribution in lieu of land dedication imposed by this chapter will be collected by the Village and distributed to the benefiting district to be used for the purposes set forth in this chapter, as determined by the Village on a quarterly basis, provided the criteria in this chapter have been met.

2. As a condition of distribution of the land dedications and/or cash contributions in lieu of land dedications, the Village will require that the library district, police/public safety, Village Administration, fire/rescue provider, school district or park and recreation district benefiting from the land dedications and/or cash contributions conduct a needs assessment and adopt a plan for acquisition of land and capital facilities needed to accommodate growth.

V. Needs Assessment and Acquisition Plan.

1. Needs Assessment. A needs assessment must contain the following information for each benefiting district:

a. A description of the nature and location of existing park, library, fire/rescue and school lands and existing park, school, library, fire/rescue, police/public safety, Village administration facility and capital facilities within each district.

b. An identification of the capacity of each school building, fire/rescue facility, police/public safety facility, Village administration facility, library facility or park site within the particular district and of the number of students then enrolled in each school building.

c. A projection of the character and location of new development that is expected to occur within each district or the Village during the succeeding ten (10) year period. The district or Village may obtain the information necessary to make this projection from sources such as, but not limited to, municipalities, other units of government, agencies and consultants.

d. An identification of the amount of lands that will be necessary within each district and the Village in order to accommodate the demands of such projected new development, and an estimate of the public grounds acquisition costs that will be incurred or have been incurred by each district in acquiring such lands.

e. A general description of each classification of capital facilities (including construction, expansion or enhancement of any public facilities and the land improvement, design, engineering and professional costs related thereto) that will be necessary within each district in order to provide adequate capacity for the projected new development, and an estimate of the capital facilities costs that will be incurred by each district in constructing such capital facilities.

2. Acquisition Plan. Based upon the needs assessment, the school district, fire/rescue district, Village or library district must provide the Village an acquisition plan for lands and capital facilities. This acquisition plan must:

   a. Project, for a planning period of at least five (5) years, the need for land and capital facilities within the district or Village.

   b. Set forth a schedule for the acquisition of such land and facilities to meet the projected need (which schedule may be conditioned upon the availability of financing).

   c. Indicate the size and general location of the needed land and facilities.

   d. Identify the estimated or incurred costs of acquiring such needed land and facilities.

   e. Set forth the anticipated funding sources for the acquisition of such needed land and facilities.

   f. Determine the feasibility of acquiring the needed land and facilities based upon the district's current financial condition.

   g. Determine the feasibility of acquiring the needed land and facilities based upon the district or Village estimate of the revenues (including, without limitation, cash in lieu of land dedication required by this section) pursuant to the plan.

   h. The impact on property taxes in the Village, assuming the plan is implemented.

3. Updated Assessment and Plan. If the Village deems it necessary, it may require an updated needs assessment and plan for acquisition of land and capital facilities from the district annually. The failure to require an assessment update shall not invalidate the requirements of this section.

W. Time of Payment.

1. All land dedications and cash contributions imposed by this chapter are due and payable upon final plat approval. However, the Village may agree that the payment of the cash contributions may be made at the time of building permit issuance, in consideration of which, the subdivider or developer must execute an agreement with the Village, agreeing that the cash contributions payable will be adjusted in accordance with the requirements herein, and further agreeing that the cash contributions may be expended for the purposes described in said agreement.

2. In calculating the fee at the time of platting, the Village will assume the maximum density permitted under the zoning classification approved pursuant to the table provided in this chapter. For example, if the

subdivision in question is zoned single-family, the Village will assume, for purposes of calculating fees payable pursuant to this chapter, that all houses will have five (5) bedrooms. The Village will then hold sufficient funds, pending issuance of the building permit, to enable the Village to refund any overpayments resulting from the fact that houses with less than five (5) bedrooms are constructed. Refunds shall be made at the time of issuance of the building permit.

CHAPTER 13

APPLICABILITY AND INTERPRETATION

10-13-1 GENERAL SCOPE

A. Territorial Application. This code shall apply to all land, structures, and uses within the corporate limits of the Village of Gilberts.

B. General Application. All structures erected, all uses of land or structures established, all structural alterations or relocations of existing structures occurring, and all enlargements and extensions of, additions to, changes in, and relocations of existing uses occurring after the effective date of this code will be subject to all regulations of this code applicable to the zoning districts in which the land, structures, or uses are located. Existing structures and uses that do not comply with the regulations of this code will be subject to the provisions of chapter 10 of this code relating to nonconformities.

C. General Prohibition. No structure, no use of any structure or land, and no lot of record or zoning lot, now or existing after the effective date of this code, may be established, enlarged, extended, altered, moved, divided, or maintained in any manner, except as authorized by the provisions of this code and except in compliance with the regulations of this code. Without limiting the foregoing, any activity that would cause any existing structure not to comply with this code or that would create any lot that could not be developed in compliance with this code is prohibited.

D. Private Agreements. This code is not intended to abrogate, annul, or otherwise interfere with any platted building line, easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this code are more restrictive or impose higher standards or requirements than the platted building line, easement, covenant, or other private agreement or legal relationship, the regulations of this code will govern.

E. Existing Unlawful Uses. Any use that was unlawful at the time of the adoption of this code that is in conflict with the requirements of this code remains unlawful.

10-13-2 APPLICATION TO VARIATIONS AND SPECIAL USES

A. Existing Variations and Special Uses. Any variation or special use permit lawfully issued prior to the effective date of this code, or any amendment to it that could be lawfully issued pursuant to the provisions in effect after the effective date is deemed to be and continue valid after the effective date subject to any conditions placed on the use at the time of issuance. Any structure or use lawfully authorized by any variation or special use permit that could not be issued after the effective date will be subject to the provisions of chapter 10 of this code dealing with nonconformities.

