



# CHAPTER 16

# ZONING CODE

*Village of Carol Stream*

## **CHAPTER 16: ZONING CODE**

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## ARTICLE 1: TITLE

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Section

16-1-1 Title

### § 16-1-1 TITLE.

This Chapter shall be known and may be cited and referred to as the Carol Stream Zoning Ordinance, the Carol Stream Zoning Code, or the Zoning Code.

## ARTICLE 2: PURPOSE

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### Section

#### 16-2-1 Purpose

#### § 16-2-1 PURPOSE.

This Chapter is adopted for the following purposes:

- (A) Promoting and protecting the public health, safety, comfort, morals, convenience, and general welfare.
- (B) Securing adequate natural light, pure air, and safety from fire and other dangers.
- (C) Limiting and controlling the pollution of the environment.
- (D) Conserving the taxable value of land and buildings.
- (E) Enhancing aesthetic values throughout the village.
- (F) Implementing the comprehensive plan of the village.
- (G) Detailing the developmental policy of the village with respect to the use of land, intensity of use of land, and location of land uses throughout the village.

## ARTICLE 3: INTENT

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### Section

#### 16-3-1 *Intent*

#### § 16-3-1 INTENT.

To these ends, this Chapter is intended to meet certain standards and objectives by:

(A) Dividing the entire village into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residential, business, manufacturing, or other specified uses.

(B) Avoiding or lessening congestion in the public streets.

(C) Preventing the overcrowding of land through regulating and limiting the height and bulk of buildings hereafter erected as related to land area.

(D) Establishing, regulating and limiting the building or setback lines on or along streets, easements, or property lines.

(E) Regulating and limiting the intensity of the use of lot areas, and regulating the area of open spaces within and surrounding such buildings.

(F) Establishing standards to which buildings or structures therein shall conform.

(G) Prohibiting uses, buildings, or structures incompatible with the character of the residence, business, or manufacturing districts.

(H) Preventing additions to or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations herein imposed.

(I) Limiting the deterioration of the environment by establishing standards whereby emissions, noise and other potential nuisances or hazards are regulated.

(J) Providing for the gradual elimination of those uses, buildings and structures which are incompatible with the character of the districts in which they are located, including, but not necessarily limited to:

(1) Elimination of such uses of unimproved lands or lots when the existing rights of the persons in possession thereof are terminated, the uses to which they are devoted are discontinued or a reasonable time of use after the passage of this Chapter shall have elapsed.

(2) Elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses.

(3) Elimination of such buildings and structures when they are destroyed or damaged in a major part as hereinafter provided, or when they have reached the age fixed as a normal useful life of such buildings or structures.

(K) Defining and limiting the powers and duties of the administrative officers and official bodies as hereinafter provided.

(L) Prescribing penalties for the violation of the provisions of this Chapter, or of any amendment thereto.

## ARTICLE 4: GENERAL PROVISIONS

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### Section

16-4-1	Interpretation
16-4-2	Private agreements
16-4-3	Nonconforming uses
16-4-4	Present nonconforming uses
16-4-5	Rules and construction of language
16-4-6	Incorporation by reference
16-4-7	Disclosure by trustee of land trust
16-4-8	Successor to rule or standard making agencies
16-4-9	Conversion to special use

### ***Cross-reference:***

*Definitions see* Ch. 16, Art. 18

*Nonconforming lots, structures and uses, see* Ch. 16, Art. 14

### **§ 16-4-1 INTERPRETATION.**

The provisions of this Chapter shall be interpreted and applied so as to best promote the public health, safety, morals, convenience and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, other ordinance or regulation shall be controlling.

### **§ 16-4-2 PRIVATE AGREEMENTS.**

This Chapter is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than easements, covenants, or other private agreements, the requirements of this Chapter shall be controlling.

### **§ 16-4-3 NONCONFORMING USES.**

From and after the effective date of this Chapter, the use of all land and every building erected, altered with respect to height or area, added to, or relocated, and every use within a building or use accessory thereto, in the village shall be in conformity with the provisions of this Chapter. Any existing building or structure and any use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming properties or uses.

#### **§ 16-4-4 PRESENT NONCONFORMING USES.**

No building, structure, or use not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful unless such building, structure, or use shall be allowable under the terms of this Chapter; and to the extent that, and in any manner that such unlawful building, structure, or use is in conflict with the requirements of this Chapter, such building, structure, or use remains unlawful.

#### **§ 16-4-5 RULES AND CONSTRUCTION OF LANGUAGE.**

In the construction of this Chapter, the rules of language contained herein shall be observed and applied, except when the context clearly indicates otherwise:

- (A) The particular shall control the general.
- (B) In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.
- (C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (E) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- (F) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either - or,” the conjunction shall be interpreted as follows:
  - (1) “And” indicates that all the connected items, conditions, provisions, or events do or shall apply.
  - (2) “Or” indicates that the connected items, conditions, provisions, or events shall apply either singly or in combination.
  - (3) “Either - or” indicates that the connected items, conditions, provisions or events shall apply either singly or in combination.
- (G) All measured distances or standards shall be to the nearest integer; if a fraction is one-half or less, the integer next below shall be taken.
- (H) All words and terms as set forth in [Chapter 16, Article 18](#), “Definitions,” wherever they occur in this Chapter shall be interpreted as therein defined. Any word or terms not listed shall be construed in their general accepted meanings as defined in the most recent publication of *Webster's Dictionary*.

**§ 16-4-6 INCORPORATION BY REFERENCE.**

Any and all standards and other codes, regulations and public records incorporated by reference into this Zoning Code have been adopted in accordance with the requirement established in ILCS Ch. 65, Act 5, §§1-3-1 et seq. and ILCS Ch. 50, Act 220, §§ 1 et seq.

**§ 16-4-7 DISCLOSURE BY TRUSTEE OF LAND TRUST.**

Whenever any trustee of a land trust or any beneficiary or beneficiaries of a land trust make application to the village or any of its agencies pursuant to the provisions of this Chapter relating to the land which is the subject of such trust, any interest therein, improvements thereto, or use thereof, such application shall identify each beneficiary of such land trust by name and address and define his or her interest therein. All such applications shall be verified by the applicant in his or her capacity as trustee, or by the beneficiary as the beneficial owner of an interest in such land trust.

**§ 16-4-8 SUCCESSOR TO RULE OR STANDARD MAKING AGENCIES.**

Whenever in this Chapter a governmental or private agency is referred to as the promulgator of a rule or standard which is incorporated by reference herein, the rule or standard shall continue to be incorporated by reference within this Chapter in the event that the same rule or standard is adopted by a successor agency in name or substance.

**§ 16-4-9 CONVERSION TO SPECIAL USE.**

Any nonconforming use may be converted into a conforming use by the granting of a special use permit, as authorized in the administrative section (Chapter 16, Article 15), if such use is permitted as a special use in the district in which it is located.

## ARTICLE 5: GENERAL REGULATIONS

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### Section

16-5-1	Allowable use of land, buildings, or structures
16-5-2	Control over use
16-5-3	Control over bulk
16-5-4	Fire lanes
16-5-5	Temporary buildings, structures and uses of land
16-5-6	Gary and North Avenue corridor regulations
16-5-7	Above-Ground Service Facilities

### ***Cross-reference:***

*Definitions see* Ch. 16, Art. 18

### **§ 16-5-1 ALLOWABLE USE OF LAND, BUILDINGS, OR STRUCTURES.**

The following uses of land, buildings, or structures are allowed in the districts indicated hereinafter under the conditions specified in this Chapter:

(A) Uses lawfully established and existing on the effective date of this Chapter, which conform to the provisions herein.

(B) Uses lawfully established and existing on the effective date of this Chapter, rendered nonconforming by the provisions herein shall be subject to the regulations of Chapter 16, Article 14, “Nonconforming Lots, Buildings, Structures and Uses.”

(C) Permitted uses as designated in this Chapter and established after the effective date of this Chapter.

(D) Special uses as designated in this Chapter and established after the effective date of this Chapter.

(1) A classification of special uses is hereby established to provide for the location of certain uses hereinafter which are deemed desirable for the public welfare within a given district or districts, but which might have a significant effect upon nearby properties or upon the character and future development of the district in which they are located.

(2) Where a use exists on the effective date of this Chapter and is classified as a special use, it shall be considered to be a lawful special use. Property granted lawful special uses prior to the effective date of this Chapter shall continue to have such uses and the use of the property shall be restricted to such special use and to such conditions under which the special use was granted. Additions or alterations to existing buildings or land improvements for expansion of lawful special uses or modifications in site plans or other documents submitted with special uses or incorporated into and made a condition of the

development of the special use shall be permitted only in accordance with the procedures set forth in § 16-15-8, and where applicable.

(E) Only one principal structure, along with permitted accessory uses, shall be constructed upon a single subdivided lot or an unsubdivided parcel of land.

#### **§ 16-5-2 CONTROL OVER USE.**

(A) No building or premise shall hereafter be used or occupied, and no building or structure, or part thereof, shall hereafter be erected, raised, moved, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

(B) *Unlisted Uses Similar To Listed Uses.* When a use is not specifically listed in the sections devoted to permitted uses or special uses, it shall be assumed that such use is hereby expressly prohibited. Whenever a proposed use is synonymous or nearly synonymous with a permitted or special use allowed within the zoning district, the Community Development Director may allow the proposed use without a requirement that the specific terms of this Chapter be amended subject to the following:

(1) A permanent use not listed as a permitted or special use in the zoning district shall be allowed therein if the use is not listed as a permitted or special use in any less restrictive district.

(2) The use is determined by the Community Development Director to be similar to any listed use in the subject zoning district with respect to:

- (a) Types of goods or services produced or sold;
- (b) Generation of automobile, truck or pedestrian traffic;
- (c) Hours of operation; and
- (d) General effect upon its environs.

(3) Uses determined to be similar to listed special uses shall be subject to the approval of a special use permit.

(4) All regulations herein applicable to the listed use shall also apply to the unlisted use to which it is judged similar.

(5) An application for a use disapproved under this section may appeal the decision of the Community Development Director under § 16-15-5 of this chapter or apply for a text amendment to the title under § 16-15-7 of this chapter.

### § 16-5-3 CONTROL OVER BULK.

(A) *Generally.* Unless variations are granted pursuant to the simple variation provisions of this Chapter, or pursuant to variations granted by special use as provided in § 16-15-8, all new buildings shall conform to the bulk regulations established herein for the district in which each building is located, and no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict with the bulk regulations in this chapter for the district in which such buildings shall be located.

(B) *Revised yards for future buildings.* All new buildings shall conform to the yard regulations established herein for the district in which each building shall be located, and no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict with the yard regulations in this chapter for the district in which such building shall be located.

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

(D) *Division of zoning lots.* No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division shall conform with the provisions of all village ordinances.

(E) *Location of required open spaces.* All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(F) *Required yard for existing buildings.* No yards on or hereafter provided for a building existing on the effective date of this Chapter shall subsequently be reduced below, or further reduced below if already less than the minimum yard requirements of this Chapter for equivalent new construction.

(G) *Public and private streets.* Each lot must be on a public street except that, with the approval of the Village Board, a lot may be allowed on a private street within a planned unit development.

(H) *Calculation of lot area.* The area of all lots shall be determined after first excluding all public and private rights-of-way.

(I) *Minimum lot widths for interior lots.* Lot widths shall be measured at the building line and shall conform to the district requirements as found elsewhere in this Chapter. The minimum length of a front lot line, however, for interior lots measured along the public right-of-way shall be 40 feet. Provided, however, that an interior lot shall comply

with the provisions of this Chapter if it is served by a permanent easement at least 40 feet in width, which easement may not be extinguished or modified without the passage of a resolution approving such extinguishment or modification by the corporate authorities of the village. In addition, the location of the 40 foot public right-of-way or easement both in relationship to its entry on the interior lot and with regard to its exit upon a public right-of-way shall be placed in conformity with good planning standards. In addition, all lot lines not considered a rear or side lot line as herein defined, and approximately parallel to the front lot line shall be considered a front lot line and building setbacks and yards shall be in accordance with the provisions set forth within the respective zoning district.

#### **§ 16-5-4 FIRE LANES.**

In all zoning districts there shall be provided such fire lanes as are herein required:

(A) A fire lane shall be so established as to provide access to all portions of a building within 150 feet of an access point if building size permits, and as approved by the Fire Code Official. Access shall mean a fire lane, hydrant and an opening to the building interior.

(B) Fire lanes shall be provided to a clear width of not less than 20 feet with an all weather surface constructed to meet the approval of the Village Engineer for a weight carrying capacity of not less than that required to support a 48,000 pound vehicle.

(C) Where fire lanes are required, there shall be provided accessible adequate fire hydrants every 300 feet along the required fire lanes on water mains as approved by the Village Engineer, except that in no instance shall the water mains be required to exceed the size of the serving village main.

(D) Required fire lanes may be used for parking; provided, that there is no obstruction to the clear width required in division (B) of this section.

(E) Fire lanes shall be marked with standard signs for enforcement of no parking requirements.

#### **§ 16-5-5 TEMPORARY BUILDINGS, STRUCTURES AND USES OF LAND.**

(A) The Community Development Director, with the written concurrence of the Village Engineer and the Fire Code Official, or their duly authorized designees, may authorize the temporary use of a building, structure or parcel of land in any zoning district for a building, structure or use of land that does not conform with the regulations prescribed elsewhere in this Chapter for the zoning district in which it is located, provided, however, that such use will not have a potential adverse impact on surrounding properties or public health, safety and general welfare, and shall not exceed a period of six (6) months.

(B) Requests for temporary uses for periods in excess of six (6) months, or those determined by the Community Development Director as having a potential adverse impact on surrounding properties, shall require the Village Board's approval. The Village Board shall only grant approval of such temporary uses for specified periods of time and subject to such

conditions as the Village Board determines to be appropriate to protect against any potential adverse impact on surrounding properties and for safeguarding the public health, safety and general welfare. Such approval shall be considered pursuant to a public hearing in accordance with the requirements of this Section, or may be considered in accordance with §1-1-17 if so authorized by the Village Manager.

(C) The provisions of this Chapter shall not be so construed as to deny the temporary use of any property as a voting place in connection with a municipal or other public election.

(D) Temporary buildings for construction purposes are allowed for a period not to exceed such construction and when located on the same lot where such construction is being undertaken or a contiguous lot thereto, and not located within 50 feet of an off-site residential use.

(E) Requests for temporary uses shall be made in writing and shall be accompanied by the following:

(1) A current plat of survey or accurate site plan showing the proposed location of the temporary building, structure or use.

(2) The name and contact information for the party responsible for the placement and general conditions of the temporary building, structure or use.

(3) Written authorization from the property owner for the placement of the temporary building, structure or use, and contact information for the owner.

#### **§ 16-5-6 GARY AND NORTH AVENUE CORRIDOR REGULATIONS.**

(A) *Relationship to the rest of the Zoning Code.*

(1) All provisions of the Zoning Code, to the extent that they do not conflict with the standards delineated in this section, shall remain in full force and effect for all properties subject to the provisions of this section.

(2) The standards found in this section shall be used by property owners, developers, village staff members, the Plan Commission and the Village Board during the design and review of development and redevelopment proposals within the Gary Avenue and North Avenue Corridors. These standards and criteria complement and add to those contained within the Village's Comprehensive Plan, Gary Avenue Corridor Plan, the Zoning Code and other land use regulations. In the event of conflict between regulatory ordinances, those contained in this section shall take precedence over all others.

(B) *Identification of the Gary and North Avenue Corridors.*

(1) The Gary Avenue Corridor regulations apply to those properties designated in Figure 1, Gary Avenue Corridor. The Corridor includes two general areas. The first area includes those properties abutting Gary Avenue, and within a depth not

exceeding 400 feet from the nearest Gary Avenue right-of-way line. Such properties are all within the Gary Avenue Corridor Plan area which runs along both sides of Gary Avenue from the southerly village boundary to the northerly village boundary. The second area includes the area adjacent to the intersection of Gary Avenue and Lies Road specifically bounded by 1,400 feet west of the nearest Gary Avenue right-of-way line and 1,300 feet north of the nearest Lies Road right-of-way line at the northwest corner of Gary Avenue and Lies Road; 850 feet west of the nearest Gary Avenue right-of-way line and 1,200 feet south of the nearest Lies Road right-of-way line at the southwest corner of Gary Avenue and Lies Road; and approximately 1,200 feet east of the nearest Gary Avenue right-of-way line to the nearest railroad right-of-way line and 400 feet north and south of the nearest Lies Road right-of-way line at the northeast and southeast corners of Gary Avenue and Lies Road.

(2) For any lot that abuts Gary Avenue directly, other than a single-family residential lot, the lot line abutting the Gary Avenue right-of-way shall be considered the front lot line.

(3) The North Avenue Corridor regulations apply to those properties designated in Figure 2, North Avenue Corridor. The Corridor includes those properties within the corporate limits abutting North Avenue, and within a depth not exceeding 400 feet from the nearest North Avenue right-of-way line. Such properties are all within the North Avenue Corridor Plan area which runs along both sides of North Avenue from the easterly village boundary to the westerly village boundary.

(4) For any lot that abuts North Avenue directly, other than a single-family residential lot, the lot line abutting the North Avenue right-of-way shall be considered the front lot line.

(C) *Purpose.*

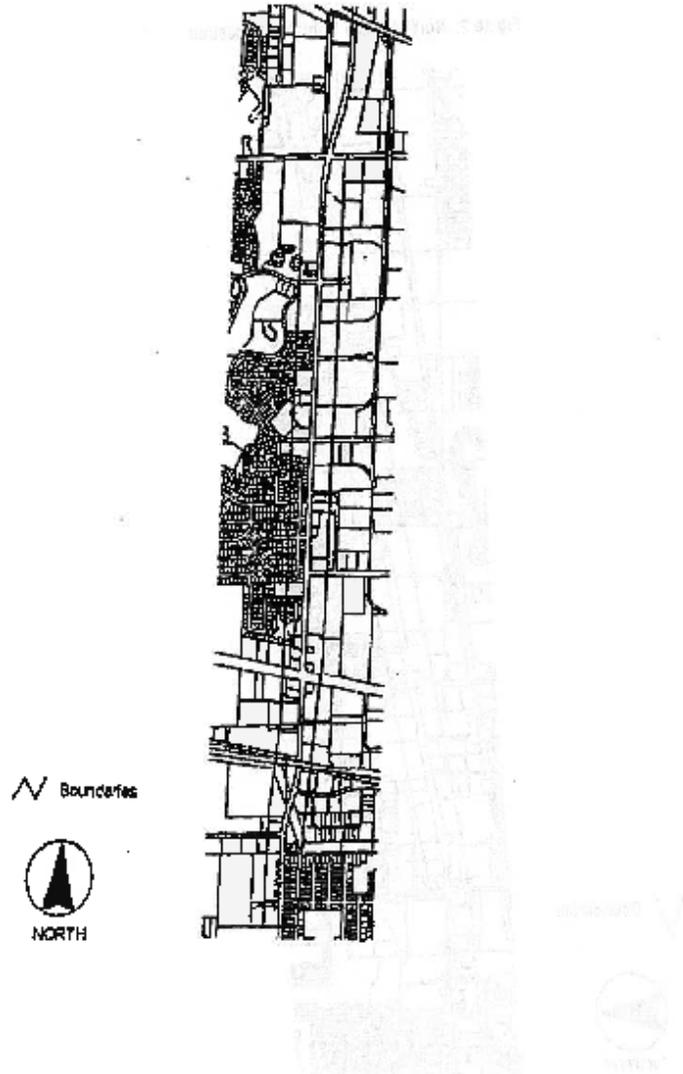
(1) The Gary Avenue and North Avenue Corridors and the development within them are major factors influencing the visual and environmental quality of the village. At full development, the Corridor will contain the village's Town Center, other retail nodes, significant industrial and employment concentrations, public institutions, recreational facilities and residential development. Due to the intensity of these land uses, Gary Avenue and North Avenue represent the heart of the village, as well as a prominent image to those passing through the community.

(2) Recognizing the importance of the Gary Avenue Corridor, the village adopted a beautification plan for the Gary Avenue Corridor. To coordinate private development with the public improvements envisioned by the beautification plan, and given the prominence and importance of the North Avenue Corridor, the village has established regulations applicable to the Gary Avenue and North Avenue Corridors within the Zoning Code. These regulations promote orderly development of land within the Corridors in a manner consistent with established goals and policies of the village. As a result of these requirements, development in the Corridors will be designed with greater design sensitivity and generally higher quality than might have occurred in the absence of specific guidelines.

General Regulations

Figure 1: Gary Avenue Corridor Boundaries

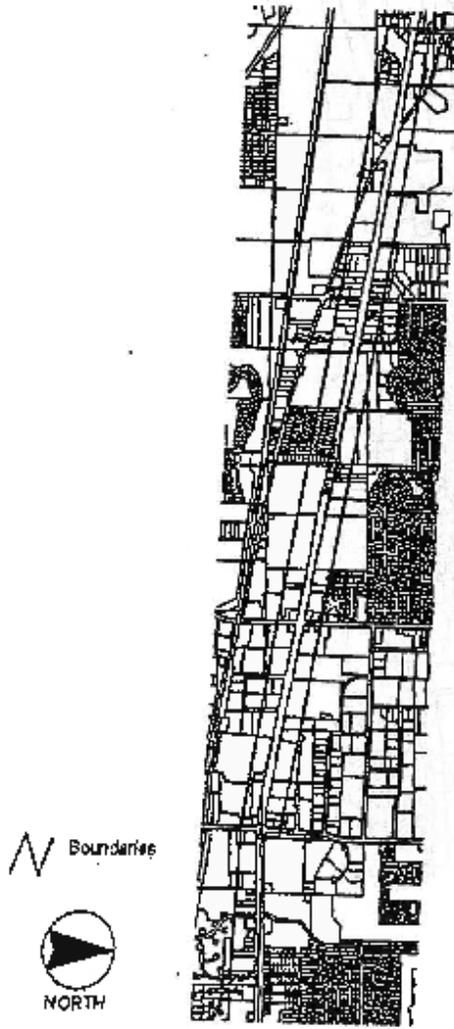
Figure 1: Gary Avenue Corridor Boundaries



Carol Stream - Zoning Code

Figure 2: North Avenue Corridor Boundaries

Figure 2: North Avenue Corridor Boundaries



(3) The purpose of the Gary Avenue and North Avenue Corridors is to:

(a) Create a unified, harmonious and high-quality visual environment throughout the Gary Avenue and North Avenue Corridors, thereby identifying them as special areas with a unique identity within the village and the region.

(b) Promote high-quality design through improved development standards within the Corridors. These standards, which govern site planning, building design, and landscaping will enable the village to enhance what otherwise might result in aesthetically and economically lower quality strip development.

(c) Foster a distinctive and positive image for the village and for the Gary Avenue and North Avenue Corridors which function as principal gateway into the village.

(d) Protect and enhance wetlands and other significant natural resources through use of careful site design, protective easements, sensitive alignment and design of roadways and utilities, incorporation of natural features, landscaping and massing of trees.

(D) *Intent.* The village intends that all development and redevelopment within the Gary Avenue and North Avenue Corridors should strive toward the highest level of quality in both design and construction. Nothing in these provisions is intended to stifle creativity or artistic expression nor is anything in these provisions intended to impede the economic use of land. Rather, the provisions are intended to challenge design professionals to create extraordinary sites and buildings within a context that is unique to the village. The criteria, by which all new development and redevelopment in the Corridors shall be reviewed, are as follows:

(1) Consistency with all provisions of the Comprehensive Plan and the Gary Avenue Corridor Plan, as amended from time to time; all provisions of the Zoning, Subdivision, and Sign Codes not specifically overridden by the provisions of this section; and all other applicable regulations of this Code of Ordinances.

(2) Conservation of the natural conditions found on each site where desirable, through minimized removal of trees and other vegetation and soil, and through enhancement of natural wetlands.

(3) Establishment throughout the Corridors of harmonious physical and visual relationships among existing, new and proposed buildings, open spaces, natural terrain, and plant materials and placements, with the intent of creating a unique and unified appearance for the entire Corridor.

(4) Creation of unified site designs with a sense of internal and interrelated order, that provide desirable environments for site users and visitors and the community as a whole and that consider all site elements, including: the relationship of buildings to surrounding land forms; grading; architectural design; building, parking and loading-dock orientation; building height; use of human-made materials, including paving;

site furnishings (lighting, outdoor seating, signage, and the like); landscaping (retention of natural vegetation, plant selection and placement, retention and incorporation of water features, and the like); and other visible outdoor site elements.

(5) Creation of a suitable balance between the amount and arrangement of open space, landscaping and view protection on the one hand and the design and function of human-made features on the other. Achieving this balance should take into account screening, buffering, size and orientation of open spaces, personal and property security, and localized wind and solar effects.

(6) Provision of safe and adequate access to and from the site, giving ample consideration to the location and number of access points from public streets, the safety and convenience of merging and turning movements, and traffic management and mitigation.

(7) The provision of interior drives, parking areas, pathways and walkways adequate to handle anticipated needs and to safely buffer pedestrians and cyclists from motor vehicles where necessary for the safety and convenience of on-site vehicular, bicycle and pedestrian circulation.

(E) *Application of standards.*

(1) The provisions within this section shall be applicable to properties identified as within the Gary Avenue and North Avenue Corridors and within the corporate limits of the village at the time these regulations are adopted. Properties which lie within the jurisdiction of DuPage County shall not be subject to these regulations until such time as they are annexed by the village.

(2) The provisions within this section shall not be applicable to interior alterations, re-roofing, re-surfacing of existing parking spaces, maintenance or painting.

(3) The provisions within this section shall be applicable to all new developments within the Corridors.

(4) Application of these standards to existing development shall be initiated upon exterior additions to structures or upon significant changes to buildings or property as follows. Whether a change is significant shall be determined by the Community Development Director on the basis of the purpose and intent of the Gary and North Avenue Corridor regulations.

(a) *Use.* Any changes in the use of an existing building or property shall conform to the standards set forth in § 16-5-6(F), Uses Permitted Within the Gary Avenue and North Avenue Corridors.

(b) *Lot Standards.* Any subdivision or significant change in the size or dimensions of a property shall conform with the standards set forth in § 16-5-6(G), Lot Standards.

(c) *Access.* Any significant change to the access between the site and Gary Avenue or North Avenue shall conform with the standards set forth in § 16-5-6(H), Access.

(d) *Site Design, Grading and Drainage.* Any significant change in the grading or drainage on the site shall conform with the standards set forth in § 16-5-6(I), Site Design, Grading and Drainage, and § 16-5-6(M), Landscape Design and Site Furnishings.

(e) *Setbacks.* Any building addition or other significant change in the building setback shall conform with the standards set forth in § 16-5-6(J), Required Setbacks and the open space and adjacent setback area shall conform with § 16-5-6(M), Landscape Design and Site Furnishings.

(f) *Architectural Design.* Any significant change in the building facade design such as changes in the location or types of windows, doors or other features, shall conform with the standards set forth in § 16-5-6(K), Architectural Design and § 16-5-6(J), Required Setbacks. Painting or repair of the existing facade, a minor addition of windows or doors, or a minor modification of windows or doors shall not constitute a significant change, provided the Community Development Director determines that such alterations do not violate the purpose and intent of the Gary and North Avenue Corridor Regulations.

(g) *Parking.* Any significant addition to or reconstruction of parking spaces shall conform with the standards set forth in § 16-5-6(L), Parking and § 16-5-6(M), Landscape Design and Site Furnishings. With the addition of new parking areas equal to or greater than the number of spaces existing prior to adoption of this section, existing parking areas shall be required to be screened with landscape material in accordance with § 16-5-6(L)(3)(c).

(h) *Landscaping.* Removal of existing landscape materials shall not be permitted unless the remaining landscaping conforms with § 16-5-6(M), Landscape Design and Site Furnishings. The addition of new landscape material or the relocation or replacement of existing landscape material shall be permitted without conforming to the requirements of this section when no other site improvements are involved. Fence construction or removal shall be addressed separately from the remainder of the landscape requirements. Changes in fencing shall be required to conform with § 16-5-6(M)(21) only and not with the remainder of § 16-5-6(M). Changes in landscaping, and not fencing, shall not require additional conformance with § 16-5-6(M)(21).

(i) *Signage.* Signage shall conform with the standards set forth in § 16-5-6(K), Architectural Design, and § 16-5-6(M), Landscape Design and Site Furnishings. Signage for new development shall be included in the Gary Avenue or North Avenue Corridor Development Plans, and shall be subject to review and approval by the Plan Commission as per the procedures defined in §16-5-6(N). New or replacement ground signs and pole signs placed on existing, developed properties shall be subject to review and approval by the Plan Commission as per the procedures defined in §16-5-6(N). New or replacement wall signs placed on existing, developed properties must meet the purpose and

intent of the corridor regulations, as determined by the Community Development Director, and review by the Plan Commission shall not be required; however, the applicant may appeal the decision of the Community Development Director in accordance with §6-11-22. The provisions within this section shall not be applicable to the changing of the face of existing signage.

(j) *Variances.* In the event of unusual circumstances, or a particular hardship, the developer or property owner may request that the Plan Commission adjust the applicability of this section to existing development. For the purpose of this section, all properties that were improved with structures prior to adoption of the Gary Avenue and North Avenue Corridor Regulations shall be considered unique and the Plan Commission shall use flexibility in consideration of variances to the requirements of this section. When reviewing a request, the Plan Commission shall consider the following factors:

1. The cost of the proposed property improvement as compared to the cost of the applicant adhering to the strict letter of this section;
2. The existing site design and the location of existing structures; and
3. The magnitude and impact of the proposed improvement on the Gary Avenue and North Avenue Corridors.

(F) *Uses permitted within the Gary Avenue and North Avenue Corridors.* Uses within the Gary Avenue and North Avenue Corridors shall be permitted pursuant to the Zoning Code, as amended, of the village.

(G) *Lot standards.*

(1) The minimum dimensions of lots shall be as required by the Zoning Code.

(2) Whenever a person owns or controls property and seeks to subdivide that property and create one or more new parcels of land that are less than five acres in size, the owner shall be required to present and receive approval of a master plan which shows the manner in which the parcel from which the new parcels are being created is proposed to be developed. A master site plan shall show all proposed parcel sizes, building locations, parking areas and locations, and access. Particular attention shall be given to access patterns.

(3) Existing parcels of record that are less than five acres in size at the time of adoption of this section shall not be required to be part of a master site plan for surrounding properties. However, the developer shall be encouraged to consider the site's relationship to adjacent properties when planning new development or re-development.

(4) All changes to the size or dimension of lots shall adhere to the village Subdivision Code.

(H) *Access.* Vehicular access onto Gary Avenue shall be provided in accordance with the ordinances and practices of DuPage County and the village. Vehicular access onto North Avenue shall be provided in accordance with the ordinances and practices of the State Department of Transportation and the village.

(I) *Site design, grading and drainage.*

(1) Service areas and drives shall not hinder consumer access, parking, driveways, walkways, or entries. Service areas shall be out of sight from the public roadways, paved, curbed, and internally drained.

(2) Internal site drainage is the responsibility of the site developer and shall be provided for all development pursuant to and village codes.

(3) Pedestrian facilities should be considered within the site and between adjacent sites where such facilities will improve circulation, increase safety or promote decreased use of the automobile.

(4) Grading of retention ponds and other drainage courses or facilities shall be designed to enhance the function of the facility and the aesthetics of the site. Specific criteria for grading are provided as follows to achieve these goals.

(a) Drainage channels shall be placed in less visible locations, and shall receive a naturalized treatment including landscaping of native vegetation so that the structure appears as an integral part of the environment.

(b) Drainage features shall be incorporated as an integral part of the project design in order to enhance the overall quality and aesthetics of a site, to provide attractive open space, and to preserve the natural character of the area.

(c) Where grading is substantial, as in the case of retention ponds, variable undulating slopes shall be used to create a more pleasing and natural appearance.

(d) Hard edges and slopes left by grading operations shall be given a rounded appearance that closely resembles the natural contours of the land, including varied rather than constant angles.

(e) Slopes adjacent to Gary Avenue, North Avenue or other roadways shall be modulated by sufficient berming, regrading, and landscaping to create visually interesting and pleasing streetscapes.

(f) Non-contaminated soil remaining from cut operations shall be retained on-site whenever possible and be used to modulate the terrain and to create interesting land forms and improve site aesthetics.

(5) Site designs and configurations that tend to catch and accumulate trash, leaves and dirt shall be avoided. In addition, provisions for cleaning the site shall be considered in the design.

(J) *Required setbacks.*

(1) Building locations shall reflect consideration for roadway visibility, existing site features and parking lot circulation.

(2) The minimum building setback from the Gary Avenue right-of-way shall be 60 feet for properties in all zoning districts except for the Residential districts which shall be as required by the Zoning Code. The maximum building setback from the street right-of-way for all buildings shall be 100 feet except that no maximum setback shall apply to single-family residences.

(3) The minimum building setback from the North Avenue right-of-way shall be 100 feet for properties in all zoning districts.

(4) For both the Gary Avenue Corridor and the North Avenue Corridor, no road or parking lot pavement of any type shall be within the first 30 feet of property from the right-of-way except for approved entry drives and properties which were improved with buildings or parking lots at the time of the adoption of this section, which shall be permitted to encroach no more than ten feet into this required setback.

(K) *Architectural design.* This section provides architectural regulations and guidelines to the Plan Commission, village staff, and owners and occupants of land along Gary Avenue and North Avenue in order to promote the objectives of the Gary Avenue and North Avenue Corridors Regulations.

(1) Multi-tenant, mixed-used developments shall be constructed with compatible materials and design characteristics including building material, roof lines, color, and landscaping.

(2) Each building in B-1, B-2, or B-3 zoning districts shall have a pedestrian arcade or canopy fronting the store for shade, identity and pedestrian scale. Arcades should visually and/or physically link retail and office functions within a shopping center to protect pedestrian patrons of the center.

(3) Attempts should be made to design improvements to be compatible with the existing built and natural environments. New materials should be the same or complement existing materials.

(4) Monotony shall be avoided within projects and between a project and its surroundings. Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, signage, height, roof-line and setback. Facades of buildings shall incorporate such design features as changes in materials, color, fenestration, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the building and its views from public ways.

(5) The following materials shall not be used in any front facade or side facade:

(a) Unfinished pre-cast concrete, or unfinished poured-in-place concrete;

(b) Fabricated metal, not to include high-quality decorative architectural material, covering more than 25% of the wall area visible from any public way.

(c) Box signs.

(6) The following materials shall not be used on any part of a building:

(a) Materials with no proven record of durability or ease of maintenance in the intended application;

(b) Materials or construction methods used for one aspect or portion of a project that are significantly lower in quality than those used for the balance of that project, such that this one aspect or portion is or rapidly becomes an eyesore or detriment to the project as a whole;

(7) Building designs and configurations that tend to catch and accumulate trash, leaves and dirt shall be avoided. In addition, provisions for washing and cleaning buildings, other structures and building grounds shall be considered and included in the design.

(8) All building components, such as windows, doors, wall signs, eaves, soffits, and parapets, shall be proportionate to the facade of the building and shall relate well to one another.

(9) Mechanical equipment, satellite dishes and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be screened from view from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter, or they shall be located so as not to be visible from any public ways. Use of parapet walls or pitched roof elements to screen equipment is encouraged. In no case shall wooden fencing be used as a rooftop equipment screen.

(10) Screening of approved service yards, refuse and waste-removal areas, loading docks, truck-parking areas and other places which tend to be unsightly shall be accomplished by use of walls, fencing, dense planting, or any combination of these elements. Screening shall block views from public ways and shall be equally effective in winter and summer.

(L) *Parking.*

(1) The minimum required setback for on-site roadways, parking and pavement shall be as set forth in § 16-5-6(J)(3) and (4), Required Setbacks.

(2) All parking lots will be paved and curbed. Parking lot drainage will be subject to review by the Village Engineer. Parking areas in front of the building shall gradually slope upward toward the building at a slope not exceeding 5% nor less than 0.5%. Ideally, the building will be slightly elevated on a foundation constructed on the excavated soil to reduce the visual barrier caused by automobiles adjacent to the roadway and result in better visibility for the owner/tenant.

(3) Landscaping shall be provided within parking lots pursuant to the following standards and the standards located in § 16-5-6(M), Landscape Design and Site Furnishings.

(a) A minimum of 10% of all parking lot area shall be landscaped to improve their appearance, provide shade, and break up the expanse of pavement. This percentage of landscaping is in addition to the open space requirement of section § 16-5-6(M), Landscape Design and Site Furnishings.

(b) Landscaping shall be planted in islands of at least 120 square feet with curbs and in the amount required by § 16-5-6(M), Landscape Design and Site Furnishings. Such landscaped islands shall be provided at both ends of each parking row and for each 20 parking bays.

(c) Except where facing a building, the front and side parking lot perimeters shall provide a landscaped screen pursuant to the point requirements for landscaped screens in § 16-5-6(M), Landscape Design and Site Furnishings.

(d) All landscaping shall be properly located so as to not obstruct the visibility of motorists or pedestrians. Where access drives intersect or meet public rights-of-way, landscaping shall not be installed in necessary sight triangles.

(e) When a parking lot is located within the required front or street side building setback, the parking area shall include a landscaped screen around the perimeter of the parking lot. The area of the parking lot which is within the required building setback shall be excluded from the landscaped setback requirement but shall be landscaped with the landscaped screen and according to the requirements for interior parking lot landscaping.

(4) Light fixture luminaires within parking lots shall be provided in accordance with this code.

(M) *Landscape design and site furnishings.* For the purposes of this section, the following definitions apply:

**LANDSCAPE ELEMENT.** Includes all forms of planting and vegetation, ground forms, rock groupings, water features and patterns, and all visible construction except buildings and utilitarian structures.

**LANDSCAPED BERMS.** Earthen, landscaped and usually human-made forms similar to a ridge which is typically three to four feet in height and provides a visual barrier, usually within a landscaped setback, buffer or screen.