B. Existing Uses and Structures Newly Requiring Special Use Permit. The owners of any use or structure lawfully existing on the effective date of this code, or any amendment to it, that did not, prior to the effective date, require a special use permit but which, after the effective date, does require a special use permit, may continue the use or maintain the structure by securing a special use permit pursuant to the standards and procedures of section 10-11-11 and other applicable provisions of this code. Unless and until a permit is secured, the use will be subject to the provisions of chapter 10 of this code dealing with nonconformities.

10-13-3 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

A. New Code Shall Apply. All work, structures, and uses authorized by building permits issued prior to the effective date of this code or any amendment to it, and for which a certificate of occupancy had been issued prior to the effective date, will not be affected by this code. Except as provided in subsections B and C of this section, no certificate of occupancy will be issued following the effective date of this code or any amendment to it unless the work, structure, or use for which the certificate of occupancy is sought is made to fully comply with the applicable provisions of this code or any amendment.

B. Right To Complete Construction Pursuant To Approved Plans. Nothing in this code, or any amendment to it, will be deemed to require any change in the plans, construction, or designated use of any structure if:

1. A building permit for the structure was lawfully and properly issued prior to the effective date of this code or any amendment to it, or such permit is issued after the effective date based upon a complete and proper application for the permit filed prior to the effective date; and

2. The permit had not by its own terms expired prior to the effective date; and

3. The permit was lawfully and properly issued in accordance with the law in effect prior to the effective date; and

4. Construction pursuant to the permit is commenced prior to the expiration of the permit and within 6 months of the effective date and is thereafter diligently pursued to completion.

C. Right To Occupy As Nonconformity. Upon completion pursuant to subsection B of this section, a structure may be occupied by, and a certificate of occupancy may be issued for, the use designated on the permit, subject thereafter, to the extent applicable, to the provisions of chapter 10 of this code relating to nonconformities.

10-13-4 PENDING APPLICATIONS

A. New Code Shall Apply. This code, and any amendment to it, will apply to all applications for variations, amendments, and special use permits pending and

not yet finally decided on the effective date thereof to which it would apply if the applications were filed on or after the effective date.

B. Notification to Owners. Within 30 days following the effective date of this code, or any amendment to it, the Zoning Administrator will inform each owner named on each application referred to in subsection A of this section that the application is subject to the provisions of this code, as amended, and will be processed in accordance therewith; that the owner may within 30 days following the mailing of the notice refile, without additional fee, its application on the basis of this code, as amended; and that if the owner does not refile, its application may be denied for noncompliance with the provisions of this code, as amended.

C. Duty of Owner. Notwithstanding the provisions of subsection B of this section, it shall be the responsibility of each owner having an application pending on the effective date of this code, or any amendment to it, to modify the application in accordance with the terms and provisions of this code, as amended, and the failure to do so, whether or not the procedures of these subsections have been followed, may result in denial of such application for failure to comply with this code, as amended. Any modification or refiling of an application pending on the effective date in order to comply with the provisions of this code, as amended, will be permitted at any time prior to the final disposition of the application and will be permitted without payment of any additional fee.

D. Processing of Pending Applications. Upon the refiling of any pending application as herein provided, or upon notification from the owner that it will not refile or modify its application, or upon the expiration of 60 days following the effective date of this code or any amendment to it, whichever occurs first, the pending application will be processed in accordance with the terms of this code, as amended; provided, however, that the application requirements, hearing requirements and procedural requirements set forth in chapter 11 of this code will not apply to any such pending application and each application will be processed in accordance with the application, hearing, and procedural requirements that were in effect on the date the application was filed. Notwithstanding any other provision of this section, the Zoning Administrator has the authority to request additional data, information, or documentation for pending applications when, in his or her judgment, such additional data, information, or documentation is necessary or appropriate to a full and proper consideration and disposition of the pending application.

10-13-5 REPEAL OF PRIOR PROVISIONS

The Village of Gilberts Zoning Ordinance adopted by Ordinance No. 85-01, as amended from time-to-time, and the Village of Gilberts Subdivision Ordinance adopted in October, 1990, as amended from time-to-time, are hereby repealed in their entirety. Except as expressly provided in this code, these repeals will not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time the repeal takes effect, but may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if the repeal had not been effected.

10-13-6 SEVERABILITY

A. Intent as to Severability. The several provisions of this code will be severable in accordance with the following rules:

1. Provisions Declared Invalid. If any court of competent jurisdiction adjudges any provision of this code to be invalid, that judgment will not affect any other provisions of this code.

2. Applications Declared Invalid. If any court of competent jurisdiction adjudges invalid the application of any provision of this code to a particular lot, a particular structure or a particular use, that judgment will not affect the application of said provision to any other land, structure, or use.

B. Applicable Regulations following Declaration of Invalidity. Whenever the provisions of this code are declared invalid in their application to any particular lot, the zoning map provided for in section 10-2-3 of this code will continue to show lot in the zoning district applicable to it pursuant to this code unless and until such district is changed by an amendment adopted by the Board of Trustees pursuant to section 10-11-16 of this code; provided, however, that the lot in question will also be marked with a star or other distinctive marking to direct attention to the court decree affecting said lot. The Zoning Administrator will maintain a file of any such decrees. The provisions of any decree will be deemed to modify the otherwise applicable provisions of this code as they apply to the lot to the extent provided in said decree but the lot will otherwise remain subject to the provisions of this code.

10-13-7 EFFECTIVE DATE AND PUBLICATION

This code will take effect upon, and its effective date will be the date of, its passage by the corporate authorities in accordance with state law. The Zoning Administrator is authorized and directed to publish this code in pamphlet form and to publish an appropriate notice of its adoption and availability in a newspaper of general circulation in the Village.

10-13-8 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this code will be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this code in general and its various sections in particular. When the provisions of this code impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this code will be controlling. When the provisions of any statute, other ordinance, or regulation impose greater restrictions than this code, the provisions of that statute, other ordinance, or regulation will be controlling.

10-13-9 PROVISIONS ARE CUMULATIVE

The provisions of this code will be interpreted to be cumulative of, and to impose limitations in addition to, all other codes, laws, and ordinances in existence or which may

be passed governing any subject matter of this code. The several provisions of this code will also be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this code will be construed to be consistent with, and not in conflict with, the provisions of the other codes, laws, and ordinances, and with each other, to the end that all those provisions may be given their fullest application.

10-13-10 PROVISIONS ARE NOT A CONSENT, LICENSE, OR PERMIT

The provisions of this code will not be interpreted to be, or to grant, a consent, license, or permit to use any lot or to establish, locate, construct, or maintain any structure or use, or to carry on any trade, industry, occupation, or activity.

10-13-11 UNLAWFUL USES AND STRUCTURES ARE NOT VALIDATED

This code shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of this code. Any such unlawful use or structure will remain unlawful to the extent that the use or structure is in conflict with the provisions of this code**.**

10-13-12 WORD USAGE

A. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Number. Words in the singular number include the plural number, and words in the plural number shall include the singular number.

C. Gender. The masculine gender includes the feminine and neuter. The feminine gender includes the masculine and neuter. The neuter gender includes the masculine and feminine.

D. Time. The time within which any act required by this code is to be performed will be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, in which event it shall also be excluded.

E. Person. The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations, and any other similar entities.

F. Used For. The phrase “used for” includes intended for, designed for, occupied for, maintained for, and arranged to be used or occupied for whenever that interpretation would result in the regulation being more restrictive in its application to any use or structure.

G. Village. The word “Village” means the Village of Gilberts, Kane County, Illinois.

H. County. The word “County” means the County of Kane, Illinois.

I. Undefined Terms. Any word not defined in section 10-13-13 of this code will have the meaning given in any applicable Village code or ordinance or, if none, in

Webster's Third New International Dictionary, Unabridged, except for words employed to refer to the permitted uses and special uses of this code, which shall be interpreted, insofar as applicable, in accordance with the meaning established in the NAICS, as such manual may be amended or replaced by comparable manuals or guidelines, through the effective date of this code.

J. Captions, Illustrations, and Tables. In case of any difference of meaning or implication between the text of this code and any caption, illustration, or table, the text will control.

10-13-13 DEFINITIONS

When used in this code, the following terms have the meanings ascribed to them:

Abut: To physically touch or border upon; or to share a common property or lot line.

Access: A way or means of approach to provide physical entrance to a property.

Access Control Regulations: A document entitled, "Kane County Division of Transportation Access Control Regulations for County Designated Freeways and Design Standards for Access Driveways to County Highways and County Designated Freeways" by the Kane County Division of Transportation.

Accessory Building or Structure: A detached building or structure on the same lot with and of a nature customarily incidental and subordinate to the principal building or structure, the use of which is clearly incidental and subordinate to that of the primary or dominant use of the principal building or structure.

Accessory Use: A detached building or structure on the same lot with and of a nature customarily incidental and subordinate to the principal building or structure, the use of which is clearly incidental and subordinate to that of the primary or dominant use of the principal building or structure.

Addition: A structure added to the original building or structure at some time after the completion of the original.

Agriculture: The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef, cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding or grazing of any or all of such animals; bees and apiary products; for animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agriculture shall not include the commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lot where no feed is raised on the premises, or the commercial feeding of fur bearing animals, poultry, or laboratory animals such as mice, rabbits, and rodents.

Agriculture Building or Structure: A building or structure, with the exception of dwelling units, existing or erected on land used principally for agricultural purposes.

Airport: Any premises that are used or intended for use for the landing or take-off of aircraft, including any associated areas which are used or intended for use by buildings and structures incidental to aircraft services.

Alley: A strip of land along the side of or in the rear of lots intended to provide secondary access to and from roads and such lots, and shall not be designed for general travel.

Alteration: Any change or rearrangement in the supporting members of an existing building or structure, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one (1) location to another.

Amenity: A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental the hospital use.

Animal Run: An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Annexation: The incorporation of a contiguous land area into an existing municipality with a resulting change in the corporate boundaries of that municipality.

Antenna: An arrangement of wires, metal rods, or similar materials used for the transmission and/or reception of electromagnetic waves.

Antenna Tower: Any structure designed for the purpose of mounting an antenna.

Arbor: An overhead structure constructed of thin strips, usually wood, crossing each other in an open pattern of squares, diamonds, or other geometric shapes intended to support vines or other creeping plant material.

An Assessment of Wildlife and Wildlife Habitats of Kane County. Illinois: A report by the Kane County Development Department, 1982.

Automobile Body Shop: Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function to the body work.

Automobile Mini-Market: An automobile service station which offers or includes as an accessory use, the retail sale of merchandise or services not related to the maintenance, service, or repair of motor vehicles.

Automobile Repair Shop: Any building, or portion thereof, used for the repair or replacement of engines, transmissions, differentials, drive trains, or any part thereof, in addition to the replacement of parts, service, and incidental repairs to motor vehicles, but not including any operations specified under Automobile Body Shop.

Automobile Sales or Rental: The use of any building, land area, or other premises, or portion thereof, for the display, sale, or rental of new or used automobiles, panel trucks or vans, trailer, or recreational vehicles, and including any warranty repair work and other repair service conducted as an accessory use.

Automobile Service Station: Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuel, and may include any operations specified under Automobile Body Shop.

Awning: A structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be permanently affixed in such a manner that it may be raised or retracted to a position against the building.

Balcony: A level, unenclosed platform serving as a floor and located a minimum of one (1) story above the finished grade, which projects from the wall of a building and is enclosed by a railing or balustrade.