**LANDSCAPED BUFFERS.** Designated strips of land 15 feet in depth which are within setbacks but require a higher intensity of landscaping to help mitigate the impact of development upon development within lower intensity zoning classifications on adjacent land.

**LANDSCAPED SCREENS.** Designated densely landscaped strips five feet in depth which are intended to screen objectionable uses from the view of development within lower intensity zoning classifications on adjacent land.

**LANDSCAPED SETBACKS.** All land on a site which is within the required front or street side building setbacks.

**OPEN SPACE.** Land within a particular site that is neither covered by building structures nor used for automobile parking or circulation.

**SITE FURNISHINGS.** Include any structure, other than buildings, visible from any public way and any street hardware (objects not commonly referred to as structures) located in streets and public ways and outside of buildings. Site furnishings may include but are not limited to signs, decorative paving treatments, fences, walls, railings, artwork, transformers, utility access boxes, lighting standards and arrays, and other visible site appurtenances.

(1) Landscaping standards within this section are not applicable to single-family residential development except § 16-5-6(M)(21), which regulates fence material and height.

(2) Installation and maintenance of landscaping:

(a) All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen.

(b) Minimum dimensions for plant materials at installation shall be as follows:

Shade trees	2½” caliper
Ornamental trees	2” caliper
Evergreens	6’ height
Shrubs	2½’ height with a 36” ball

(c) All landscaping materials shall be maintained according to the requirements of this section, in good condition so as to present a healthy, neat and orderly

appearance and shall be kept free of refuse and debris. Plant material not in this condition shall be replaced or maintained to meet these requirements.

(3) Landscaping shall be provided according to a point system. Points are accumulated according to the value given a specific plant type as indicated below. Species within each plant type are listed in § 16-5-6(O), Plant List.

(a) Plant types shall be given the following point values:

- Shade trees..... 225 points per tree
- Ornamental Trees..... 250 points per tree
- Evergreens..... 275 points per tree
- Shrubs 4 to 12 feet in height.....70 points per shrub
- Shrubs up to 3 feet in height.....35 points per shrub
- Bedding plant areas and ground cover..... ½ point per square foot
- Ornamental lighting standards Standards which adhere to a design theme..... 10 points per lighting standard
- Site furnishings which adhere to a design theme and enhance the aesthetics or usability of a site..... 10 points per furnishing

(b) The required point values are as follows:

1. Open space areas shall be landscaped to a point value no less than 0.05 per square foot.
2. Landscaped setbacks shall be landscaped to a point value no less than 0.35 per square foot.
3. Landscaped buffers shall be landscaped to a point value no less than 1.5 per square foot.
4. Landscaped screens shall be landscaped to a point value no less than two per square foot.

5. Required landscaped areas within parking lots shall be landscaped to a point value no less than 0.5 per square foot.

6. Retention and detention ponds shall be landscaped to a point value equal to the landscaped requirements for the area in which it is located.

7. Motor vehicle service or sales uses shall be landscaped an additional 20% over the values listed in § 16-5-6(M)(3)(b)1. through 4. above. This shall not include retail sale, wholesale, warehousing, or manufacturing of motor vehicle parts.

8. Point value requirements for specific uses may be appropriate, and are established within this section wherever regulations for such a use are contained.

(4) Building and parking structures or areas may consume 80 to 90% of the site according to standards set forth in Figure 2, Open Space Requirements. The balance of the site shall be devoted to open space. Landscape setbacks may be included in open space calculations.

**Figure 2: Open Space**



(5) Within a landscaped setback, no more than 75% of the point requirements may be achieved by the same plant type.

(6) Suggested groupings for trees are in informal blocks adjacent to the development, scattered as individuals, or as small groups in intensively landscaped areas.

(7) Where retail or business uses abut institutional or residential uses, a landscape buffer shall be installed and maintained across the length of the property and within the required building setback for that yard.

(8) Where industrial uses abut institutional or residential uses, a landscaped screen shall be installed and maintained across the length of the property and within the required building setback for that yard.

(9) Landscaping materials shall be selected from the approved plants and trees listed in §16-5-6(O), Plant List. Deviations from this list will be subject to approval by the Plan Commission.

(10) The grades of all walks, parking spaces, terraces, and other paved areas shall conform with the requirements of the state Accessibility Act. In addition, they shall provide an inviting and stable appearance for walking.

(11) All landscape treatments shall strive to preserve and enhance natural features, enhance architectural features, strengthen vistas, and provide intermittent shade. Where significant value is placed upon such features, the Planning Division may recommend and the Plan Commission may assign point values to such features that would count toward the required landscaping point value for the site.

(12) Unity of design is encouraged and may be achieved by repetition of certain plant varieties and other materials, and by correlation with native prairie environments or adjacent developments where appropriate.

(13) Retention ponds shall be enhanced with appropriate landscaping and use of wetland plants. Retention ponds shall be located pursuant to § 16-5-6(I), Site Design, Grading and Drainage. Landscaping shall not interfere with the retention pond's function.

(14) Plant material shall be selected for interest in its structure, texture and color, and for its ultimate growth size. Plants shall be used that are indigenous to the area and others that are hardy, harmonious to the design, and good in appearance.

(15) In locations where plants will be susceptible to injury by pedestrian or vehicular traffic, they shall be protected by appropriate curbs, tree guards, or similar devices.

(16) Consideration shall be given to the special needs of plants surrounded by impervious surfaces.

(17) In areas where general planting will not prosper, other solutions such as fences, stone walls, raised planters or ground covers shall be used. Carefully selected plants shall be included in these solutions wherever possible.

(18) Exterior lighting shall enhance the building design and adjoining landscape. Lighting standards and fixtures shall be of a design and size compatible with the building and adjacent areas.

(19) Site furnishings located on private property shall be designed as part of the site's architectural concept and landscape. Materials and colors shall be in harmony with buildings, surroundings and other furnishings; scale shall be appropriate to the site and the design; and proportions shall be attractive.

(20) Site furnishings and landscaping located in any public way or on other public property shall be harmonious with the design of adjacent buildings, with the appearance of Gary Avenue or North Avenue in the vicinity, and with the general character of the village.

(21) Fences shall comply the requirements of the village Fence Code (Chapter 6, Article 12). Fences which are located within the Gary Avenue or North Avenue Corridors shall comply with the standards set forth in this section. Fencing material with no proven record of durability or ease of maintenance, or which is known to be of low aesthetic quality, shall not be used.

(a) Fencing for new development shall be included in the Gary Avenue or North Avenue Corridor Development Plans, and shall be subject to review and approval by the Plan Commission as per the procedures defined in §16-5-6(N). Chain link, stockade or material which is not of a sufficient level of quality. shall not be permitted

(b) New or replacement fencing placed on existing, developed properties must meet the purpose and intent of the corridor regulations, as determined by the Community Development Director, and review by the Plan Commission shall not be required; however, the applicant may appeal the decision of the Community Development Director in accordance with §6-11-22.

(c) Maintenance of existing fencing shall not be subject to the corridor regulations, provided the new portion of fence shall be of the same type as the existing fence.

(d) New or replacement fencing placed on existing residential properties shall not be subject to the corridor regulations.

(N) *Review and approval procedures.* Except for individual single-family homes, all new construction, subsequent construction, exterior remodeling, expansion, or demolition of structures shall be reviewed and approved by the Plan Commission prior to commencement of any on-site building or construction activity. Such review of projects shall follow the procedures outlined below.

(1) Preliminary sketch. The applicant shall prepare a readable sketch which depicts building size and location and parking lot configuration including auto capacity. This sketch shall also include driveway size and location, building and parking setbacks, landscaping areas, and preliminary utility layout. This preliminary sketch shall be reviewed by Planning Division staff and staff from other appropriate village divisions. Appropriate comments shall be submitted to the applicant which detail not only specific requirements which will apply to the property, but design features which are desirable to the village as well.

(2) The applicant shall engage a registered professional architect and landscape architect to prepare Gary Avenue or North Avenue Corridor Development Plans.

The applicant may provide evidence of the ability to prepare Gary Avenue or North Avenue Corridor Development Plans through the use of personnel already in the applicant's employ.

(3) Gary Avenue or North Avenue Corridor Development Plans. These Plans represent final site layout and design and shall incorporate comments generated from the preliminary sketch and shall include utility service, exterior design renderings, elevations, materials, landscaping, signage, exterior lighting and colors. These plans shall be presented in the format typically produced by a registered, professional architect or engineer as required by the Planning Division and/or Engineering Department staff. The Plan Commission shall review the Gary Avenue or North Avenue Corridor Development Plans within 30 days of its receipt by the Planning Division unless the applicant requests an extension. The Plan Commission shall take one of the following actions upon reviewing the Gary Avenue or North Avenue Corridor Development Plans:

(a) Return the Gary Avenue or North Avenue Corridor Development Plans to Planning Division staff with recommendations for further refinement and an extension of processing time to address particular issues;

(b) Approval of the Gary Avenue or North Avenue Corridor Development Plans;

(c) Approval of the Gary Avenue or North Avenue Corridor Development Plans subject to conditions;

(d) Denial of the Gary Avenue or North Avenue Corridor Development Plans.

(4) When the Plans have been returned for refinement, the applicant shall be responsible for refining the plans in accordance with the comments stated by the Plan Commission. In the case of the resubmittal of revised Gary Avenue or North Avenue Corridor Development Plans, in their review, the Plan Commission shall consider if all issues identified as part of the previous reviews have been addressed. The Plan Commission shall review revised Gary Avenue or North Avenue Corridor Development Plans within 30 days of its receipt by the Planning Division unless the applicant requests an extension.

(5) Right of appeal. The applicant shall have the right to appeal decisions of the Plan Commission to the Village Board. If an appeal is desired, the applicant shall submit, in writing, a request for appeal and specific reasons for the appeal to the Community Development Department. The Village Board may grant modifications to the requirements contained within the corridor regulations when the Board can identify specific justification for the modification. The Village Board shall review the appeal request within 30 days of its receipt by the Community Development Department unless the applicant requests an extension.

(O) *Plant list.* This division presents common plant types and their corresponding point values. This division shall be used to determine landscaping point values as required by the Zoning Code. Point values for plant types that do not appear in this division shall be considered on a case-by-case basis.

***Shade Trees (225 points per tree)***

<b>Botanical Name</b>	<b>Common Name</b>	<b>*Salt Tolerance</b>
Acer Plantanoides	Norway Maple	T
Acer Rubrum	Red Maple	I
Acer Saccharum	Sugar Maple	I
Acer Saccharum "Columnare"	Columnar Sugar Maple	I
Acer Saccharum "Green Mountain"	Green Mountain Sugar Maple	I
Acer Saccharum "Wright Brothers"	Wright Brothers Sugar Maple	I
Aesculus Glabra	Ohio Buckeye	S
Aesculus Hippocastatum	Horsechestnut	S
Betula Nigra	River Birch	T
Celtis Occidentalis	Hackberry	T
Ginkgo Biloba	Ginkgo	T
Gleditsia Triacanthos "Inermis"	Thornless Honeylocust	T
Gynocladus Dioicus	Kentucky Coffee Tree	T
Larix Decidua	European Larch	T
Liriodendron Tulipifera	Tulip Tree	S
Phellodendron Amurense	Amur Corktree	S
Quercus Bicolor	Swamp White Oak	T
Quercus Ellipsoidalis	Hills Oak	T
Quercus Macrocarpa	Bur Oak	T
Quercus Robur	English Oak	T
Quercus Rubra	Red Oak	T
Quercus Velutina	Black Oak	T
Tilia Americana	American Linden	I
Tilia Americana "Fastigiata"	Pyramidal American Linden	I
Tilia Americana "Redmond"	Redmond Linden	I
Tilia Cordata	Little Leaf Linden	I
Tilia Cordata "Chancellor"	Chancellor Linden	I
Tilia Cordata "Glenleven"	Glenleven Linden	I
Tilia Cordata "Olympic"	Olympic Linden	I
Tilia X Euchlora	Crimean or Redmond Linden	I
Tilia Platyphyllos	Big-Leaf Linden	I
Tilia Vulgaris	European Linden	I
Taxodium Distichum	Bald cypress	T
Zelkova Serrata	Zelkova	S
Zelkova Serrata "Greenvase"	Greenvase Zelkova	S

***Ornamental Trees (250 Points per tree)***

Acer Ginnala	Amur Maple	T
Amelanchier Canadensis	Juneberry	T
Cercis Canadensis	Eastern Redbud	S
Cornus Alternifolia	Pagoda Dogwood	S
Cornus Mas	Cornelian Cherry Dogwood	S

Crataegus Crusgalli	Cockspur Hawthorn	S
Crataegus Crusgalli "Inermis"	Thornless Cockspur Hawthorn	S
Crataegus Phaenopyrum	Washington Hawthorn	S
Crataegus Viridis	Winter King Hawthorn	S
Magnolia Stellata	Star Magnolia	T
Malus "Adams"	Adams Crabapple	T
Malus Floribunda	Jap. Flowering Crabapple	I
Malus "Red Splendor"	Red Splendor Crabapple	I
Malus "Snowdrift"	Snowdrift Crabapple	I
Malus Sieboldi Zumi "Calocarpa"	Zumi Crabapple	T
Pyrus Calleryana "Chanticleer"	Chanticleer Flowering Pear	S
Pyrus Calleryana "Redspire"	Redspire Flowering Pear	S
Pyrus Calleryana "Whitehouse"	Whitehouse Flowering Pear	S
Syringa Japonica	Japanese Tree Lilac	T
Viburnum Prunifolium	Blackhaw Viburnum	T

***Evergreens (275 Points per tree)***

Juniperus Chinensis	Chinese Juniper	I
Juniperus Communis	Common Juniper	I
Juniperus Virginiana	Red Cedar	I
Picea Glauca Densata	Black Hills Spruce	I
Pinus Nigra	Austrian Pine	I
Pinus Sylvestris	Scotch Pine	I

***Shrubs (4 - 12 70 Points per shrub; 0-3 35 Points per shrub)***

Aronia Arbutifolia	Red Chokeberry	T
Aronia Melanocarpa	Black Chokeberry	T
Berberis Thunbergii	Japanese Barberry	S
Berberis Thunbergii "Crimson"	Crimson Pygmy Barberry	S
Cornus Isanti	Isanti Dogwood	S
Cornus Racemosa	Grey Dogwood	S
Corylus Americana	American Hazelnut	I
Cotoneaster Apiculatus	Cranberry Cotoneaster	T
Euonymus Alatus	Burning Bush	S
Euonymus Alatus Compacta	Dwarf Burning Bush	S
Forsythia "Arnold Dwarf"	Arnold Dwarf Forsythia	I
Forsythia Viridissima "Bronxensis"	Bronx Greenstem Forsythia	I
Forsythia X Intermedia	Border Forsythia	I
Hamamelis Vernalis	Vernal Witchazel	T
Hamamelis Virginiana	Common Witchazel	T
Hypericum	St. Johnswort	T
Ilex Verticillata	Winterberry Holly	S
Ligustrum Vulgare	Common Privet	S
Ligustrum X Vicary	Golden Vicary Privet	S
Lonicera Clavey	Clavey's Dwarf Honeysuckle	I
Potentilla Fruticosa	Potentilla	T

Rhus Aromatica	Fragrant Sumac	T
Rhus Glabra	Smooth Sumac	T
Rhus Typhina	Staghorn Sumac	T
Ribes Alpinum	Alpine Current	T
Spirea Bumalda "Goldflame"	Goldflame Spirea	S
Spirea Japonica "Little Princess"	Little Princess Spirea	S
Spirea Van Houttei	Van Houtt Spirea	S
Syringa Patula "Miss Kim"	Miss Kim Korean Lilac	T
Syringa Vulgaris	Common Lilac	T
Taxus Spp	Yew	S
Viburnum X Carlecephalum	Fragrant Viburnum	I
Viburnum Carlesii "Compacta"	Dwarf Koreanspice Viburnum	I
Viburnum Dentatum	Arrowwood Viburnum	I
Viburnum Lentago	Nannyberry Viburnum	I
Viburnum Trilobum	American Cranberry Bush	I
Viburnum Trilobum Compactum	Dwarf Cranberry Bush	I

***Groundcover (1/2 Point per square feet)***

Cotoneaster Adpressa	Creeping Cotoneaster	T
Cotoneaster Dammeri	Bearberry Cotoneaster	T
Cotoneaster Horizontalis	Rock Spray Cotoneaster	T
Cotoneaster Horizontalis "Hessei"	Hesse Cotoneaster	T
Euonymus Fortunei "Colorata"	Purpleleaf Wintercreeper	I
Euonymus Fortunei Vegetus	Bigleaf Wintercreeper	I
Hedra Helix	Ivy	I
Juniperus Chinensis Procumbens	Jap. Garden Juniper	I
Juniperus Chinensis Sargentii	Sargent Juniper	I
Juniperus Conferta	Shore Juniper	I
Juniperus Horizontalis	Creeping Juniper	I
Pachysandra Terminalis	Jap. Pachysandra	I
Polygonum Reynoutria	Dwarf Fleeceflower	T
Rhus Aromatica "Gro-Low"	Grow-Low Sumac	T
Sedum Spurium "Dragon's Blood"	Sedum	I
Vinca Minor Bowles	Myrtle	I

***Grasses (1/2 Point per square feet)***

Calamagrostis Acutifolius "Stictus"	Feather Reed Grass	T
Deschampsia Caesptiosa	Tufted Hair Grass	S
Elymus Glaucus	Blue Lyme Grass	T
Helictotrichon Sempervirens	lue Oat Grass	S
Miscanthus Sinensis "Gracillimus"	Maiden Grass	T
Miscanthus Sinensis Purpurascens	Purple Maiden Grass	T
Miscanthus Sinensis "Silberfeder"	Silver Maiden Grass	T
Miscanthus Sinensis "Variegatus"	Striped Eulalia Grass	T
Pennisetum Alopecuroides	Fountain Grass	T
Penn. Alopecuroides "Hamelin"	Dwarf Fountain Grass	T

Sesleria Autumnalis	Autumn Moor Grass	T
Sporobolus Heterolepis	Prairie Drop Seed	T

***Hardy Perennials/Wildflowers (1/2 Point per square feet)***

Acorus Calamus	Sweet Flag	T
Allium Cernuum	Wild Onion	T
Amorpha Canescens	Leadplant	T
Anemone Cylindrica	Thimbleweed	T
Antennaria Sp	Pussytoes	T
Aquilegia Canadensis	Columbine	T
Asclepias Incarnata	Red Milkweed	T
Asclepias Tuberosa	Butterfly Weed	T
Aster Laevis	Smooth Aster	T
Baptisia Leucantha	White Wild Indigo	T
Callirhoe Triangulata	Poppy Mallow	T
Coreopsis Palmata	Stiff Coreopsis	T
Delphinium Tricorne	Wild Larkspur	S
Dicentra Cucullaria	Dutchman's Breeches	S
Dodecatheon Meadia	Shooting Stars	S
Echinacea Pallida	Pale Purple Coneflower	T
Echinacea Purpurea "Magnus"	Purple Coneflower	T
Eryngium Yuccifolium	Rattlesnake Master	T
Euphorbia Corollata	Flowering Spurge	T
Geranium Maculatum	Wild Geranium	S
Geum Triflorum	Prairie Smoke	T
Helianthus Occidentalis	Western Sunflower	T
Hemerocallis Spp	Daylily	T
Hydrophyllum Virginianum	Virginia Waterleaf	S
Iris Virginia Shrevei	Blue Flag Iris	T
Liatris Pycnostachya	Gayfeather	T
Lilium Superbum	Turkscap	T
Lithospermum Croceum	Puccoon	T
Lupinus Perennis	Lupine	T
Mertensia Virginica	Bluebells	S
Mondarda Fistulosa	Bee Balm	T
Sparganium Eurycarpum	Large Fruited Burreed	S
Tephrosia Virginiana	Goatsrue	S
Petalostemum Purpureum	Purple Prairie Clover	T
Soldago Sp	Goldenrod	T
Uvularia Grandiflora	Yellow Bellwort	S
Tradescantia Ohiensis	Spiderwort	T
Viola Pedata	Pansy Violet	T
Perovskia Atriplicifolia	Russian Sage	T
Ranunculus Rhomboideus	Prairie Buttercup	T
Rudbeckia Hirta	Black-Eyed Susan	T
Veronicastrum Virginicum	Culversroot	T
Ratibida Pinnata	Yellow Coneflower	T

Silphium Terebinthinaceum	Prairie Dock	T
Sangiunaria Canadensis	Bloodroot	S
Sisyrinchium Campestre	Blue-Eyed Grass	T
Mondarda Punctata	Spotted Bee Balm	T
Phlox Divaricata	Blue Phlox	T
Polygonum Coccineum	Marsh Smartweed	S
Sagittaria Latifolia	Arrowhead	S

\*Salt Tolerance Levels: T = Tolerant I = Intermediate S = Sensitive  
(Ord. 95-07-35, passed 7-10-95; Am. Ord. 2000-04-29, passed 4-17-00; Am. Ord. 2006-09-56, passed 9-18-06)

**§ 16-5-7 ABOVE-GROUND SERVICE FACILITIES**

(A) *Purpose.* The purpose of this Section is to establish general guidelines for the construction and placement of above-ground service facilities (“Service Facility” or “Service Facilities”), as defined herein, in the Village of Carol Stream. The goals of this Section are to encourage the location of Service Facilities in non-residential areas; to minimize the total number of Service Facilities throughout the community; to encourage users of Service Facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; to encourage users of Service Facilities to configure them in a manner that minimizes the adverse visual impact; and to enhance the ability of the providers of services to provide such services to the community quickly, efficiently and effectively.

(B) *Applicability.* No Service Facility shall be erected or installed except in compliance with the provisions of this Section. Service Facilities located on property owned, leased or otherwise controlled by the Village of Carol Stream shall be exempt from the requirements of this Section, provided a lease, license or franchise agreement authorizing such Service Facilities has been approved by the Village Board. Where conflicts exist between this Section and the remainder of the Carol Stream Zoning Code, the provisions of this Section shall govern.

(C) *General definitions, guidelines and performance standards.*

(1) *Definitions.* As used in this Section and unless the context clearly requires otherwise, the terms *Above-Ground Service Facility* and *Service Entity* shall have the meaning ascribed to them in §16-18-1.

(2) *Additional use permitted on lot.* For purposes of determining whether the installation of a Service Facility complies with district bulk regulations, including but not limited to setback and lot requirements, the dimensions of the entire zoning lot shall control, even though the Service Facility may be located on leased property within such zoning lot.

(3) *Number of Service Facilities.* Only one Service Facility per Service Entity shall be located on any zoning lot.

(4) *Sound, Lighting, Color and Appearance.* No visible or audible signals or lights or illumination shall be permitted on a Service Facility. Service Facilities shall be

of earth-tone colors and be maintained in good condition, including but not limited to being free of peeling paint and graffiti, and shall be maintained as level.

(5) *Signage.* No advertising shall be allowed on any Service Facility, other than a plaque no larger than four inches by six inches identifying the Service Entity, which shall be required.

(6) *Compatibility with Structure.* When included as part of an existing building or structure, the Service Facility shall be of a material and color, or shall be screened using building materials of a material and color, which substantially match the exterior of the building or structure, and shall be located or screened in an aesthetically acceptable manner so as not to be visible from a vantage point of six feet high at the property lines of adjacent properties and adjacent rights-of-way. The Community Development Director shall determine whether the material and color of a Service Facility mounted on a building, structure or rooftop matches the building, structure or rooftop and is screened from adjacent rights-of-way and properties.

(7) *Abandonment.* In the event the use of any Service Facility has been discontinued for a period of 180 consecutive days, the Service Facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Community Development Director (“Director”), who shall have the right to request documentation and/or affidavits from the Service Entity regarding the determination of the Service Facility’s term of use. Upon the Director’s determination and written notification to the Service Entity of such abandonment, the Service Entity shall have an additional ninety days with which to either: reactivate the actual use of the Service Facility, transfer the Service Facility to another Service Entity which makes actual use of the Service Facility, or dismantle and remove the Service Facility and notify the Director in writing of the completion of such removal. At the earlier date of either 270 days from the date of discontinuance without reactivation or completion of dismantling and removal, any special use permit and/or zoning variation approval for the Service Facility shall automatically expire without further action by the Director.

(8) *Equipment and Non-Interference.* Mobile or immobile equipment not used in direct support of a Service Facility shall not be stored or parked on the site of a Service Facility unless and while repairs to such facility are being made. Backup generators shall only be operated during power outages and for testing and maintenance purposes, and shall not be placed onsite except when in use or where integrated within the Service Facility’s cabinet. Noise attenuation measures shall be included to reduce noise levels to satisfy applicable state and Village performance standards. Testing and maintenance of generators shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. Service Facilities shall not physically interfere with access to existing structures or utilities

(9) *Substantial written evidence of denial.* In the course of reviewing any request for approval required under this Section, the Combined Board or the Village Board, as the case may be, shall act within a reasonable period of time after the request is duly filed, taking into account the nature and scope of the request.

(10) *Petition for amendment.* Should the application of this Section have the effect of prohibiting a person or entity from providing services to all or a portion of the Village of Carol Stream, such provider may petition for a variation from this Section in the manner described in §16-15-6.

(11) *Nonconformities.* Any Service Facility installed and operating prior to enactment of the Illinois Cable and Video Competition Law of 2007 (220 ILCS 5/21-100 et. Seq.), which would be otherwise prohibited by or subject to this Section, shall be considered a lawful, existing, non-conforming use and/or structure, as the case may be, and shall be subject to the rules on existing Nonconforming Lots, Buildings, Structures and Uses provided in Article 14 of the Carol Stream Zoning Code.

(12) *Independent technical expert.* The Community Development Director is explicitly authorized to employ on behalf of the Village an independent technical expert to review any technical materials submitted by the Service Entity or by other participants submitting an application or petition, including, but not limited to, those materials required under this Section. The applicant or petitioner shall pay all reasonable costs of said review, including any administrative costs incurred by the Village. Hourly rates charged by the independent technical expert shall not exceed those hourly rates customarily charged by similar technical experts within the engineering profession. Any confidential, proprietary or other such information exempted from disclosure by the Illinois Freedom of Information Act and disclosed to the Village or the expert hired shall remain confidential and exempted from public disclosure in accordance with the Illinois Freedom of Information Act.

(D) *Administrative Approvals.*

(1) *General.*

(a) The Community Development Director may administratively approve the uses listed in §16-5-7(D)(2) – *Specific administratively-approved uses.* Nevertheless, all such uses shall comply with §16-5-7(C) – *General definitions, guidelines and performance standards,* and all other applicable ordinances. Above-ground service facilities are subject to the bulk regulations of the Carol Stream Zoning Code and are subject to the regulations of the Carol Stream Building Codes.

(b) Each applicant for administrative approval shall apply to the Community Development Director for a building permit, which application shall include: a plat of survey, engineering plans, site plans, electrical plans, landscape plans, structure elevations, and other documents and plans as may be deemed necessary. Said plans and documents shall provide the information set forth in §16-5-7(F)(2) and §16-5-7(F)(3).

(c) The Community Development Department shall respond to each such application, resubmission or supplemental application within thirty days after receiving it by either approving the application, approving it with conditions, denying it, describing the additional information necessary to consider the application complete, or requesting additional information to determine whether the application complies with this Chapter. If the Community Development Department fails to respond to the applicant within said thirty days, or such additional time as is reasonably necessary to obtain the additional

information from the applicant and review it, then the application shall be deemed to be denied.

(d) If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the Carol Stream Zoning Code concerning appeals of administrative decisions.

(e) The Community Development Director may refer an application for administrative approval, that otherwise meets the standards contained herein, to be considered and approved as required by §16-5-7(F) if the Community Development Director determines in writing that the public interest would be furthered by requiring a Special Use Permit to construct the Service Facility in question.

(2) *Specific administratively-approved uses.* The following uses shall be approved by the Community Development Department after conducting an administrative review unless the Community Development Director concludes that the public interest would be furthered by requiring a special use permit in conformance with §16-5-7(D)(1)(e).

(a) Service Facilities installed within the rear yard in any zoning district, provided the Service Facility is set back three feet from the side property line and five feet from the rear property line, and further provided:

(1) A Service Facility shall not be located within a 250-foot radius from any existing or approved Service Facility.

(2) The separation requirement of §16-5-7(D)(2)(a)(1) may be waived by the Community Development Director for the I Industrial District, the B-2 General Retail District, the B-3 Service District and the B-4 Office, Research and Institutional Business District, provided that the applicant establishes:

(a) No other site or current technology could be used to provide intended services to the residents of the Village; and

(b) A denial of a permit for the proposed site would create a gap in providing intended services to the residents of the Village.

(3) A Service Facility shall be landscaped with an evergreen and/or deciduous hedge equal in height at the time of planting to the Service Facility, and installed and maintained in accordance with §16-5-7(F)(3).

(4) If one or more of the foregoing factors do not exist, the Community Development Director shall inform the applicant that it may request a Special Use Permit in conformance with §16-5-7(F).

(b) Service Facilities installed within the interior side yard in any nonresidential zoning district and in any residential zoning lot that maintains a nonresidential principal use and/or structure (school, park, or church), and further provided:

(1) The Service Facility is set back three feet from the side property line.

(2) A Service Facility shall not be located within a 250-foot radius of any existing or approved Service Facility.

(3) A Service Facility shall be landscaped with an evergreen and/or deciduous hedge equal in height at the time of planting to the Service Facility, and installed and maintained in accordance with §16-5-7(F)(3).

(E) *Prohibited uses.*

(1) *Residential yards.* Service Facilities are prohibited in the front yard or side yard adjoining a street of any lot used for residential purposes within the R-1, R-2, R-3 and R-4 zoning districts.

(2) *Prohibited equipment.* Above-Ground Service Facilities containing any device that creates an undue risk to the public's health, safety and welfare are prohibited from every zoning district.

(F) *Special Use Permits.*

(1) *General.* The following provisions shall govern the issuance of special use permits.

(a) Service Facilities not permitted to be approved administratively pursuant to §16-5-7(D), and not otherwise prohibited by §16-5-7(E), shall require a special use permit. Special use permit applications for Service Facilities shall be processed and heard in conformance with the requirements of the Zoning Code.

(b) In granting a special use permit, conditions may be imposed to the extent the Village Board determines necessary to minimize any adverse effect of the proposed Service Facility. Where a Service Facility is to be located in a front yard or a side yard adjoining a street, the special use permit shall require that the Service Facility be no closer than five feet from the lot line of a front yard or a side yard adjoining a street, or such greater distance as determined by the Village Board.

(c) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer, licensed in the State of Illinois.

(d) Any application for a special use permit required by this Section must include evidence of the property owner's written consent to the Service Entity locating the Service Facility on the subject property, including an acknowledgment that such property owner has read and acknowledges the obligations set forth in §16-15-7(F)(3).

(2) *Factors considered in granting special use permits.* In addition to the standards identified in §16-15-8 of the Zoning Code, the following factors may be considered in determining whether to recommend or issue a special use permit:

- (a) Whether the Service Facility is the smallest size capable of providing the intended service, as determined by the Community Development Director;
- (b) Proximity of the Service Facility to residential district boundaries;
- (c) Nature and intensity of uses on adjacent and nearby properties.
- (d) Topography of site and surrounding areas;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the Service Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- (g) The physical relationship between the Service Facility and existing structures and utilities.

(3) *Landscaping/Screening.* The following requirements shall govern the landscaping surrounding Service Facilities requiring a special use permit.

(a) A Service Facility shall be landscaped/screened with a variety of plant materials that effectively screen the view of the Service Facility from adjacent property and public rights-of-way on a year-round basis. In some cases, such as a Service Facility sited on a large, wooded lot, natural growth around the property perimeter may be a sufficient buffer. Appropriate care and maintenance of plant material shall be provided to keep such growth alive and in good condition. Diseased or dead plant material shall be replaced. All trees shall be maintained until established. All trees not in a vigorous growing condition after one growing season shall be replaced at the beginning of the next succeeding planting season.

(b) In locations where the visual impact of the Service Facility would be and is likely to remain minimal for the foreseeable future, the landscaping requirement may be reduced or waived.

(c) The property owner and Service Entity shall be jointly and severally liable for the landscaping and screening obligations set forth in this subsection (3).

(G) *Fire damage.* Any Above-Ground Service facility that spontaneously combusts, explodes or otherwise becomes set afire for any reason shall not be removed from its location until such time as the Village, the Fire Protection District or their designee can investigate the cause thereof and develop regulatory regulations for minimizing the risk in the future.

## ARTICLE 6: ZONING DISTRICTS

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### Section

16-6-1	Zoning districts
16-6-2	Zoning District Map and boundaries of districts
16-6-3	Zoning of annexed land

### § 16-6-1 ZONING DISTRICTS.

For the purpose and provisions herein, the village is hereby organized into the following districts:

*Floodplain District:*

- F-1 - Floodways
- F-2 - Flood fringes

*Residence District:*

- R-1 - One-Family Residence District
- R-2 - One-Family Residence District
- R-3 - One-Family Residence District
- R-4 - General Residence District

*Business District:*

- B-1 - Local Retail District
- B-2 - General Retail District
- B-3 - Service District
- B-4 - Office, Research and Institutional Building District

*Industrial District:*

- I - Industrial District

*Agricultural District:*

- A - Agricultural District

### § 16-6-2 ZONING DISTRICT MAP AND BOUNDARIES OF DISTRICT.

(A) *Zoning District Map.* The districts and their boundaries are as shown upon a zoning district map entitled “Official Zoning Map of Carol Stream, Illinois,” dated May, 1974 and revised March 17, 1975, which map and all amendments thereto and all notations, references, and other information shown thereon are hereby incorporated and made a part of this Chapter, with the same force and effect as if such Zoning District Map, amendments, notations, references and other information were fully herein set forth. The original Zoning District Map, properly attested to, shall be kept on file with the Village Clerk.

(B) *District boundaries.* When uncertainty exists with respect to the boundaries of the various districts shown on the zoning map and made a part of this Chapter, the following rules shall apply:

(1) District boundary lines shall be on the lines of railroads, highways, streets, or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots, or such lines extended unless otherwise indicated.

(2) In areas not subdivided into lots and blocks, whenever a district is indicated as a strip adjacent and parallel to a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the maps from sections, quarter sections, or division lines in center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.

(3) Where a lot held in one ownership and of record on the effective date of this Chapter is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this shall not apply if it increases the frontage of the lot by more than 25 feet required in the less restricted district.

(4) Floodplain boundaries on the zoning map are approximations of the floodway map prepared by the Federal Insurance Administration and contained within Chapter 6, Article 9 and Chapter 7, Article 7 of the village Code of Ordinances, flood prone areas. Floodplain limits as shown on the above map shall be controlling in determining the area included in the floodplain on the Zoning District Map for the village

(C) *Zoning of streets, easements, public ways, waterways and railroad rights-of-way.* All streets, easements, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, easements, public ways, waterways, and railroad rights-of-way. Where any of the above rights-of-way serve as district boundaries, the zoning of such areas, unless otherwise designated, shall be deemed to be the same as that of the abutting property up to such center line.

### **§ 16-6-3 ZONING OF ANNEXED LAND.**

(A) Any area hereafter annexed to the village shall, upon such annexation, be automatically zoned R-1, being defined as the highest restricted use zone within this Chapter, unless such property has been otherwise zoned after preannexation zoning hearing as provided in division (B) of this section.

(B) Any property owner desiring annexation to the village contingent upon obtaining a zoning classification other than the R-1 and/or a special use permit, shall submit an annexation petition to the Village Board conditioning such annexation on obtaining the stipulated zoning change and/or the special use permit. Upon payment of the required fee by the property owner, the Village Board shall refer the petition to the Plan Commission for public hearing. Thereafter, the same procedure shall be followed as in other hearings requesting a change in zoning districts or the granting of a special use permit. If the Village

Board does not approve the stipulated zoning change and/or special use permit, or does not agree to execute an annexation agreement with the owner, then the owner may withdraw the petition to annex, but shall not receive a refund of any fees paid to the village.

# ARTICLE 7: FLOODWAYS AND FLOOD FRINGE AREAS

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## Section

16-7-1	F-1 Floodways
16-7-2	F-2 Flood Fringes

### ***Cross-reference:***

*Flood prone areas, see Ch. 6, Art. 9*

*Storm water detention, see Ch. 7, Art. 9*

*Subdivisions, see Ch. 7, Art. 7*

### **§ 16-7-1 F-1 FLOODWAYS.**

Floodway areas have been established on the zoning map as such areas as will be subject to substantial flooding as a result of the flood having a 100 year recurrence interval. The subdivision of such floodways and the development of structures and uses within such floodways are governed by Chapter 6, Article 9 and Chapter 7, Article 7 of the village code of ordinances. These provisions contain numerous regulations affecting the subdivision and development within floodways. Because a buyer or user or prospective buyer or user of property frequently consults the Zoning Code of a municipality prior to taking any action regarding that land, the corporate authorities have determined that the areas designated as F-1 floodways, although principally regulated by the provisions contained in ordinances other than the Zoning Code should, nonetheless, be established as Zoning districts under this Zoning Code. The subdivision, development or use of property within an F-1 zone may only take place in accordance with the provisions of the other zoning category attributable to that land (for example R-1, B-1, and the like) and such other regulations contained within the Zoning Code and the other ordinances of the village regarding areas designated as floodways.

### **§ 16-7-2 F-2 FLOOD FRINGES.**

Flood fringe areas have been established on the zoning map as such areas as will be subject to substantial flooding as a result of the flood having a 100 year recurrence interval. The subdivision of such flood fringes and the development of structures and uses within such flood fringes are governed by Chapter 6, Article 9 and Chapter 7, Article 7 of the village code of ordinances. These provisions contain numerous regulations affecting the subdivision and development within flood fringes. Because a buyer or user or prospective buyer or user of property frequently consults the Zoning Code of a municipality prior to taking any action regarding the land, the corporate authorities have determined that the areas designated as F-2 Flood Fringes, although principally regulated by the provisions contained in ordinances other than the Zoning Code should, nonetheless, be established as zoning districts under this Zoning Code. The subdivision, development or use of property within an F-2 zone may only take place in accordance with the provisions of the other zoning category attributable to that land (for example R-1, B-1, and the like) and such other regulations contained within the Zoning Code and the other ordinances of the village regarding areas designated as flood fringes.

## ARTICLE 8: RESIDENCE DISTRICT

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### Section

16-8-1	General Requirements
16-8-2	R-1 One-Family Residence District
16-8-3	R-2 One-Family Residence District
16-8-4	R-3 One-Family Residence District
16-8-5	R-4 General Residence District

### § 16-8-1 GENERAL REQUIREMENTS.

(A) The residence districts set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals and welfare. These general goals include, among others, the following specific purposes:

(1) To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.

(2) To protect residential areas to the extent possible and appropriate against unduly heavy motor vehicle traffic, especially through traffic, by alleviating congestion and promoting off-street parking.

(3) To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of the buildings.

(4) To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.

(5) To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.

(6) To provide sufficient space in appropriate locations to meet the probable need for future residential expansions, and to meet the need for necessary and desirable services in the vicinity of residences which increase safety and amenity for residents and which do not exert objectionable influences.

(7) To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential developments and to protect the character and value of land and improvements and so strengthen the economic base of the Village of Carol Stream.

(B) In the various residence districts indicated on the Official Zoning Map, no land shall be used and no building or structure shall be erected or altered, nor used or intended to be used, in whole or in part, for any other use than one or more of the uses designated in this Article as a permitted use or special use and under conditions specified in

the residence district in which the land, building, or structure is or shall be located, with the exception of uses lawfully established on the effective date of this Chapter; provided that such uses, buildings, or structures rendered nonconforming by this Chapter shall be subject to the regulations of Chapter 16, Article 14, "Nonconforming Lots, Buildings, Structures and Uses."

(C) *General District Standards.* Uses of all structures in the residence districts are subject to the general standards and regulations of this Chapter. In addition, all uses located in the residence districts shall be subject to the following district standards:

(1) *Accessory Buildings, Structures and Uses.* All buildings, structures and uses shall conform to the applicable requirements for accessory buildings, structures and uses as set forth in § 16-12-1.

(2) *Landscaping.* All lot and parkway areas not covered with buildings, parking lots, drives or sidewalks shall be covered with turf, plant material or other permanent forms of landscaping, which shall be maintained.

(3) *Multi-family or non-residential uses.* Required yards adjoining streets may be occupied by sidewalks, lighting standards, flag poles, landscaping, vehicular directional and traffic control signs and similar facilities.

(4) *Off-Street Parking and Loading.* All uses shall conform to the applicable requirements for off-street parking and loading as set forth in Article 13 of this Chapter.

#### **§ 16-8-2 R-1 ONE-FAMILY RESIDENCE DISTRICT.**

(A) *Purpose.* The R-1 one-family residence district is established to encourage the orderly transition of land from agricultural to low density residential use, to provide areas well suited as to location and topography, to meet the market demands for large lots, and to prohibit any uses which are incompatible. The principal use of land is for single dwellings on large lots. Since the floodplain district and agricultural district are established due to particular soil or environmental characteristics, this R-1 zone shall be considered the highest restrictive use under the provisions of this Chapter.

(B) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings and permitted accessory uses.
- (2) Parks and forest preserves when publicly owned and operated.
- (3) Allowable home occupations.
- (4) Family community residence, provided:

- (a) They have obtained a required state license or certification or the operator has received licensing or certification required by the state to operate community residences.
- (b) They are located not less than 1,000 feet from any existing community residence as measured from lot line to lot line.
- (c) Prior to occupancy, a certificate of zoning compliance is applied for and received.
- (d) The home shall conform to the type and outward appearance of the residences in the area in which it is located.

(5) Temporary permitted use: carnival, in compliance with §10-2-12.

(C) *Special uses.*

(1) *Purpose.* One of the principal objectives of this Zoning Code is to provide for a compatible arrangement of uses of land and buildings, consistent with the requirements and welfare of the village. To accomplish this objective, most types and kinds of uses are classified as permitted in one or more of the Districts establish by this Zoning Code. The uses set forth in this Article, however, because of their unique characteristics, only can be located properly in some district or districts upon consideration in each case of the impact of such a use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as special uses, fall into two categories:

(a) Uses either municipally operated, or operated by regulated public utilities or uses traditionally affected with a public interest; and

(b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(2) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §16-15-8.

- (a) Athletic or swimming facility (public, private, or non-profit).
- (b) Churches and other places of worship, including accessory uses such as convents, rectories, residences for church personnel, day care and pre-school.
- (c) Golf courses, regulation size or “par 3,” including ancillary uses normally provided, such as restaurants including the sale of alcoholic beverages, residential uses for guests, manager and other employees, but not including commercially operated driving ranges or miniature golf courses; and provided that no

clubhouse or accessory buildings shall be located nearer than 500 feet to any dwelling on another zoning lot.

- (d) Growing of farm, garden and plant nursery crops in the open on more than 30% of the lot, provided that no livestock or poultry are kept, and no offensive odors or dust are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.
- (e) Planned unit developments according to the requirements of Article 16 of this Zoning Code.
- (f) Private recreational areas when not operated for profit.
- (g) Public uses, police and fire stations, libraries, telephone exchanges, sewage lift stations, electric substations and other similar public service or governmental uses.
- (h) Railroad rights-of-way and trackage where now existing, but not including reclassification yards, terminal facilities or maintenance facilities.
- (i) Schools, public, denominational or private, elementary and high, including accessory uses such as, or similar to, pre-school, day care centers, early learning centers, playgrounds and athletic fields auxiliary thereto.
- (j) Community center, which provides a range of social services such as counseling, recreation, day care, adult education and religious programs.
- (k) Family community residences and group community residences occupied by up to ten persons with disabilities plus support staff, located less than 1,000 feet from any existing community residence, or for which the state does not require a license or certification, provided:
  - 1. The Village President and Board of Trustees find that the cumulative effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and its operation would not create an adverse effect on surrounding properties;
  - 2. They have obtained a required state license or certification or the operator has received licensing or certification required by the state to operate community residences.

3. Prior to occupancy, a certificate of zoning compliance is applied for and received.
- (l) Group community residences subject to the following conditions:
1. No such home shall be located less than 1,000 feet from any existing community residence as measured from lot line to lot line; provided, however, that this spacing requirement may be waived if the Village President and Board of Trustees find that the cumulative effect of such uses would not alter the residential character of the neighborhood, would not create an institutional setting, and by its operation would not create an adverse effect on surrounding properties.
  2. If the state requires a license or certification for the proposed community residence, the community residence has obtained the required state license or certification, or the operator has received licensing or certification required by the state to operate community residences.
  3. Applicant shall submit a statement of the exact nature of the home, the qualifications of the agency that will operate the home, the number and type of personnel who will be employed, and the number and nature of the residents who will live in the home.
  4. The home shall to the extent possible, conform to the type and outward appearances of the residences in the area in which it is located.
  5. Prior to occupancy, a certificate of zoning compliance is applied for and received.
- (m) Holiday or seasonal exhibition, show or sales.
1. The Village Board, in granting a special use, shall establish the period during which the special use may take place and its maximum hours of operation.
  2. Except for vehicular parking, no portion of an exhibition, show or sale which takes place in whole or in part outdoors shall be located nearer than 50 feet from the nearest lot line of a lot in a residential use.

3. No exhibition, show or sale which takes place in whole or in part outdoors shall, without written authorization from the office of the Director of Community Development, place its facilities upon any required paved parking areas. Required paved parking spaces shall mean the minimum number of parking spaces required to be provided for the principal use.
  4. No holiday or seasonal exhibition, show or sale which is scheduled to last more than one day shall be granted a special use until the Chief of Police shall approve a parking plan submitted by the applicant. The Chief of Police shall review the plan to make certain that adequate provision has been made for the safe ingress and egress of vehicles to the site and to and from parking areas, the marking of parking areas and maneuvering lanes and lighting for evening events.
- (n) Special offices such as lawyers, doctors, dentists, accountants, insurance agents, or other similar professional office type facilities only in existing structures which were formerly used as churches or schools and whose property abuts or is directly across the street from a business or industrial zoning district and provided that the uses possesses adequate off-street parking in accordance with this Zoning Code.

(D) *Off-street parking.* Off-street parking and loading shall be provided as required or permitted in Article 13 of this Zoning Code.

(E) *Minimum lot size.*

(1) Every one-family detached dwelling shall be located on a lot having an area of not less than 20,000 square feet, and a width at the established building line of not less than 100 feet.

(2) All non-residential permitted or special uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 20,000 square feet with a minimum width of 100 feet at the building line.

(3) Minimum lot sizes for residential special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized as provided in §16-15-8.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building structures or enlargements:

(1) Front yard: there shall be provided a front yard of not less than 40 feet in depth.

(2) Side yards: an interior side yard on each side of the principal structure of not less than 10 feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet. On lots upon which a non-residential use is erected or enlarged, there shall be an interior side yard of not less than 15 feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet.

(3) Rear yard: a rear yard depth of not less than 30 feet.

(4) Detached accessory buildings and permitted obstructions: refer to Article 12 of this Zoning Code.

(G) *Maximum lot coverage.* Not more than 30% of the lot area may be occupied by buildings and structures, including accessory buildings except when structural coverage includes lot area covered by a swimming pool or by a deck which allows water to penetrate into the ground underneath the deck and where the area underneath the deck is covered with agricultural paper, cloth or other pervious sheeting in which case only the area of the swimming pool or deck shall be permitted to exceed 30% of the lot area up to a maximum of 35% of the lot area.

(H) *Building height.* No building shall exceed a height of 35 feet.

(I) *Minimum floor area per dwelling.* Each dwelling shall provide a minimum of 1,500 square feet.

(J) *Patio door.* A patio door on the side of a building at any floor level is prohibited unless there is ten feet between the building and the required side yard. (Am. Ord. 90-09-86, passed 9-25-90; Am. Ord. 90-11-94, passed 11-13-90; Am. Ord. 92-08-91, passed 8-11-92; Am. Ord. 94-05-46, passed 5-24-94; Am.Ord. 99-12-64, passed 12-6-99)

### **§ 16-8-3 R-2 ONE-FAMILY RESIDENCE DISTRICT.**

(A) *Purpose.* The R-2 one-family residence district is established to provide low density areas in which the principal use of land is for single-family dwellings.

(B) *Permitted uses.* Any use permitted in the R-1 one-family residence district.

(C) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of Article 15 of this Zoning Code.

(1) As in the R-1 district, plus:

(2) Cemeteries, including crematories and mausoleums in conjunction therewith.

(3) Colleges and universities, including dormitories, fraternities, sororities and other accessory buildings necessary for operation, but not including business colleges or trade schools when operated for profit.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in Article 13 of this Zoning Code.

(E) *Minimum lot size.*

(1) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 15,000 square feet, and a width at the established building line of not less than 80 feet.

(2) All non-residential permitted or special uses as allowed of buildings as permitted herein shall be located on a tract of land having an area of not less than 15,000 square feet with a minimum width at the building line of not less than 80 feet.

(3) Minimum lot sizes for special uses shall be prescribed and conditions imposed at the time a special use permit is authorized, as provided in § 16-15-8.

(F) *Yard areas.* No buildings shall be erected or enlarged unless the following yards are provided and maintained:

(1) Front yard: there shall be provided a front yard of not less than 40 feet in depth.

(2) Side yards: an interior side yard on each side of the principal structure of not less than 8 feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet. On lots upon which a non-residential use is erected or enlarged, there shall be an interior side yard of not less than 15 feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet.

(3) Rear yard: a rear yard of not less than 30 feet.

(4) Detached accessory buildings and permitted obstructions. Refer to Article 12 of this Zoning Code for location of accessory buildings and structures and permitted obstructions in the required yard areas.

(G) *Maximum lot coverage.* Not more than 30% of the lot area may be occupied by buildings and structures, including accessory buildings except when structural coverage includes lot area covered by a swimming pool or by a deck which allows water to penetrate into the ground underneath the deck and where the area underneath the deck is covered with agricultural paper, cloth or other pervious sheeting in which case only the area of the swimming pool or deck shall be permitted to exceed 30% of the lot area up to a maximum of 35% of the lot area.

(H) *Building height.* No building shall exceed a height of 35 feet.

(I) *Minimum floor area per dwelling.* Each dwelling shall provide the following minimum floor area:

(1) Three-bedroom or less dwellings: 1,250 square feet.

(2) Four-bedroom dwellings: 1,400 square feet

(3) Rooms designated as a den, study, library or similar use shall be counted as a bedroom in computing the minimum floor area.

(J) *Patio door.* A patio door on the side of a building at any floor level is prohibited unless there is ten feet between the building and the required side yard. (Am. Ord. 99-12-64, passed 12-6-99)

#### **§ 16-8-4 R-3 ONE-FAMILY RESIDENCE DISTRICT.**

(A) *Purpose.* The R-3 one-family residence district is established to provide areas of higher density than the R-1 and R-2 one-family residence districts.

(B) *Permitted uses.* The following uses are permitted: any use permitted in the R-1 and R-2 one-family residence districts.

(C) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of §16-15-8: as in the R-1 and R-2 residence districts.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in Article 13 of this Zoning Code.

(E) *Minimum lot size.*

(1) Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 10,000 square feet and a width at the established building line of not less than 75 feet.

(2) All non-residential permitted or special uses of buildings as permitted herein shall be located on a tract of land having an area of not less than 10,000 square feet and a width at the established building line of not less than 75 feet.

(3) Minimum lot sizes for special uses prescribed and conditions imposed at the time a special use permit is authorized, as provided in § 16-15-8.

(F) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) Front yard: there shall be provided a front yard of not less than 25 feet in depth unless 75% of the lots on a block have existing structures, in which case the front yard shall be determined as the average depth of all front yards of existing structures.

(2) Side yards: an interior side yard on each side of the principal structure of not less than 7½ feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet. On lots upon which a non-residential use is erected or

enlarged, there shall be an interior side yard of not less than 15 feet; where a side yard adjoins a street, the minimum width of such yard shall be not less than 25 feet.

(3) Rear yards: a rear yard of not less than 30 feet.

(4) Detached accessory buildings and permitted obstructions: refer to Article 12 of this Zoning Code for location of accessory buildings and structures and permitted obstructions in the required yard areas.

(G) *Maximum lot coverage.* Not more than 30% of the lot area may be occupied by buildings and structures, including accessory buildings except when structural coverage includes lot area covered by a swimming pool or by a deck which allows water to penetrate into the ground underneath the deck and where the area underneath the deck is covered with agricultural paper, cloth or other pervious sheeting in which case only the area of the swimming pool or deck shall be permitted to exceed 30% of the lot area up to a maximum of 35% of the lot area.

(H) *Building height.* No building shall exceed a height of 35 feet.

(I) *Minimum floor area per dwelling.* Each dwelling shall provide the following minimum floor area:

(1) Three or less bedroom dwellings: 1,000 square feet.

(2) Four or more bedroom dwellings: 1,150 square feet.

(3) Rooms designated as a den, study, library or similar use shall be counted as a bedroom in computing the minimum floor area.

(J) *Patio door.* A patio door on the side of a building at any floor level is prohibited unless there is ten feet between the building and the required side yard. (Am. Ord. 99-12-64, passed 12-6-99)

#### **§ 16-8-5 R-4 GENERAL RESIDENCE DISTRICT.**

(A) *Purpose.* The R-4 general residence district is established as a general residence district to provide for a wider variety of dwelling accommodations with a higher density of dwelling units; to provide for multiple-family dwellings with adequate open space for family living.

(B) *Permitted uses.* The following uses are permitted:

(1) One-family detached dwellings and permitted accessory uses.

(2) One-family attached dwellings and permitted accessory uses.

(3) Multiple-family dwellings (manor homes, apartments, and the like).

- (4) Family community residence, provided:
  - (a) They have obtained a required state license or certification or the operator has received licensing or certification by the state to operate community residences.
  - (b) They are located not less than 1,000 feet from any existing community residence as measured from lot line to lot line; provided, however, that up to two such homes may be located on the same zoning lot; and
  - (c) Prior to occupancy, a certificate of zoning compliance is applied for and received.
- (5) Nursing homes.
- (6) Residential care homes of up to ten persons provided:
  - (a) They have obtained a required state license or certification or the operator has received licensing or certification by the state to operate community residences.
  - (b) They are located not less than 1,000 feet from any existing community residence as measured from lot line to lot line; provided, however, that up to two such homes may be located on the same zoning lot; and
  - (c) Prior to occupancy, a certificate of zoning compliance is applied for and received.
- (7) Temporary permitted use: carnival, in compliance with §10-2-12.

(C) *Special uses.* The following uses may be allowed by special use permit in accordance with the provisions of the Article 15 of this Zoning Code:

- (1) Any use permitted as a special use in the R-1, R-2 or R-3 districts.
- (2) Boarding house, lodging house, or rooming house.
- (3) Housing for the elderly and convalescent homes.
- (4) In a planned unit development, those residential uses permitted under the R-1, R-2 and R-3 districts in accordance with the regulations set forth relating to those districts, except as such regulations may be modified according to the requirements of this code.
- (5) Day care centers, pre-school learning centers and nursery schools.

- (a) One parking space shall be provided for each employee. The Plan Commission may recommend and the Village Board may require the provision of a loading zone.
- (b) All facilities shall have a fenced-in yard area for outside play activities, which includes a fence of no greater than five feet in height or as permitted by the Fence Code (Chapter 6, Article 12).
- (c) Signage shall be limited to ten square feet within this district.

(D) *Off-street parking.* Off-street parking and loading facilities shall be provided as required or permitted in Article 13 of this Zoning Code.

(E) *Minimum lot size.*

***Land area per dwelling unit in square feet  
(Density in units per acre)***

<b><i>Bedrooms</i></b>	<b><i>Single Family</i></b>	<b><i>Two Family</i></b>	<b><i>Multiple Single-Family</i></b>	<b><i>Multi Family</i></b>
4 or more	10,000 (4.356)	10,000 (4.356)	5,400 (8.067)	5,400 (8.067)
3	10,000 (4.356)	10,000 (4.356)	4,500 (9.680)	4,800 (9.075)
1, 2 and efficiency	10,000 (4.356)	10,000 (4.356)	4,150 (10.496)	4,300 (10.130)

Notes:

- (1) The lot size for single-family units is calculated as the platted lot, which excludes rights-of way and common open space.
- (2) The lot size for two-family units is calculated as the platted lot for the two dwelling units, which excludes rights-of-way and common open space.
- (3) The lot size for multiple single-family units is calculated as the area of the project including open space, but excluding public and private roads and rights-of-way.
- (4) The lot size for multiple-family units is calculated as the area of the project including open space, but excluding public and private roads and rights-of-way.

(5) Minimum lot sizes for special uses shall be prescribed and conditions stipulated at the time a special use permit is authorized, as provided for in § 16-15-8.

(F) *Minimum floor area per dwelling unit.* Each dwelling unit shall provide the following minimum floor area. Measurements are exclusive of common halls and stairways or other common areas for the multiple-family dwellings.

<i>Bedrooms</i>	<i>Single Family</i>	<i>Two Family</i>	<i>Multiple Single-Family</i>	<i>Multi Family</i>
2	1,000	1,000	1,000	900
3	1,000	1,000	1,000	1,000
4 or more	1,150	1,150	1,150	1,150

Note: Rooms designated as a den, study, library or similar use shall be counted as a bedroom in computing the minimum floor area.

(G) *Yard areas.* No building shall be erected or enlarged unless the following yards are provided and maintained:

(1) Front yard: there shall be provided a front yard of not less than 40 feet plus one foot for each one foot by which the building height exceeds 25 feet.

(2) Side yards: in the R-4 general residence district, the minimum interior side yard requirements for permitted uses shall be not less than those itemized below:

(a) For single-family and two-family dwellings, there shall be a side yard on each side of each building of 10 feet.

(b) For row buildings containing three or four units there shall be a side yard on each side of each building of 12½ feet.

(c) For buildings containing more than four units, there shall be a side yard on each side of the building of 15 feet, plus five additional feet for each additional story above two stories in height.

(d) For special uses, the interior side yards shall be as specified in the special use permit, but in no case shall the interior side yards be less than 15 feet on each side of the building, plus one foot for each two feet by which the building height exceeds 15 feet.

(e) Minimum corner side yard: in an R-4 general residence district, the minimum corner side yard requirements for permitted uses shall be not less than those itemized below:

1. For buildings containing two or more dwelling units, 25 feet.

2. No accessory building on a reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than ten feet to the side lot line of such adjacent lot.

3. For permitted non-residential uses, 25 feet plus one foot for each two feet by which the building height exceeds 15 feet.

4. For special uses, corner side yards shall be as specified in the special use permit, but in no case shall such side yard be less than 25 feet plus one foot for each two feet by which the building height exceeds 15 feet.

(3) Rear yard: there shall be a rear yard of not less than 30 feet. However, there shall be a rear yard of not less than 40 feet around the perimeter of all different land uses (single family, two family, multiple single family, multiple family, commercial and industrial) or when the lot abuts an arterial street.

(H) *Maximum lot coverage.*

(1) For single-family, two-family or multiple single-family dwellings, not more than 30% of the lot area may be covered by buildings and structures, including accessory buildings or uses except when structural coverage includes lot area covered by a swimming pool or by a deck which allows water to penetrate into the ground underneath the deck and where the area underneath the deck is covered with agricultural paper, cloth or other pervious sheeting in which case only the area of the swimming pool or deck shall be permitted to exceed 30% of the lot area up to a maximum of 35% of the lot area.

(2) For multi-family dwellings, a combination of building and pavement coverage shall not exceed 50% of the net lot area, including but not limited to roads, sidewalks, parking lots.

(I) *Patio door.* A patio door on the side of a building at any floor level is prohibited unless there is ten feet between the building and the required side yard. (Am. Ord. 90-09-86, passed 9-25-90; Am. Ord. 99-12-64, passed 12-6-99)

## ARTICLE 9: BUSINESS DISTRICT

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### Section

16-9-1	General requirements
16-9-2	B-1 Local Retail District
16-9-3	B-2 General Retail District
16-9-4	B-3 Service District
16-9-5	B-4 Office, Research and Institutional Building District

### § 16-9-1 GENERAL REQUIREMENTS.

(A) Business district regulations govern the development and use of the full range of business and commercial establishments needed to provide service to the citizens of the village and its trading area. Regulations in the various business districts provide for the groupings of compatible business and commercial establishments in accordance with their function and extent of services.

(B) In the various business districts indicated on the Official Zoning Map, no land shall be used and no building or structure shall be erected or altered, and used or intended to be used, in whole or in part, for any other use than one or more of the uses designated hereinafter as a permitted use or special permitted use and under conditions specified in the business district in which the land, building, or structure is or shall be located, except a use lawfully established on the effective date of this Chapter; provided that such uses, buildings, or structures rendered nonconforming by this Chapter shall be subject to regulations herein.

(C) All business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building, except where they may otherwise be permitted to operate under this Chapter.

(D) Processes and equipment employed, and goods processed or sold, shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter or water-carried waste, and such that they do not conflict with performance standards as herein set forth in the industrial district regulations.

(E) All establishments shall be for trade and service at retail directly to consumers, and all goods produced or serviced on the premises shall be sold or serviced at retail except for specific uses where wholesale sales or processing and fabricating of goods, materials and products for general distribution are permitted.

(F) Required yards adjoining streets may be occupied by drives, off-street parking spaces, sidewalks, lighting standards, flag poles, landscaping, vehicular directional and traffic control signs and similar facilities, provided off-street parking spaces shall be in accordance with the regulations as set forth in Article 13 of this Zoning Code.

(G) All lot and parkway areas not covered with buildings, parking lots, drives or sidewalks shall be covered with turf, plant material or other permanent forms of landscaping, which shall be maintained.

**§ 16-9-2 B-1 LOCAL RETAIL DISTRICT.**

(A) *Purpose.* The B-1 local business district, as herein established, is designed to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.

(B) *Permitted Uses.*

- (1) Barbershops.
- (2) Beauty parlors.
- (3) Book and stationery stores.
- (4) Clothes pressing establishments.
- (5) Drugstores.
- (6) Dry cleaning and laundry receiving stations; with or without onsite processing.
- (7) Florist shops.
- (8) Convenience food markets, meat markets, bakeries and delicatessens.
- (9) Gift shops.
- (10) Launderettes, automatic self-service types or hand.
- (11) Millinery shops.
- (12) Shoe repair stores.
- (13) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- (14) Variety stores.
- (15) Accessory use.
- (16) Package liquor stores (Class C license).
- (17) Temporary permitted use: carnival, in compliance with §10-2-12.

- (18) Temporary outdoor demonstrations and exhibitions of merchandise, to be located on the same zoning lot, and in conjunction with the permanent use found on the lot, and those permitted uses under the definition of an open sales lot (see Article 18 of this Zoning Code); such display or sale shall be for a maximum of ten days and no more than twice during any calendar year.
- (19) Outdoor storage, display and sale of propane tanks, provided such use is accessory to the principal permitted use on the zoning lot, and subject to the following performance standards:
1. The propane tank storage facility shall be located immediately adjacent to the principal building or structure, and shall be limited to a maximum of 20 square feet in ground area.
  2. The location on site and appearance shall be subject to review and approval by the Community Development Director, or his or her designee, in order to minimize the visual impact of the propane cages from the public right-of-way.
  3. The placement of a propane cage on a sidewalk shall comply with the Illinois Accessibility Code.
  4. Signage advertising the propane shall be located on the propane cage only.
  5. The propane facility shall comply with all applicable codes and regulations as determined by the Community Development Department and the Carol Stream Fire Protection District.
- (20) Limited Outdoor Seating, subject to the following performance standards and approval by the Community Development Director, or his or her designee:
1. Outdoor service or consumption of alcohol is prohibited.
  2. Seating area shall be ancillary to a restaurant or food service business.
  3. Seating area shall only be located on a paved pedestrian access area, sidewalk or other hard-surfaced area adjacent to the tenant space.
  4. The seating area must be located outside of the required setbacks, parking spaces and landscape islands.

(C) *Special uses.*

- (1) Planned unit development according to the requirements of this code.
- (2) Electric or telephone substations and utility service uses.
- (3) Governmental uses.
- (4) Day care center, pre-school learning center and nursery school.
- (5) Shopping Plazas.

(D) *Floor area ratio.* Not to exceed 0.6.

(E) *Lot area.* The net land area for each business establishment shall not be less than 2,500 square feet.

(F) *Off-street parking and off-street loading.* In accordance with regulations as set forth in Article 13 of this Zoning Code.

(G) *Yards.*

(1) Front yards: not less than 80 feet in depth.

(2) Side yards:

(a) Interior lots.

1. Interior side yards shall not be required, unless the lot is adjacent to a residential property.

2. If a lot is adjacent to a residential property, a 20-foot side yard is required, and the yard must be landscaped and screened in such a manner so as to create an effective buffer between the business and residential uses. An access drive may occupy up to half of the required side yard, if screening is provided.

3. If a side lot line abuts a public alley, then the depth of the required side yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential property, screening must be provided.

(b) Corner lots. A side yard adjoining a street shall be in accordance with regulations herein for a front yard.

(3) Rear yards: not less than 25 feet in depth. If a lot is adjacent to a residential property, a 40-foot rear yard is required, and the yard must be landscaped and

screened in such a manner so as to create an effective buffer between the business and residential uses. If a rear lot line abuts a public alley, then the depth of the required rear yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential property, screening must be provided. (Am. Ord. 92-03-29, passed 3-24-92; Am. Ord. 93-07-60, passed 7-13-93; Am. Ord. 93-11-110, passed 11-23-93; Am. Ord. 2007-04-14, passed 4-16-07)

**§ 16-9-3 B-2 GENERAL RETAIL DISTRICT.**

(A) *Intent.* The B-2 general retail district is designed to cater to the needs of a larger consumer population than is served by the B-1 local retail district.

(B) *Permitted uses.*

- (1) Uses permitted in a B-1 district.
- (2) Antique shops.
- (3) Art and school supply stores.
- (4) Art galleries.
- (5) Beauty parlors and barbershops or similar personal service shops.
- (6) Bakery shops or shops selling similar commodities where the commodities may be produced on the premises; but all such production shall be either sold at retail on the premises or sold in stores owned and operated by the producing company.
- (7) Bicycle sales, rental and repairs.
- (8) Candy and ice cream stores.
- (9) Camera and photographic supply stores.
- (10) Carpet and rug stores.
- (11) China and glassware stores.
- (12) Clothing and costume rental shops.
- (13) Coin and philatelic stores.
- (14) Currency exchanges.
- (15) Custom dressmaking.
- (16) Department stores.

- (17) Dry goods stores.
- (18) Electric and household appliance stores.
- (19) Flower shops with conservatories.
- (20) Furrier shops, including the incidental storage and conditioning of furs.
- (21) Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
- (22) Haberdashery.
- (23) Hobby shops and retail of items to be assembled or used away from the premises.
- (24) Interior decorating shops, including upholstery and making of covers and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- (25) Jewelry stores, including watch repair.
- (26) Job printing shops.
- (27) Leather goods and luggage stores.
- (28) Libraries and reading rooms.
- (29) Locksmith shops.
- (30) Musical instruments, sales and repairs.
- (31) Office equipment sales and service.
- (32) Office supply stores.
- (33) Optometrists.
- (34) Paint and wallpaper stores.
- (35) Pawnshops.
- (36) Photography studios, including the development of film and pictures, when conducted as part of the retail business on premises.

- (37) Physical culture and health service, gymnasiums and reducing salons, masseurs and public baths.
- (38) Picture framing when conducted for retail trade on the premises only.
- (39) Post offices.
- (40) Radio and television broadcasting studios.
- (41) Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing and alterations for retail only, jewelry from precious metals, watches, dentures and optical lenses.
- (42) Sales and display rooms.
- (43) Schools, music, dance or business.
- (44) Sewing machine sales and service, household machines only.
- (45) Shoe stores.
- (46) Sporting goods stores.
- (47) Tailor shops.
- (48) Temporary outdoor demonstrations and exhibitions of merchandise, to be located on the same zoning lot, and in conjunction with the permanent use found on the lot, and those permitted uses under the definition of an open sales lot (see Article 18 of this Zoning Code); such display or sale shall be for a maximum of ten days and no more than twice during any calendar year.
- (49) Theaters, except open-air drive-in theaters.
- (50) Tobacco shops.
- (51) Toy shops.
- (52) Offices, businesses and professional buildings of less than 6,000 square feet.
- (53) Wearing apparel shops.
- (54) Veterinary clinics (outpatient, no overnight boarding)
- (55) Grocery stores.

- (56) Domestic pet training/obedience school with no overnight boarding.
  - (57) Domestic pet service.
  - (58) Temporary permitted use: carnival, in compliance with §10-2-12.
  - (59) Restaurants, indoor, sit-down, without a bar area.
  - (60) Restaurants carry-out.
  - (61) Auction house, subject to the following performance standards:
    - (a) Total floor area of business not to exceed 7,500 square feet.
    - (b) Outdoor storage or display of merchandise is prohibited.
    - (c) Auctions must be conducted completely inside an enclosed building.
    - (d) Parking required as set forth in §16-13-3(D) of this Chapter.
- (C) *Special uses.*
- (1) Those permitted in a B-1 District.
  - (2) Additional building on a lot, such building limited to no more than 50 square feet of floor area, provided such building is used for a general drop-off center, newsstand, photo processing drop-off, ticketron and other similar uses.
  - (3) Banks and financial institutions.
  - (4) Clubs and lodges, private, fraternal or religious.
  - (5) Hospitals and first-aid stations for the treatment of emergency cases.
  - (6) Hotels, motels serving transient guests, hotel apartments.
  - (7) Dyeing and cleaning establishments operated as an accessory to some other use or uses permitted by this section, provided permits for proper combustibles are obtained from the village.
  - (8) Offices, business and professional, of more than 6,000 square feet.
  - (9) Pet supply shops, with ancillary use for the sale of fish and other small aquatic animals, small mammals, and birds (no cats, dogs or larger domestic animals, nor exotic animals).
  - (10) Taverns.
  - (11) Drive-up service window, ancillary to a permitted or special use.

- (12) Game rooms when operated as an accessory use to a restaurant, tavern, pub or hotel and containing no more than one amusement device for each 400 square feet of total floor area occupied by the principal use. In no case shall such accessory game room contain more than 20 amusement devices.
- (13) Veterinary clinics with indoor overnight boarding.
- (14) Shopping plazas.
- (15) Shopping centers.
- (16) Restaurants, with bar area.
- (17) Outdoor seating, ancillary to a restaurant, tavern, or food service business, including the service and consumption of alcohol, or otherwise not in conformance with the standards for Limited Outdoor Seating set forth elsewhere in this Chapter.
- (18) Auction house greater than 7,500 square feet in total floor area, subject to the following performance standards:
  - (a) Outdoor storage or display of merchandise is prohibited.
  - (b) Auctions must be conducted completely inside an enclosed building.
  - (c) Parking required as set forth in §16-13-3(D) of this Chapter.
- (19) Public meeting halls.

(D) *Floor area ratio.* Not to exceed 0.6.

(E) *Lot area.* The net land area for each business establishment shall be not less than 5,000 square feet.

(F) *Off-street parking and off-street facilities.* In accordance with applicable regulations as set forth in Article 13 of this Zoning Code.

(G) *Yards.*

(1) Front yard: not less than 80 feet in depth.

(2) Side yards:

(a) Interior side yards shall not be required, unless the lot is adjacent to a residential property.

(b) If a lot is adjacent to a residential property, a 25-foot side yard is required, and the yard must be landscaped and screened in such a manner so as to create an

effective buffer between the business and residential uses. An access drive may occupy up to half of the required side yard, if screening is provided.

(c) If a side lot line abuts a public alley, then the depth of the required side yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential property, screening must be provided.

(d) If a side yard adjacent to a residential property is less than 40 feet in width, a solid wall or solid fence shall be provided along the property line. Such fence or wall shall be uniformly painted, and shall comply with the requirements of the village Fence Code (Chapter 6, Article 12).

(e) Corner lots. A side yard adjoining a street shall be in accordance with regulations herein for a front yard.

(3) Rear yard: not less than 40 feet in depth. If a lot is adjacent to a residential property, the yard must be landscaped and screened in such a manner so as to create an effective buffer between the business and residential uses. If a rear lot line abuts a public alley, then the depth of the required rear yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential property, screening must be provided. (Am. Ord. 90-11-95, passed 11-13-90; Am. Ord. 92-12-123, passed 12-8-92; Am. Ord. 92-04-33, passed 4-14-92; Am. Ord. 92-12-123, passed 12-8-92; Am. Ord. 93-07-60, passed 7-13-93; Am. Ord. 94-01-07, passed 1-11-94; Am. Ord. 95-04-16, passed 4-3-95; Am. Ord. 2005-08-44, passed 8-1-05; Am. Ord. 2007-04-14, passed 4-16-07)

#### **§ 16-9-4 B-3 SERVICE DISTRICT.**

(A) *Intent.* The B-3 service district is designed to provide sites for more diversified business types, which, by nature of their use, place a greater impact on the land and the surrounding uses.

(B) *Permitted uses.*

- (1) Uses permitted in the B-1 and B-2 districts.
- (2) Animal hospitals.
- (3) Blueprinting and photocopying establishments.
- (4) Boat sales.
- (5) Bowling alleys and structures accommodating recreational activities.
- (6) Building material establishments for the sale of dimension lumber, millwork, cabinets and other building materials; provided, that no milling, planing, jointing or manufacture of millwork shall be conducted on the premises.

- (7) Caskets and casket supplies.
- (8) Catering establishments.
- (9) Contractor's or construction offices, such as building, concrete, electrical, masonry, painting, plumbing, refrigeration and roofing.
- (10) Dog kennels.
- (11) Exterminating shops.
- (12) Frozen food stores, including locker rental in conjunction therewith.
- (13) Garden supply and feed stores.
- (14) Greenhouses and/or nurseries; provided, heating plants for greenhouse operations conform with applicable performance standards for the industrial district.
- (15) Ice storage and sales limited to five tons capacity.
- (16) Linen, towel, diaper and similar supply services.
- (17) Machinery sales within a structure.
- (18) Mail order houses.
- (19) Meat markets, including the sale of meats and meat products to restaurants, hotels, clubs, or other similar establishments when conducted as a part of the retail business on the premises.
- (20) Monument sales.
- (21) Motor vehicle and equipment sales and service (to include motorcycles).
- (22) Municipal or privately owned recreational buildings or community centers.
- (23) Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles.
- (24) Pet shops.
- (25) Plumbing showrooms.

- (26) Printing and publishing establishments having not more than 25 employees other than office and building service employees.
  - (27) Service, cleaning or repair shops for personal household or garden equipment, or where such shops are operated as accessory uses to other uses permitted by this section.
  - (28) Undertaking establishments and funeral parlors.
  - (29) Accessory use.
  - (30) Grocery stores.
  - (31) Temporary permitted use: carnival, in compliance with § 10-2-12.
- (C) *Special uses.*
- (1) Those special uses permitted in the B-1 and B-2 districts.
  - (2) Auto laundries.
  - (3) Auto service stations, including minor services customarily incidental thereto, facilities for chassis and gear lubrication, and vehicle washing; but not including the sale of vehicles new or used.
  - (4) Storage garages, indoor or outdoor, overnight or more permanent, for repair and servicing of automobiles and trucks, including body repair and painting, but not including auto wrecking yards, truck terminals, and motor freight parking areas.
  - (5) Outdoor recreation and amusement establishments including archery ranges, swimming pools, skating rinks, golf driving ranges, miniature golf courses, miniature railroads, merry-go-rounds and other mechanical rides.
  - (6) Open sales lots, ancillary to a permitted or special use.
  - (7) Riding academies and public stables.
  - (8) Taverns.
  - (9) Theaters and automobile drive-in theaters.
  - (10) Trailer sales.
  - (11) Electronic game rooms.
  - (12) Billiards/pool halls.