Base Flood Elevation: The highest water surface elevation of the one hundred (100) year flood.

Basement: The lowest story of a building, below the main floor and wholly or partly below ground level, which is unfinished or used for mechanical equipment. In no instance, however, shall the main floor of a single-story building which is located wholly or partly below ground level, be considered to be a basement.

Bay Window: A window or windows jutting out from the wall of a building above the finished grade and forming an alcove within the building.

Bedroom: A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

Berm: A mount of earth.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines or waterways, or corporate boundary lines of the Village.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land, for any purpose other than that necessary and incidental to site grading or building construction.

Buffer Strip: A landscaped area used to visibly separate one (1) use from another or to shield or block noise, lights, unsightly areas, or other nuisances.

Buildable Area: That portion of a lot remaining after the minimum required yard and open space requirements of this Chapter have been complied with.

Building: Any structure which is substantially enclosed by the exterior walls, has a roof supported by columns or walls, and is intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Completely Enclosed: A building separated on all sides from adjacent open space and other structures by a permanent roof and exterior walls pierced only windows and normal doors.

Building Height: The vertical distance of a building as measure from mean grade to the highest point of the building, including chimneys, mechanical equipment, parapets, penthouses, spires, and water towers, but excluding antennas.

Building Line, Established: The line equal to the mean setback of the buildings fronting on one (1) side of a block in which twenty-five percent (25%) or more of the lots have been improved.

Building, Principal: A building in which is conducted the primary or dominant use of the lot on which it is located.

Building Officer: The Building Officer of the Village of Gilberts, Illinois.

Building Setback Line: The line parallel to the front lot line of a lot at a distance equal to the depth of the required front yard for the zoning district in which the lot is located.

Bulk Regulations: Standards that control the size, height, density, intensity, and location of structures, including the location of exterior walls at all levels.

Business: An occupation, employment, or enterprise which occupies time, attention, labor, or materials for compensation, or where merchandise is exhibited or sold, or where services are offered.

Caliper: The diameter of a tree trunk as measure six (6) inches above the ground.

Canopy: A structure other than an awning made of cloth, metal, or other material held erect by a ground support frame.

Car Wash: A building, or portion thereof, containing facilities for the washing of one (1) or more motor vehicles using production line methods with a chain conveyor, blower, system cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of motor vehicles by the customer.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

Cellar: See Basement.

Certificate of Occupancy: A document issued by the Zoning Administrator allowing the occupancy or use of a building and certifying that the building or use has been constructed or will be used in compliance with all applicable codes and ordinances.

Change of Use: Any use which substantially differs from the previous use of a building or land.

Chimney: A structure containing one (1) or more flues for drawing off emissions from stationary sources of combustion.

Clinic: An establishment, containing the offices of two (2) or more licensed physicians, dentists, psychologists, or social workers, for the examination and treatment of persons on an outpatient basis.

Club: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

Cluster Subdivision: A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided that there is no increase in the number of lots permitted under a conventional subdivision and the remaining land area is devoted useable open space.

Commercial Motor Vehicle: A motor vehicle having a Class C license or above; any motorized vehicle other than an automobile of commercial use.

Commercial Use: An activity carried out for pecuniary gain.

Common Elements: Land amenities, parts of buildings, central services and utilities, and other elements and facilities owned and used by all unit owners and designated in the master deed as common elements.

Common Open Space: See Open Space, Common.

Compatible Use: Any use which is capable of direct association with certain other uses because it is complimentary, congruous, or otherwise undetrimental.

Comprehensive Plan: The plan for the long range growth and development of the Village including graphic and written proposals, such plan is formally adopted and is amended from time to time.

Concept Plan: A drawing and any accompanying information which shows existing and proposed development conditions as described in this ordinance.

Condominium: A building, or group of buildings, in which units are owned individually, and the structures, common areas, and facilities are owned by all the owners on a proportional, or another.

Condominium Association: An association which administers and maintains the common property and common elements of a condominium.

Conforming Building or Structure: A building or structure which complies with all the regulations of this Chapter.

Contiguous: Next to, abutting, touching, having a common boundary, or directly across from a public right-of-way.

Conversion: A change in the use of land or a building.

Court: An open space, unobstructed from ground to sky, other than a yard, that is on the same lot with and bounded on three (3) or more sides by the walls of a building.

Crosswalk: A public right-of-way located across a block to provide pedestrian access to adjacent streets or alleys.

Cul-de-sac: A minor street having one open end and being permanently terminated by a vehicle turnaround.

Datum plane: A reference point from which elevations are measured. The datum is mean sea level as established by the (U.S.G.S.) United States Geodetic Survey.

Day Care Center: A child care facility receiving nine (9) or more children for care during all or part of the day.

Day Care Home: A residence which receives at least four (4) but not more than eight (8) children for care during all or part of the day. The maximum of eight (8) children shall include the natural or adopted children of the occupants of the premises under sixteen (16) years of age.

Decibel: A unit of measurement of the intensity or loudness of sound.

Deciduous: Trees, shrubs, or other plants that drop their leaves before becoming dormant in the winter.

Deck: A level, unenclosed platform serving as a floor and located above the finished grade which is usually directly adjacent or attached to a building.

Decorative Barrier: A fence-like structure intended for ornamental purposes and not forming a part of an enclosure.

Density, Gross: The numerical value obtained by dividing the total number of dwelling units on a lot by the area of the lot.

Density, Net: The numerical value obtained by dividing the total number of dwelling units on a lot by the area of the lot after excluding the area occupied by public and private streets but including common open space areas and associated recreational facilities.

Detention Basin or Pond: A storage facility for the temporary storage of stormwater runoff.

Developer: Any person subdividing, erecting structures or causing to have made any improvements to the land.