- (13) Shopping plazas.
- (14) Shopping centers.
- (15) Retail and wholesale sales and display rooms and distribution facilities.
- (16) Indoor children's recreational and party facility.
- (17) Landscape waste transfer station, provided:
  - (a) The use shall not be located in conjunction with a greenhouse, landscape nursery, garden supply, landscape contractor or other such use on the same site.
  - (b) The site shall be located not less than 500 feet from any existing residential property, as measured from the lot line to lot line.
  - (c) The operator shall have obtained all required permits, licensing and certifications required by the Illinois Environmental Protection Agency to operate a landscape waste transfer station.
  - (d) The use may include accessory uses that are judged ancillary and customary to the operation of a landscape waste transfer station, such as outdoor storage of supplies and equipment, onsite equipment maintenance and repair, and above-ground fuel storage.
- (18) Automobile and Commercial Vehicle Fueling Plaza.

(D) *Floor area ratio.* Not to exceed 0.6.

(E) *Lot area.* The net land for each business establishment shall be not less than 20,000 square feet.

(F) *Off-street parking and off-street loading.* In accordance with applicable regulations as set forth in Article 13 of this Zoning Code.

(G) *Yards.*

(1) Front yards: not less than 100 feet in depth.

(2) Side yards:

(a) Interior side yards shall not be required, unless the lot is adjacent to a residential property.

(b) If a lot is adjacent to a residential property, a 25-foot side yard is required, and the yard must be landscaped and screened in such a manner so as to create an

effective buffer between the business and residential uses. An access drive may occupy up to half of the required side yard, if screening is provided.

(c) If a side lot line abuts a public alley, then the depth of the required side yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential use, screening must be provided.

(d) If a side yard adjacent to a residential property is less than 40 feet in width, a solid wall or solid fence shall be provided along the property line. Such fence or wall shall be uniformly painted, and shall comply with the requirements of the village Fence Code (Chapter 6, Article 12).

(e) Corner lots. A side yard adjoining a street shall be in accordance with regulations herein for a front yard.

(3) Rear yards: not less than 40 feet in depth. If a lot is adjacent to a residential property, the yard must be landscaped and screened in such a manner so as to create an effective buffer between the business and residential uses. If a rear lot line abuts a public alley, then the depth of the required rear yard may be reduced by an amount equal to one-half of the right-of-way width of such alley. If such alley is adjacent to a residential use, screening must be provided.

(H) *Required conditions.* Except as may otherwise be granted by special use, all business, service, repair or processing, storage or merchandise display shall be conducted wholly within an enclosed building or behind a uniformly painted solid fence conforming to the village Fence Code 9 (Chapter 6, Article 12), except for establishments of the drive-in type offering goods or services directly to customers seated in passenger vehicles, and off-street parking and loading.

(I) *Spacing between buildings.* Spacing between two or more detached buildings on a lot shall be as approved by the Village Board of Trustees. (Am. Ord. 93-07-60, passed 7-13-93; Am. Ord. 93-11-97, passed 11-9-93; Am. Ord. 2002-09-59, passed 9-16-02)

#### **§ 16-9-5 B-4 OFFICE, RESEARCH AND INSTITUTIONAL BUILDING DISTRICT.**

(A) *Intent.* The office, research and institutional building district is designed to accommodate office uses, office sales uses, and certain basic services.

(B) *Permitted uses.* The following regulations shall apply in all B-4 districts and no building, structure or premises, except as otherwise provided in this Chapter, shall be erected, altered or used except for one or more of the following uses:

- (1) Any of the following office uses: Executive, administrative, professional, such as accounting, writing, clerical, stenographic, drafting and sales subject to the limitations contained below.
- (2) Medical offices, including clinics.

- (3) Banks, credit unions, savings and loan associations and similar uses.
- (4) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
- (5) Personal service establishments, including barbershops, beauty shops and health salons.
- (6) The warehousing and printing of books, pamphlets and other periodicals when carried out in conjunction with an adjacent office use.
- (7) Temporary permitted use: carnival, in compliance with §10-2-12.

(C) *Special uses.* An accessory use customarily related to a principal use authorized by this section, such as a pharmacy, stores limited to corrective garments or bandages, or an optical company may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.

- (1) Planned unit developments in accordance with provisions of this Chapter.
- (2) Research laboratories.
- (3) Total senior life care facilities.
- (4) Regional religious institution.
- (5) Full-time school as an ancillary use to the principal use of regional religious institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code. (Ord. 2006-09-49, passed 9-5-06)
- (6) Retail sale of used or donated household items for fundraising purposes as an ancillary use to the principal use of regional religious institution, provided that parking is provided in accordance with requirements of §16-13-3 of this Code. (Ord. 2006-09-49, passed 9-5-06)
- (7) Union halls and training facilities.
- (8) Medical cannabis dispensing organization.

(D) *Required conditions.*

(1) No interior product or service display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and

the floor space set aside for persons observing the displayed objects, shall not exceed 15% of the usable floor area of either the first or second story, or the basement.

(2) The outdoor storage of goods or material shall be prohibited.

(3) Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.

(E) *Floor area ratio.* Not to exceed 0.6.

(F) *Lot area.* As in the B-1 district.

(G) *Off-street parking and off-street loading.* In accordance with regulations as set forth in Article 13 of this Zoning Code.

(H) *Yards.* As in the B-1 district.

(Am. Ord. 99-02-08, passed 2-1-99; Am. Ord. 2006-09-49, passed 9-5-06)

# ARTICLE 10: INDUSTRIAL DISTRICT

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## Section

16-10-1	General requirements
16-10-2	I Industrial District
16-10-3	R&D Research and Development District

### § 16-10-1 GENERAL REQUIREMENTS.

(A) No lot, parcel, or tract of land shall be used, and no building or structure shall be erected, altered or remodeled for any of the following uses or uses similar thereto: Abattoirs, arsenals, crematories, creosote treatment or manufacture; fat rendering, fertilizer manufacture; fireworks or explosive manufacture or storage; dumping reduction or other processing of garbage, dead animals, offal or refuse, except as customarily incidental to a permitted principal use; ore reduction, petroleum processing or refining, pyroxylin manufacture, natural or synthetic rubber, caoutchouc, or gutta percha manufacture or treatment; salt works, sauerkraut manufacture, soap manufacture, shelters; stockyard or slaughter of animals or fowl; tallow, grease, or lard manufacture, or treatment; tanning, curing or storage of rawhides or skins; tar distillation or manufacture; or cement, concrete or asphaltic concrete mixing plants.

(B) No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted except such as are specifically licensed by the village, or are used as customarily incidental to the operation of a principal use in such quantities, and in a manner conforming with applicable performance standards set forth hereafter. Such materials shall include, but shall not be confined to: all primary explosives such as lead oxide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDS, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrantes, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, perchloric acid, perchlorates, chlorates, hydrogen peroxide in concentrations greater than 35%; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium.

(C) Unless specifically permitted, all business, processing, storage and all other activities and operations shall be conducted within completely enclosed buildings. If permitted as a special use such operation or activity shall be screened by a fence. See the village Fence Code for further regulations (Chapter 6, Article 12).

(D) Performance standards: Any use established in the industrial district which involves the manufacture, production, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods or products shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards,

vibration, radiation, or glare or heat for the district in which such use shall be located; and no use already established on the effective date of this Chapter shall be so altered or modified as to conflict with, or further conflict with, applicable performance standards for the district in which such use is located.

(1) *Noise.* Each land use must conform to the standards set forth from time to time by the state Environmental Protection Agency. Such standards shall include, but not be limited to, the requirements as outlined in the publication entitled State of Illinois Noise Pollution Control Regulations, dated August 9, 1973, as amended.

(2) *Vibration.*

(a) In the industrial district, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values given below. Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below:

Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted. For the purpose of this Chapter, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 100 per minute. Discrete impulses which do not exceed 100 per minute shall be considered impact vibrations.

(b) The maximum permitted displacements shall be determined in each district by the following formula:

$$D = K \div f$$

D = Displacement in inches

K = A constant to be determined by reference to the following tables

f = The frequency of the vibration transmitted through the ground expressed in cycles per second

(c) The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding division (D)(2)(b) and the appropriate K constant shown in Table 1.

**Table 1**

Values of K to be used in Vibration Formula:

<i>Location</i>	<i>K</i>
In any neighboring lot:	
Steady state.....	0.008
Impulsive.....	0.015
Less than 8 pulses per 24 hour period.....	0.037
In any residence district:	
Steady state .....	0.003
Impulsive.....	0.006
Less than 8 pulses per 24 hour period.....	0.015

(3) *Smoke and particulate matter.* Each land use must conform to the standards set forth from time to time by the state Environmental Protection Agency. Such standards shall include, but not be limited to, the standards adopted by the state Air Pollution Control Board, dated April 14, 1972, as amended, entitled State of Illinois Air Pollution Control Regulations.

(4) *Toxic matter.* Each land use must conform to the standards set forth from time to time by the state Environmental Protection Agency. Such standards shall include, but not be limited to, the standards adopted by the state Air Pollution Control Board.

(5) *Odorous matter.* Each land use must conform to the standards set forth from time to time by the state Environmental Protection Agency. Such standards shall include, but not be limited to, the standards adopted by the state Air Pollution Control Board, dated April 14, 1972, as amended, entitled State of Illinois Air Pollution Control Regulations.

(6) *Fire and explosion hazards.*

(a) Detonable materials: in accordance with village Ordinance No. 384, passed November 13, 1973, as amended.

(b) Flammable solids:

1. In the industrial district, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted, provided that all village building codes and fire prevention codes are complied with.

2. In the industrial district, the storage, utilization, or manufacture of solid materials or products ranging from free to active burning to intense burning is permitted, provided that all village building codes and fire prevention codes are complied with.

(c) Flammable liquids and gases: the storage of flammable liquids shall be permitted only in accordance with village Ordinance No. 384, passed November 13, 1973, as amended. Below ground gas storage tanks shall not exceed a total storage capacity of 50,000 gallons.

(7) *Glare.*

(a) In the industrial district, any operation or activity producing glare at night shall be conducted so that direct and/or indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half foot candle when measured in the residence district.

(b) Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines. When street lighting produces illumination in excess of one foot candle at any point in the residence district, the contribution by light sources from within the industrial district measured at the same point shall not exceed 50% of the street lighting.

(8) *Radiation hazards.*

(a) Release outside property lines: in the industrial district, the release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations as set forth from time to time by the state, as published in Rules and Regulations for Prevention of Radiation Hazards, adopted April 18, 1961, as amended.

(b) Unsealed radioactive materials: in the industrial district, unsealed radioactive materials shall not be manufactured, utilized, or stored except when such materials are stored in a fireproof and radiation proof container at or below ground level.

(9) *Water pollution.* Each land use must conform to the standards set forth from time to time by the state Environmental Protection Agency. Such standards shall include, but not be limited to, the requirements as published in the pamphlet entitled Water Pollution Regulations of Illinois, dated March 7, 1972, as amended.

**§ 16-10-2 I INDUSTRIAL DISTRICT.**

(A) *Permitted uses.*

(1) Any establishment, the principal use of which is an office use or the manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, researching or testing of materials, goods, or products, and accessory office uses directly incidental thereto, provided that such operations conform with performance standards, and other regulations set forth in §16-10-1.

- (2) Temporary permitted use: carnival, in compliance with §10-2-12.
  - (3) Sexually oriented businesses in compliance with Article 19 of the Village Zoning Code.
  - (4) Temporary outdoor demonstrations and exhibitions of merchandise to be located on the same zoning lot and in conjunction with the permanent use found on the lot; such display or sale shall be for a maximum of ten days and no more than twice during any calendar year.
  - (5) Indoor kennel and boarding facility.
  - (6) Photography studios, commercial, including ancillary services normally provided.
- (B) *Special uses.*
- (1) Automobile laundries.
  - (2) Auto service stations.
  - (3) Building material sales and storage.
  - (4) Buildings or structures exceeding 50 feet in height.
  - (5) Cartage, express and parcel establishments.
  - (6) Contractor's office and shops.
  - (7) Garages and parking lots for motor vehicles not incidental to a permitted use.
  - (8) Greenhouses and nurseries.
  - (9) Medical and rehabilitation facility.
  - (10) Mini-Warehouses. Special conditions are as follows:
    - (a) Floor area ratio not more than 0.5.
    - (b) Aisle width not less than 28 feet.
    - (c) Prohibited storage items or uses:
      1. Flammable liquids.
      2. Highly combustible or explosive materials.

3. Hazardous chemicals.
  4. Garage sales.
  5. Retail business activities.
  6. Servicing or repair of motor vehicles and equipment.
  7. Outside storage of any kind.
- (d) A minimum of two points of ingress and egress shall be provided to a mini-warehouse site.
  - (e) Multiple buildings are allowed.
  - (f) An on-site manager office/living quarters is allowed.
- (11) Motor freight terminals.
  - (12) Motor vehicle and equipment sales and service.
  - (13) Municipal or privately owned recreation building.
  - (14) Outdoor activities and operations.
  - (15) Planned unit development, in accordance with provisions of Article 16 of this Zoning Code.
  - (16) Public open space.
  - (17) Public service and utility uses.
  - (18) Radio and television towers.
  - (19) Restaurants, including the sale of liquor in conjunction therewith.
  - (20) Retail sales as an ancillary use to the principal industrial use, provided that a parking ratio of 1:250 square feet of floor area is established for each use.
  - (21) Meat processing, packaging, storage and warehousing.
  - (22) Union halls and training facilities
  - (23) Dance studios.
  - (24) Equipment and machinery rental operations.

(25) Towing operation, including a screened, temporary outdoor vehicle storage area.

(26) Medical cannabis cultivation center.

(C) *Floor area ratio.* Not more than 0.8.

(D) *Minimum lot size.* One acre.

(E) *Front yards.*

(1) Front yard width shall be not less than 75 feet.

(2) Front yard building setback shall be:

(a) 60 feet from the right-of-way line of any existing or proposed street having a right-of-way width of 80 feet or more.

(b) 40 feet from the right-of-way line of any existing or proposed street having a right-of-way width of less than 80 feet.

(3) The storage of building, construction, manufacturing material and equipment and the parking of trucks shall not be permitted in any front yard or side yard adjoining a street.

(4) The front yard shall be kept clear of all structures, except as permitted in § 16-12-2(C).

(F) *Side yards.*

(1) Two side yards, neither of which is less than ten feet wide, except a side yard adjoining a lot in a residence district shall be not less than 70 feet wide and a side yard abutting a street shall be not less than 40 feet wide, except when the side yard is across the street from a residence district, not less than 60 feet wide. If a side yard is adjacent to a residential property, it shall be landscaped and screened in such a manner so as to create an effective buffer between the industrial and residential uses.

(2) Corner lots. A side yard adjoining a street shall be in accordance with regulations herein for a front yard.

(G) *Rear yards.* Rear yard widths shall not be less than 75 feet. Rear yard depths shall not be less than 20 feet. If a rear yard is adjacent to a residential property, it shall be landscaped and screened in such a manner so as to create an effective buffer between the industrial and residential uses.

(H) *Yards, general.*

(1) Increased setbacks: front, side and rear yards as required above shall be increased by one foot for each one foot of building height in excess of 25 feet.

(2) Landscaping and maintenance: all lot and parkway areas not covered with buildings, parking lots, drives or sidewalks shall be covered with turf, plant material or other permanent forms of landscaping, which shall be maintained

(I) *Regulations along district boundaries.*

(1) There shall be no storage yards or buildings within 100 feet from the center line of the right-of-way of a road separating the industrial district from a residential district. If no street exists, the setback shall be the distance between principal residential buildings and the land use or structure mentioned above. However, where no residential structures exist or are located farther than 100 feet from the industrial property line, the normal setbacks and yard requirements as outlined elsewhere in this Chapter shall apply.

(2) In the case where property surrounding an industrial district is currently zoned residential either in the county or the village, but the adopted future land use plan shows a proposed compatible land use, the setback and yard requirements shall be as set forth elsewhere in this Chapter.

(J) *Off-street parking and off-street loading.* In accordance with regulations as set forth elsewhere in this Chapter.

(K) *Height of buildings and structures.* No building or structure within the industrial district shall exceed 50 feet in height, except upon the granting of a special use permit by the Village Board. (Am. Ord. 90-12-101, passed 12-11-90; Am. Ord. 91-02-12, passed 2-26-91; Am. Ord. 91-03-22, passed 3-26-91; Am. Ord. 91-06-42, passed 6-11-91; Am. Ord. 94-05-46, passed 5-24-94; Am. Ord. 94-06-52, passed 6-14-94; Am. Ord. 94-11-98, passed 11-21-94; Am. Ord. 95-01-02, passed 1-3-95; Am. Ord. 99-05-30, passed 5-17-99; Am. Ord. 2000-10-79, passed 10-2-00; Am. Ord. 2002-12-75, passed 12-16-02)

**§ 16-10-3 R&D RESEARCH AND DEVELOPMENT DISTRICT.**

(A) *Intent.*

(1) The R&D Research and Development District is intended to provide for innovative, well-designed and maintained facilities along the North Avenue corridor in an environment that is characterized by extensive setbacks and yard areas, imaginative landscaping and high-quality architecture, that will provide screening and landscaping necessary to create a proper relationship with adjacent residential and non-residential areas, and that is suitable for corporate headquarter facilities that have a mix of office, training, research, production, warehouse, and ancillary uses.

(2) The term **PRODUCTION**, as used herein, is intended to include such activities as the fabricating, processing, assembly, packaging, repairing, storing, cleaning, compounding, distillation, testing, treatment and/or servicing of materials, goods or products in a clean environment.

(3) Production uses that have the potential to cause undesirable adverse impacts to the environment in the form of noise, air or water pollution, such as metal processing (i.e., forging, stamping, casting, electrolytic plating) and chemical products (i.e., polishing, ink or inked ribbon, soap, washing or cleaning, preserving), are considered unacceptable and shall not be allowed.

(4) The facilities will have a higher percentage of office area dedicated to administrative, training, and/or research functions as compared to a typical industrial facility.

(a) Large, architecturally coordinated buildings are encouraged.

(b) Activities within the R&D District shall be limited to ensure that the high quality of the environment shall be maintained within the district and the surrounding residential districts that may abut.

(B) *Permitted uses.*

(1) No allowable use in the R&D District is designated as permitted.

(2) All of the allowable uses in the R&D District are designated as special uses as listed in §16-10-3(C) below.

(C) *Special uses.*

(1) General R&D uses.

(a) **MIXED USE FACILITY.** Any establishment, the principal use of which has a mix of uses that include office, training, research and development, production, and/or warehousing uses, provided that such operations conform with performance standards and other regulations set forth in §16-10-1 of this Zoning Code. Any establishment whose principal use is warehousing shall not be considered a **MIXED USE FACILITY** and shall not be allowable in the R&D District.

(b) Research, engineering, and testing laboratories.

(c) Offices.

(d) Outdoor activities and operations as an ancillary use to the principal research and development use.

(2) Service R&D uses.

(a) Banks and financial institutions.

- (b) Day care centers, pre-school learning centers, and nursery schools.
  - (c) Hotels.
  - (d) Immediate care medical facilities.
  - (e) Restaurants, including the sale of liquor in conjunction therewith.
  - (f) Retail sales as an ancillary use to the principal research and development use.
- (3) Public R&D uses.
- (a) Public open space.
  - (b) Public service and utility uses.
- (4) Conditions.

(a) Any special use granted within the R&D Research and Development District shall be by ordinance.

1. The ordinance shall contain such conditions as are necessary to ensure that the facilities associated with the special use, as proposed, are constructed in accordance with the submissions presented at the time that the ordinance is adopted.

2. The ordinance shall provide the extent to which the construction shall conform to those attachments made a part of the special use ordinance, which shall govern the nature of the development.

(b) Typically, the facilities associated with a special use shall be required to be constructed and operated in "substantial accordance" with the plan submitted.

(c) In certain instances, the extent of conformity to the submitted plans may be subjected to a higher or lower standard.

(d) The documents to be attached, relating to the conditions to be imposed on the special use, will typically include a site plan, architectural renderings, a landscaping plan and, in some cases, interior design elements and a traffic and pedestrian flow plan.

(e) Other plans may be required, depending on the nature of the special use requested.

(f) No development may take place on the property except for that authorized in the ordinance.

(D) *Floor area ratio.* Not to exceed 0.5.

(E) *Lot area.*

(1) General R&D uses. The minimum lot area for general R&D uses shall not be less than five acres.

(2) Public and service R&D uses. The minimum lot area for public and service R&D uses, which are not ancillary to a general R&D use, shall not be less than two acres.

(F) *Off-street parking and off-street loading.*

(1) Off-street parking and off-street loading shall be in accordance with applicable regulations, as set forth in Article 13 of this Zoning Code.

(2) Trucks and semi trailers shall not be parked or stored out-of-doors overnight, in the parking lot or on the premises, except within an enclosed loading dock or garage, or within a walled sight screen enclosure, screened from view from public ways and residential properties, open to the sky, constructed of the same masonry exterior materials as the principal building, and equal in height to the height of the first floor of the principal building. However, temporary parking overnight, not to exceed one business day, may be permitted for delivery vehicles that arrive after normal business hours.

(G) *Yards.*

(1) Front yards: not less than 80 feet.

(2) Side yards: not less than 75 feet when adjacent to non-residential property, and not less than 100 feet when adjacent to residential property. If a side yard is adjacent to a residential property, it shall not contain off-street parking or loading facilities, and must be landscaped and screened in such a manner so as to create an effective buffer between the industrial and residential uses.

(3) Side yards adjoining a street: not less than 80 feet.

(4) Rear yards: not less than 75 feet when adjacent to non-residential property, and not less than 100 feet when adjacent to residential property. If a rear yard is adjacent to a residential property, it shall not contain off-street parking or loading facilities, and must be landscaped and screened in such a manner so as to create an effective buffer between the industrial and residential uses.

(5) Landscaping and maintenance: all lot and parkway areas not covered with buildings, parking lots, drives or sidewalks shall be covered with turf, plant material or other permanent forms of landscaping, which shall be maintained.

(H) *Building height.* No building shall exceed four stories, nor shall it exceed 45 feet in height, except that where any building located on a property adjacent to a residential district exceeds 25 feet in height, the yard requirements adjacent to the residential properties shall be increased by ten feet for each foot of building height over 25 feet.

(I) *Required conditions.*

(1) *Minimum office space.* In mixed use facilities, a minimum of 20% of the total area of any building space used by a single business shall be office area dedicated to administrative, training, and/or research functions.

(2) *Landscape buffer.*

(a) A landscape buffer of a minimum width of 100 feet shall be provided adjacent to residential property.

(b) This buffer shall contain a continuous berm (minimum eight foot in height), evergreen trees (minimum six foot in height) at an amount equal to 30 feet on center, deciduous trees (minimum 2½-inch caliper) at an amount equal to 30 feet on center, and shrubs (minimum three foot in height) at an amount equal to six feet on center.

(J) *Architectural design.* This division provides architectural regulations and guidelines to the Plan Commission/Zoning Board of Appeals, village staff, and owners and occupants of land within the R&D District.

(1) Multi-tenant, mixed-used developments shall be constructed with compatible materials and design characteristics, including building material, roof lines, color and landscaping.

(2) Attempts should be made to design improvements to be compatible with the existing built and natural environments. New materials should be the same or complement existing materials.

(3) Monotony shall be avoided within projects and between a project and its surroundings.

(a) Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, height, roof-line and setback.

(b) Facades of buildings shall incorporate such design features as changes in materials, color, fenestration, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the building and its views from public ways.

(4) The following materials shall not be used in any front facade or side facade:

(a) Unfinished, pre-cast concrete or unfinished, poured-in-place concrete;

(b) Fabricated metal covering more than 25% of the visible wall area.

(5) The following materials shall not be used on any part of a building:

(a) Materials with no proven record of durability or ease of maintenance in the intended application;

(b) Materials or construction methods used for one aspect or portion of a project that are significantly lower in quality than those used for the balance of that project, such that this one aspect or portion is or rapidly becomes an eyesore or detriment to the project as a whole.

(6) Building designs and configurations that tend to catch and accumulate trash, leaves and dirt shall be avoided. In addition, provisions for washing and cleaning buildings, other structures and building grounds shall be considered and included in the design.

(7) All building components, such as windows, doors, eaves, soffits and parapets, shall be in proportion with the facade of the building and shall relate well with one another.

(8) Mechanical equipment, satellite dishes and other utility hardware, whether located on the roof or exterior of the building or on the ground adjacent to it, shall be screened from view from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter, or they shall be located so as not to be visible from any public ways.

(a) Use of parapet walls or pitched roof elements to screen equipment is encouraged.

(b) In no case shall wooden fencing be used as a rooftop equipment screen.

(9) Screening of approved service yards, refuse and waste-removal areas, loading docks, truck-parking areas and other places that tend to be unsightly shall be accomplished by use of walls, fencing, dense planting, or any combination of these elements. Screening shall block views from public ways and residential properties, and shall be equally effective in winter and summer. (Ord. 2000-01-07, passed 1-17-00; Am. Ord. 2002-11-72, passed 11-18-02)

## ARTICLE 11: AGRICULTURAL DISTRICT

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### Section

- 16-11-1 Purpose
- 16-11-2 A Agricultural District

#### § 16-11-1 PURPOSE.

The long-range goal for agricultural land use in the village is to preserve the most valuable of all natural resources that of fertile land for agricultural pursuits and to protect the land best suited for farming from premature urbanization. The agricultural district regulations are, therefore, designed to regulate the use of land and structures within the areas of the village where soil and topographic conditions are best adapted to the pursuit of agriculture and utilization of other natural land resources, and preservation of land for future non-agricultural uses. It is essential that open areas be maintained for future private, semipublic or public uses requiring large sites that will be required as expansion of, or complementary to, increasing urbanized development of the village.

#### § 16-11-2 AN AGRICULTURAL DISTRICT.

- (A) *Permitted uses.* The following uses are permitted:
- (1) Agriculture. An area which is used specifically for the purpose of producing crops, livestock, poultry, or dairy products. Structures and land uses for the pursuit of agriculture are not subject to the regulations of this Chapter, except farm structures and uses established after the effective date of this Chapter shall conform with the applicable setbacks as herein established.
  - (2) Railroad rights-of-way.
  - (3) Public utilities.
  - (4) Accessory uses.
    - (a) Those customarily accessory to the pursuit of agriculture, provided that permanent structures for the shelter of livestock, poultry, and other farm animals shall be located not less than 100 feet from a lot line.
    - (b) Roadside stands for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than 600 square feet of floor area. Each roadside stand shall have facilities approved by the Director of

Community Development for vehicular ingress and egress, and adequate off-street parking.

- (5) Temporary permitted use: carnival, in compliance with §10-2-12.

(B) *Lot size.*

(1) Existing residential use. A subdivision for the purpose of the sale or transfer of ownership of one lot, or one single-family dwelling, which contains an existing residential structure, shall be allowed upon a zoning lot of at least 30,000 square feet in area, provided that all other requirements of this Chapter are complied with.

(2) Non-farm residence. Every one-family detached dwelling hereafter erected shall be located on a zoning lot having an area of not less than five acres, and a width at the established building line of not less than 300 feet. All or part of the zoning lot may be devoted to permitted agricultural uses. There shall be only one dwelling on a zoning lot.

(C) *Building setback line.* Every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

(1) Primary thoroughfares: 60 feet from the property line or 110 feet from the center line of the right-of-way, whichever distance is greater.

(2) Collector thoroughfares: 50 feet from the property line or 90 feet from the center line of the right-of-way, whichever is greater.

(3) All other streets: 50 feet from the property line or 80 feet from the center line of the right-of-way, whichever is greater.

(D) *Side yards.* Each building hereafter erected or remodeled shall have a side yard on each side of each building of not less than ten feet.

## ARTICLE 12: SUPPLEMENTAL DISTRICT REGULATIONS

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### Section

16-12-1	Accessory buildings, structures and uses
16-12-2	Permitted yard obstructions
16-12-3	Performance standards
16-12-4	Sales or construction trailers, automobiles, recreational vehicles, and mobile homes
16-12-5	Use of model homes
16-12-6	Home occupations

### § 16-12-1 ACCESSORY BUILDINGS, STRUCTURES AND USES.

(A) Accessory buildings, structures and uses shall be compatible with the principal use and shall not be established prior to the establishment of the principal use, and unless accessory to an agricultural use, such use shall not include the keeping, propagation or culture of pigeons, poultry, rabbits, bees or livestock, whether or not for profit.

(B) Radio or broadband telecommunications poles, towers and antennae, not more than 55 feet in height above ground, shall be permitted as accessory or detached structures on lots in any district. Such structures shall not be placed in a position as to present a hazard to any utility lines. Such structures shall be further regulated as follows:

(1) Antenna structures or parabolic dish antenna structures shall not be located in any front or side yards adjoining a street and shall be constructed and maintained in compliance with the manufacturer's specifications.

(2) No parabolic dish antenna structure in excess of three feet in diameter shall be mounted on or over, bracketed or guyed to any principal building or structure.

(3) No dish antenna located upon a roof may exceed five feet in height as measured vertically from the roof which supports it to the top of the antenna or dish when positioned for operation.

(4) All portions of the dish antenna, in any orientation to the sky, must meet the minimum side and rear yard building setback requirements for the lot on which it is placed and shall be at least ten feet from any property line with no part of any antenna, wire, cable or guy wire crossings or extending over or beyond any property line.

(5) The location of a dish antenna in excess of three feet in diameter for a roof mounted antenna or ten feet in diameter for a ground mounted antenna in any residential, business or industrial district shall be subject to the granting of a variation by the Zoning Board of Appeals after a public hearing thereon.

(6) The village shall assume no liability in case of personal injury or property damage arising in connection with or as a result of the erection, placement or maintenance of any antenna.

(7) A minimum of 50% of the area around the dish must be planted in landscape material which is at least one-half as tall as the overall height of the dish antenna.

(8) The ground mounted dish antenna shall be as near to the rear of the house on which it shares a lot as possible.

(9) No more than one dish antenna shall be allowed on a lot of one acre or less.

(C) Except as otherwise regulated herein, an accessory building, structure or use hereafter established, erected, altered, enlarged or moved on a lot shall conform with the following:

(1) *Height.* No residential accessory building, including detached garages, shall be more than one story, or 15 feet in height in accordance with the definition of building height set forth elsewhere in this code, except as follows: no shed or storage building for garden equipment and household items accessory to residential structures shall be more than one story, nor more than 13 feet in height at its highest elevation. The height of a shed or storage building specified herein shall be the maximum height allowable, notwithstanding the definition of building height set forth elsewhere in this code.

(2) *Location.* An accessory building or structure, either detached from or attached to the principal building, shall not be located in a front yard, interior side yard, or side yard abutting a street except for permitted obstructions as set forth elsewhere in § 16-12-1(C)(3) and § 16-12-2(C). Above-Ground Service Facilities shall be located in accordance with the regulations contained in §16-5-7.

(3) *Setbacks.*

(a) A detached accessory building or structure, including sheds, gazebos, detached decks, swimming pools, detached garages and storage buildings, shall not be located closer than five feet to the interior side or rear lot line.

(b) On a reverse corner lot, a detached accessory building or structure may be located not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line, and not nearer to the side street line than the required front yard on such a lot adjoining the rear lot line.

(c) Gazebos, outdoor fireplaces, playground equipment, sheds, storage buildings, swimming pools, patios, decks and terraces may be located within a side yard adjacent to a street, not less than 15 feet from the lot line adjacent to the street, if the yard is enclosed with an allowable solid fence a minimum of four feet in height.

(4) *Service walks.* Service walks shall be permitted on residential properties without a permit where they are no wider than four feet at any point and set back a minimum of one foot from any side or rear property line. When located parallel to a driveway, a service walk may be located adjacent to the driveway and shall not be considered part of the driveway for the purpose of determining driveway width. Service walks shall not be located within the public right-of-way except to connect to a public sidewalk.

(5) *Easements.* With the exception of fences and driveways, no accessory structures shall be permitted to be located within any public utility or drainage easement unless written authorization is provided by the applicable utility companies and the village.

(D) *Criteria for single-family residential driveways.* A paved driveway from the property line to legal, onsite parking shall be provided. The location and width of the driveway shall be in conformance with the following criteria.

(1) *Limit of one.* No more than one driveway and one curb cut shall be permitted for each single-family residential lot, except in the case of a circular driveway in conformance with the standards and requirements as provided herein.

(2) *Configuration.* The driveway shall be essentially perpendicular to the street pavement and the principal structure to the extent possible, shall lead to legal parking such as a garage, carport or parking pad, and shall not extend across the front of the principal structure by more than three feet. The driveway may widen from the width at the property line to the maximum allowable width as specified below, provided it does not widen at a rate greater than one foot of width for each one foot of length.

(a) For a property improved with a home having a one-car wide garage, or a home that originally was built with a one-car wide garage and for which home the garage has been converted to living space, or a home with no attached garage, the driveway may be widen to a maximum width of 20 feet, subject to all other design criteria in this Section.

(b) For a property improved with a home having a two-car wide garage, or a home that was originally built with a two-car garage and for which home the garage has been converted to living space, the driveway may widen to a maximum width of 30 feet, subject to all other design criteria in this Section.

(3) *Location.* The driveway shall be set back a minimum of one foot from any side property line.

(4) *Width at the property line.* Driveway width shall at the property line not exceed requirements as set forth herein.

(a) Leading to one or two parking spaces or a one- or two-car garage, or a combination of a parking space and a one-car garage, the maximum driveway width is 20 feet.

(b) Leading to three parking spaces or a three-car garage, or a combination of a parking space and a two-car garage, the maximum driveway width is 30 feet, provided the width of the lot is no less than 80 feet, as measured at the building line.

(c) Leading to greater than three parking spaces or greater than a three-car garage, the maximum width is 30 feet, as measured at the property line, provided the width of the lot is no less than 80 feet, as measured at the building line. The driveway may widen to the combined width of the parking spaces and garage, even if greater than 30 feet, provided it does not widen at a rate greater than one foot of width for each one foot of length. (Ord. 2008-11-61, passed 11-17-08)

(5) Circular driveways.

(a) Location. A lot having a width of 90 feet or more, measured at the front lot line, and in which the circular driveway is to be located, may have a circular driveway with two curb cuts located in the actual front yard.

(b) Driveway width. The access driveway leading most directly to the garage or parking area shall not exceed 20 feet in width, and the secondary access driveway shall not exceed ten feet in width, measured at the property line. (Am. Ord. 92-04-42, passed 4-28-92; Am. Ord. 93-09-83, passed 9-28-93; Am. Ord. 2002-08-49, passed 8-19-02; Am. Ord. 2007-03-11, passed 3-19-07)

(E) Smoking shelters shall be permitted as accessory or detached structures on lots in any district. Such structures shall be further regulated as follows:

(1) The smoking shelter must comply with all requirements of the Village Building Code and Fire Code.

(2) The service and/or consumption of drinks or food in the smoking shelter is strictly prohibited.

(3) The smoking shelter must be located in a rear yard or interior side yard only, and must conform with the location requirements for accessory structures as set forth in this Article.

(4) The smoking shelter must be constructed on a suitable, hard surface, and must be securely anchored.

(5) The floor area of the smoking shelter must be no larger than 150 square feet.

(6) The smoking shelter must be located no closer than 15 feet from any entrance, exit, open window or ventilation intake that serves as enclosed area in which smoking is prohibited.

(7) The smoking shelter must have at least one permanently clear opening that is not less than 80 inches in height and 60 inches in width.

(8) The smoking shelter may utilize outdoor lighting and electrical heating fixtures in accordance with the requirements of the Carol Stream Electrical Code and Fire Code. The smoking shelter must not contain any other electrical devices nor any mechanical devices, such as televisions or generators.

(9) Temporary smoking shelters must meet the requirements of the Section, and also shall be subject to the regulations of §16-5-5.

(10) Smoking shelters located within the Gary Avenue or North Avenue Corridors must meet the requirements of §16-5-6.

(F) *Donation drop boxes.* Are permitted as accessory structures in the B-1, B-2 and B-3 Zoning Districts or on properties primarily occupied by an educational, religious, governmental or charitable use. The boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. Donation drop boxes shall be further regulated as follows:

(1) No more than two donation drop boxes are allowed on a zoning lot less than two acres in size. No more than three boxes are allowed on a zoning lot equal to or greater than two acres in size.

(2) All donation drop boxes on any given lot shall be located adjacent to one another.

(3) Each box shall not exceed seven feet in height and twenty-five square feet in ground area.

(4) Boxes shall be located on an asphalt or concrete paved surface.

(5) Boxes shall not be located in a driveway or drive aisle, and shall not reduce the width of paved clear space for the passage of pedestrians to less than five feet. Boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.

(6) Boxes shall not be located nearer than 40 feet from an adjoining lot in a residential zoning district.

(7) Boxes shall not be located nearer than 20 feet from the right-of-way line of any street other than Gary Avenue or North Avenue.

(8) Boxes shall not be located nearer than 30 feet from the right-of-way line of Gary Avenue or North Avenue.

(9) Boxes shall not be located nearer than five feet from a fire hydrant or fire protection system connection.

(10) Boxes shall not occupy or otherwise inhibit the use of any parking spaces required to meet the parking space requirements for the uses on the property.

(11) Signage on a donation drop box must pertain only to the owner/operator of that box.

(12) Donation drop boxes are permitted to be located within the Gary Avenue or North Avenue Corridors, and are not subject to the review and approval procedures specified in §16-5-6(N). However, donation drop boxes located within the Gary Avenue or North Avenue Corridors shall be located so as not to be visible from any public ways, or shall be screened from view so as not to be visible from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter.

(13) A notice must be permanently affixed to each box in a highly visible location prohibiting the placement of items outside of the box. The name and 24-hour telephone number of the owner/ operator must be permanently affixed to each box.

#### **§ 16-12-2 PERMITTED YARD OBSTRUCTIONS.**

(A) All obstructions must conform to the standards set forth in all applicable village ordinances and codes, including but not limited to the Sign, Building, Fence and Electrical Codes.

(B) *Sight triangle.* On corner lots, within that part of a yard, courtyard, or other open area located with a triangular area of 25 feet from the point of intersection of the two street rights-of-way lines forming the corner lot, no buildings, structures or shrubs herein permitted as obstructions in front yards or side yards adjoining a street shall be erected, altered or planted which have a height more than 30 inches above the crown of the street, except that trees and shrubs planted in this area shall be maintained in a manner that trees shall not have branches lower than eight feet and shrubs shall not be higher than 30 inches at maturity.

(C) Yard obstructions, as herein defined, shall be permitted in accordance with the following standards as contained in the Table of Permitted Yard Obstructions, except where such obstructions would encroach upon the required sight triangle on corner lots or upon easements, or adversely affect drainage. Unless regulated in the following table, yard obstructions for properties containing uses other than single-family residential shall be permitted in accordance with the regulations set forth elsewhere in this Chapter.

**Table of Permitted Yard Obstructions**

F - Denotes permitted obstructions in front yards and side yards adjoining streets.  
 S - Denotes permitted obstructions in interior side yards.  
 R - Denotes permitted obstructions in rear yards.  
 C - Denotes permitted obstructions in courtyards.

1. Above-ground service facilities. * See §16-5-7.	*	*	*	*
2. Air conditioning equipment, which shall project no more than four feet into a required yard. * Air conditioning equipment shall be permitted in a side yard adjoining a street, but not a front yard, subject to the following requirements: The equipment shall be adequately screened with decorative fencing, evergreen shrubs, or other suitable material, on all sides of the equipment visible from the street, to the satisfaction of the Community Development Director or his or her designee. Shrubs shall be a minimum of 30 inches in height at time of planting and shall have no significant gaps between them except as necessary to service the equipment.	*	S	R	C
3. Arbors or trellises.	F	S	R	C
4. Architectural features, including ordinary projections of sills, belt courses, cornices and ornamental features, which shall project no more than 18 inches into a required yard.	F	S	R	C
5. Automobile service station fuel pump islands and canopies, provided they shall be set back at least 35 feet from the lot line.	F	S	R	C
6. Automobile service station air and vacuum stations, provided they shall be set back at least 35 feet from the lot line.	F	S	R	C
7. Awnings or canopies, which shall project no more than three feet into a required yard or courtyard.	F	S	R	C
8. Balconies, which shall project no more than four feet into a required yard.	F		R	C
9. Chimneys, attached, which shall project no more than 24 inches into a required yard or courtyard.	F	S	R	C
10. Clotheslines and laundry-drying equipment.		S	R	
11. Development identification and entry features. (See § 6-11-16(B) for Sign Code regulations.)	F	S	R	
12. Eaves and gutters on a principal building or attached accessory building, subject to the following: <ul style="list-style-type: none"> <li>• Shall project no more than four feet into a required front yard, required side yard adjoining a street or required rear yard,</li> <li>• Shall project no more than 24 inches into a required side yard or courtyard.</li> </ul>	F	S	R	C
13. Fallout shelters, attached or detached.			R	
14. Flagpoles.	F	S	R	C
15. Garages, detached.			R	
16. Gazebos.			R	

(See § 16-12-1(C) for additional requirements.)				
17. Growing of farm and garden crops in the open.		S	R	
18. Lawn furniture, such as benches, sun dials, bird baths, and similar architectural features.	F	S	R	C
19. Ornamental light standards.	F	S	R	C
20. Outdoor fireplaces. (See § 16-12-1(C) for additional requirements.)			R	
21. Patios, decks and terraces, open (unroofed). (See § 16-12-1(C) for additional requirements.) * Open terraces, decks and patios are only permitted to be located in the interior side yard of a dwelling unit to serve a patio door facing the interior side yard. Such open decks, patios and terraces shall project no more than four feet into the required side yard.		S*	R	C
22. Patios, decks and terraces, open (unroofed), elevated greater than four feet above the average level of the adjoining ground. Such elevated open decks, patios and terraces shall project no more than ten feet into a required yard.			R	C
23. Playground equipment. (See § 16-12-1(C) for additional requirements.)		S	R	
24. Porches, open, shall be permitted to project no more than four feet into the required front yard or the required side yard adjoining a street.	F			
25. Service walks.	F	S	R	
26. Sheds and storage buildings. (See § 16-12-1(C) for additional requirements.)		S	R	
27. Steps, open, subject to the following: <ul style="list-style-type: none"> <li>• Necessary for access to a principal or accessory building, or necessary as access to the lot from the street, or located in gardens or terraces.</li> <li>• The steps shall project no more than four feet into a required side yard.</li> </ul>	F	S	R	C
28. Swimming pools, detached single-family. Swimming pools located on properties other than detached single-family shall be approved in accordance with Article 16, Planned Unit Development. (See § 16-12-1(C) for additional requirements.)			R	
29. Tennis courts, basketball courts, or other recreational facilities, detached single-family. Such recreational facilities located on properties other than detached single-family shall be approved in accordance with Article 16, Planned Unit Development.			R	
30. Windows which project no more than three feet into a required yard.	F	S	R	C

(Am. Ord. 93-07-61, passed 7-13-93; Am. Ord. 93-09-83, passed 9-28-93; Am. Ord. 2002-08-49, passed 8-19-02; Am. Ord. 2005-08-44, passed 8-1-05)

### § 16-12-3 PERFORMANCE STANDARDS.

The performance standards for the industrial district, as set forth in this Chapter, shall also apply to the residential and business district.

**§ 16-12-4 SALES OR CONSTRUCTION TRAILERS, AUTOMOBILES, RECREATIONAL VEHICLES, AND MOBILE HOMES.**

(A) Trailers and mobile homes shall not be permitted in any district as accessory buildings except when a permit has been issued by the Community Development Director for a temporary sales or construction office or storage uses incidental to and only for the period of time of construction of a building development, provided such trailers are located on the same or contiguous lots as the building development.

(B) No mobile home shall be used as a dwelling unit on any lot or tract of land other than one approved as a mobile home park by the village, and licensed by the state Board of Health. Any such mobile home park shall be established only as part of a planned unit development and shall not be less than ten acres in area. Any such mobile home park shall be designated and operated to meet or exceed the requirements of the United States *Standards Institute Standard for Mobile Home Park Design* (ANSI A 119.3, 1971, as amended) and any such mobile home located therein shall be constructed to meet or exceed the requirements of the United States Standards Institute *Standards for Mobile Home Design and Construction* (USAS A 119.1, 1969, as amended).

(C) Mobile homes shall not be parked or stored in the open on any lot except for the purpose of display prior to sale. Such parking or storage may be permitted on a lot in districts where mobile home sales or manufacturing establishments are permitted, or by special use.

(D) In residential areas, major recreational equipment and trailers may be parked in a required front yard on the driveway, provided that such vehicles must be parked not more than 15 feet from the garage or principal building if there is no garage. Storage, on a seasonal basis, of major recreational equipment may be located in a side yard (not adjoining a street), or a rear yard on a non-paved surface, provided that the landscaping or other surface material is not torn up and no permanent ruts are created. Occasional use of not more than seven days out of a 30 day period as sleeping quarters will be permitted. No connections or use for living quarters will be allowed as listed below:

- (1) Connection to sewer.
- (2) Connection to water for other than filling or maintenance purposes.
- (3) Cooking with equipment.
- (4) Use of sanitation facilities within equipment.

(E) Any person who owns or controls automobile vehicles or trailers of any kind or type in disrepair, rehabilitation, abandoned or otherwise creating a hazard or eyesore shall not be allowed to park or store, or cause or permit to be parked or stored, any such vehicle on any residentially zoned property other than in completely enclosed buildings.

## **§ 16-12-5 USE OF MODEL HOMES.**

(A) The use of model homes in a residential zone beyond the period of time at which a reasonable number of residences remain unsold to their first buyer constitutes, under the existing provisions of the Zoning Code, an improper commercial use within a residential zone. The purpose of this section is to assist those officials of the village who make decisions regarding ordinance enforcement as to when, as a matter of policy, ordinance enforcement shall be initiated against such intrusive commercial uses. Any person who owns or operates a residential model home in a manner contrary to this section shall be guilty of violation of this section of the village code, as well as the more direct violation of operating a commercial use within a residential zone.

(B) The use of model homes within areas zoned residential shall be governed by the following:

(1) Models shall be used only for sales. Models may not be used for storage purposes or any other purpose not directed toward the display of a home with interior decoration, a part of which may be used for a sales office.

(2) Landscaped off-street parking shall be provided directly next to the principal sales office.

(3) Customer “guidewalks” shall be constructed on the model site and shall not extend across sidewalks or into the parkway.

(4) In every principal model site, a site plan in a size at least 3' x 3' shall be prominently displayed which will show the authorized use of all property within 500 feet of the areas where homes shown in the model sites may be purchased. The purpose of this provision is to prevent situations in which home buyers purchase homes and commit to lot placements without specific knowledge of the nature of the type of developments which will be constructed nearby. The measurement of 500 feet shall include both land under the control of the builder and land under the control of other parties.

(5) Exterior display lighting of the models shall be turned off between the hours of 9:00 p.m. and 6:00 a.m. Security lighting may be on during these hours; however, in no case shall illumination as measured at any property line of the lot where the light source is located exceed the standards set forth in §16-10-1(D)(7)(a). In addition, any security lighting shall be diffused and shall be directed at the structure itself or the ground immediately adjacent to the structure. No security or other lighting shall be directed to reflect into public right-of-way or into any adjacent lot along the perimeter of the model home lot.

(6) Reminders shall be posted in the sales facilities for customers to be respectful of adjacent property owners' rights to enjoy the residential setting in which they have purchased their homes. The sign shall request that the potential home buyers respect the privacy of home owners who live in the vicinity of the model sites.

(7) Any person who owns or controls a model home area shall keep the exterior of the property, including any vacant areas, clean of refuse and rubbish.

(8) Prior to the issuance of an occupancy permit for the use of a model home, the perimeter of that lot shall be fenced in accordance with the Fence Code (Chapter 6, Article 12), with a fence at least three feet in height.

(9) No model home area may contain a structure which cannot be purchased in the adjacent subdivisions which this model home area has been constructed to serve. In particular, it shall be a violation of this section to build a model which can only be ordered to be built in an off-site subdivision.

(10) An owner or developer may not utilize a model home located in one development to sell homes to be constructed in another development except under the limited circumstances set forth in this subsection.

(a) Off-site models may only be used for other developments within the village and may not be used as sales areas for homes being constructed in other municipalities or in unincorporated areas.

(b) Off-site model homes may only be used for a limited period. That period shall be the shorter of either of the following:

1. Nine months from the recording of the first final subdivision plat for the first subdivision for the off-site location within the village for which the model homes are to be used as a sales aid; or

2. Nine months from the date of the issuance of the tenth to the last Certificate of Occupancy in the development for which the on-site models were originally constructed. In the event that the owner or developer has not been able to construct model homes at the new location within the nine month period set out above, an application for a variance may be made with the corporate authorities for a period of up to an additional six months. Such an application shall state with specificity the particular reason why the owner or developer has been prevented, by factors outside of his or her control, to complete the model homes at the new location. (Am. Ord. 96-03-18, passed 3-18-96)

#### **§ 16-12-6 HOME OCCUPATIONS.**

(A) *Intent and purpose.*

(1) To protect residential areas from adverse impacts that are sometimes associated with home occupations.

(2) Maintain and preserve the character of residential neighborhoods.

(3) Provide for the protection of the health, safety and welfare of all village residents.

(4) Afford all residents of the village a broad choice in the use of their home to produce or supplement personal and family income in our ever changing society.

(B) *Performance standards.*

(1) Only lawful activities that involve the performance of a business or occupation that is a permitted use or special use within the zoning districts contained within this chapter may be conducted within a home occupation.

**Exception:** A person who possesses a valid Federal Firearms License may carry out that business as a home occupation provided that all other regulations of this Section are complied with.

(2) It is conducted within the dwelling by a member of the family residing in the dwelling, and not more than one additional non-resident assistant or employee on the premises.

(3) Home occupations shall not involve the use of any accessory building, second structure or outside storage of materials or equipment.

(4) There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling, except one name plate shall be permitted, no more than one square foot in area which contains only the name of the occupant of the dwelling and the home occupation conducted therein and is attached to the dwelling and not illuminated.

(5) There shall be no structural alterations or special construction features inconsistent with a residential use. There shall be no separate outside entrance provided solely for the occupation.

(6) The noise, dust, glare, odors, noxious fumes, vibrations or smoke emanating from the premises should not exceed that which is normally produced by a single-family dwelling.

(7) Equipment which is necessary to the occupation may be used provided it does not create visible or audible interference in radio or television receivers or phones and it does not cause fluctuations in line voltage off the premises.

(8) It does not generate significantly greater traffic volume than normally expected in a residential area, except as outlined elsewhere in this section, and deliveries to the occupation by the United States Postal Service, UPS, Federal Express, or any other licensed delivery service do not exceed what would normally be expected in a residential area.

(9) The parking of customer's or client's vehicles should not create safety hazards or unusual congestion. If the occupation is of the type that customers or clients visit the premises frequently, there shall be no more than four clients or customers in the dwelling unit or on the premises during any period of 60 consecutive minutes. Motor vehicle traffic

generated by the occupation shall be prohibited from visiting the premises between the hours of 11:00 p.m. and 6:00 a.m. except for child care operations. Motor vehicle traffic associated with the occupation shall be limited to no more than four vehicles during any period of 60 consecutive minutes. The number of additional customers, clients or motor vehicles can be increased to not more than eight to allow for the type of occupation that involves classes, demonstrations, meetings, students, day care or other similar occupations.

(10) A day care facility may provide outdoor supervised recreation on the property during reasonably limited periods.

(11) The use shall comply with all local, state or federal regulations pertinent to the activity involved. The operation shall not be construed as an exemption from any such regulations, including but not limited to any regulation or requirement regarding licensing; storage of drugs, pharmaceuticals, chemicals, and the like; the disposal of any drugs, pharmaceuticals, chemicals, and the like.

(12) All persons engaging in home occupation activities for which a Federal Firearms License is required shall store firearms either in locked cases or in racks in which the firearms are securely locked to the racks. Firearms ammunition shall only be stored in locked cases.

(13) For the purpose of this section, garage sales are not considered a home occupation and are not required to comply with the performance standards contained herein, provided that a residential property may conduct a maximum of three garage sales per calendar year, and may participate in a maximum of five multi-home garage sales per calendar year. An individual or multi-home garage sale may not exceed four days in duration.

(C) *Administration procedures.*

(1) Any person with intent to operate a home occupation must make application with the Village Clerk.

(2) If the Community Development Department determines that a violation is occurring or has occurred and has not been corrected, it shall request that the Village Board hold a hearing to revoke or suspend the home occupation permit or business license or it shall institute an ordinance enforcement action.

(3) The application fee for a home occupation permit is \$25 and must be paid at the time of the request.

(4) A permit for a home occupation and/or companion business license, if one is required, shall be issued only to the occupant of the home and is nontransferable.

(5) The Community Development Department may deny the issuance of a permit for a home occupation for noncompliance with the criteria set forth in the Zoning Code. Any appeal of the Department's decision in regard to denial of a home occupation shall be made to the Zoning Board of Appeals which shall conduct a hearing, and shall either order a permit to be granted, or affirm its denial.

(6) Inspection. The home occupation applicant shall permit any reasonable inspection of the premises, as required by law, by the Community Development Department, to determine compliance with the Zoning Code regulations.

(D) *Enforcement.*

(1) Any person believing that a violation or violations of these regulations is occurring and who desires that action be taken by the village shall notify the Community Development Department in writing of such alleged violations. Within 30 calendar days after receipt by the department of such written allegations, an investigation of the alleged allegations to determine the merits thereof will be made. Within ten calendar days after the department has completed the investigation, written notice will be given to the complaining person.

(a) If the department determines that no violation as alleged or otherwise is occurring, written notification of that decision shall be given to the complaining person.

(b) If the department determines that a violation is occurring or has occurred as alleged, notification of that decision and a time for compliance shall be sent by certified mail, return receipt requested, to both the violator and complaining person. The written notification shall also state what action, if any, will be taken if compliance is not timely effected.

(2) Any person feeling aggrieved by a decision of the Department may appeal that decision to the Zoning Board of Appeals, which shall render a recommendation to the Village Board.

(E) *Nonconforming uses.* Any home occupation operating in the village on the date of the passage of this section (February 9, 1988) can continue to operate so long as it remains in compliance with the prior provisions regarding home occupations which were in existence at the time the home occupation commenced. Any new home occupation, or expansion of an existing use, shall comply with the provisions of this section. (Am. Ord. 2006-08-41, passed 8-21-06)

## ARTICLE 13: OFF-STREET PARKING AND LOADING

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### Section

16-13-1	General provisions; parking and loading
16-13-2	Additional regulations; parking
16-13-3	Schedule of parking requirements
16-13-4	Additional regulations; off-street loading
16-13-5	Schedule of loading requirements

### § 16-13-1 GENERAL PROVISIONS; PARKING AND LOADING.

(A) *Scope of regulations.* The off-street parking and loading provisions of this Chapter shall apply as follows:

(1) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this section for all buildings and structures erected and all uses of land established in each district after the effective date of this Chapter. Where a building permit has been issued prior to the effective date of this Chapter, and provided that construction is begun within six months of such effective date and is diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of such building permit may be provided in lieu of any different amounts required by this Chapter.

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

(3) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the building or structure was erected prior to the effective date of this Chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions herein.

(B) *Existing parking and loading facilities.* Accessory off-street parking and/or loading facilities in existence on the effective date of this Chapter and located on the same lot as the building or use served shall not hereafter be reduced below the requirements of this Chapter for a similar new building or use.

(C) *Permissive parking and loading facilities.* Nothing in this Chapter shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that there is adherence to all regulations herein governing the location, design, improvement and operation of such facilities.

(D) *Damage or destruction.* For any conforming or non-conforming building or use which is in existence on the effective date of this Chapter, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking and loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. The Zoning Board of Appeals may vary the requirement where it would be impossible or economically unfeasible to provide the amount of required parking on or near the site, and where the continuance of the non-conformance will not unduly interfere with adjoining uses. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Chapter for equivalent new uses or construction.

(E) *Control of off-site parking facilities.* When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are necessary. No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking other than on the same zoning lot until and unless the Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or buildings. If, for any reason, the parking required by this Chapter and provided off-site shall no longer be available and replacement parking is not provided, the owner and occupant of the structure for which parking has been diminished shall reduce the size of the use within one year after the date the parking is lost to make the use conform to the then available parking.

(F) *Submission of plot plan.* Any application for a building permit or for a Certificate of Occupancy where no building permit is required shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Zoning Code.

#### **§ 16-13-2 ADDITIONAL REGULATIONS; PARKING.**

Off-street parking facilities shall be provided in accordance with additional regulations hereinafter set forth:

(A) *Use of parking facilities.* Accessory off-street parking facilities required as accessory to uses herein listed shall be solely for the parking of motor vehicles of patrons, occupants, or employees of the principal use or building. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants, unless otherwise permitted in §16-13-2(F)(3). Under no circumstances shall any person use or allow to be used a required parking facility accessory to residential structures for the storage of trucks or other commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of

business or manufacturing establishments, or for the parking or storage of licensed or unlicensed construction equipment or vehicles.

(B) *Joint parking facilities.* Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted; provided, that the total number of spaces so located together shall not be less than the sum of the separate requirements of each use, except as otherwise provided within §16-13-2(E)(8).

(C) *Area.* A required off-street parking space shall be at least 9½ feet in width and at least 18 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Enclosed parking spaces shall have a vertical clearance of at least seven feet. In the One-Family Residence Districts, coverage of the actual rear yard by the sum of the detached garage, parking pad and driveway areas shall not exceed 50% of the actual rear yard area.

(D) *Access.* Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to a street or easement in a manner which will least interfere with traffic movement. Access to single-family residential driveways shall be in direct line with and of the same width as the driveway for the dwelling to be served.

(E) *Design and maintenance.*

(1) Open and enclosed parking spaces. Accessory parking spaces may be open to the sky, enclosed, or semi-enclosed in a building or structure.

(2) Surfacing. Except as otherwise provided in this Zoning Code, all open parking spaces and access thereto shall be improved with all-weather material, in accordance with specifications approved by the Village Engineer. Areas not surfaced shall be landscaped and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. Provided, however, that the Plan Commission or Village Board may grant approval for the construction of a temporary parking lot. Such temporary parking lot shall be constructed of such material including but not limited to gravel, which shall be approved by the Village Engineer as providing a firm base to vehicles, and such temporary parking lot shall be adequately drained. A permit to maintain a temporary parking lot shall be granted only under those circumstances which would make the construction of a permanent parking lot an economic hardship upon the applicant. Temporary parking lot permits shall be allowed for up to one non-renewable period of 18 months.

(3) For lots with a paved area greater than 10,000 square feet, a minimum of 5% of the paved area must be landscaped to create visual relief. This provision is in addition to the landscaping of minimum required setbacks and must be used in a fashion that will break the expanse of the paving. Lots within or adjacent to a residential district must further be screened with landscaping, earth berms, or fences in such a manner so as to soften their impact on residential buildings; provided, however, that in areas within an industrial district only, the minimum of 5% of the paved area which must be landscaped may be

concentrated in one or two locations within the parking area rather than being located throughout the parking area as shall be required in all other zoning districts.

(4) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.

(5) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

(6) Drainage. All off-street parking area plans shall be submitted to the Village Engineer for approval of adequate drainage of water.

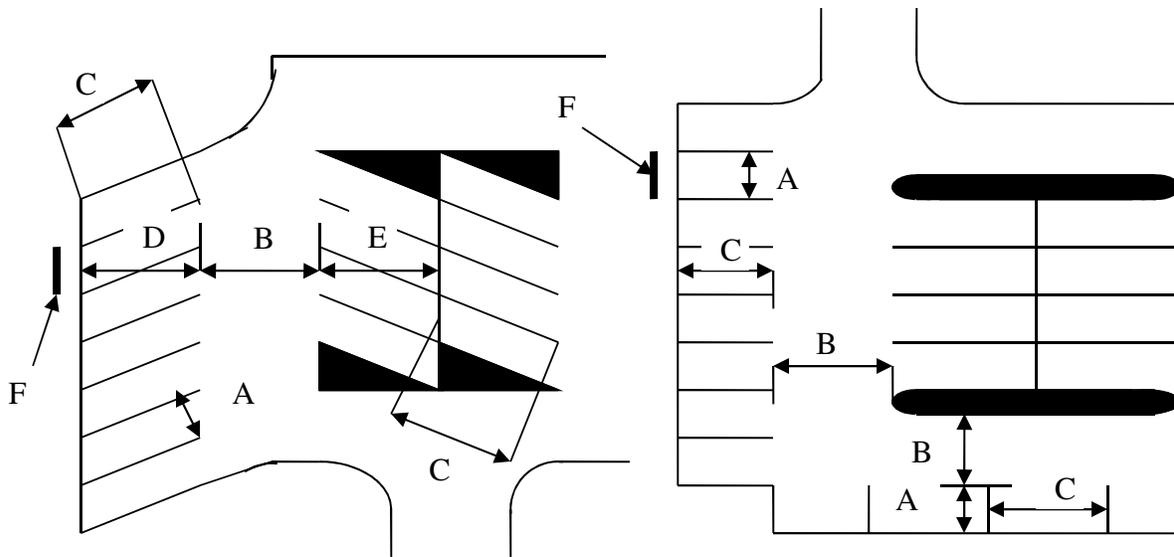
(7) Building permit. No parking lot shall be constructed unless and until a permit is issued by the Building Official. Applications for a permit shall be submitted to the Building Official in such form as may be determined by the Building Official and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

(8) Minimum requirements. Plans for the layout of off-street parking facilities shall be in accordance with the following requirements, except in the Industrial District, where employee parking space width may be reduced to nine feet when approved by the Community Development Director.

**REQUIRED MINIMUM PARKING LOT DIMENSIONS IN FEET**

<b>Parking Pattern</b>	<b>Minimum Parking Space Width</b>	<b>Minimum Maneuvering Lane</b>	<b>Minimum Parking Space Length</b>	<b>Minimum Parking Tier Width - Exterior Tier D</b>	<b>Minimum Parking Tier Width – Interior Tier E</b>
	<b>A</b>	<b>B</b>	<b>C</b>		
0° (parallel parking)	8'	12'(one-way) 24'(two-way)	23'	NA	NA
30°	9.5'*	12'(one-way)	18'	17.25'	12.75'
45°	9.5'*	12'(one-way)	18'	19.5'	15.75'
60°	9.5'*	15'(one-way)	18'	20.5'	17.75'
90°	9.5'*	24'(two-way)	18'	18'	18'
* = Employee parking space widths may be reduced to nine feet when approved by the Community Development Director.					

F = Six-inch bumper overhang may be used to reduce applicable space and maneuvering lane requirements when approved by the Community Development Director.



(9) Striping. Striping between spaces shall be in the form of a four inch hair-pin/looped line, 16 inches apart.

(F) *Location of accessory off-street parking facilities.* Accessory off-street parking spaces shall be provided as required by § 16-13-3. Required parking spaces shall not be located within the public right-of-way. The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances between such parking spaces and a main entrance to the use served.

(1) For uses in residential districts.

(a) Parking spaces accessory to multi-family and non-residential uses shall be located on the same zoning lot as the use served.

(b) Parking lots accessory to multi-family uses shall not be located more than 30 feet from a convenient entrance to the building. Parking lots shall be so designed so at least one parking space per dwelling unit is within 150 feet of a building entrance.

(c) Parking spaces accessory to multi-family and non-residential uses shall not be located nearer than 40 feet from an adjoining single-family residential lot nor less than 20 feet from a street right-of-way line. No onsite roadway or parking lot pavement of any type shall be located within ten feet from a street right-of-way line, except for approved entry drives.

(d) Parking of commercial vehicles. No commercial vehicles bearing a class designation other than A or B under the provisions of ILCS Ch. 625, Act 5, §§ 3-801 et seq. shall be parked or stored on any residential premises classified as a residential district, except when making a delivery or rendering a service at such premises.

(e) No construction equipment or vehicles, or service equipment or vehicles, shall be parked or stored in a residential district, unless such equipment or vehicle is being used for the purpose of construction, alteration, excavation, service or repair of a property within a residential district. In the event that such equipment or vehicle is not being used in the construction, alteration, excavation, service or repair of property in a residential district, such equipment or vehicle shall not be parked or stored overnight unless it is parked or stored at least 500 feet from an occupied residence. Maintenance equipment may be stored in a garage in multi-family properties. Equipment used solely for snow plowing may be stored on the premises where such equipment will be used during the period from November 1 through March 31 each season.

(2) For uses in business districts.

(a) All required parking spaces shall be located within 500 feet of the use served. However, no parking spaces accessory to a use in a business district shall be located in a residential district, except that private, free, off-street parking accessory to business district uses and municipal parking lots may be allowed by special use permit in accordance with the administrative section of this code (Chapter 16, Article 15) within 200 feet of the site served and adjacent to any business district.

(b) Parking spaces shall not be located nearer than 40 feet from an adjoining lot in a residence district, or less than 20 feet from a street right-of-way line. No onsite roadway or parking lot pavement of any type shall be located within ten feet of a street right-of-way line, except for approved entry drives.

(3) For uses in industrial districts. All required parking spaces shall be within 500 feet of the use served. Off-street parking spaces shall not be located less than 20 feet from a street right-of-way line.

(G) *Landbanking.* Landbanking of required parking spaces as greenspace may be permitted when approved as a variation; provided, the owner of the property demonstrates through employee counts that the total number of parking spaces required using the square footage parking requirements outlined herein are not necessary and there is sufficient usable land area available on the subject property to provide the required parking spaces if deemed necessary by the village in the future. (Am. Ord. 91-12-82, passed 12-10-91; Am. Ord. 92-01-12, passed 1-28-92; Am. Ord. 92-06-70, passed 6-23-92; Am. Ord. 93-09-83, passed 9-28-93; Am. Ord. 2002-08-49, passed 8-19-02; Am. Ord. 2007-03-11, passed 3-19-07)

### **§ 16-13-3 SCHEDULE OF PARKING REQUIREMENTS.**

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

<b><i>CLASS</i></b>	<b><i>USE</i></b>	<b><i>REQUIRED SPACES</i></b>
<i>(A) Residential</i>	Dormitories	Based on demand and Zoning Board of Appeals approval.
	Group Community Residences	Based on demand and Zoning Board of Appeals approval.
	Hotels / Motels	One per dwelling unit and lodging room, plus accessory off-street parking as specified herein for each accessory use such as restaurants, meeting rooms and retail shops.
	Multiple-Family Dwelling	For apartments with two or more bedrooms, there shall be provided three per dwelling unit. For apartments with one bedroom, there shall be provided two per dwelling unit.
	Single-Family Dwelling Units, Two-Family Dwelling Units, Multiple Single-Family Dwelling Units	Three per dwelling unit.
<i>(B) Schools</i>	College or University	Based on demand and Zoning Board of Appeals approval.
	Commercial, Trade or Business Schools	One per employee and one per two students, based on the maximum number of students which can be accommodated with such design capacity.
	Elementary or Junior High Schools, public or private	One per each faculty member and other full time employees.
	High Schools, public or private	One per each faculty member and other full time employee, plus one per each seven students based on maximum design capacity.
	Music or Dance Schools	One per 200 square feet of floor area.
<i>(C) Service / Office</i>	Banks, Credit Unions, Savings and Loan Association	One per 400 square feet of floor area. Drive-in banks or other similar drive-in facilities shall provide four stacking spaces per teller or customer service window.
	Barber Shops	One per 100 square feet of floor area.
	Beauty Parlor	One per 100 square feet of

	floor area.
Business and Professional Offices	One per 250 square feet of floor area.
Blueprinting, Photocopying, and Printing Shops	One per 250 square feet of floor area.
Car Washes	10 stacking spaces for each wash rack, plus one per employee.
Costume Rental Shops	One per 250 square feet of floor area.
Currency Exchanges	One per 250 square feet of floor area.
Preschool Learning Centers, Nursery Schools, Day Care Centers	One per 250 square feet of floor area.
Dry Cleaning Establishments and Clothes Pressing Establishments	One per 250 square feet of floor area.
Exterminating Shops	One per 250 square feet of floor area.
Funeral Parlors and Undertaking Establishments	One per 100 square feet of public accessible floor area, and one per parlor vehicle and one per employee.
Garden Equipment Cleaning and Repair Shops	One per 250 square feet of floor area.
Home Appliances Cleaning and Repair Shops	One per 250 square feet of floor area.
Interior Decorating Shops	One per 250 square feet of floor area.
Laundromats	One per 167 square feet of floor area.
Linen, Diaper, Supply Services	One per 250 square feet of floor area.
Locksmith Shops	One per 250 square feet of floor area.
Motor Vehicle Services and Repair Facilities	Two per service bay.
Oil Change Shops	One per 250 square feet of floor area.
Photography Studios	One per 250 square feet of floor area.
Photography Studios, Commercial	One per 400 square feet of floor area.
Shoe Repair Shops	One per 167 square feet of floor area.
Tailor Shops	One per 250 square feet of

		floor area.
	Travel Agency	One per 250 square feet of floor area.
	Veterinary Clinics and Animal Hospitals	Two per service bay.
	Kennels and Indoor Kennels and boarding facility	Two per service bay or one for each employee during the peak shift, whichever is greater.
(D) Retail	Auction House	One per 150 square feet of floor area.
	Automobile and Commercial Fueling Plaza	Automobile parking for uses inside the building as required in §16-13-3, plus a minimum of three truck parking spaces for each commercial vehicle fueling lane.
	Boat and Trailer Sales and Service	One per 167 square feet of showroom space, one per employee and one per service bay.
	Convenience Stores	One per 250 square feet of floor area.
	Department Stores	One per 400 square feet of floor area.
	Florist Shops	One per 250 square feet of floor area.
	Furniture and Appliance Stores	One per 400 square feet of floor area.
	Gasoline Stations (Full Service)	One per each island of gasoline pumps, and two per service bay.
	Gasoline Stations (Self Service)	Two, and one per 250 square feet of floor area.
	Greenhouse and Nurseries	One per 250 square feet of floor area, and one per 1,000 square feet of outside sales area.
	Motor Vehicle Sales	One per 400 square feet of floor area.
	Motorcycle and Snowmobile Sales and Service	One per 167 square feet of floor area, one per employee, and one per service bay.
	Packaged Liquor Stores	One per 250 square feet of floor area.
	Shopping Centers and	One per 250 square feet of

	Shopping Plazas	floor area in centers containing up to 10% of the total floor area devoted to food service. Centers which provide more than 10% of food service shall provide six additional spaces for each additional 1,000 square feet of food service. Centers which include auction houses, cinemas, or fitness centers will be required to meet the parking regulations for those uses as if they were freestanding.
	All Other Retail Stores (unless specified elsewhere in §16-13-3)	Four per 1,000 square feet of floor area.
<i>(E) Food / Tavern / Restaurant</i>	Bakeries (Carry-Out Only)	One per 250 square feet of floor area.
	Butcher Shops, Meat Markets	One per 250 square feet of floor area.
	Candy Stores	One per 250 square feet of floor area.
	Catering and Banquet Facilities	Based on demand and Zoning Board of Appeals Approval.
	Delicatessens (Carry-Out Only)	One per 250 square feet of floor area.
	Ice Cream Stores	One per 100 square feet of floor area.
	Restaurant - Sit Down Formal	One per 50 square feet of floor area.
	Restaurant - Sit Down Informal (full service)	One per 50 square feet of floor area.
	Restaurant - Sit Down Buffet (limited service)	One per 50 square feet of floor area.
	Restaurant - Fast Food with Sit Down	One per 55 square feet, plus a minimum of ten stacking spaces for drive-through window service with a minimum of five of these spaces designed for the ordering station.
	Restaurant - Delivery Only	One per 250 square feet of floor area.
Taverns, Nightclubs, and	One per 100 square feet of	

	Cocktail Lounges	floor area.
(F) <i>Religious</i>	Churches	One per each four seats, or for each 80 inches of seating space in the main auditorium or assembly hall. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading shall take place upon the premises.
	Rectories, Seminaries, Convents and Monasteries	Based on demand and Zoning Board of Appeals Approval.
(G) <i>Recreational / Civic / Social</i>	Amusement Parks	Based on demand and Zoning Board of Appeals Approval.
	Archery Ranges (indoor)	One per 100 square feet of floor area.
	Bowling Alleys	One per 150 square feet of floor area, plus additional spaces as may be required herein for affiliated uses such as restaurants.
	Clubs and Lodges, Private	One per 100 square feet of floor area.
	Electronic Game Rooms	One per 150 square feet of floor area, and adequate area for bicycle storage.
	Golf; Courses	65 per 18 holes, 45 per 9 holes, and one per each employee, and additional spaces for accessory uses as required by code.
	Golf; Driving Ranges	One per tee and one per employee.
	Golf; Miniature Courses	One per hole and one per employee.
	Gymnasiums, Stadiums, Grandstands	One per each three seats or for each 60 inches of seating space. When such facilities for public assembly are accessory to a school, and when approved by the Plan Commission, the required number of parking spaces may be reduced by the number of spaces provided, as herein required for the applicable

		school.
	Indoor children's recreational and party facility	One for each four children and one for each two employees.
	Libraries, Museums, and Art Galleries	One per 350 square feet of floor area.
	Meeting Halls, Convention Halls, Exhibition Halls	One per each three seats or for each 60 inches of seating space.
	Physical Fitness Centers, Health Salons, Swimming Pools, Skating Rinks	One per 100 square feet of floor area.
	Pool Halls / Billiard Rooms	One per 100 square feet of floor area.
	Recreational Center and Community Centers	One per every two employees, plus additional parking space for use by the public as determined by the Plan Commission.
	Theaters (indoor)	One per every three seats.
	Theaters (outdoor)	Reservoir parking space equal to 10% of the vehicle capacity of such theaters shall be provided.
(H) <i>Public</i>	Fire Stations and Public Utility Uses	One per every three employees, and spaces adequate in number to serve the public, as determined by the Plan Commission.
	Governmental Office Buildings	One per 250 square feet of floor area.
(I) <i>Health / Medical</i>	Hospital	One per each two beds, and one per each two employees (other than staff doctors), and one parking space for each doctor assigned to the staff.
	Medical or Dental Clinics and Offices	One per 150 square feet of floor area.
	Rehabilitation Facility	Based on demand and Zoning Board of Appeals Approval.
	Rest Homes, Nursing Homes, Convalescent Homes and Hospices	One per each four beds, and one per each two employees (other than staff doctors), and one parking space for each doctor assigned to the staff.
(J) <i>Manufacturing / Transportation / Warehousing</i>	Cartage Express Facilities and Motor Freight Terminals	One per each two employees employed on the premises, and one per each vehicle stored on

		the premises.
	Industrial Production, Processing, Cleaning, Servicing, Testing or Repairing of Materials, Goods or Products	One per 600 square feet of floor area, or when the number of employees is specifically indicated, one per employee, whichever is greater, as related to the working period when the maximum number of persons are employed on the premises.
	Mini-Warehouses	Four per 100 units plus one per 250 square feet of office floor area plus two if there is an onsite manager.
	Warehouse, Storage, Wholesale and Mail Order Establishments	Four plus one per each 1,500 square feet of floor space over 1,200 square feet, or when the number of employees is specifically indicated, one per employee employed on the premises, whichever is greater, plus one per each vehicle stored on the premise.
(K) <i>Adult</i>	All sexually oriented businesses as defined in §16-19-3	One per 250 square feet of floor area

(L) *Other uses.* Parking spaces for other permitted uses not listed above shall be provided in accordance with the requirements designated by the Plan Commission and, in the case of special uses, as recommended by the Plan Commission and required by the Village Board.