Development: The total improvement of land through building and development of housing, commercial and recreational uses in a coordinated manner, including the division, or redivision of any tract or parcel of land.

Dish Antenna: A parabolically or spherically shaped antenna.

Dog Run: An enclosed outdoor area intended for the exercising and/or containment of dogs and similar animals.

Drive-In Establishment: A place of business which through design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in the motor vehicles.

Driveway: A private roadway providing access for motor vehicles to a parking area, garage, building, or other structure.

Dwelling: A building, or portion thereof, used exclusively for human habitation.

Dwelling, Attached: A building containing two (2) or more dwelling units where each unit is separated from the others by one (1) or more common fire resistant walls.

Dwelling, Detached: A building containing a single dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling, Multiple-Family: A building containing two (2) or more dwelling units.

Dwelling, Single-Family: A building containing one (1) dwelling unit.

Dwelling Unit: One (1) or more rooms containing individualized .cooking, sleeping, and sanitary facilities which is designed, occupied, or intended for use by one (1) family or household.

Easement: A grant by a property owner for the use of a strip of land by the general public, a corporation, or certain persons for a specific purpose or purposes.

Egress: Leave or exit.

Engineer Village: A professional engineer or firm with a professional engineer in responsible charge, registered and licensed as a professional engineer, responsible for review of improvement plans and other services requested by the Village.

Engineer, Design: A professional engineer, registered and licensed as such in the state, responsible for the design of site improvement plans and specifications for a project or subdivision.

Engineer, Project: A professional engineer, registered and licensed as such in the state, responsible for assuring that the site improvements are constructed and/or installed according to approved plans and specifications and according to good engineering practice.

Existing Use: The use of a lot or structure at the time of the adoption of this Ordinance.

Family: One (1) or more persons related by blood, marriage, civil union, or adoption (including foster children), or a group of not more than three (3) unrelated persons, together with domestic servants, maintaining a common household in a single dwelling unit.

Farm: A parcel of land utilized for agricultural purposes.

Fence: A non-living, free-standing structure resting on or partially buried in the ground and rising above ground level, which forms a barrier which is not otherwise a part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.

Fence, Open: A fence having a regular pattern that is greater than eighty percent (80) permeable to both light and air when viewed perpendicular to the plane of the fence.

Fence, Perimeter: A fence which is located on or within six (6) inches of a property line.

Fence, Solid: A fence having a regular pattern which is thirty percent (30%) or less permeable to both light and air when viewed perpendicular to the plane of the fence.

Final Plat: The map or plan or record of a subdivision and any accompanying material, as described in this ordinance.

Fire Escape: A fireproof stairway, ladder, or chute on the outside wall of a building intended to be used to help people escape from the building in case of fire or other calamity.

Flag Lot: A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

Flood: A temporary rise in the normal water level, or surface water elevation, that results in the inundation of areas not ordinarily covered by water.

Flood Plain: The contiguous areas adjacent to natural water bodies, such as lakes streams, and stream beds, which is subject to periodic flooding.

Floor Area, Gross (For Determining Floor Area Ratio): The sum of the gross horizontal area of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall also include: (a) elevator shafts and stairwells; (b) mechanical equipment unless located on the roof, either open or enclosed; (c) attic space having headroom of seven (7) feet-six (6) inches or more; (d) interior balconies and mezzanines; (e) enclosed porches; (f) interior off-street parking and loading areas; and (g) outdoor display areas.

Floor Area, Net (For Determining Off-Street Parking and Loading): The sum of the net horizontal floor area of the several floors of a building measured from the interior faces of the exterior walls or from the interior faces of walls separating two (2) buildings. The net floor area of a building shall include; (a) basements when used for other than storage; (b) penthouses; (c) attic space having headroom of seven (7) feet six (6) inches or more; (d) interior balconies and mezzanines;, (e) enclosed porches; and (f) floor area devoted to storage areas. The net floor area of a building shall not include: (a) basements; (b) floor area occupied by mechanical, telephone, and electrical equipment; (c) attic space having headroom of less than seven (7) feet six (6) inches; (d) entrance lobbies; (e) public restrooms; (f) interior off-street parking and loading areas; (g) elevator shafts and stairwells.

Floor Area Ratio (F.A.R.): The numerical value obtained by dividing the gross floor area of a building or buildings located on a single lot by the area of the lot.

Foot Candle: A unit for measuring illumination, equivalent to the amount of direct light thrown by one (1) candle on a square foot of surface area, every part of which is located one (1) foot away.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

Frontage: That side of a lot abutting a public right-of-way line; the front lot line.

Garage: A building, or portion thereof, designed, used or intended to be used for the parking and storage of motor vehicles, consisting of a concrete floor, roof, and three enclosed walls plus a door large enough to provide entrance and exit of two motor vehicles from a driveway.

Glare: The sensation of brightness within the visual field which causes annoyance, discomfort, or loss of visual performance and visibility.

Grade: The mean level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Gross Land Area: The entire area of a development including lots, streets and alleys, measured to the center line of any bounding streets.

Guest House: Living quarters within a detached accessory building, located on the same premises as the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented, sold, or otherwise used as a separate dwelling.

Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition, including but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory or central services facility serving one (1) or more such institutions but excluding institutions that provide healing solely by prayer.

Height of Structure: The vertical distance of a structure, other than a building (for height of buildings, see Building Height), as measured from mean grade level to the highest point of the structure.

Home Occupation: Any activity or accessory use conducted in a dwelling unit for financial gain by a member of the household residing therein, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Homeowners Association: A community association which is organized in a development in which individual owners share common interests.

Hospital: An institution providing primary health service and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, an including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel: A building offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreational facilities.

I.E.P.A.: The Illinois Environmental Protection Agency.

Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

Improvements, Subdivision: Grading, street surfacing, curbs gutters, sidewalks, water mains, fire. hydrants, sanitary sewers, storm sewers, culverts, trees and other additions to the natural state of the land which increase its value, utility or habitability in accordance with the provisions of this ordinance.

A. Private Improvement. Any installed or constructed facility for which the responsibility of maintenance and ownership will be retained by the owner or a homeowner association.

B. Public Improvement. Any facility for which the Village of Gilberts or other municipal body may ultimately assume the responsibility for maintenance and operation or which is constructed for general public use or benefit.

Individual sewage disposal system: A septic tank, seepage tile sewerage disposal system, or any other approved sewage treatment device as approved by the Village of Gilberts.

Industrial Use: An economic activity involving construction, manufacturing, warehousing, wholesale trade, and associated service uses.

Ingress: Access or entry.

Institutional Housing: Any residential facility located in a dwelling, under Federal, State, or Village licensing, that is designed, used, or intended to be used to provide a home environment with professional services and treatment while conducting rehabilitative programs, shelter programs, or providing special housing for mentally or physically handicapped persons, where the occupants are allowed to interact with the community while in residence.

Institutional Use: A non-profit or quasi-public use or institution such as a church, library, public or private school, hospital, or publicly owned or operated building, structure, or land used for a public purpose.

Junk Motor Vehicle: An automobile, truck, or other motor vehicle which has either been damaged to such an extent that it cannot be operated under its own power and will require repair before being made useable or does not comply with State, County, or Village laws or ordinances.

Junkyard: Any area, lot, land, or parcel, or portion thereof, used for the storage, collection, processing, purchase, sale, or abandonment of paper, rags, glass, rubber tires, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more unregistered inoperable motor vehicles or other such materials but excluding similar such uses taking place entirely within an enclosed building.

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

Laboratory: Any building, or portion thereof, in which scientific research, investigation, testing, or experimentation is conducted on a regular basis.

Land Use: A description of how land is occupied or utilized.

Land Use Plan: Reference to "Land Use Plan" shall mean the approved Land Use Plan of the Village of Gilberts, Illinois.

Landscape Plan: The graphical depiction of the location and arrangement of existing and proposed plant material and land forms on a lot.

Lodge: See Fraternal Organization.

Lot: See Lot, Zoning.

Lot Area, Gross: The horizontal area within the lot lines of a lot.

Lot Area, Net: The horizontal area within the lot lines of a lot, excluding dedicated public rights-of-way.

Lot, Corner: A lot situated at the intersection of two (2) roadways, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

Lot Coverage: That area or portion of a lot occupied by buildings.

Lot, Double Frontage: See Lot, Through.

Lot, Flag: See Flag Lot

Lot Frontage: The length of the front lot line of a lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: The property lines bounding a lot.

Lot Line, Front: That boundary of a lot abutting a roadway right-of-way. On a corner lot, either lot line abutting a roadway may be selected at the time of the issuance of a building permit for the lot as the front lot line. However, for those corner lots which were developed prior to the effective date of this Ordinance, the front lot line shall be the lot

line which faces the front entrance, as indicated on the building plans, to the principal building located on the lot.

Lot Line, Rear: That boundary of a lot which is most distant from and most nearly parallel to the front lot line; or in the case of a triangular or otherwise irregularly shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any boundary line of a lot that is not a front or rear lot line.

Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Kane County Recorder of Deeds.

Lot, Through: A lot other than a corner lot which- fronts upon two (2) more or, less parallel roadways.

Lot Width: The horizontal distance between the side lot lines of a lot measured at the building setback line.

Lot, Zoning: A designated parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law to be used, developed or built upon as a single unit under single ownership or control.

Manufacturing Use: An economic activity engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Marquee: A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of a durable material such as metal or glass.

Mechanical Equipment: Mechanical apparatus, including heating and cooling equipment, used in the functioning of the physical infrastructure of a building.

Mezzanine: A partial or fractional story located between two (2) full stories of a building, usually located immediately above the main or ground floor and in the form of a balcony projecting only partly over the floor below it.

Micron: A unit of length equal to one thousandth (1/1000) of a millimeter.

Mini-Warehouse: A structure containing small separate storage areas of varying size leased or rented on an individual basis.

Mixed Use Development: A tract of land or building or structure developed for two (2) or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment uses.

Motel: A building offering transient lodging accommodations to the general public for compensation with access from each room to a readily accessible off-street parking area for use by patrons of the facility.

Motor Freight Terminal: A building or area in which goods, brought by trucks, including tractor or trailer units, are received, transferred, or dispatched for routing.

Motor Vehicle: Any passenger vehicle, motorcycle, recreational vehicle, truck, trailer truck, or semi-trailer which is propelled or drawn by mechanical power.

Nonconforming Building or Structure: A building or structure, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the provisions of this Ordinance.

Nonconforming Lot: A lot, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the provisions of this Ordinance.

Nonconforming Use: A use or activity, lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the provisions of this Ordinance.

Noxious Material: A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well-being of people.

Nursery: Land or greenhouses used to raise flowers, shrubs, trees, and other plant material for sale.

Nursery School: See Day Care Center.

Nursing Home: An extended or intermediate care facility licensed by the State to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Odorous Matter: Any material that produces an olfactory response in a normal person.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity and may include ancillary services for employees such as a restaurant, coffee shop, or newspaper or candy stand.

Official Map: The map showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments of additions thereto resulting from Village Board action or the approval of subdivision plats.

Off-Street Loading Berth: An off-street paved area within a building or on the same lot as a building providing for the standing, loading, or unloading of trucks or other motor vehicles, with direct access to a dedicated roadway right-of-way.

Off-Street Parking Space: An off-street paved area used for the temporary storage of one (1) automobile or other motor vehicle with direct access to a dedicated roadway right-of-way.