(M) *Mixed uses.* When two or more uses are located on the same zoning lot or within the same building and are not part of a shopping center, as herein defined, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as required space for more than one use unless otherwise recommended by the Plan Commission and authorized by the Village Board. (Am. Ord. 91-12-82, passed 12-10-91; Am. Ord. 92-01-12, passed 1-28-92; Am. Ord. 2000-10-79, passed 10-2-00)

**§ 16-13-4 ADDITIONAL REGULATIONS; OFF-STREET LOADING.**

(A) *Location.* All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be located closer than 50 feet to any property in a residential district unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet high. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. All loading and unloading docks where

the public access road to such docks has a right-of-way width of less than 80 feet shall be located at least 65 feet behind the property line. No loading or unloading docks shall be located in any front yard or side yard adjoining a street where that street has a right-of-way width of 80 feet or greater.

(B) *Access.*

(1) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or easement in a manner which will least interfere with traffic movements.

(2) Every loading berth shall be provided with sufficient maneuvering space to accommodate the potentially largest vehicle that may be used on the lot where it is located.

(3) The loading berth access design for lots located on major streets shall allow vehicles to access and exit the loading space without having to make any backing movement on or onto the public street.

(4) For the purposes of this section of the Zoning Code, major streets are as follows:

Army Trail Road	Gary Avenue	Lies Road	St. Charles Road
County Farm Road	Kehoe Boulevard	Morton Road	
Fair Oaks Road	Kimberly Drive	North Avenue	
Fullerton Avenue	Kuhn Road	Schmale Road	

(C) *Surfacing.* All open off-street loading spaces shall be improved with pavement and storm water drainage facilities in accordance with specifications approved by the Village Engineer.

(D) *Repair and service.* No motor vehicle work or service of any kind shall be permitted in conjunction with loading facilities provided in the business district.

(E) *Utilization.* Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the requirements for any off-street parking space.  
(Am. Ord. 2002-08-49, passed 8-19-02)

**§ 16-13-5 SCHEDULE OF LOADING REQUIREMENTS.**

(A) The minimum number of off-street loading spaces accessory to non-residential uses in the residential district shall be one loading berth for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet or fraction thereof.

(B) Off-street loading berths, exclusive of aisles and maneuvering space accessory to uses in the business and industrial districts shall be as follows:



<b>Floor Area of Establishment</b>	<b>Required Number</b>	<b>Minimum Size</b>	<b>Minimum Vertical Clearance</b>
0 - 5,000	1	10' x 35' each	14'
5,001 - 10,000	1	12' x 55' each	14'
10,001 - 25,000	2	12' x 55' each	14'
25,001 - 40,000	2	12' x 55' each	14'
40,001 - 100,000	3	12' x 55' each	14'
For each additional 100,000 square feet or fraction thereof of gross floor area over 100,000 square feet of gross floor area, one additional loading space shall be required. Such additional loading space shall be at least 12 feet in width by 50 feet in length.			

# ARTICLE 14: NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

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## Section

16-14-1	Intent
16-14-2	Authority of uses of nonconforming lots
16-14-3	Authority to continue nonconforming buildings, structures and uses
16-14-4	Conformity of lots reduced in size by the exercise of eminent domain

### § 16-14-1 INTENT.

The intent of this Article is to provide for the regulation of nonconforming lots, buildings, structures and uses, and to specify those circumstances and conditions under which nonconforming lots, buildings, structures, and uses shall be accepted or shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by state law.

### § 16-14-2 AUTHORITY OF USES OF NONCONFORMING LOTS.

(A) *Contiguous parcels.* When two or more parcels of land, each of which separately lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which it is located, are contiguous and are held in one ownership, they shall be combined to form one conforming zoning lot.

(B) *Lots or parcels of land of record.* Any single lot or parcel of land, held in one ownership, which was of record at the time of adoption of the Chapter, that does not meet the requirements for minimum lot width and area, and which did meet the requirements of the previous ordinance, may be utilized for a permitted use, provided that yards, courts or usable open spaces are not less than 75% of the minimum required dimensions and areas.

### § 16-14-3 AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES AND USES.

Any building, structure, or use which existed lawfully at the time of the adoption of this Chapter and which remains or becomes nonconforming upon the adoption of this Chapter, or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

(A) *Repairs and alterations.*

(1) Ordinary repairs and alterations may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located or which does not conform to the yard, height, lot coverage, floor area ratio or other dimensional or bulk provisions of this Chapter, provided that no structural alterations shall be made in or to such building or structure except

those required by law, or except to make the building or structure and use thereof conform to the regulations of the district in which it is located.

(2) Ordinary repairs and alterations shall be determined by the Community Development Director and shall include, among other things, the replacement of storage tanks where the safety of operation of the installation requires such replacement.

(B) *Additions and enlargements.* A non-conforming building or structure, all or substantially all of which is designated or intended for a use not permitted in the district in which it is located, or which does not comply with other provisions of this Chapter, shall not be added to or enlarged in any manner unless such nonconforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the district in which it is located. However, the Village Board may, after receiving the recommendations of the Zoning Board of Appeals, pursuant to a public hearing, vary the provisions of this section where it would be inequitable not to allow the addition and where the public health or safety will not suffer thereby.

(C) *Moving.* No building or structure shall be moved in whole or in part to any other location unless every portion of such building or structure and the use thereof is made to conform to all regulations of the district into which it is moved.

(D) *Restoration of damaged nonconforming buildings or structures.* A building, structure or portion thereof, all or substantially all of which is designated or intended for a use which is not permitted in the district in which it is located, or which does not comply with other provisions of this Chapter, and which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50% of the total cost of reconstructing the entire building or structure and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than 50% of the cost of reconstructing the entire building or structure, no repairs or construction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion. However, the Village Board may, after receiving the recommendations of the Zoning Board of Appeals, pursuant to a public hearing, vary the provisions of this section where it would be inequitable not to allow the addition or extension and where the public health or safety will not suffer thereby.

(E) *Discontinuance of use of nonconforming building or structure.* A building, structure, or portion thereof, all or substantially all of which is designed or intended for a use or a special use which is not permitted in the district in which it is located, and which is vacant on the effective date of this Chapter, or thereafter becomes vacant and remains unoccupied, or is not used for at least two consecutive months, shall not thereafter be occupied or used, except by a use which conforms to the use regulations of the district in which it is located.

(F) *Change of use in nonconforming building or structure.* The nonconforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, but no change shall extend or otherwise modify any provision

made in this Chapter for elimination of such nonconforming building or structure and the use thereof.

(G) *Amortization.* Any building or structure which is located in the residence district and all or substantially all of such building or structure is designed or intended for use permitted only in a business or industrial district, shall be removed or shall be altered, remodeled, or converted for a permitted use within six months after the amortization period of such building or structure, which is hereby established in accordance with the respective amortization period set forth below. *ASSESSED VALUATION* referred to in divisions (G)(1), (2) and (3) below means the unequalized assessed valuation of improvements on a lot established for real estate tax purposes for the latest year for which figures are available from the DuPage County Assessor.

(1) Assessed valuation more than \$5,000. In accordance with the types of construction classification set forth in the Building Code of the village.

(a) Fireproof construction and noncombustible construction, 40 years from date of original building permit or 25 years from effective date of this Chapter, or any previous ordinance under which the building or structure was also non-conforming, whichever last occurs.

(b) Exterior masonry wall construction, 30 years from date of original building permit or 20 years from effective date of this Chapter, or any previous ordinance under which the building or structure was also nonconforming, whichever last occurs.

(c) Frame construction, 20 years from date of original building permit or 10 years from effective date of this Chapter, or any previous ordinance under which the building or structure was also nonconforming, whichever last occurs.

(2) Assessed valuation at least \$2,000 but not more than \$5,000. Eight years from date of original building permit or four years from effective date of this Chapter, or any previous ordinance under which the building or structure was also non-conforming, whichever last occurs.

(3) Assessed valuation under \$2,000. Four years from date of original building permit or two years from effective date of this Chapter, or any previous ordinance under which the building or structure was also nonconforming, whichever last occurs.

(H) *Nonconforming use of conforming buildings or structures.* The existing nonconforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

(1) The nonconforming use of a part of such building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

(2) If a nonconforming use of such a building or structure is discontinued for a period of six months, it shall not be renewed, and any subsequent use of such building or structure shall conform to the use regulations of the district in which the premises are located.

(3) No nonconforming use shall be changed to another nonconforming use.

(I) *Nonconforming use of land.* The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land may be continued subject to the following provisions.

(1) Except as otherwise provided by law, such nonconforming use shall not be expanded or extended beyond the area it occupies.

(2) If such nonconforming use of land is not used for at least two months within a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of land shall conform to the regulations of the district in which the land is located.

(3) No nonconforming use shall be changed to another nonconforming use.

(J) *Elimination of nonconforming use of land.* The nonconforming use of land shall be discontinued in accordance with the following provisions: (Assessed valuations referred to in divisions (J)(2) and (3) below are the unequalized assessed valuations of improvements on a lot established for real estate tax purposes for the latest year for which figures are available from the DuPage County Assessor.)

(1) Where no buildings or structures are employed in connection with such use of land, discontinued within one year after the effective date of this Chapter.

(2) Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use of land and have an assessed valuation of not more than \$2,000, discontinued within two years after the effective date of this Chapter.

(3) Where the improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in such use of land and which have an assessed valuation of more than \$2,000, discontinued within five years after the effective date of this Chapter.

(4) Where such use of land is accessory to the nonconforming use of a building or structure, it shall be discontinued on the same date on which the nonconforming use of the building or structure is discontinued.

(K) *Certificate of occupancy for nonconforming uses.* A certificate of occupancy shall be required for the continuation of all nonconforming uses of land, buildings, or structures created by the passage of this Chapter. Application for such certificate of

occupancy for nonconforming uses shall be filed with the Community Development Director by the owner or lessee of the land or building occupied by such nonconforming use within one year from the effective date of this Zoning Code. It shall be the duty of the Community Development Director to issue a certificate of occupancy for a nonconforming use. (Am. Ord. 92-06-70, passed 6-23-92; Am. Ord. 2007-03-11, passed 3-19-07)

**§ 16-14-4 CONFORMITY OF LOTS REDUCED IN SIZE BY THE EXERCISE OF EMINENT DOMAIN.**

Lots, parcels or land of record, or portions of planned unit developments which do not meet the requirements of minimum lot width and area or minimum size of required yards which conformed to the provisions of this Code but were reduced in size as the result of the exercise of eminent domain or the threat of the exercise of eminent domain by a governmental body and which have not lost required off-street parking or loading facilities shall not be found to be non-conforming with the provisions of this Code as a result of the loss of such territory. (Ord. 94-04-30, passed 4-11-94)

## ARTICLE 15: ADMINISTRATION

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### Section

16-15-1	The office of the Community Development Director
16-15-2	Certificates of Occupancy
16-15-3	Plan Commission
16-15-4	Zoning Board of Appeals
16-15-5	Appeals
16-15-6	Variations
16-15-7	Amendments
16-15-8	Special uses
16-15-9	Procedures
16-15-10	Expiration of Application

### § 16-15-1 THE OFFICE OF THE COMMUNITY DEVELOPMENT DIRECTOR.

The Community Development Director shall enforce this Chapter, and in addition thereto and in furtherance of such authority shall perform the duties as enumerated herein:

- (A) Determine conformance of applications with regulations of this Chapter.
- (B) Serve as the Village's Zoning Administrator, and in such capacity shall
  - (1) Interpret the zoning regulations when questions arise.
  - (2) Determine which uses, though not contained by name in a zoning district list of permitted uses, are of the same general character and permit their establishment, in accordance with §16-5-2.
  - (3) Forward to the Village Board applications for temporary buildings, structures and uses of land, in accordance with §16-5-5.
- (C) Issue all certificates of occupancy, and make and maintain records thereof.
- (D) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- (E) Issue violation notices that require compliance, and advise suspected violators of the right of appeal.
- (F) Maintain permanent and current records of the administration and enforcement of this Chapter, including but not limited to applications, processing, and decisions for all amendments, variations, and appeals, and designate on the Zoning District Map each amendment and special use granted by the Village Board.

(G) Forward to the Village Manager all applications initially filed with the Community Development Director for amendments, appeals, variations, special uses and other matters under this Chapter upon which the Village Board, the Zoning Board of Appeals, and/or the Plan Commission are required to act.

(H) Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals and Plan Commission in the exercise of their duties.

(I) It shall be unlawful for the Community Development Director to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Chapter and other applicable ordinances of the village.

(J) The Community Development Director shall not refuse to issue a permit when conditions imposed by this Chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which might occur upon the granting of such permit, but where such covenants are known to him or her, he or she may, at his or her discretion, refuse the issuance of a permit for a period not to exceed seven days, during which time he or she may notify the parties known to him or her to be interested in the enforcement of such covenants.

(K) For any case involving an application for variation, map amendment, text amendment, or Gary/North Avenue Corridor Review, the Community Development Director may require that the applicant deposit an amount sufficient to pay the estimated cost of a certified court reporter to attend and record the entire hearing (appearance fee). The Community Development Director shall make arrangements for such recording.

(L) The Community Development Director may delegate any of the above authority to a village officer or employee.

(Am. Ord. 92-06-70, passed 6-23-92; Am. Ord. 2003-12-82, passed 12-1-03)

#### **§ 16-15-2 CERTIFICATES OF OCCUPANCY.**

(A) No land shall be occupied or used for a new use, and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Official stating that the building complies with all the applicable ordinances of the village. No change of use shall be made in any building or part thereof now or hereafter erected or altered without a certificate of occupancy having been issued by the Building Official, and no certificate of occupancy shall be issued to make such change unless it is in conformity with the provisions of this Chapter and amendments thereto.

(B) The Building Official may issue a temporary certificate of occupancy for the use of a portion of a building, structure, or land improvement that is completed in compliance with all applicable codes and ordinances of the village and the remaining portion is in the process of completion. Such temporary certificate of occupancy shall be for a period not to exceed six months from the date of its issuance, and, if required, for an extension of not more than a total of three additional months.

(C) Certificates of occupancy and compliance shall be applied for co-incident with the application for a building permit and shall be issued within 21 days after the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished on request to any person having proprietary or tenancy interest in the building affected. A fee shall be charged as established by the Village Board of Trustees.

(Am. Ord. 92-06-70, passed 6-23-92)

### **§ 16-15-3 PLAN COMMISSION.**

(A) *Creation.* The Plan Commission of the Village of Carol Stream, Illinois, which has been duly established with functions as prescribed by state law, is the Plan Commission referred to in this Chapter. The members of the Zoning Board of Appeals shall serve as members of and constitute the Plan Commission.

(B) *Jurisdiction.* The Plan Commission shall have the following duties under this Chapter:

(1) To receive from the Community Development Director copies of applications for proposed amendments and special uses and thereafter shall review the applications and shall submit reports and recommendations thereon to the Board of Trustees.

(2) To initiate, direct, and review, from time to time studies of the provisions of this Chapter, and to make reports of its recommendations relative to proposed amendments to the Board of Trustees.

(3) To initiate review and make recommendations to the Board of Trustees regarding amendments to the Comprehensive Plan and the Official Map.

(4) To review and make recommendations to the Board of Trustees regarding proposed plats of subdivision within the territorial jurisdiction of the village.

(5) To act on all other matters which are referred to it, as required by the provisions of this Chapter.

(6) Whenever in this Chapter a finding or recommendation of the Plan Commission shall be required, such recommendation shall mean only a consideration by the Commission after a hearing. Such recommendation, however, is purely advisory and an unfavorable vote by the Plan Commission or the failure to make a favorable finding shall not prevent the Board of Trustees from granting the relief, zoning amendment, special use or other request of an applicant or taking other action within the jurisdiction of the Board of Trustees.

(C) *Meetings and rules.* All meetings of the Plan Commission under this Chapter shall be filed immediately in the time as the Plan Commission may determine. All hearings conducted by the Plan Commission under this Chapter shall be in accordance with state law. In all proceedings of the Plan Commission provided for in this Chapter, the Chair-person,

and in his absence the Acting Chairperson, shall have the power to administer oaths. The Plan Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and special use, and every recommendation, order, requirement, decision, or determination of the Plan Commission under this Chapter shall be filed immediately in the office of the Community Development Director and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this Chapter or with applicable state law. The members of the Plan Commission shall elect an Acting Chairperson who shall serve in the absence of the Chairperson. (Am. Ord. 92-06-70, passed 6-23-92)

***Cross-reference:***

*Plan Commission generally, see Ch. 3, Art. 6*

**§ 16-15-4 ZONING BOARD OF APPEALS.**

(A) *Creation and procedure.*

(1) The Zoning Board of Appeals of the Village of Carol Stream, Illinois, as heretofore created and established under the provisions of the Zoning Code of the village, as amended, is hereby reconstituted and re-established as the Zoning Board of Appeals under the provisions of this Chapter and the present duly appointed members of the Zoning Board of Appeals shall continue to serve in such capacity for the full term for which they were appointed and qualify. The successor to each member so appointed to serve for a term of five years. The Zoning Board of Appeals shall consist of seven members.

(2) All appointments to the Zoning Board of Appeals shall be made by the President subject to the approval of the Board of Trustees. One of the members so appointed shall be named by the President as Chairperson at the time of this appointment. The President, subject to the approval of the Board of Trustees, shall have the power to remove any member of the Zoning Board of Appeals for cause and after a public hearing. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of Chairperson is vacated for any reason, the President, subject to approval of the Board of Trustees, shall immediately appoint either one of the remaining members of the Zoning Board of Appeals, or any member who is appointed to fill such vacancy on the Zoning Board of Appeals as the new Chairperson. The members of the Zoning Board of Appeals shall elect an Acting Chairperson, who shall serve in the absence of the Chairperson.

(3) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Zoning Board of Appeals may determine. The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, or repeal thereof, and every order, requirement, decision, or

determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be of public record.

(4) The Zoning Board of Appeals shall decide matters as authorized by this Chapter after a public hearing. A concurring vote of a majority of members of the Zoning Board of Appeals then in office shall be necessary on any matter upon which it is authorized to decide or to recommend by this Chapter.

(5) All decisions and findings of the Zoning Board of Appeals on appeal or upon application for a variation after a hearing shall, in all instances, be reported to the Board of Trustees for final decision.

(B) *Jurisdiction and authority.* The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

(1) To hear, decide, and review appeals from any order, requirement, decision or determination made by the Community Development Director or other authorized officials of the village having jurisdiction under this Chapter.

(2) To hear and pass upon applications for variations from the terms provided in this Chapter in the manner prescribed by, and subject to, the standards established herein.

(3) To hear and to decide all matters referred to it or upon which it is required to pass under this Chapter or as prescribed by statute. (Am. Ord. 92-06-70, passed 6-23-92)

***Cross-reference:***

Zoning Board of Appeals, see Ch. 3, Art. 7

**§ 16-15-5 APPEALS.**

(A) *Authority.* The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision, or determination made by the Community Development Director or other authorized official of the village having jurisdiction under this Chapter.

(B) *Initiation.*

(1) An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau, or commission aggrieved by an administrative order, requirement, decision, or determination under this Chapter by the Community Development Director or other authorized official of the village having jurisdiction under this Chapter.

(2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Zoning Board of Appeals, after the notice of appeal has been filed, that by reason of facts stated in the

certificate a stay would, in his or her opinion, cause imminent peril to life or property. In this event, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals from whom the appeal is taken, and on due cause shown.

(C) *Processing.*

(1) An appeal shall be filed with the Village Manager. The Village Manager shall forward the appeal to the Zoning Board of Appeals for processing in accordance with applicable state law. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appeal is taken.

(2) The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and shall give due notice thereof to parties, and shall decide the appeal within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination as, in its opinion, ought to be made on the premises and to that end has all the powers of the official from whom the appeal is taken. (Am. Ord. 92-06-70, passed 6-23-92)

**§ 16-15-6 VARIATIONS.**

(A) *Authority.* The President and Board of Trustees, by ordinance, upon report of the Zoning Board of Appeals, and only after a public hearing before the Zoning Board of Appeals, shall decide variations of the provisions of this Chapter in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter.

(B) *Initiation.* An application for a variation shall be filed in writing with the Community Development Director and may be made by any government office, department, board, bureau or commission, or by any person, firm, or corporation having a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest applicable to the land or land and improvements described in the application for a variation.

(C) *Processing.* An application for a variation shall be filed with the Community Development Director who shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable state law. No variation shall be made by the Board of Trustees except after a public hearing before the Zoning Board of Appeals held on such notice as shall be required by state law.

(D) *Standards.*

(1) The Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon evidence presented to it in the following cases:

(a) That the property in question, other than a single-family residential lot, cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

(b) That the plight of the owner is due to unique circumstances.

(c) That the variation, if granted, will not alter the essential character of the locality.

(d) That the plight of the owner is due to the failure of a previous owner of the property in question to follow then-applicable ordinances or regulations, and where the benefit to health, safety or appearance to be derived from correcting the nonconformity would not justify the cost or difficulty of the correction. The evidence must show that the current owner had no role in the creation of the nonconformity. Such variation, if granted, will permit the legal nonconforming status of a building or structure subject to the requirements of §16-14-3.

(2) For the purpose of supplementing the above standards, whenever there are practical difficulties or a particular hardship, in making its decision, the Zoning Board of Appeals shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence.

(a) That the particular physical surroundings, shape, or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

(b) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same district.

(c) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(3) The Zoning Board of Appeals may recommend and the Board of Trustees may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this Chapter.

(E) *Types of variations.* The Zoning Board of Appeals shall hear and recommend and the Board of Trustees shall decide only such variations to the regulations of this Chapter as follows:

(1) To permit a yard or other required open areas to have less width or depth than herein required by applicable zoning district regulations.

(2) To permit the use of a lot of record on the effective date of this Chapter for a use otherwise prohibited solely because of the insufficient area or width of the lot, but in no event, unless otherwise permitted in this Chapter, shall the area or width of the lot be less than 90% of the required area or width.

(3) To allow any permitted use to exceed by not more than 10% the floor area ratio or building height regulations of the district where such use is to be located.

(4) To permit the same off-street parking spaces to qualify as required spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same time.

(5) To vary the off-street parking regulations for a change of use in a conforming building when it is found that adequate off-street parking facilities exist in the vicinity; or providing the required number of parking spaces on the same lot or within the required distance from it would impose an unreasonable hardship upon the use of such building as contrasted with merely granting an advantage or convenience.

(6) To permit the reconstruction of a nonconforming building, a structure which has been destroyed or damaged by fire, act of God, or the public enemy to an extent of more than 60% of the total cost of reconstructing the entire building or structure, where the Zoning Board of Appeals shall find a compelling necessity requiring a continuance of the nonconforming use.

(7) To permit, as in the case of other variations, the full or partial continuation of a nonconforming building or structure whose nonconformity is the result of the failure of a previous owner of the property in question to follow then-applicable ordinances or regulations. Such continuation shall be in accordance with the requirements of §16-14-3.

(8) To permit any variation other than those allowable above, where such variation would better carry out the intention of the Zoning Code and where no harm would be caused by the granting of the variation. (Am. Ord. 92-06-70, passed 6-23-92; Am. Ord. 2007-07-28, passed 7-16-07)

#### **§ 16-15-7 AMENDMENTS.**

(A) *Authority.* The regulations imposed and the districts created under the authority of this Chapter may be amended, from time to time, by ordinance in accordance with applicable state law. An amendment shall be granted or denied by the Board of Trustees only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the Board of Trustees.

(B) *Initiation of amendments.* Textual amendments to the Zoning Code may be proposed by the Board of Trustees, Plan Commission, or Zoning Board of Appeals, or by any resident or owner of property in the village. Amendments to the Zoning Map may be proposed by the Board of Trustees, Plan Commission, Zoning Board of Appeals, or any person with a contractual possessory interest in the property affected by the amendment.

(C) *Processing.* An application for an amendment shall be filed with the Community Development Director, who shall arrange for the Plan Commission to hold a public hearing and to submit to the Board of Trustees a report of its findings and recommendations. Such public hearing shall be held upon such notice that shall be required by state law.

(D) *Decisions.*

(1) The Board of Trustees, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable state law, or may refer it back to the Plan Commission for further considerations.

(2) In case a written protest against any proposed amendment is signed and acknowledged by owners of 20% of the frontage proposed to be altered, or by the owners of 20% of the frontage directly opposite the frontage to be altered, is filed with the Village Manager, the amendment cannot be passed except on the favorable vote of two-thirds of all members of the Board of Trustees. (Am. Ord. 92-06-70, passed 6-23-92)

#### **§ 16-15-8 SPECIAL USES.**

(A) *Purpose.* The development and execution of this Zoning Code is based upon the division of the village into districts, within any one of which the use of land and buildings, and the bulk and location of buildings and structures as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and upon the public need for the particular use at the particular location, as well as upon the ability of the village to supply the special uses with various community services, such as adequate treatment of waste water, adequate supply of potable water, fire protection, police protection, maintenance of street rights-of-way, and proper traffic safety. Such special uses fall into the following two categories:

(1) Uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest.

(2) Uses entirely private in character but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

(B) *Approval of special uses.* Any person owning or having a proprietary interest in the subject property may file an application for approval to use such land for one or more of the special uses provided for in this Chapter in the zoning district in which the land is situated. Except as provided herein, any modification to an approved special use, or any addition to or expansion of an existing special use, shall require separate review and approval under the provisions of this Chapter. However, minor changes may be approved by the Community Development Director without obtaining separate approval by the Plan

Commission or Village Board. A minor change is any change in the site plan or design details of an approved special use, which is consistent with the standards and conditions applying to the special use, as provided in the approving ordinance and which does not alter the concept or intent of the special use, increase the intensity of the special use or increase the impact of the special use on the surrounding area. A minor change shall not change the general character of the special use, cause a substantial relocation of buildings, increase land coverage, increase the height of buildings or the gross floor area of buildings, reduce open space, amend any special use condition, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the Village Board in approving the special use.

(C) *Authorization.* An application for a special use shall be acted upon by the Board of Trustees only after a public hearing has been held by the Plan Commission after due notice by publication, as provided by applicable state law, and the findings and recommendations of the Plan Commission have been reported to the Board of Trustees.

(D) *Application.*

(1) An application for a special use shall be filed and processed in the manner prescribed for applications for amendments, except for planned unit developments as controlled in Chapter 16, Article 16, and shall be of such form accompanied by such information as shall be established from time to time by the Plan Commission.

(2) For any case involving an application for special use permit, a certified court reporter will attend and record the entire hearing at the expense of the applicant, as included in the special use fee and in accordance with §16-15-9(A).

(E) *Conditions.* No special use shall be recommended by the Plan Commission nor approved by the Board of Trustees unless the special use:

(1) Is deemed necessary for the public convenience at the location.

(2) Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(3) Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(4) Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(5) Will provide adequate utilities, access roads, drainage, and other important and necessary community facilities.

(6) Will conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Board of Trustees.

(F) *Conditions and guarantees.* Prior to granting any special use, the Plan Commission may recommend and the Board of Trustees may stipulate certain conditions and restrictions, including but not limited to those upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which special uses are granted, the Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be complied with, including but not limited to the acceptance in writing of the owner of the property involved and other interested parties of the conditions and guarantees set forth within the Zoning Code. A copy of the ordinance bearing the acceptance may be recorded in the office of the County Recorder of DuPage County. The acceptance shall be in approximately the following form:

“The undersigned, being the (owner, tenant, contract purchaser, etc.) of the property legally described in this ordinance do/does hereby acknowledge that the fulfillment of such conditions and guarantees are essential to the granting and continuation of the special use allowed herein, and that but for the imposition of these requirements and guarantees the special use would not have been granted. The undersigned do/does further certify and agree that such conditions and guarantees shall equally bind and be effective against any/all successor/successors to the interest of the undersigned. The commitment herein made shall run with the land and shall be enforceable by the Village of Carol Stream in a court of law or equity in addition to any and all other remedies available to the village to secure compliance with the conditions and guarantees agreed to herein.”

(G) *Effect of denial of a special use.* After a public hearing, no application for a special use which has been denied wholly or in part by the Board of Trustees shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by the Board of Trustees, who shall in such case refer the application to the Plan Commission for a new hearing pursuant to proper legal notice.

(H) *Termination of special use permit.*

(1) A special use permit granted by the Board of Trustees shall be subject to termination in the manner provided herein below under any of the following circumstances:

(a) Failure to commence construction of the proposed use within 18 months from and after the date of the granting of the permit. Construction shall not be deemed to have commenced unless and until all necessary permits have been obtained, the site has been properly graded, all foundations and footings are in place, and all utilities have been provided for.

(b) Failure to carry the construction work forward expeditiously with adequate forces for a period of 18 months out of any 24-month period.

(c) Following the issuance of occupancy permits, abandonment or other failure to utilize the property for the purposes permitted by the special use for a period of two months out of any consecutive six-month period.

(d) Upon written application, the Board of Trustees may authorize extensions of any time period specified herein above, but each such extension shall not exceed one year at a time.

(2) Upon written application by any person or any village official following the expiration of any time period or authorized extension thereof, as provided herein above, the Plan Commission shall hold a public hearing with regard to whether any of the conditions described in division (H)(1) above exist and whether on account of such conditions and other circumstances the special use permit shall be terminated or whether the property shall be rezoned to another use. Public notice of such hearing shall be given by newspaper publication and the legal owner of record of the subject property shall be notified by certified mail, return receipt requested. The hearing shall otherwise be conducted in accordance with the procedures required by state law and by this Chapter for an amendment to the Zoning Code.

(3) Following such hearing, the Plan Commission shall prepare written findings of fact and its recommendations regarding the continuation or termination of the special use and regarding the rezoning of the property to another classification. Such findings and recommendations shall be transmitted forthwith to the Board of Trustees for final action. The Board of Trustees, after receiving such findings and recommendations, may grant a further extension of the special use permit, may allow the property to be developed and utilized for the permitted uses of the underlying zoning classification, or may rezone the property.

(4) In making their determination, the Plan Commission and the Board of Trustees shall consider the effect of changed conditions, if any, upon the property. Where the property in question was granted a change in zoning category contemporaneously with its special use or achieved such a use as part of an annexation agreement, the Plan Commission and Board of Trustees shall consider whether the property would have been granted the zoning classification underlying its special use if it were not for the conditions which were imposed by the special use or by an annexation agreement, as the case may be. It is the intent of this provision to prevent the rezoning of land to a higher (less restrictive) category based upon the promise of development of a well-planned special use subject to various conditions; the abandonment of that use, and the attempted development of the property without proper planning controls under a zoning category which would not have been granted, but for the planning requirements imposed under the special use.

(5) During the time that the Plan Commission and Board of Trustees are considering the disposition of a special use which has prima facie been abandoned in accordance with the time period set forth in this subsection, no permits for new construction shall be issued for the property and no buildings for which permits have been previously

issued shall be constructed until the Board of Trustees has made a final decision regarding the future zoning of the property.

(I) *Standards.* A special use permit for the special uses listed in this Zoning Code may be granted and the applicable district regulations modified only if evidence is presented to establish that:

(1) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community;

(2) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;

(3) The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations; and

(4) The proposed building or use complies with the more specific standards and criteria established for the particular building or use in question by Chapter 16, Article 8.

(5) There shall be reasonable assurance that the proposed buildings or use will be completed and maintained in a timely manner, if authorized. (Am. Ord. 90-09-86, passed 9-25-90; Am. Ord. 95-01-02, passed 1-3-95; Am. Ord. 2000-10-79, passed 10-2-00; Am. Ord. 2003-12-82, passed 12-1-03)

#### **§ 16-15-9 PROCEDURES.**

(A) In the event of any judicial review of any zoning or planning decision of the Plan Commission, Zoning Board of Appeals or Village Board, pursuant to ILCS Ch. 65, Act 5, §11-13-13 or any similar law, the applicant shall be required to reimburse the village for the cost of preparing and certifying the record of proceedings.

(B) The Village Board may determine by majority vote that any case brought before it for final decision shall be remanded to the board or commission from which it was received, for hearing de novo; or taking further evidence on a specific issue or all issues; or clarification or elaboration of findings or recommendations; or creation of an appropriate record of proceedings; or reconsideration in light of any modification the Board may deem appropriate; or other such proceedings as the Board may direct. (Ord. 2003-12-82, passed 12-1-03)

#### **§ 16-15-10 EXPIRATION OF APPLICATION.**

Upon receipt of an application for any of the processes regulated by this Chapter, the Village shall provide a written commentary to the applicant or bring the case to the Plan Commission or Zoning Board of Appeals for action. Such application shall expire unless the

applicant submits an acceptable response to the Village's written commentary within a period of 180 days from issuance of the commentary, or if the applicant otherwise demonstrates that the case is ready for review by the Plan Commission or Zoning Board of Appeals within a period of 180 days from issuance of the commentary. The Community Development Director is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The application fee shall not be refunded for applications that have been determined to have expired.

## ARTICLE 16: PLANNED UNIT DEVELOPMENT

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### Section

16-16-1	General purpose and intent
16-16-2	Preapplication procedure
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16-16-5	Changes and modifications of the planned unit development after approval of the final plan
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16-16-8	Business planned unit developments
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### § 16-16-1 GENERAL PURPOSE AND INTENT.

(A) The primary purpose of a planned unit development is to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones. This is accomplished by allowing the developer the freedom necessary to protect natural resources and to protect the investment of both the village and the project.

(B) Based upon the submission of an acceptable site plan of exceptionally meritorious nature and other required documents, permission may be granted for the construction of a planned unit development which may be constructed such that more than one principal building may be constructed on a single subdivided lot or unsubdivided parcel of land.

(C) The granting of such flexibility as provided for in the special use permit for a planned unit development shall be dependent upon the ability of the land as utilized by the developer to meet such general objectives of this ordinance set forth below as shall apply to the proposed special use:

(1) The protection of both the aesthetics and function of the natural environment.

(2) The arrangement of buildings and other improvements advantageous to the orderly function and aesthetics of both the natural and man-made environment.

(3) The preservation of adequate, permanent open space for the use of the residents in the development.

(4) The plan may contain either a single use type or a mixture of uses.

(5) The provision of land area necessary to accommodate any cultural, educational, recreational, and other public and quasi-public activities necessary to serve the needs of the neighborhood.

(6) The orderly and creative arrangement of all land uses with respect to each other and to the entire village.

(7) The provision of developed recreational activity areas necessary to serve the needs of the residential portion of the development.

(8) The provision of a pedestrian environment separate from the vehicular environment.

(D) In order to accomplish these intents, in its establishment and authorization as a special use, a planned unit development may be exempted from certain of the provisions of the Subdivision Code and the Zoning Code of the village to the extent specified in the final authorization of the planned unit development.

#### **§ 16-16-2 PREAPPLICATION PROCEDURE.**

(A) The preapplication procedure is an optional but recommended means of beginning an application for a planned unit development. Prior to filing of an application for approval of a planned unit development, the applicant may submit to the Plan Commission plans and data as specified below. This step does not require formal application, but does require the filing of the plan with the Village Manager. The developer may request such a meeting with the Plan Commission of the village in order to discuss his plans and particular problems relative to compliance with the comprehensive plan, official map, Zoning Code and other applicable village ordinances.

(B) Preapplication information to be presented by the developer is suggested to be as follows:

(1) Sketch plan on a topographic survey, which shall show in simple sketch form the proposed layout of streets, land uses and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of a topographic survey. Topographic information from United States Geographical Survey maps may be used. The sketch plan shall include the existing topographic data on contours of not less than ten foot intervals.

(2) General planned unit development information, which may describe or outline the existing conditions of the site and the proposed development as necessary to supplement the submitted plans. This information may include data on existing covenants, land characteristics, and available community facilities and utilities. It may also describe the proposed land uses, including industrial, commercial, residential, public and quasi-public uses. Additional information for proposed residential land uses may include the proposed number of dwelling units for each residential land use area and the typical lot width and depth of any single-family residential portion of it.

### § 16-16-3 PRELIMINARY PLAN AND OUTLINE DEVELOPMENT PLAN.

(A) *Application.* An applicant shall make application for approval of a planned unit development to the Village Manager along with the required filing fee. The applicant shall accompany his application with 25 copies of a preliminary plan and, where required, an outline development plan, at least three weeks prior to the published public hearing date. With any request for a special use planned unit development, the Plan Commission encourages the most detailed and thoughtful type of planning presentation.

(B) *Stage development of a preliminary plan.* If the area of the total development is 100 acres or more, the applicant may submit the detailed information for the preliminary plan in stages to correspond to the rate of development of the entire planned unit development. If the applicant elects to do this, he or she shall submit an outline development plan at the same time that he submits the detailed preliminary plan information for the first phase of development. The first phase of development must encompass at least 20% of the total residential area, plus all areas to be dedicated for roads, parks and other public uses. With regard to the rest of the site, the information provided on this plan shall conform to the requirements of division (C) below.

(C) *Outline development plan.* The purpose of the outline development plan is to aid the Plan Commission, Village Board and the administrative staff of the village to accurately determine the ultimate impact of the proposed development on the various agencies and departments that must provide services to the future population expected to reside in the area. Realizing that it is often impossible to determine precisely the architectural character and other details of the development planned for several years in the future, the outline development plan will provide enough information to allow for adequate planning of schools, open space, sewers, transportation networks and water systems. Elements of the outline development plan shall be as follows:

(1) Background information to include boundary survey, topography and site analysis, each as defined in division (D) below.

(2) Land use concept plan. This concept plan will be the main part of the outline development plan, and shall include the following elements:

(a) Residential land uses. The location of all residential land uses shall be shown on the map in diagram form.

(b) Residential densities. Requested residential densities shall be listed with the proposed number of units per acre, as well as a description of the type of dwelling unit anticipated to achieve this density, i.e. townhouse, garden apartment, zero lot line, etc.

(c) Population calculations. Estimates of the total population anticipated by the future development shall be prepared using the latest multipliers derived by the Illinois School Consulting Service, or an equally recognized authority.

(d) Transportation network. All major thoroughfares and collector streets shall be shown on the plan. The relationship of this road network and the existing street system must be demonstrated.

(e) Open space. Concentration of major public open space areas must be shown, as well as other locations of recreation areas with a description of their proposed uses. Greenbelt orientation and bicycle path development is encouraged throughout the plan. Storm water retention areas shall be considered adequate for recreation areas only when adjacent to other active recreation areas.

(f) Commercial land uses. Commercial uses, if any, should be located adjacent to major thoroughfares and adequately buffered from residential uses or blended into residential areas by means of landscaping or other architectural methods.

(g) Zoning. Each area of the development plan should be designated with the zoning classification which best describes the proposed use of the land.

(h) Phasing plan. A description of anticipated phasing of the development should be provided showing timetables for the construction of major community facilities and the extension of roadways and sewer and water lines.

(i) All other information as may be deemed necessary by the Plan Commission from time to time for the purpose of determining long-range planning impact.

(D) *Preliminary plan documentation.* The preliminary plan shall contain as much of the following information as is applicable to the proposed special use and such other information as may be requested to accompany the application. This shall include both a map or maps, drawings, a written statement, and other information as follows:

(1) The map or maps which shall be included as part of the application shall be drawn at a scale of one inch = 100 feet, or if the area of the site is more than 200 acres, one inch = 200 feet. The following information shall be shown:

(a) Boundary survey. A boundary line survey of the subject site, which shall be prepared and certified by a registered land surveyor.

(b) Topography. The existing topographic character of the land with contours shown at intervals no greater than two feet. Topographic data shall refer to the United States Geographical Survey. North America Datum equals mean sea level elevation.

(c) Site analysis. A detailed site analysis of the property in question. which shall show the following information:

1. Physical factors information:

a. Existing land uses both on the site and immediately adjacent to it.

- b. Scenic views.
- c. Wooded areas.
- d. Soil problem areas based upon a soil survey of the site to include a report from the soil conservation district. Soil survey information as obtainable from the DuPage County Regional Plan Commission may be used if available. Additional soil information may be requested by the Plan Commission and/or the Village Engineer.
- e. Portions of the site in any floodplain and/or floodplain fringe areas.
- f. Streams, drainage ditches, culverts and standing water.
- g. Isolated preservable trees six inches or more in diameter at one foot above ground level.
- h. General directions of the storm water runoff across the property.

2. Public utilities information, which shall show the location and size of any existing sanitary sewer, storm sewers, water lines, gas, electric, and broadband telecommunications facilities, both on the site and in easements and rights-of-way immediately adjacent to the site. For each Above-Ground Service Facility depicted, the map shall designate the owner of the proposed facility, its proximity to the nearest Above-Ground Service Facility, and the Service Entity that owns the existing facility.

3. Other information:

- a. Existing county and/or municipal zoning on all parts of the site and adjacent property contiguous to the property.
- b. Municipal corporate boundaries across and adjacent to the subject site.
- c. School district boundaries across and adjacent to the subject site.
- d. Utility easements across and adjacent to the subject site.

(d) Land use plan. A proposed land use plan which shall be drawn upon a print of the topographic map for the site. The proposed land use plan shall contain the following information:

1. Identification and description:
  - a. Name of the planned unit development.
  - b. Location of the subject site by section, town, and range or by other approved legal description.
  - c. Name and address of the site planner and/or engineer.
  - d. Name and address of the owner, beneficiary and developer.
  - e. Scale, north point and date.
2. Design features information, which shall show:
  - a. Right-of-way alignments, widths and names for all streets. Street names within the planning jurisdiction of the village shall be chosen so that they are of a simple phonetic spelling and so that no conflict will be created with the names of existing village streets. Such street names shall not duplicate the name of any street heretofore used in the village or its environs unless such street is an extension of or is in line with an already named street, in which event that name shall be used. The street names shall be chosen to carry out a single theme to assist visitors and emergency vehicles in determining that section of the village in which the particular street is located. The developer, in coordination with the administrative staff of the village, will propose area themes and street names which will be reviewed by the Plan Commission as part of its review of the developmental plan or plat of subdivision.
  - b. The general location of all multi-family or single-family attached buildings and structures, and all other types of uses including, where applicable, commercial uses.

- c. Off-street parking and service areas.
- d. All areas to be dedicated as common open space and all sites to be conveyed, dedicated, or reserved for parks, parkways, play-grounds, school sites, public buildings, and similar public and quasi-public uses.
- e. The pedestrian circulation system, any parkway belt system, or bicycle circulation system.
- f. All other information necessary to clearly show the proposed elements of the planned unit development.

(e) Utility plan. A proposed utility plan which shall be drawn on a print of the proposed land use plan. The proposed utility plan shall show the approximate location and dimensions of all utilities (including sanitary sewer, storm sewer, waterlines, gas, electricity and broadband telecommunications), in both public ways and private extensions thereof, for all proposed land uses. The proposed utility plan shall also show drainage ditches, culverts and water retention areas, as well as any utility easements. Publicly franchised utilities shall be restricted to primarily a rear yard and a side yard placement, where necessary. Above-Ground Service Facilities shall be located in accordance with §16-5-7.

(2) The drawings which shall be included as part of the application for approval of the preliminary plan shall contain preliminary elevations and/or perspective drawings of typical residential and commercial structures and improvements. The drawings must indicate substantially the architectural intent, but need not show final decisions or details.

(3) The written statement which shall be included as part of the application for approval of the preliminary plan shall contain the following information:

(a) A statistical tabulation of the acreage amounts of all of the land uses proposed in the preliminary plan.

(b) The type and number of dwelling units for any proposed residential land uses.

(c) The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end.

(d) Any agreements, provisions, or covenants which shall govern the use, maintenance, and continued protection of the planned unit development and any of the common and usable open space areas.

(4) Other information may be requested if the Plan Commission finds that the planned unit development may create special problems for traffic, parking, landscaping, and/or economic feasibility. Such information may include, but not be limited to any of the following:

(a) An off-street parking and loading plan.

(b) A traffic study indicating the volume of traffic to be generated by the planned unit development or this phase of it and proposing any special engineering design features and/or traffic regulation devices needed to insure the proper safety of traffic circulation to, through and around the planned unit development or this phase of it.

(c) Taxing. A tax impact study detailing the impact which the planned unit development or this phase of it will have upon all taxing bodies. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.

(d) A landscaping planting plan, indicating the height, size, location, quantities and variety of stock to be planted.

(E) *Procedure for plan approval.* The procedure for approval of the preliminary plan, and where required, the outline development plan, shall be as follows. All reference to the preliminary plan shall apply equally to the outline development plan, where required.

(1) The Community Development Director shall refer the preliminary plan to the Carol Stream Plan Commission. The Community Development Director shall instruct the appropriate village departments and consultants to collaborate with the Plan Commission in reviewing the preliminary plan for the planned unit development for its compliance with these regulations and other ordinances of the village. Such collaboration may include meetings and conferences at which the developer shall meet the village officials and consultants in order that the Plan Commission may have, prior to its public hearing, the informal recommendations of its experts.

(2) The Community Development Director shall notify the applicant as to the time and place of the public hearing at which the applicant shall present the preliminary plan. The Community Development Director shall cause notice of such public hearing to be published in a manner approved by the Plan Commission for all special use permits and as required by statute.

(3) The Plan Commission and the Village Board may utilize the services of the professional village consultants in arriving at recommendations or decisions. The applicant shall pay the village the reasonable cost incurred for the services rendered by its consultants within ten days after the submission of the bill from the village to him. The consultants shall bill for their services at the same hourly rate which they normally charge municipal clients. The village consultants shall include, but not be limited to the persons who provide the village with advice in the fields of engineering, law, planning, traffic, design and finance.

(4) The Plan Commission shall proceed as quickly as possible in its review of the preliminary plan. Within no more than 30 days after the close of the public hearing, the Plan Commission shall:

(a) Approve or disapprove the preliminary plan and shall submit its written recommendations, which may include the recommendations of the Village Engineer, Village Planner and/or Village Attorney to the Board of Trustees, with a copy being sent to the applicant; or

(b) Advise the applicant in writing if the Plan Commission finds that changes, additions, or corrections are required in the preliminary plan. The applicant may if he wishes, resubmit ten copies of the revised preliminary plan for consideration of the Plan Commission at a continuation of or at a new public hearing. The applicant shall do so without paying an additional filing fee. The Plan Commission shall, within 30 days after the submission of the resubmitted plan, approve or disapprove the revised preliminary plan and shall submit its recommendations in writing to the Village Engineer, Village Planner, and/or Village Attorney, with a copy also being sent to the applicant. The applicant and the Plan Commission may mutually agree to extend any stated time period for Plan Commission action.

(5) The Village Board shall accept or reject the preliminary plan within 45 days after its next regular meeting following the receipt of the written recommendations of the Plan Commission. The applicant and the Village Board of Trustees may mutually agree to extend the 45 day period.

(a) If the preliminary plan is disapproved, the Village Board may state in writing the reasons for the disapproval, and such writing, if prepared, shall be filed with the Village Clerk, and a copy shall be sent to the applicant.

(b) If the preliminary plan is approved, the Village Board shall grant the special use permit for the planned unit development by specific ordinance, which shall contain or to which shall be appended all terms and conditions of the grant, including covenants, agreements, guarantees, performance bonds, site plans, and variances in the applicable subdivision and zoning ordinances of the village. However, no building permit shall be issued until a final development plan has been submitted and approved.  
(Am. Ord. 92-06-70, passed 6-23-92)

#### **§ 16-16-4 FINAL DEVELOPMENT PLAN.**

(A) Within one year following the approval of the preliminary development plan, the applicant shall file with the Plan Commission a final development plan for the first stage of development, containing in final form the information required in the preliminary plan. The Village Board may, at its sole discretion, agree by motion to grant extensions of this one year period. The final development plan shall also include the following:

(1) A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other lands not

so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

- (2) An accurate legal description of the entire area under immediate development within the planned development.
- (3) If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, to the extent that compliance with the subdivision regulations of the village shall be required.
- (4) An accurate legal description of each separate unsubdivided use area, including common open space.
- (5) Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.
- (6) Certificates, seals and signatures required for the dedication of land, and recording the document.
- (7) Tabulations of each separate unsubdivided use area, including land area and number of dwelling units per gross acre.
- (8) Landscaping plan.
- (9) Utilities and drainage plan.
- (10) Condominium declaration, final agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open areas or other common facilities.
- (11) Final development and construction schedule.
- (12) Final architectural plans.
- (13) Final engineering drawings.

(B) The final development plan shall be approved as follows:

(1) (a) The Plan Commission shall review the final development plan within 35 days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Plan Commission shall certify to the Village Board that the final development plan is in conformity with the previously filed preliminary development plan.

(b) If the final plan is substantially changed from the approved preliminary plan, the Plan Commission shall recommend to the Village Board that a new public hearing be held in conformance with the procedures for approval of preliminary plan.

(2) The Village Board, after receipt of the recommendation of the Plan Commission, shall itself review the final development plan and shall, if it is in conformity with the preliminary development plan, authorize issuance of building permits. If the final development plan is held not to be in substantial conformity with the preliminary development plan, the Village Board shall inform the applicant with regard to the specific areas found to be not in compliance, and shall order a public hearing before the Plan Commission, after which a recommendation shall be made as to whether such modifications shall be approved, rejected or approved as further changed by the board. The village may record any approved final plan.

**§ 16-16-5 CHANGES AND MODIFICATIONS OF THE PLANNED UNIT DEVELOPMENT AFTER APPROVAL OF THE FINAL PLAN.**

(A) After the approval of the final plan, the use of land and the construction, modification, or alteration of any buildings or structures within the planned unit development will be governed by the approved final plan.

(B) No changes may be made in the approved final plan, except upon application for village approval according to the following procedure:

(1) Prior to or during the construction of the planned unit development, the procedure shall be as follows:

(a) *Minor changes.* Minor changes in the location, siting, and height of buildings and structures, and in the location of streets and ways of public access and in the size and location of open space, may be authorized by the Community Development Director as required by engineering or other circumstances not foreseen at the time that the final plan was approved. Whether an alteration constitutes a minor change to an approved planned development plan shall be determined by the Community Development Director in accordance with all of the following criteria:

1. Does not alter the concept or intent of the planned unit development;
2. Does not violate an adopted development agreement;
3. Does not increase the density of the development;
4. Does not result in any deviations from village standards for the underlying zoning district;
5. Does not result in a significant change in the size or location of any building;

6. Does not change the use of the site;
7. Does not result in a significant increase in building height;
8. Does not reduce open space by more than ten percent from the original planned unit development plan;
9. Does not change the proportion of housing types by more than 15%; and
10. Does not result in a significant change in road standards or locations.

(b) *Major changes.* All changes in land uses, any rearrangement of lots, blocks, and building tracts, any major changes in the provision for common open space and all other changes in approved final plans not classified by §16-16-5(B)(1)(a) as minor changes shall be considered to be major changes to the approved planned unit development plan, and must be approved by the Village Board under the procedures authorized by the zoning ordinance for an amendment to the zoning map.

(c) If major changes are allowed in a final site plan, a new site plan reflecting such changes shall be filed with the village. Any major changes which are approved for the final plan may be recorded.

(2) After the completion of the construction of the planned unit development, the procedure shall be as follows:

(a) *Minor changes.* Minor changes to an approved planned unit development plan, as defined by §16-16-5(B)(1)(a) and including any minor extensions, alterations, or modifications of existing buildings or structures, may be authorized by the Community Development Director, if they are consistent with the purpose and intent of the final plan.

(b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final plan unless an amendment to the final plan is approved following the procedures for an amendment to the zoning map.

(c) *Major changes.* All changes in the final plan other than those classified as minor changes must be approved by the Village Board under the procedure authorized by the zoning ordinance for an amendment of the zoning map.

#### **§ 16-16-6 GENERAL STANDARDS.**

No planned unit development shall be authorized unless the Village Board shall find that the following general standards will be met:

(A) Unless unusual conditions are present which allow effective planning upon a smaller site, all planned unit developments shall be required to contain a minimum of five acres.

(B) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the development.

(C) The uses permitted in such development are not of such a nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.

(D) The site plan effectively treats the developmental possibilities of the subject property, making appropriate provisions for the preservation of streams, wooded areas, scenic views, floodplain areas, and similar physical features.

(E) All minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned unit development conform to the requirements for each individual classification as established elsewhere in the zoning ordinance of the village, except as may be specifically varied for the proper planning of the planned unit development.

(F) Commercial land uses may be allowed within residential planned unit developments provided that they do not comprise more than 5% of the total gross site area of the planned development and the area conforms to the standards outlined in the section of the zoning code dealing with business planned unit developments.

(G) The Plan Commission shall determine that the area and width of the lot shall be sufficient for the proposed use, and that the development of the property in the proposed manner creates no outlots which will be difficult to develop in an approved manner.

#### **§ 16-16-7 RESIDENTIAL LAND USE STANDARDS.**

(A) *Residential density.*

(1) Densities within the planned unit development shall remain substantially the same as provided for elsewhere in this ordinance for the various zoning district in which the design would be classified.

(2) However, in the case of site plans of extraordinary excellence, the village may consider up to 15% variance of these densities; provided, however, that the minimum lot size for a single family detached residence may not be less than 8,625 square feet; and provided further that the standards within this section are adhered to and that the following additional requirements are met:

(a) The total area remaining in open space shall not be less than 50% of the total net site area.

(b) At least 25% of the above open space shall be concentrated into common usable open space for such uses as tot lots, ball fields, parks or other recreational amenities.

(c) For the purpose of this article, open space shall be calculated as net site area exclusive of public rights-of-way, pavement and buildings. Seventy-five percent of the area of dry water retention areas and 50% of wet water retention areas may be used in calculating common usable open space.

(B) *Bulk regulations.* Exceptions in the bulk regulations of the prevailing zoning district shall be solely for the purpose of promoting an integrated site plan, no less beneficial to the residents or occupants of such development, as well as the neighboring property, than the bulk regulations of this ordinance for structures developed on separate lots.

(1) *Lot size.* No minimum lot area is required, except that individual lots for single-family detached dwellings shall be not less than 8,625 square feet in area. A range and mixture of lot sizes is desirable to provide diversity of house style and to avoid monotony.

(2) (a) *Principal structure coverage.* In no case shall the principal structural coverage including the area needed for a two car garage, exceed 25% of the total lot area at the time of initial construction of the principal structure.

(b) *Total structural coverage.* In no case shall total structural lot coverage exceed 30% of an individual single-family zoning lot except when structural coverage includes lot area covered by a swimming pool or by a deck which allows water to penetrate into the ground underneath the deck and where the area underneath the deck is covered with agricultural paper, cloth or other pervious sheeting in which case only the area of the swimming pool or deck shall be permitted to exceed 30% of the lot area up to a maximum of 35% of the lot area.

(3) *Yards.* No building, regardless of use, may be placed closer than 30 feet to the exterior boundaries of the planned development.

(4) *Spacing between buildings.* When there are two or more buildings which contain single-family attached and semi-detached dwellings, or two or more multi-family dwelling buildings, or a combination thereof, on a lot or on contiguous lots, initially under single ownership or control, the distance between the building walls shall be as follows:

(a) When the front wall of a building faces the front wall or rear wall of the nearest building, the distance between the two building walls shall be not less than 50 feet.

(b) When the rear wall of a building faces the rear wall of the other building, the distance between the two building walls shall be not less than 40 feet.

(c) When the side wall of a building faces the front or rear wall of the nearest building, the distance between the two building walls shall be not less than 30 feet; except when the facing side wall contains three or more windows on a floor, in addition

to windows from bathrooms or storage rooms, such distance between buildings shall be not less than 40 feet, or not less than 50 feet if a main entrance doorway is also in such side wall.

(d) When the side wall containing not more than four windows, two of which are from bathrooms or storage rooms, faces such side wall of the nearer building, the distance between the two building walls shall be not less than 20 feet. When the facing side wall of either or both of such buildings contains more than three window openings in addition to windows from bathrooms or storage rooms, the distance between walls shall be not less than 40 feet, or not less than 50 feet if either or both such side walls also contain a main entrance doorway.

(e) A wall of a detached building forming the end of a court shall be not less than 20 feet from the nearest wall or part of the wall containing no windows or doors of a building forming the sides of the court, and a building forming the end of the court may be attached to one or both of the buildings forming the sides of the court, provided the distance between facing walls of the buildings forming the sides of the court is not less than the applicable requirements as set forth above.

(f) When a wall containing no window or doorway, or when the end of a wall contains no window or doorway, faces such a wall or end of wall of the nearest building, the distance between such two building walls may be not less than 15 feet.

(5) *Building height.* The maximum building height within a planned unit development shall be seven residential stories, providing that structural coverage and open space requirements as noted elsewhere in this ordinance are maintained.

(C) *Non-public open areas.* The private recreational areas provided in the residential land use areas shall be preserved over the life of the planned unit development for the use primarily by the residents of the planned unit development. A plan shall be contained within every application for a planned unit development to assure that recreational facilities, advertised as being available for the use of residents, remain available for such use.

(D) *Pedestrian and vehicular access.* The Plan Commission may recommend and the Village Board may approve access to a dwelling unit by a driveway or a pedestrian walkway easement, and spacing between buildings of less widths or depths than required by district regulation for the district in which the planned unit development is located, provided:

(1) That adequate provisions are made, which perpetuate during the period of the special use, for access easements and for off-street parking spaces for use by the residents of the dwelling units served.

(2) That the spacing between buildings shall be upon the recommendation of the Plan Commission and shall be consistent with the application of recognized site planning principles for securing a unified development.

(3) That the yards for principal buildings along the periphery of the development shall be not less in depth than those required for permitted uses in the district regulations applicable to the district in which the planned unit development is located, with

the plan developed to afford adequate protection to neighboring properties upon the recommendation of the Plan Commission and approval of the Village Board.

(E) *Greenbelt circulation.* The Plan Commission shall consider whether the pedestrian ways are designed to provide for safe and convenient circulation within and beyond the development, with special attention being given to the connections between parking areas, dwelling units, and all project facilities.

(F) *Public and private open space requirements.* The Plan Commission shall consider whether the open areas on the lot are consolidated generally into large usable open areas, but also provide corridors of space around a building or buildings. It shall also make a finding regarding whether such open areas are located to take advantage of, hold, and preserve existing natural amenities such as trees, topographic features, floodplain areas, waterways and scenic views.

(G) *Variances.* In order to accomplish the objects of the planned unit development, the Plan Commission members, sitting in their capacities as members of the Zoning Board of Appeals, may recommend and the Village Board may vary the applicable minimum requirements of the subdivision ordinance of the village and the zoning ordinance of the village. (Am. Ord. 93-11-103, passed 11-9-93)

#### **§ 16-16-8 BUSINESS PLANNED UNIT DEVELOPMENTS.**

(A) *Purpose.* To encourage the most orderly development of commercial properties through advance planning, and to assure adequate standards for the development of business; provide regulations to encourage a variety of building types; assure adequate open space and parking; protect residential areas from undue traffic congestion; and to allow for the placement of more than one commercial building on a single zoning lot.

(B) *General provisions.*

(1) This section applies to all commercial business and office uses which are composed of more than one principal detached building or any single building containing a usable internal area of more than 30,000 square feet.

(2) A business planned unit development may be granted in a B-1, B-2, B-3 or B-4 zone. The uses allowed within such a planned unit development shall be those allowed within the underlying zoning district, with the exception of B-4 District Planned Unit Developments, in which the uses allowed in the B-2 District shall also be permitted.

(C) *Procedure.* The procedure for pre-application, preliminary plan submission, and final plan review shall be as previously outlined in §§16-16-2 through 16-16-5, with the following exception: §16-16-3(C), "Outline Development Plan," shall be replaced with the following plan documentation:

Since it is often difficult for commercial developers to obtain lease commitments prior to achieving zoning approval, the normal outline development plan process shall be modified to allow for a more flexible plan presentation. However, since it is the desire of the

Plan Commission and the Village Board to discourage simple land speculation, the following documentation is required for consideration of business and commercial planned developments:

Commercial outline development plan. The purpose of the plan is to demonstrate to the community the developer's sincere intention of building the proposed development in the village and illustrate in broad terms the resulting impact of the development on the existing community, so that adequate planning can take place.

The outline plan shall consist of both maps and a written statement, and must show enough of the area surrounding the proposed planned development to demonstrate its relationship to adjoining uses, both existing and proposed. It must also clearly show how it conforms to the elements of the comprehensive plan.

(1) The maps which are part of the outline development plan shall be as follows:

- (a) Background information, as per §16-16-3(D)(1)(a), (b), and (c), “boundary survey,” “topography,” and “site analysis.”
- (b) Outline development plan, showing the basic shopping center arrangement consisting of the following information:
  1. General store locations and intended sizes; particularly showing the area where the largest store or stores will be placed.
  2. Areas designated for parking.
  3. Internal site traffic circulation, both pedestrian and vehicular.
  4. External site traffic circulation.
  5. Designated landscape and screening areas.
  6. Location of truck docks and parcel receiving areas.
  7. Preliminary site engineering. (This may be a written report analyzing proposed methods of adequately serving the site with public improvements.)
  8. Additional information as deemed necessary to clearly illustrate the intent of the proposed development.

(2) The written statement to accompany the outline development plan must contain the following information:

- (a) An explanation of the character of the planned development.
  - (b) A statement of proposed financing and financial responsibility of developer.
  - (c) A statement of present ownership.
  - (d) A general indication of the expected schedule of development.
  - (e) Engineering reports as required.
- (3) A market analysis containing the following formation may be requested.
- (a) Trade area determination.
  - (b) Population of the trade area, present and projected.
  - (c) Effective buying power in the trade area, present and projected.
  - (d) Inventory of existing and proposed competing facilities.
  - (e) Net supportable commercial floor area.
  - (f) Tax impact study.

The processing of the outline development plan shall be the same as for a preliminary plan as per §16-16-3(E).

(D) *Preliminary and final site plans.* Since the outline development plan is generally schematic in nature, a condition of approval shall be that detailed plans of each phase of the development will be reviewed by the Plan Commission and Village Board prior to the issuance of a building permit. The procedure and documentation required for this, and approval of preliminary and final plans shall be the same as found in § 16-16-3(D) and (E), and §16-16-4.

(E) *Standards.* In addition to the standards set forth in §16-16-6, the following additional standards must be complied with:

(1) Residential uses. No building shall be used as a residence, except that facilities for employees of human or animal health care facilities, caretaker, or watchman for the premises may be provided.

(2) Unless specifically approved, all business shall be displayed and stored within a completely enclosed building.

(3) Parking. Off-street parking shall be in accordance with Chapter 16, Article 13.

(4) Signs and lighting. All signs and lighting in the planned development shall comply with the village Sign and Lighting Ordinances.

(a) Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates.

(b) No light which is flashing, revolving or otherwise resembling a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

(5) Landscaping and screening.

(a) Landscaping of setbacks.

1. All areas not designated for buildings, circulation, parking and storage shall be landscaped.

2. **LANDSCAPING** shall mean, at a minimum, the use of trees and a ground cover defined as grass, shrubs, or other material allowing water to seep through the ground. Berming can also be used effectively. Berm profile shall not exceed a slope of one foot of elevation in two horizontal feet unless approved methods of slope stabilization are utilized. However, whenever berms are created for aesthetic or screening purposes they should be created with lesser slopes, such as one foot of elevation in four horizontal feet.

3. Landscaping may include:

- a. Tree planting at the rate of at least one tree per 30 linear feet.
- b. Combination of berming and tree planting.
- c. Combination of berming and shrub planting.
- d. Berming with low ground cover.

4. The trees in all landscaped areas shall be at least 2½ inch caliper; conifers shall be at least six feet in height. Exterior storage, where permitted, shall be subject to proper screening. Screening must be provided whenever parking, storage, or loading is allowed on the site within the front yard, rear yard, or side yard adjacent to residential land use or to parcels zoned for residential use. Screening for privacy must also be provided whenever the proposed commercial or industrial use will allow for direct view into a residential unit or its adjacent area of privacy.

(b) Landscaping of parking lot. For lots with a paved area greater than 20,000 square feet, a minimum of 4% of the paved area must be landscaped to create

visual relief. This provision is in addition to the landscaping of minimum required setbacks and must be used in a fashion that will break the expanse of paving.

(6) Performance standards. All planned commercial and office developments shall comply with the performance standards specified by Chapter 16, Article 10.

(7) Accessibility. The site will be accessible from public roads which are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development. Traffic control signals will be provided without expense to the village when the Village Board determines that such signals are required to prevent traffic hazards or congestion on adjacent streets.

(8) Utilities. All of the planned unit development shall provide for underground installation of utilities (including gas, electricity and broadband telecommunications) in both public ways and private extensions thereof. Above-Ground Service Facilities shall be located in accordance with § 16-5-7. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf to handle storm waters.

(9) Bulk regulations.

(a) Lot size. The minimum lot size for a commercial planned unit development shall be one acre.

(b) Structural coverage. Not more than 30% of any lot in the commercial land use area shall be covered by buildings or structures.

(c) Open space. At least 15% of the net site area of the lot shall be provided for landscape and open space purposes.

(d) Perimeter setback requirements. No building or other structure that exceeds 50 feet in height shall be located within 200 feet of the lot line of such development, and no building or other structure that exceeds 35 feet in height shall be located within 100 feet of the lot line. All other setback and yard requirements for the prevailing underlying zoning district shall apply to commercial planned developments.

(e) For the purpose of this section, ***OPEN SPACE*** shall be defined as that area of the total site exclusive of public rights-of-way, buildings, pavement for parking and roadways, and nonresidential land uses, but including park and recreation areas.

#### **§ 16-16-9 INDUSTRIAL PLANNED UNIT DEVELOPMENTS.**

(A) *Purpose.* To provide flexibility in the large scale development of industrial property; provide regulations to encourage a variety of building types, assure adequate open space and parking, protect residential areas from the noise, traffic and activities of industrial

operations, and to allow for the placement of more than one principal building on a single zoning lot.

(B) *General provisions.*

(1) The minimum size of an industrial planned unit development shall be 20 acres.

(2) The uses allowed within a planned industrial development shall be as specified in Chapter 16, Article 10. In addition to industrial uses, the permitted uses within the B-3 service district shall also be permitted within an industrial planned development.

(C) *Procedure.* The procedure for pre-application, preliminary plan submission and final plan review shall be as previously outlined in §§ 16-16-2 through 16-16-5, with the exception of the requirements for the outline development plan.

(D) *Outline development plan.* An outline development plan may be submitted for the entire industrial planned development. This plan shall consist of the following information:

(1) Background information. As per § 16-16-3(D)(1)(a), (b), and (c), “boundary survey,” “topography,” and “site analysis.”

(2) Map or maps. Showing enough of the area surrounding the proposed planned development to demonstrate its relationship to adjoining uses both existing and proposed. And its relationship to the elements of the comprehensive plan. The following additional information shall also be provided:

(a) The location of all major streets and roadways.

(b) The general classification of proposed uses.

(c) The location and arrangement of known buildings and structures.

(d) The approximate size and location of parking areas.

(e) Preliminary engineering studies.

(f) Anticipated areas for landscaping and screening.

(E) *Preliminary and final site plans.* Since the outline development plan is generally schematic in nature, a condition of approval shall be that detailed plans of each phase of the development will be reviewed by the Plan Commission and the Village Board prior to the issuance of a building permit. The procedure and documentation for this is found in §16-16-1(D) and (E) and §16-16-4.

(F) *Standards.* In addition to the standards set forth in §16-16-6 the following standards must be complied with:

(1) Residential uses. No building shall be used as a residence, except that facilities for custodian, caretaker or watchman for the premises may be provided.

(2) Parking. Off-street parking shall be in accordance with Chapter 16, Article 13.

(3) Signs. All signs in the planned development shall comply with the village Sign Code.

(4) Performance standards. All planned industrial developments shall comply with the performance standards as set forth in § 16-12-3.

(5) Utilities. All of the industrial planned unit developments shall provide for underground installation of utilities (including gas, electricity and broadband telecommunications) in both public rights-of-way and private extensions thereof. Above-Ground Service Facilities shall be located in accordance with §16-5-7.

(6) Landscaping. At least 10% of the net land area of an industrial planned unit development shall be reserved for landscaping. All outdoor storage areas shall be adequately screened and landscaped and transitional yards between noncompatible land uses shall be screened with evergreen plant material, or suitable alternative material as approved by the Plan Commission.

(G) *Bulk requirements.* The bulk requirements as set forth in §16-10-2(C) through (K) shall be complied with. Building separation shall be equal to the distance normally determined by conventional yard requirements in the absence of normal lot arrangement. Provided, however, that where the presentation of a site plan indicates that the development of industrial lots averaging not less than 20,000 square feet with no lot being less than 15,000 square feet would be consistent with the intent of this chapter to provide locations for various types of industries within the village, such industrial planned unit developments utilizing smaller lots may be approved. Where a site plan containing such smaller lots is approved, the development of that property shall take place in accordance with the provisions of §16-10-2(C), (H), (I), (J), and (K). Where a planned unit development is proposed which utilizes in whole or in part lots between 15,000 square feet and one acre, the site plan for those lots shall set forth the proposed front yard, side yards and rear yards. Such yard requirements must comply with good planning standards and must be consistent with the concept of substantial setback yards around industrial structures.

## ARTICLE 17: MISCELLANEOUS PROVISIONS

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### Section

16-17-1	Fees
16-17-2	Repeal of conflicting ordinances
16-17-3	Vested right
16-17-4	Separability
16-17-5	Rights and remedies are cumulative
16-17-6	Public nuisance per se
16-17-7	Violation, penalty, enforcement
16-17-8	Effective date

### **§ 16-17-1 FEES.**

Fees for application for zoning approvals under the provisions of this Chapter shall be as prescribed in § 6-13-12.

### **§ 16-17-2 REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or parts of ordinances in conflict with the provisions of this Chapter are hereby repealed insofar as they conflict herewith.

### **§ 16-17-3 VESTED RIGHT.**

Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

### **§ 16-17-4 SEPARABILITY.**

It is hereby declared to be the intention of the President and Board of Trustees that the several provisions of this Chapter are separable, in accordance with the following:

(A) If any court of competent jurisdiction shall adjudge any provision or a part thereof of this Chapter to be invalid, such judgment shall not affect any other provisions or part thereof of this Chapter, including other parts of the provision declared invalid which are not specifically declared to be invalid in such judgment.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision or part thereof of this Chapter to a particular property, building, or structure, such judgment shall not affect the application of such provision or part thereof to any other property, building, or structure not specifically included in such judgment.

**§ 16-17-5 RIGHTS AND REMEDIES ARE CUMULATIVE.**

The rights and remedies provided herein are cumulative in addition to any other remedies provided by law.

**§ 16-17-6 PUBLIC NUISANCE PER SE.**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Chapter in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**§ 16-17-7 VIOLATION, PENALTY, ENFORCEMENT.**

(A) Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this Chapter shall be fined not less than \$75 no more than \$750 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(B) (1) In the event any building or structure constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land use is in violation of this Chapter, the Community Development Director or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding to:

- (a) Prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.
- (b) Prevent the occupancy of the building, structure or land.
- (c) Prevent any illegal act, conduct, business or use in or about the premises.
- (d) Restrain, correct, or abate the violation.

(2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the village at the time suit is begun by serving a copy of the complaint on the President of the Board of Trustees; no such action may be maintained until such notice has been given.

(C) Any person violating §16-13-2(F)(3) or (F)(4) shall be deemed guilty of an offense and shall be punished by a fine of not less than \$10 for the first offense within any calendar year, \$25 for the second offense within any calendar year, \$50 for the third offense within any calendar year, \$100 for the fourth offense within any calendar year, and \$100 for any offense thereafter occurring within one calendar year. Each day that a person is in violation of the provisions of §16-13-2(F)(3) or (F)(4) shall constitute a separate offense. (Am. Ord. 92-06-70, passed 6-23-92; Am. Ord. 96-01-03, passed 1-15-96)

**§ 16-17-8 EFFECTIVE DATE.**

(A) This Chapter shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

(B) However, where a building permit for a building or structure has been issued, in accordance with state law, prior to the effective date of this Chapter, and where construction has been begun within six months of such effective date and is being diligently prosecuted to completion, such building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may upon completion, be occupied under a certificate of occupancy by the use originally designated, subject to the provisions set forth in §16-15-2.

## ARTICLE 18: DEFINITIONS

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### Section

#### 16-18-1 Definitions

#### § 16-18-1 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABOVE-GROUND SERVICE FACILITY** (“*Service Facility*” or “*Service Facilities*”). An above-ground structure, used by a Service Entity to provide service to the public, which has a volume above the ground surface of 24 cubic feet or greater, a linear size of four feet or greater in any one dimension, or a footprint of five percent or greater of the maximum lot coverage for the lot.

**ABUT.** To have a common property line or district line.

**ABANDONMENT.** An action to give up one's right or interest in property.

#### **ACCESSORY BUILDING, STRUCTURE OR USE.**

- (1) An **ACCESSORY BUILDING, STRUCTURE** or **USE** is one which:
  - (a) Is subordinate to and serves a principal building or principal use;
  - (b) Is subordinate in area, extent or purpose to the principal building or principal use served;
  - (c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and
  - (d) Is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.
- (2) An **ACCESSORY BUILDING, STRUCTURE** or **USE** includes but is not limited to the following:
  - (a) A children's playhouse, garden house, and private greenhouse;
  - (b) A shed, garage, or building for domestic storage;

- (c) Incinerators incidental to residential use;
- (d) Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
- (e) Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;
- (f) A non-paying guest house or rooms for guests within an accessory building; provided, such facilities are used for the occasional housing of guests of the occupants of the principal building and not for permanent occupancy by others as housekeeping units;
- (g) Servant's quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling;
- (h) Swimming pool, tennis court or other athletic facilities for private use by the occupant and his or her guests;
- (i) Off-street motor car parking areas, and loading and unloading facilities;
- (j) Signs (other than advertising signs) as permitted and regulated in each district incorporated herein;
- (k) Carports;
- (l) Public utility facilities, including telephone, electric, gas, water and sewer lines, their supports, and incidental equipment;
- (m) A residential unit for one person and his or her family where such occupancy is accessory to a business which requires a full-time watchman, attendant, or residential professional;
- (n) Driveways.
- (o) Donation drop boxes

**ADDITION.** An extension or increase in floor area or height of a building or structure.

**ADJACENT.** To lie near or close to; in the neighborhood or vicinity thereof.

**ADJOINING.** Touching or contiguous, as distinguished from lying near or adjacent.

**AIRPORT.** Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities located thereon.

**ALLEY.** Any right-of-way which is used primarily for vehicular traffic along the side or in the rear of properties and which affords only a secondary means of access to abutting properties.

**ALTERATION.** Any change in size, shape, occupancy, or use of a building or structure.

**AMUSEMENT DEVICE.** An amusement device shall mean any machine, game, table or device which is designed, intended, displayed or kept as an amusement game, test of skill or entertainment, and may be operated by the public upon the insertion of coin, slug, token, plate, disc, or the use of which is made available for any valuable consideration; it is operated by the manipulation of buttons, dials, balls, wheels, trigger devices or electrical impulses, whether or not registering a score, offering a prize, or offering free replays. **AMUSEMENT DEVICE** shall include but not be limited to devices commonly known as pinball machines, marble machines, video games, electronic games, skill ball, and all games, operations, or transactions similar thereto under whatever name they may be indicated. Not included within the definition of **AMUSEMENT DEVICE** are regulation bowling alleys and children's rides.

**ANIMAL HOSPITAL.** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

**ANTENNA STRUCTURE.** The rigid portion of the assembly which receives or transmits radio frequency energy, together with the mast or tower upon which such assembly is mounted, excluding non-rigid items such as wire, cable transmission lines, guy wires or guy wire anchors.

**APARTMENT.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities (sink, stove, refrigerator and storage facilities) permanently installed must always be included for each apartment.

**AUTOMOBILE AND COMMERCIAL VEHICLE FUELING PLAZA.** A retail facility that sells gasoline and diesel fuel to the public for the fueling of automobiles and commercial vehicles up to and including semi-trucks, including but not limited to one or more of the following accessory uses: convenience store, restaurant, and short-term truck parking of not more than 2 hours in accordance with Section 16-13-3 of the Zoning Code. The facility shall not include shower facilities, laundry facilities, sleeping quarters or overnight parking or storage of commercial vehicles.

**AUTOMOBILE LAUNDRY.** A building or portion thereof containing facilities for washing more than two automobiles, using production line or self service methods.