Open Space: Any parcel or area of land or water essentially unimproved, or otherwise devoid of buildings, other structures, and paved areas, and set aside, dedicated,

designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common: Land within or dedicated to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.

Outdoor Storage: The keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Owner: The individuals, firms, associations, syndicates, co-partnerships, corporations, trusts, or any other legal entities having sufficient proprietary interest of record in the land.

Parapet: That portion of the exterior walls of a building extending above the roof level.

Parcel: A lot or tract of land.

Parcel: A continuous area or acreage of land.

Parking Lot: An unenclosed off-street paved area, containing two (2) or more parking spaces and associated aisles, used for the temporary storage of automobiles or other motor vehicles, with direct access to a dedicated roadway right-of-way.

Parkway: That part of the public street right-of-way not occupied by the street pavement and located between the back of the curb and the sidewalk as well as the dividing strip of a roadway.

Particulate Matter: Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form such as a liquid or solid.

Patio: A level, unenclosed surfaced area located at the finished grade which is usually directly adjacent or attached to a building.

Paving Improvements: Road excavation, base course, binder course, surface course, curb and gutter, sidewalk, street lights and related appurtenances, excluding those in parking lots, as required in this ordinance.

Penthouse: A roof structure located on the roof of a building.

Performance Standard: A criterion or limit established to control electromagnetic interference, fire and explosive hazards, glare, heat, noise, odorous matter, radioactive materials, vibration, smoke, particulate matter, and other contaminants generated by or inherent in a particular use or activity.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Pharmacy: A business establishment whose primary function is confined to the sale of medical prescriptions and supplies.

Planned Unit Development (PUD): A large tract of land initially under single ownership or control, which contains two (2) or more-principal buildings and one (1) or more principal uses, planned and constructed as a unified development where the specific regulations of the zoning district in which the development is located are modified through the issuance of a special use permit.

Plan Commission: The Plan Commission of the Village of Gilberts, Illinois.

Plat: A plan, map, drawing or chart on which the subdivider's plan for the subdivision of land is presented and which he submits for approval and intends to record in final form.

Pond: See Retention Basin or Pond.

Porch: A platform which may be screened, projecting from the wall of a building, and with direct access to or from a building.

Preliminary Plat: The preliminary drawing or drawings, and all accompanying information required in this ordinance, indicating the proposed manner of the layout of the subdivision.

Principal Use: The primary or predominant use of land, a building, or a structure.

Public Hearing: A meeting, advertised in advance, which is open to the public, with the public given an opportunity to speak and participate.

Public Notice: An advertisement of a public hearing in a newspaper of general circulation in the area, or through other media sources, indicating the date, time, place, and nature of the public hearing.

Record Drawing: A drawing which provides a schematic verification that the intent of the accepted civil engineering improvement plans have been met, thereby substantiating that the health, safety and welfare aspects of the engineering design have been adequately provided by the construction of the project. Also, the drawing serves as a reference tool for future location and maintenance operations related to the improvements.

Recreational Vehicle: A portable vehicle without a permanent foundation, which can be towed, hauled or driven and is primarily designed as a temporary living accommodation for recreational camping and travel use and includes but is not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Religious Facility or Use: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Residence: A dwelling unit.

Restaurant: A business establishment where food is prepared and served for compensation primarily within the principal building.

Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any roadway layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retail Services: Establishments providing services, as opposed to products, to the general public.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public and rendering services incidental to the sale of such goods.

Retention Basin or Pond: A pond, pool, or basin used for the permanent storage of stormwater runoff.

Rezoning: Changing the zoning classification of a particular lot or parcel of land.

Right of Access: The legal authority to enter or leave a property.

Right-of-Way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, public utility, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for roads, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Right-of-Way, Public: A strip of land dedicated for public use, primarily intended to be occupied or occupied by a road, sidewalk, or public utility line.

Roadway: The paved area within a street right-of-way intended for vehicular traffic, including all curb and gutter facilities.

Roof: The outside top covering of a building.

School: Any building or portion thereof, which offers educational instruction in any branch of knowledge or study.

Septic System: An underground system with a septic tank used for the discharge of domestic waste.

Septic Tank: A water-tight receptacle that receives the discharge of sewage from a building, sewer, or part thereof, and is designed and constructed so as to permit the settling of solids from this liquid, digestion of organic matter and discharge of the resulting liquid portion into a disposal area.

Setback: The minimum horizontal distance between the street right-of-way line or front lot line and/or corner side lot line of a lot and the nearest wall of a building or structure adjoining such right-of-way or lot line.

Site Plan: The graphical depiction of the location and arrangement of existing and proposed buildings and structures, parking lots and drives, roadways and rights-of-way, sidewalks, ground signs, and other freestanding structural features on a lot.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.

Soil Classifier: A certified member of the Illinois Soil Classifiers Association (ISCA) and/or a certified professional soil classifier member of American Registrar of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) who, by reason of his special knowledge of the physical, chemical and biological sciences applicable to soils and of the methods and principles of soil classification as acquired by soils education and soil classification experience in the formation, morphology, description and mapping of soils, is qualified to practice soil classifying.

Solar Access: A property owner's right to have sunlight shine on his land.

Solar Collector: An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid; or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid, or liquid, or to convert into electricity.

Solar Energy: Radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

Solar Storage Mechanism: Equipment or elements such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids or combinations thereof that are utilized for storing solar energy gathered by a solar collector for subsequent use.

Sound Level: The intensity of sound, measured in decibels.

Story: That portion 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 it, then the space between the floor and the ceiling next above it.

Story Half: The portion of a building under a sloping roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 1/2) feet above the floor of such story.

Street: The paved or unpaved portion of a public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street, Private: An undedicated street, generally within a P.U.D. which is privately owned or maintained or an easement of access benefiting a dominant tenant.

Street, Public: Any street which is shown on the subdivision plat and is or is to be dedicated to the public.

Street, Dedicated: A public right-of-way owned by the, Village or other public body and created by designation on a recorded plat of subdivision or other recorded instrument accepted by the corporate authorities of the Village.

Street Width: The shortest distance between lines of lots delineating the public street.

Structure: An improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, fences, ground signs, patios, and parking areas.

Structural Alteration: Any change, other than incidental repairs, to any structure.

Subdivider: Any person:

(1) Who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or,

(2) Who directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision; or,

(3) Who engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest; lot, parcel site, unit, or plat in a subdivision, and who,

(4) Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision: The division of a parcel of land into two (2) or more parts, any of which part is less than five (5) acres exclusive of all right-of-way, for the purpose of transfer of ownership or possession, or building development; or if an easement of access or a new road is involved, any division of land. The term includes any division of land that attempts to avoid the requirements of this ordinance. Where appropriate to the content, the term shall relate to the process of subdivision, or to the land subdivided, and shall include re-subdivision. Subdivision platting is not required and the provisions of this ordinance, unless otherwise stated below, shall not apply in any of the following instances:

(1) A division of land which may be ordered or approved by a court or affected by testamentary or intestate provision;

(2) A division of land for agricultural purposes into lots or parcels of five (5) acres or more and not involving any new roads or easement of access;

(3) Conveyances of land for use as rights-of-way for highway, railroad or other public utilities not involving any new roads or easement of access;

(4) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, and the lots resulting are not reduced

below the minimum size required by this ordinance or other applicable ordinances;

(5) A division of land into lots or parcels of five (5) acres or more provided:

(a) All lots have a minimum width and frontage of not less than two hundred and fifty (250) feet on a public road right-of-way.

(b) The dedication of school and park sites or payment of fees in lieu thereof is made in accordance with Article 6 of this ordinance.

(6) The sale is of a single lot of less than five (5) acres from a larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

Temporary Building or Structure: A building or structure without any foundation or footings and which is removed when the designated time period, activity, or use for which it was erected has ceased.

Temporary Use: A use established for a fixed period of time with the intent that it will be discontinued upon the expiration of the time period.

Tent: A portable structure or enclosure, the roof of which and/or one-half (1/2) or more of the sides are constructed of nylon, cotton, canvas or similar materials.

Terrace: A level, unenclosed landscaped and/or surfaced area located at or within four (4) feet of the finished grade which is usually directly adjacent or attached to a building.

Tot Lot: An improved and equipped play area for small children, usually no older than elementary school age. [ZO]

Toxic or Noxious Substance: Any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.

Tract: An area, parcel, site, piece of land, or property which is the subject of a development application.

Trailer: A portable structure supported by wheels, jacks, horses, skids or blocks without a permanent foundation, which is towed or hauled by another vehicle, and is used for temporary human occupancy; carry materials, goods, or objects; or as a temporary office.

Trellis: A vertical structure constructed of thin strips, usually wood, crossing each other in an open pattern of squares, diamonds, or other geometric shapes, intended to support vines or other creeping plants.

Undeveloped or Unimproved Land: Land in its natural state before development.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Utility, Public or Private: (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas heat, communication, rail transportation, cable television, water, sewage collection, or other similar service; or (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Vending Machine: A machine, designed to be operated by the consumer, used for the dispensing of merchandise for monetary remuneration.

Vibration: The periodic displacement of earth, measured in inches, caused by an oscillating movement.

Village: The Village of Gilberts, Illinois.

Village Board: The Board of Trustees of the Village of Gilberts, Illinois.

Warehouse: A building, or portion thereof, used primarily for the storage of goods and materials.

Well: A hole or shaft sunk into the earth to tap an underground supply of water.

Wetlands: Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and consequently within Federal jurisdiction under Section 404 of the Clean Water Act. For purposes of this classification wetlands must have one or more of the following three attributes:

(1) Identified in the National Wetlands Inventory as available from the:

Illinois Department of Conservation Division of Planning
324 South Second Street, Room 310
Springfield, IL 62701-1787
(217) 782-3715

and as amended by a field verification study by the U. S. Army Corps of Engineers, Chicago District Office, as a wetlands due to characteristics 2, 3 and 4, itemized. below.

(2) At least periodically, the land supports predominantly hydrophytes;

(3) The substrate is predominantly undrained hydric soil; and

(4) The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Wholesale Establishment: A business establishment primarily engaged in selling merchandise to other than the general public.

Yard: Any open space on the same lot with a building or group of buildings lying between the building and between the building and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this Ordinance.

Yard, Corner Side: A side yard which adjoins a public roadway right-of-way.

Yard, Front: A yard bounded by the front lot line, the side lot lines, and front yard line.

Yard, Interior Side: A side yard which adjoins another lot.

Yard Line: A line on a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A structure or other obstruction shall not protrude into the area between the yard line and such adjacent lot line, except for such permitted obstructions in yards as set forth in this Ordinance.

Yard, Rear: A yard bounded by the rear lot line, the side lot lines, and the rear yard line of a lot.

Yard, Required: The .minimum open space between a lot line and the buildable area of a lot within which no structure or other obstruction shall be located except as provided in this Ordinance.

Yard, Side: A yard bounded by a side lot line, the front yard line, the rear yard line, and the side yard line of a lot.

Yard, Transitional: A yard which buffers a less intensive use from an adjoining more intensive use, such as a yard buffering a residential use from a commercial use.

Zoning Administrator: The administrative officer designated to administer and enforce this Ordinance.

Zoning Board: The Zoning Board of Appeals of the Village of Gilberts, Illinois.

Zoning District: A specifically delineated land area within the Village of Gilberts, Illinois, as specified on the Zoning Map, within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

Zoning Lot: See Lot, Zoning.

Zoning Map: The Zoning Map of the Village of Gilberts, Illinois.