***AUTOMOBILE REPAIR, MAJOR.*** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repairing and painting of vehicles.

***AUTOMOBILE REPAIR, MINOR.*** Incidental repair, replacement of parts, and motor service to automobiles, but not including any operation specified under the definition of ***AUTOMOBILE REPAIR, MAJOR.***

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

***AUTOMOBILE AND TRAILER SALES AREA.*** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

***AWNING.*** A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

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

***BILLBOARD.*** Any structure or portion thereof upon which are signs or advertisements used as an outdoor display, but not including bulletin boards used to announce church services or to display court or other public office notices, or signs for offering the sale or lease of the premises on which the sign is located.

***BLOCK.*** A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of the village.

***BOARD OF TRUSTEES.*** The President and Village Board of Trustees of the Village of Carol Stream, Illinois.

***BROADBAND TELECOMMUNICATIONS.*** The provision of the ability to transmit voice, data, text, sound or video programming. A broadband telecommunications utility is any entity engaged in operating, maintaining, and/or providing a broadband telecommunications network to subscribers for a fee, and may be operated via an open and/or

closed transmission path. A telecommunications utility may be based on a single technology or a combination of technologies.

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

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED.** A building surrounded by open space on the same zoning lot.

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

**BUILDING, NONCONFORMING.** Any building which does not conform to the regulations herein prescribing the required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which the building is located.

**BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

**BUILDING SETBACK LINE.** A line marking the minimum horizontal distance between the front line of the building or structure and the front property line.

**BUS LOTS.** Any lot or land area used for the storage or layover of passenger buses or motor coaches.

**CANOPY.** Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements.

**CELLAR.** A story having more than one-half of its floor to clear ceiling height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**CLINIC, MEDICAL OR DENTAL.** A building or portion thereof, the principal use of which is for offices of an organization or group practice of specializing physicians or dentists or both, and contains facilities for examination and treatment of patients, but without facilities for overnight lodging.

**CLOSED CUP FLASHPOINT.** The lowest temperature at which a combustible liquid under the most favorable conditions will give off a flammable vapor which will burn momentarily.

**CLUB OR LODGE, PRIVATE.** A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

**COMMISSION.** The Plan Commission of the Village of Carol Stream, Illinois.

**COMMUNITY RESIDENCE.** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.

**CONTIGUOUS.** In actual contact.

**COMMON AREA.** An area or areas of reasonable contiguous open space available to residents of a planned unit development for common use. Required setback, parking spaces and driveways are not to be included.

**CONSTRUCTION EQUIPMENT.** Any equipment which is used in connection with the construction, alteration, excavation, or repair of a building or of real property, including but not limited to equipment such as front loaders, trailers, cranes, bulldozers, and other similar equipment.

**DAY NURSERY.** A building or portion thereof used for the daytime care of preschool children.

**DEPTH OF LOT.** The mean horizontal distance between the front and rear lot lines.

**DECIBEL.** A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed or measure the intensity of sound, are calibrated in decibels.

**DISTRICT.** A portion of the village within which on a uniform basis certain other uses of land and building are permitted and certain other uses of land and building are prohibited as set forth in this Chapter, or within which certain yards and other open spaces are required or within which certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied.

**DOMESTIC PET SERVICE.** An establishment where clipping, bathing, and other services, except that of a veterinary nature, are rendered to dogs, cats and domestic pets. No boarding shall be permitted.

**DRIVE-IN ESTABLISHMENTS.** An establishment or part thereof in which are provided facilities where serving or consuming commodities, or both, are intended to occur primarily in patrons' automobiles parked on the premises, or where commodities are purchased by customers waiting in automobiles for consumption off the premises.

**DRIVEWAY.** A private roadway providing motor vehicle access to a structure or an off-street parking or loading area.

**DWELLING.** A building or portion thereof designed or used exclusively for residential purposes, including single-family, two-family, and multiple-family dwellings, but not including mobile homes, or other trailers or lodging rooms in hotels, motels, or lodging houses.

**DWELLING, ATTACHED.** A dwelling joined to one or more other dwellings by party walls, or vertical cavity walls, and above-ground physically unifying horizontal structural elements.

**DWELLING, DETACHED.** A dwelling which is surrounded on all sides by open space on the same lot.

**DWELLING, MULTIPLE-FAMILY.** A dwelling containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY.** A dwelling containing one dwelling unit only.

**DWELLING UNIT.** One or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

**EFFICIENCY UNIT.** A dwelling unit consisting of one principal room for living, sleeping, and eating, plus facilities for cooking and a complete bath and toilet facilities.

**ESTABLISHMENT, BUSINESS.** A place of business carrying an operation, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

**FAMILY.** Either: (1) Two or more persons, each related to the other by blood, marriage, legal adoption, or through legal custody, together with usual domestic servants and not more than two bona fide guests, all living together as a single house-keeping unit and using common kitchen facilities (that is, a related family); or (2) four or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage, or legal adoption or through legal custody, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this Zoning Code, however,

an unrelated family shall not include persons living together in a community residence or nursing home.

***FAMILY COMMUNITY RESIDENCE.*** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than eight unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.

***FLOOD CREST ELEVATION.*** The elevation of the highest flood level as designated by the Village Engineer.

***FLOODPLAIN.*** The relatively flat lowlands adjoining a watercourse or other body of water subject to overflow therefrom during flood periods.

***FLOODWAY.*** The channel of the stream or body of water and that portion of the floodplain that is inundated by a flood and used to carry the flow of the flood.

***FLOOR AREA.*** The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows:

- (1) For determining floor area ratio, the sum of the following areas:
  - (a) The basement floor area when more than one-half of the basement height is above the finished lot grade level where curb level has not been established;
  - (b) Elevator shafts and stairwells at each floor;
  - (c) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof);
  - (d) Penthouses;
  - (e) Attic space having headroom of seven feet ten inches or more;
  - (f) Interior balconies and mezzanines;
  - (g) Enclosed porches; and
  - (h) Floor area devoted to accessory uses.
- (2) Space devoted to off-street parking or loading shall not be included in the floor area.

(3) The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.

(4) For determining off-street parking and loading requirements, the sum of the following areas:

(a) Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks or closets;

(b) Any basement floor area devoted to retailing activities; and

(c) Floor area devoted to the production or processing of goods or to business or professional offices.

(5) For determining off-street parking and loading requirements, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein,) off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

**FLOOR AREA RATIO (F.A.R.).** The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned development, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal accessory buildings) in direct ratio to the gross area of the lot.

**FOOD SERVICE.** Any full service and fast food operation, with or without seats and tables, as well as stores such as but not limited to doughnut shops, ice cream shops, delis, meat markets, take out pizza operations.

**FREE BURNING.** The rate of combustion described by a material which burns actively and easily supports combustion.

**FREQUENCY.** Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

**GAME ROOM.** Any business establishment having two or more amusement devices, whether or not operated as a principal use.

**GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses.

***GARAGE, PRIVATE.*** Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident on the premises, and which no business, service or industry connected directly or indirectly with the automobile vehicles is carried on; provided, that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented. Such a garage shall not be used for more than two commercial vehicles and the load capacity of such vehicles shall not exceed 2½ tons.

***GARAGE, PUBLIC.*** A building other than a private garage used for the care, incidental servicing and sale of automobile supplies or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding 1½ tons capacity.

***GARAGE, STORAGE OR OFF-STREET PARKING.*** A building or portion thereof, designed or used, or land used exclusively for storage of motor vehicles, at which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired, or sold.

***GOLF COURSE.*** Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

***GRADE.*** The established grade of the street roadway or street sidewalk adjoining the front lot line, at a point opposite the middle of the building wall facing such front lot line. Where no such grade has been established, the grade shall be the elevation of the street sidewalk at such point; and where no sidewalks exist, the grade shall be the average elevation of the street roadway adjacent to the front lot line. Except in cases of unusual topographic conditions, as determined by the Community Development Director, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

***GROUND FLOOR AREA.*** The lot area covered by a principal building, measured at grade, from the exterior face of the exterior walls, but excluding open porches or terraces, garages or carports; except the floor area of a garage may be included in the ground floor area when it is a part of the ground floor of a building over one story in height, and the floor above the garage is used or intended for use as a part of the principal use.

***GROUP COMMUNITY RESIDENCE.*** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of 9 to 15 unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with residents on a 24-hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.

***GUEST HOUSE.*** Living quarters within a detached accessory building, located on the same premises with the principal building for use by temporary guests of the occupants of

the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

***GUEST, PERMANENT.*** A person who occupies or has the right to occupy a lodging house, rooming house, boardinghouse, hotel, apartment hotel or motel accommodation as his or her domicile and place of permanent residence.

***HOME OCCUPATION.*** Any occupation or activity resulting in financial gain and in which the occupation or activity is conducted entirely within the structural confines of the residential dwelling, including attached garages. The use as a home occupation must be clearly incidental and secondary to the use of the dwelling as a residential home.

***HOTEL or MOTEL.*** An establishment containing lodging rooms, for occupancy by transient guests in contradistinction to a lodging house, boardinghouse, or a rooming house, and is commonly known as a hotel in the village, and which provides customary hotel services such as maid, telephone and secretarial, bellboy and desk services, the use and upkeep of furniture, and furnishings and laundry of linens. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballroom, or meeting rooms.

***HOUSEHOLDER.*** The occupant of a dwelling unit who is either the owner or lessee thereof.

***INDOOR KENNEL AND BOARDING FACILITY.*** A building or portion thereof used for the indoor kenneling or boarding of dogs, including ancillary services such as dog bathing, grooming and training. No outdoor activities other than transporting the dog between the building and the owner's vehicle are permitted.

***INTENSE BURNING.*** The rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

***INTERIOR PLAN VIEWS.*** Preliminary plans showing the size and square foot area of each unit, the room design within each unit, the halls and stairwells, indicating fire doors where necessary. All floors of the building can be typical; however, any variations between floor designs are to be shown separately.

***JUNKYARD.*** An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

***KENNEL, COMMERCIAL.*** Any lot or premises or portion thereof on which more than two dogs are kept over four months of age, or where more than four cats or other domestic animals are kept, or where any dog or other domestic animals are boarded for compensation or kept for sale.

***LABORATORY, COMMERCIAL.*** A place devoted to experimental study, such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

**LAUNDERETTE.** A business that provides coin-operated self-service type washing, drying, and ironing facilities, provided that:

- (1) Not more than four persons, including owners, are employed on the premises; and
- (2) No pickup or delivery service is maintained.

**LODGING HOUSE.** A building originally designed for and used as a single- or two-family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family, for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

**LODGING ROOM.** A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this Chapter.

**LOT.** A parcel or tract of land under single unit control.

**LOT AREA.** A measure, in square feet, of the land area enclosed within the lot lines of a single lot.

**LOT, CORNER.** A lot of which at least two adjacent sides abut for their full lengths upon streets, provided that the interior angle at the intersection of such two sides is less than 135°. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is the point on the street lot line nearest to the point of intersection of the tangents above described.

**LOT COVERAGE.** The part or percent of the lot occupied by a combination of building and accessory uses covering the lot area.

**LOT, INTERIOR.** A lot that is not a corner lot.

**LOT LINE.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

**LOT LINE, FRONT.** That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

**LOT LINE, INTERIOR.** A lot line which does not abut a street.

**LOT LINE, REAR.** That boundary of a lot which is most distant from and is, or is most nearly parallel to the front lot line, and in the case of an irregular triangular or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

**LOT OF RECORD.** A single lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois; or a single parcel of land, the deed of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois.

**LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH.** The mean horizontal distance between the side lot lines measured within the boundaries, or the minimum distance between the side lot lines within the buildable area.

**LOT, ZONING.**

(1) A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, except as otherwise provided by law.

(2) A zoning lot shall satisfy this Chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located.

**MARQUEE or CANOPY.** A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

**MEDICAL CANNABIS CULTIVATION CENTER.** A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities, including but not limited to cultivation, packaging and distribution of medical cannabis, to provide only medical cannabis dispensing organizations registered by the Illinois Department of Financial and Professional Regulation with usable medical cannabis.

**MEDICAL CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a medical cannabis cultivation

center registered by the Illinois Department of Agriculture for the purpose of dispensing cannabis to qualifying patients or caregivers registered by the Illinois Department of Public Health.

**MEDICAL OR REHABILITATION FACILITY.** A building or part thereof designed or used for the diagnosis, treatment and rehabilitation of persons with sports related injuries or diseases. Such a facility shall also contain medical offices of some or all of the doctors who treat patients at the facility. A MEDICAL OR REHABILITATION FACILITY may also offer to non-patients a program to encourage physical fitness and disease prevention through the use of exercise and recreational techniques.

**MICRON.** A unit of length, equal to 0.001 millimeter.

**MOBILE HOMES.** Any trailer, as defined herein, used for residential purposes, but not including sports or camping trailers.

**MODERATE BURNING.** Implies a rate of combustion described by material which supports combustion and is consumed slowly as it burns.

**MOTOR FREIGHT TERMINAL.** A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.

**NAMEPLATE.** A sign indicating the name and address of a building, or the name of an occupant thereof and the practice of the permitted occupation therein.

**NET SITE AREA.** The area of a zoning lot, parcel or tract, excluding boundary rights-of-way.

**NONCONFORMING USE.** Any building, structure or land occupied by a use established at the time of the adoption of the ordinance or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto with the use regulations of the ordinance.

**NOXIOUS MATTER.** Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the psychological, social or economic well-being of human beings.

**NURSING HOME.** A licensed public or private home or institute which provides maintenance, personal care, and nursing for three or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence.

**NURSERY, PLANT MATERIAL.** A space, building or structure, or combination thereof, for the growing of live trees, shrubs, evergreens or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**OCTAVE BAND FILTER.** An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

**ODOR THRESHOLD.** The minimum concentration of odorous matter in the air that can be detected as an odor.

**OFFICIAL MAP.** The map showing the streets, highways, and parks theretofore laid out, adopted, and established by law and any amendments or additions thereto.

**OFF-STREET PARKING AREA OR LOT.** Land which is improved and used or a structure which is designated and used exclusively for the storage of passenger motor vehicles, either for accessory off- street parking spaces when permitted herein by district regulations.

**OPEN SALES LOT.** Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out of doors prior to sale. Such merchandise includes but is not limited to automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

**PARKING AREA, PRIVATE.** An open, hard- surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING AREA, PUBLIC.** An open, hard- surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1½ tons capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**PARKING SPACE, AUTOMOBILE.** Space within a public or private parking area, exclusive of access drives or aisles, ramps, columns or office and work areas.

**PARTICULATE MATTER.** Finely divided solid or liquid matter, other than water, which is released in the atmosphere.

**PARTY WALL.** A common wall which extends from its footing below grade to the underside of the roof and divides buildings.

**PATIO DOOR.** A means of egress incorporating either a fixed panel and a sliding panel, two hinged panels or any combination thereof, but including at least one sliding or swinging panel that creates a clear width of two feet four inches when measured in its open position.

**PERFORMANCE STANDARD.** A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

***PERSON WITH A DISABILITY.*** Means any individual whose disability:

(1) Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and

(2) Is likely to continue for a significant amount of time or indefinitely; and

(3) Results in functional limitations in three or more of the following areas of major life activities:

(a) Self care;

(b) Receptive or expressive language;

(c) Learning;

(d) Mobility;

(e) Self direction;

(f) Capacity for independent living;

(g) Economic self-sufficiency; and

(4) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration.

***PHOTOGRAPHY STUDIO.*** A building or portion thereof used for photography services, such as wedding or portrait photography, offered at retail to the general public.

***PHOTOGRAPHY STUDIO, COMMERCIAL.*** A building or portion thereof used for commercial photography services, such as advertising photography, fashion photography or food photography, offered to advertising agencies, publishers, and other business and industrial users.

***PLAN COMMISSION.*** The Plan Commission of the Village of Carol Stream, Illinois.

***PLANNED UNIT DEVELOPMENT.*** A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.

***PORCH.*** A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.

**PYROPHORIC DUST.** A dust in a finely divided state that is spontaneously combustible in air.

**RADIATION HAZARDS.** The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include but are not limited to the electromagnetic radiations such as x-rays and gamma rays and particulate radiation such as electrons, beta particles, protons, neutrons, and alpha particles.

**RECREATIONAL EQUIPMENT, MAJOR.** Major recreational equipment shall be defined as including the following:

(1) **TRAVEL TRAILER** is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, permanently identified travel trailer; it shall have a body width not exceeding eight feet and a body length not exceeding 32 feet.

(2) **PICKUP COACH** is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation uses.

(3) **CAMPER TRAILER** is a vehicular, portable structure built on a chassis or metal welded unit body with the superstructure made in part or in whole of canvas and metal frame, not to exceed 18 feet in length.

(4) **MOTORIZED HOME** is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

(5) **BOATCRAFT** is any unit that is used for water travel or pleasure.

**REGIONAL RELIGIOUS INSTITUTION.** A place of worship with one or more of the following accessory uses: convents, rectories, residences for individuals and their families employed by the religious institution as their principal occupation and whose duties are either pastoral, educational or custodial; day care; pre-school; non-residential rehabilitative services; counseling; recreational facilities; book stores; media production facilities; and temporary over-night shelters for the homeless and victims of natural emergencies. A regional religious institution shall be located on a parcel of land that is at least ten acres in size and shall be improved with a principal structure of at least 50,000 square feet in gross floor area.

**RESEARCH LABORATORY.** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESERVOIR STANDING SPACES.** Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

**RESTAURANT.** A business establishment in which meals or refreshments may be purchased by the public, and in which greater than 50% of gross sales are unrelated to alcoholic beverages.

**RINGELMANN CHART.** The chart described in the United States Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke, smoke density.

**RINGELMANN NUMBER.** The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission of the light- obscuring capacity of smoke.

**RIGHTS-OF-WAY.** The path or thoroughfare on which such passage is made. The strip of land over which facilities such as highways, railroad, or power lines are built.

**ROADWAY.** That portion of a street which is used or intended to be used for the travel of motor vehicles.

**ROOM.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, and bedroom, equal to at least 100 square feet in area. A room shall not include the area in kitchen, open dining area, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one, two or three bedroom units, and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**ROOMING HOUSE.** A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for three or more persons who are not members of the keeper's family. For the purpose of this Zoning Code, the term **ROOMING HOUSE** shall also mean lodging house, and shall not include a community residence or nursing home.

**SERVICE ENTITY.** Any individual or entity, either foreign or domestic, providing any utility or video service for a fee subject to either a franchise, state-issued authorization or regulation by the Illinois Commerce Commission.

**SHOPPING CENTER.** A commercial development in excess of ten acres of land improved with a structure of at least 50,000 square feet and containing five or more distinct and separate retail businesses.

**SHOPPING PLAZA.** A commercial development in excess of one acre of land, improved with a structure containing three or more distinct and separate retail business, also sharing common parking areas and access drives.

**SMOKE.** The visible discharge from a chimney, stack, vent, exhaust, or combustion process which is made up of particulate matter.

**SMOKE UNIT.** The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation:

- (1) A Ringelmann density reading shall be made at least once a minute during the period of observation;
- (2) Each reading is then multiplied by the time in minutes during which it is observed; and
- (3) The various products are then added together to give the total number of smoke units observed during the entire observation period.

**SMOKING SHELTER.** Any shelter in which smoking is permitted by a business or property owner and is not an “enclosed area” as defined by the Smoke-Free Illinois Act.

**SOUND LEVEL.** The intensity of sound of an operation or use as measured in decibels.

**SOUND LEVEL METER.** An instrument standardized by the American Standards Association for measurement of the intensity of sound.

**STABLE, PRIVATE.** A stable is any building which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

**STABLE, PUBLIC.** A building where horses are kept for remuneration, hire or sale.

**STORY.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels provided that there are not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

**STORY, HALF.** A partial story under a gable, hip, or gambrel roof, the wall plates on which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his or her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

**STREET, FRONTAGE.** All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

**STREET LINE.** The street right-of-way line abutting a property line of a lot.

**STRUCTURE.** Any improvement upon land, the use of which requires a permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground. This includes, but is not limited to, signs, fences, driveways, pools, decks, sheds, buildings and tennis courts.

**STRUCTURE, ACCESSORY.** A structure that serves an accessory use.

**STRUCTURE, PRINCIPAL.** A non-accessory structure that houses or serves as the principal use of the zoning lot on which it is located.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

**SWIMMING POOL.** Any temporary or permanent artificial pool or receptacle for water installed, constructed or maintained in, on, or above the ground (not including those enclosed and located entirely within a dwelling,) having a perimeter of more than 25 feet and/or a depth of more than two feet at any point. A swimming pool shall be considered to be a main building and use; provided, however, that a swimming pool may be considered to be an accessory building or use customarily incident to a dwelling when located on the same lot therewith and designed and used for swimming or bathing in connection with such dwelling solely by the persons living therein or their private guests. No swimming pool designed or used for any commercial or other non-residential purpose shall be considered to be an accessory building or use customarily incident to a dwelling.

**THREE-COMPONENT MEASURING SYSTEM.** Instruments which measure simultaneously earthborne vibrations in horizontal and vertical planes.

**TOTAL SENIOR LIFE CARE FACILITY.**

(1) A housing development designated for retirement for individuals having a minimum age of 55 years or couples wherein one spouse is 55 years or older, containing one or more connected buildings with not less than 200 dwelling units and a common area containing dining, kitchen, meeting and recreational facilities which may be located upon a single zoning lot. The aforementioned development will provide a nursing home which will be located on the site. The overall size of the development will not be less than 25 acres and overall floor area ratio will not exceed .15. The density shall not be greater than ten dwelling units per acre and for purposes of computing the density, every four nursing beds shall constitute the equivalent of one dwelling unit.

(2) Minimum floor area shall be as follows:

Studio Apartments:	435 square feet
One Bedroom Apartments	610 square feet
Two Bedroom Apartments	860 square feet
Three Bedroom Apartments	1450 square feet

(3) The use may include ancillary retail shops, the use of which is limited to the residents and their guests.

**TOXIC MATTER OR MATERIAL.** Those materials which are capable of causing injury to living organisms by chemical means.

**TRAILER.**

(1) A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place.

(2) A permanent foundation shall not change its character nor shall the erecting of additions to such trailer, unless the trailer itself and any additions thereto conform to all village laws.

**TRAILER SALES AREA.** An open area, other than a street, used for the display or sale of new or used trailers, and where no repair work is done except for minor incidental repair of trailers to be displayed and sold on the premises.

**TRAILER, SPORTS OR CAMPING.** A trailer designed for camping or other recreational purposes.

**TRANSFER FACILITY, LANDSCAPE WASTE.** A facility at which landscape waste is deposited and loaded onto transfer trailers, to be transported off-site for disposal or processing.

**TRUCK, PARKING AREA OR YARD.** Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles, while not loading or unloading, which exceeds 1½ tons in capacity.

**USE, PRINCIPAL.** The dominant use of land or buildings as distinguished from a subordinate or accessory use.

**USED CAR LOT.** A zoning lot on which used or new cars, trailers or trucks are displayed in the open, for sale or trade.

**VIBRATION.** The periodic displacement, measured in inches, of earth at designated frequency-cycles per second.

**YARD, ACTUAL.** The actual yard is bounded by the applicable lot line(s) and the actual building setback as established by the principal building or use of land.

**YARD, COURT.** A yard formed by the enclosure of space on more than two sides by a building or buildings.

**YARD, FRONT.** A yard which is bounded by the side lot lines, front lot line, and the front yard line, or the established setback line when 40% or more of the lots fronting on one side of a street within a block are improved with principal buildings or uses of land.

**YARD LINE.** A line in 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 otherwise contained within this Zoning Code. Yard lines shall be created for each type of yard for which a required depth or width is established within the Zoning Code. A principal or accessory building, structure or other obstruction shall not encroach into the area between any yard line and an adjacent lot line except for such permitted obstructions in yards as are set forth in this Chapter.

**YARD, REAR.** A yard which is bounded by the interior side lot line(s), required yard line adjoining a street (if applicable), rear lot line, and the rear yard line.

**YARD, REQUIRED.** The required yard is bounded by the applicable lot line(s) and required yard line(s). Unless noted otherwise, references to “yard” in the Zoning Code refer to the required yard.

**YARD, SIDE, ADJOINING A STREET.** (Corner Side Yard) A yard which is bounded by the front yard line, side yard line, side lot line adjoining a street and rear lot line. A side yard adjoining a street shall extend across the entire length of a lot from the front yard line to the rear lot line.

**YARD, INTERIOR SIDE.** A side yard which adjoins another lot or an alley separating such side yard from another lot, and which is bounded by the rear lot line, front yard line, side yard line, and interior side lot line.

**ZONING ADMINISTRATOR.** The Zoning Administrator appointed by the Village Manager and approved by the President and Board of Trustees.

**ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of the Village of Carol Stream, Illinois.  
(Am. Ord. 90-09-86, passed 9-25-90; Am. Ord. 91-12-82, passed 12-10-91; Am. Ord. 93-07-60, passed 7-13-93; Am. Ord. 95-01-02, passed 1-3-95; Am. Ord. 99-02-07, passed 2-1-99; Am. Ord. 2000-10-70, passed 10-2-00; Am. Ord. 2002-08-49, passed 8-19-02; Am. Ord. 2007-03-11, passed 3-19-07; Am. Ord. 2007-04-14, passed 4-16-07)

# ARTICLE 19: SEXUALLY ORIENTED BUSINESS ZONING REGULATIONS

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## Section

16-19-1	Purpose
16-19-2	Findings
16-19-3	Definitions
16-19-4	Permitted use
16-19-5	Setback requirements
16-19-6	Restrictions on use
16-19-7	Signage
16-19-8	Other regulations
16-19-9	Amortization

### *Cross-reference*

Sexually oriented businesses see Art. 10-10

### **§ 16-19-1 PURPOSE.**

The purpose of this Article is to establish reasonable and uniform regulations to regarding the location of sexually oriented businesses in the municipality in order to minimize and control negative secondary effects associated with sexually oriented businesses within the municipality thereby promoting the health, safety, and welfare of the citizens of the municipality. The provisions of this Article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose or effect of this Article to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this Article condone or legitimize the distribution or exhibition of entertainment that is obscene. (Ord. 2000-10-79, passed 10-2-00)

### **§ 16-19-2 FINDINGS.**

Based on evidence concerning the adverse secondary effects of sexually oriented businesses presented to the municipality from findings incorporated in the cases *City of Erie v. Pap's A.M.*, 529 U.S. , 120 S.Ct. 1382 (2000), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Berg v. Health and Hospital Corporation of Marion County, Indiana*, 865 F.2d. 797 (7th Cir. 1989), *Ellwest Stereo Theaters, Inc. v. Wenner*, 681 F.2d. 1243 (9th Cir. 1982), *Bamon Corp. v. City of Dayton*, 730 F.Supp. 80 (S.D. Ohio 1990), and *EWAP, Inc. v. City of Los Angeles*, 97 Cal.App.3d 179, 158 Cal. Rptr. 579 (1979), and on studies in other cities and states including the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (Minnesota 1989), Memorandum re: Adult Entertainment Ordinance of the Assistant Chief of

Police of Tucson, Arizona (May 1, 1990), Hecht, Peter R., Ph.D., Report To: The American Center For Law And Justice On The Secondary Impacts Of Sex Oriented Businesses (March 31, 1996), Adult Entertainment Businesses In Indianapolis, An Analysis (1984), and McCleary, Richard, Ph.D. and Meeker, James W., Ph.D., Final Report to the City of Garden Grove: The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard (Garden Grove, CA October 23, 1991), this Legislative body finds:

(A) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.

(B) Sexual acts, including masturbation, oral sex and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or rooms for viewing films, videos, or live sexually oriented entertainment. Such activities may result in spreading communicable diseases such as syphilis, gonorrhea, and human immunodeficiency virus (HIV).

(C) Studies conducted in other cities have demonstrated a correlation between sexually oriented business and a decrease in the residential and commercial property values that surround them, especially those properties within 1,000 feet of such businesses.

(D) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased crime in the neighborhood, including sex-related crimes like prostitution, obscenity, and sexual assault. This correlation is especially acute when more than one sexually oriented business is located in a neighborhood, and when a sexually oriented business is located near a public open space such as a park, cemetery or school.

(E) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased harassment and propositioning of women, children and the elderly in the neighborhood.

(F) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and offensive material such as pornographic magazines and used condoms being discarded in the surrounding neighborhood, making them available to children.

(G) Location of sexually oriented businesses in a neighborhood can create a “sex for sale” reputation in a neighborhood.

(H) The foregoing findings raise substantial governmental interests and concerns.

(I) The municipality cannot entirely prohibit sexually oriented businesses which are not obscene from locating within the municipality.

(J) The municipality can effect reasonable locational regulations to which it believes will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(K) Locating sexually oriented businesses in the Industrial zone will ameliorate these deleterious secondary effects associated with sexually oriented business.

(L) Requiring sexually oriented businesses to be located 1,000 feet from any other sexually oriented businesses will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(M) Requiring sexually oriented businesses to be located 1,000 feet from any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing, place of religious worship, lot zoned for residential purposes and lot used for residential purposes, complies with the requirements of state law ILCS Ch. 65, Act 5, §11-5-1.5, and will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(N) North Avenue is the main thoroughfare in the municipality, and more than any other location in the municipality reflects on the economic status of the municipality.

(O) Accordingly, a decrease in the property values and an increase in visible crime along North Avenue will affect the property values of the municipality as a whole in a way that other locations would not.

(P) Preventing sexually oriented businesses from locating directly on, or within 500 of North Avenue will help to conserve property values in the municipality as a whole, while still providing an adequate number of sites and acreage available for the location of sexually oriented businesses.

(Q) At the time this Article was approved, the regulations set forth herein permitted approximately 429.489 acres and approximately 82 sites available for sexually oriented businesses in the municipality. (Ord. 2000-10-79, passed 10-2-00)

### **§ 16-19-3 DEFINITIONS.**

For purposes of this Article:

**EMPLOYEE.** A natural person who performs any service or work on the premises of a sexually oriented business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not the person is paid a salary, wage or other compensation by the operator of the business. **EMPLOYEE** does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

**EXCRETORY FUNCTIONS.** Urination, defecation, lactation, ejaculation and menstruation. It shall not mean urination and defecation performed in a public or employee-only restroom in the manner in which those facilities are intended to be used, and when not performed or presented for a commercial purpose. It shall not mean lactation as part of

breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant.

**MUNICIPALITY.** The Village of Carol Stream, an Illinois body politic and corporate.

**NUDITY or NUDE.** Exposing to view specified anatomical areas or any device, costume, or covering that gives the appearance of or simulates any specified anatomical areas.

**PATRON.** Any natural person who is not an employee.

**SEMI-NUDITY or SEMI-NUDE.** Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

**SEXUALLY ORIENTED AMUSEMENT DEVICE.** Any machine or device which is designed, intended, displayed or kept as an amusement or entertainment, and may be operated upon the insertion of a coin, slug, token, plate, disc, electronic key, credit card, debit card or any similar item, or the use of which is made available for any valuable consideration, and which displays a natural person, people, or characters as in cartoons and animation, live or by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, engaged in specified sexual activity or displaying specified anatomical areas.

**SEXUALLY ORIENTED BUSINESS.** Any of the following when done in a place where the public is invited or permitted, or on the premises of any club or organization where only members and their guests are invited or permitted, or when done for any commercial purpose including sale and rental, regardless of who pays or receives the consideration therefor, and regardless of the form of consideration:

(1) The live exhibition or display of a natural person or people in the state of nudity or semi-nudity, or engaged in specified sexual activities or excretory functions;

(2) Any premises with a sexually oriented amusement device;

(3) The rental or leasing of a hotel room, motel room or similar room for a period not exceeding ten hours, but not including dining rooms, banquet rooms, ball rooms, conference rooms and similar facilities unless they are used or to be used for specified sexual activities or excretory functions;

(4) The offering of physical contact in the form of wrestling or tumbling between natural persons of the opposite sex, and also the offering of physical contact which

constitutes specified sexual activities regardless of the sex of the person performing or receiving the contact;

(5) The offering of products, services or activities to males, females or both, with a natural person or people of the same or opposite sex, or both, when one or more of the people, whether a patron, agent, employee or otherwise, is in a state of nudity or semi-nudity;

(6) The display or offering to others, of any description or depiction, of a natural person, people, or characters as in cartoons and animation, by any medium, including without limitation film, motion picture machine, projector, filmstrip, videotape, digital video disc (DVD), laser disc, compact disc (CD), floppy disc, photograph, slide, television, book, magazine, and computer software, which is:

(a) Characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas; or

(b) Advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX.”

(7) The display and offering to others of novelties, instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities or that give the appearance of or simulate any of the specified anatomical areas.

(8) The term ***SEXUALLY ORIENTED BUSINESS*** shall exclude the following:

(a) The display and offering to others of condoms, spermicides or other non-prescription contraceptives, in and of themselves, unless displayed and offered to others on the premises of a business which would otherwise be considered a sexually oriented business;

(b) The display and offering to others of drugs, instruments or devices which require a prescription, that are designed primarily for use in connection with specified sexual activities, and which are in fact dispensed by or under the supervision of a pharmacist licensed by the state;

(c) The display and offering to others of instruments, devices, or paraphernalia that are designed primarily for use in connection with specified sexual activities if they are displayed and offered to others on the premises where a pharmacist licensed by the state is employed to dispense prescription drugs, instruments or devices;

(d) Breast-feeding an infant, unless performed or displayed for a commercial purpose other than education and training in the art, science or technique of breast-feeding an infant;

(e) The display and offering to others of motion pictures, by any format, which have received a rating from the Motion Picture Association of America of G, PG, PG-13, R or NC-17, when offered or displayed substantially in their entirety;

(f) Libraries and museums funded in whole or in part by federal, state or local governmental funds.

(g) The display and offering to others of items which would otherwise qualify as a **SEXUALLY ORIENTED BUSINESS** pursuant to this section, if and only if the display and offering are done for a commercial purpose, and all of the following apply to the business displaying and offering such items to others:

1. Less than 25% of its gross income comes from the sale, rental or exhibition of the following types of items:

a. Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, and

b. Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”; and

2. Less than 25% of its display space is used for the sale, rental or exhibition of the following types of items:

a. Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, and

b. Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX”; and

3. Less than 25% of the items it offers to others are the following types of items:

a. Items which are characterized or distinguished by an emphasis on the depiction or description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, and

b. Items which are advertised or otherwise held out to the public as being characterized or distinguished by an emphasis on the depiction or

description of specified sexual activities, excretory functions, or specified anatomical areas or any combination thereof, including without limitation, the use of the term “adult” and the use of the designation of one or more “X” such as, but not limited to, “XXX.”

(9) Certain uses which fall within the strict definition of **SEXUALLY ORIENTED BUSINESS** may also constitute uses which are illegal under local, state or federal law, such as obscenity or child pornography. Even if such illegal uses constitute a **SEXUALLY ORIENTED BUSINESS** under the definition set forth in this Article, they shall not be permitted uses in any district.

**SPECIFIED ANATOMICAL AREAS.** The human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, any portion of the areola of the female breast if less than a fully and opaquely covered; and the male genitals in a discernibly turgid state, even if entirely covered by an opaque covering. In determining whether any of the foregoing portions of the anatomy are fully and opaquely covered, coverage by make-up, paint, or similar matter applied directly to the skin, shall not be considered to be fully and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Any of the following, whether actual or simulated:

(1) The fondling or other erotic touching of human genitals, pubic area, perineum, anus, anal cleft or cleavage, pubic hair, buttocks, or female breasts, regardless of whether the performer or recipient is clothed, in a state of nudity or in a state of semi-nudity;

(2) The manipulation of the human body of another, including massage, by the use of any portion of manipulator's body, whether covered or uncovered, or by any device, if the person performing the manipulation or the person receiving the manipulation is in a state of nudity or semi-nudity.

(3) Sex acts, normal or perverted, heterosexual, homosexual or bisexual, including without limitation intercourse, fellatio, cunnilingus, anilingus, masturbation, bestiality, sodomy, bondage and discipline, sadism and masochism, and any other act intended to cause sexual arousal;

(4) Sex acts between animals when offered or displayed for the purpose or with the intent of causing the sexual arousal of a human viewer. (Ord. 2000-10-79, passed 10-2-00; Am. Ord. 2002-05-25, passed 5-20-02)

#### **§ 16-19-4 PERMITTED USE.**

Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of §16-19-5, sexually oriented businesses shall be a permitted use only in the I Industrial District. Sexually oriented businesses shall not be a special use in any district. (Ord. 2000-10-79, passed 10-2-00)

**§ 16-19-5 SETBACK REQUIREMENTS.**

No sexually oriented business shall be located:

(A) Within 1,000 feet of the proper boundary of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing, place of religious worship, lot zoned for residential purposes, and lot used for residential purposes; and

(B) Within 500 feet of the center line of North Avenue, which 500 feet shall be measured from the nearest point of the building, or portion of the building in which the sexually oriented business is located to the nearest point of the center line of North Avenue; and

(C) On a lot which physically touches North Avenue. (Ord. 2000-10-79, passed 10-2-00)

**§ 16-19-6 RESTRICTIONS ON USE.**

All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means. (Ord. 2000-10-79, passed 10-2-00)

**§ 16-19-7 SIGNAGE.**

No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 1,000 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing, and place of religious worship. (Ord. 2000-10-79, passed 10-2-00)

**§ 16-19-8 OTHER REGULATIONS.**

The restrictions set forth in this Article shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict. (Ord. 2000-10-79, passed 10-2-00)

**§ 16-19-9 AMORTIZATION.**

If at the time this Article becomes effective, any sexually oriented business exists in a location not permitted by this Article or is otherwise not compliance with this Article, then the sexually oriented business shall constitute a legal non-conforming use. However, notwithstanding any other ordinance or section of any ordinance to the contrary, the legal non-conforming sexually oriented business shall come into compliance with the requirements of this Article within one year of the effective date of this Article. No sexually oriented

business shall constitute a legal non-conforming use after one year after the effective date of this Article. (Ord. 2000-10-79, passed 10-2-00)

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