

Village of Carol Stream

AGENDA

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, SEPTEMBER 13, 2021 AT 6:00 P.M.

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

- I. Roll Call: Present:
Absent:

- II. Approval of Minutes: August 23, 2021
 - A. **21-0046 – BC Merchants – 490 Tower Blvd.**
Special Use for Outdoor Activities

 - B. **21-0047 – Village of Carol Stream – 500 N. Gary Avenue**
Zoning Text Amendment – Unified Development Ordinance (UDO)
Miscellaneous Modifications

- III. Presentation:

- IV. Old Business:

- V. New Business:

- VI. Report of Officers:

- VII. Adjournment:

**Regular Meeting – Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

***All Matters on the Agenda may be Discussed, Amended and Acted Upon
August 23, 2021.***

Chairman Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 6:00 p.m. and directed Patty Battaglia, Planning and Permitting Assistant, to call the roll.

The results of the roll call vote were:

Present: 4 Commissioners Christopher, Meneghini, Tucek, and Chairman Parisi

Absent: 3 Commissioners Petella, Battisto and Morris

Also Present: Tom Farace, Planning and Economic Development Manager; Patty Battaglia, Planning and Permitting Assistant; a representative from County Court Reporters

MINUTES:

Commissioner Meneghini moved and Commissioner Tucek seconded the motion to approve the minutes of the Regular Meeting held on August 9, 2021.

The results of the roll call vote were:

Ayes: 3 Commissioners Meneghini, Tucek and Chairman Parisi

Nays: 0

Abstain: 1 Commissioner Christopher

Absent: 3 Commissioners Petella, Battisto and Morris

The motion passed by a majority vote.

PUBLIC HEARING:

Chairman Parisi asked for a motion to open the Public Hearing. Commissioner Christopher moved and Commissioner Meneghini seconded the motion.

The results of the roll call vote were:

Ayes: 4 Commissioners Christopher, Meneghini, Tucek and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 3 Commissioners Petella, Battisto and Morris

The motion passed by unanimous vote.

Case #21-0021- Carol Stream Animal Hospital – 160 W. Elk Trail – Zoning Map Amendment from R-4 General Residence District to B-2 General Retail District; Zoning Text Amendment to add indoor kennel and boarding facility as a Special Use in the B-2 District; Special Use Permit for an indoor kennel and boarding facility

Chairman Parisi swore in Mr. Anderson and Dr. Contreras.

Mr. Anderson recapped the changes by stating they have removed the rehabilitation pool and settled on a maximum of 75 animals with a total of five staff members. There will also be three playrooms, a crate room, and a stay and play room for the pets that are not part of the daycare program. No addition is currently planned at this time. We believe the current parking lot is sufficient with five spaces for staff and, at most, 5 spaces for people dropping off and picking up animals. This is based on a study from Central Bark and the parking lot will be restriped.

Chairman Parisi asked for questions from the audience and there were none so he asked Mr. Farace to provide a Staff Report.

Mr. Farace stated the applicant is not moving forward with the building addition and will revamp and use the existing building. There is a Zoning Map Amendment to rezone the property from R-4, Multiunit Residence District, to the B-2, Neighborhood Business District, that will match the designation of the animal hospital property which is next door to the east. There is also a Text Amendment request that will add an indoor kennel and boarding facility as a Special Use in the B-2 District as well as a Variation to allow a fence in the front yard. The existing building is approximately 4,500 square feet and will undergo an interior remodel that will house a maximum of 75 pets and have a staff-to-pet ratio of 1 employee to every 15 pets. In the previous meeting, staff previously questioned the general layout, staff-to-pet ratio and the parking in conjunction with drop off and pick up operations. Without the addition, the parking requirement drops to 12 parking spaces required for this use. The parking spaces will be restriped and there will be 16 spaces including one handicapped accessible space. So the property will meet UDO requirements but we still have some questions on how the drop off and pick up would work. The applicant is working with a franchise called Central Bark and they provided information showing the average number of cars during peak morning and afternoon times. The study shows adequate parking based on the result. However, we are proposing a condition of approval for the special use be listed that if there is an issue with parking pertaining to drop off and pick up times, there needs to be a mechanism put in place. Dr. Contreras suggested a type of online reservation system would be used if parking issues arise. Mr. Farace stated a variation is requested to allow the fence to go past the building to the front yard, closest to Elk Trail Road. Staff is recommending approval with conditions.

Chairman Parisi asked Mr. Farace to clarify where a solid fence would run and where a chain link fence would run.

Mr. Farace stated the wood fence would run along a portion of the the west side and the entire south and east side of the property, and the chain link fence would be where there is a section of fencing that runs parallel to the front façade of the building with a gate and the section along Elk Trail would be chain link as well.

Chairman Parisi asked for questions from the Commission.

Commissioners Christopher and Tucek had no questions.

Commissioner Meneghini asked how is drop off going to be monitored.

Dr. Contreras responded he definitely does not see it being a problem, but if it does become a problem, we would have a reservation system so people can only drop off at a designated time. Dr. Contreras also mentioned the use of another existing parking lot next door for any overflow parking.

Chairman Parisi asked if the applicant is going to apply for a permit for a separate sign located in front of the building.

Mr. Anderson stated a separate permit will be applied for in regards to the additional sign.

Commissioner Meneghini moved and Commissioner Christopher seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes:	4	Commissioners Christopher, Meneghini, Tucek and Chairman Parisi
Nays:	0	
Abstain:	0	
Absent:	3	Commissioners Petella, Battisto and Morris

The motion passed by unanimous vote.

This case will go before the Village Board on Tuesday, September 7, 2021, at 6:00 PM for review.

Case #21-0030 – TMD 327 Gundersen LLC/Fed Ex – 327 E. Gundersen Drive – Special Use Permit for outdoor vehicle storage; Fence Variation

Chairman Parisi swore in the petitioner, Mr. Timothy McCahill, and Mr. Robert McNees, on behalf of the applicant.

Mr. McNees stated his office is located at 195 Hiawatha Drive, Carol Stream, Illinois, and I represent the applicant TMD 327 Gundersen LLC which owns the property located at 327 E. Gundersen Drive. The subject property contains about 3.8 acres with approximately a 50,000 square foot building. TMD is applying for a Special Use Permit for outdoor storage of trailers on this property. TMD's tenant, Fed Ex Ground, runs a large distribution center at Gary Avenue and Della Court, to the west in Carol Stream. Fed Ex's needs have outgrown that facility and need an overflow facility to store additional vans and trailers for use in peak delivery times. The use of the property for parking and storing vans and trailers would need to be 24 hours a day, 365 days a year, but it's really an overflow facility to be used during peak volume times. There won't be any loading or unloading of packages to or from the vans or trailers at this property. Simply parking and storage only. The proposal is to gut the interior of the building to provide for 44 indoor van parking spaces, 2,000 square feet office space will remain in the southwest corner, and there will be some interior storage space reserved to the east of the office area. There will be an additional drive-in door installed on the west side of the building. The southern door would be for inbound vans into the building and the northern door would be for outbound vans leaving the building. The paved parking areas are going to be repaved and the east parking lot will be reconfigured for the storage of 33 trailers. The current islands for parking lot lighting will be removed, however, the actual amount of green space for the east storage area would be much greater than currently exists and will exceed code requirements. The green space will also include some existing approved rain garden and that will be preserved as well. The east storage lot will be securely gated and fenced with 8 foot tall solid, vinyl fence.

The configuration of the storage is such that trailers will not need to back in to the storage area from Gundersen Drive and all trailer maneuvering can easily take place within the east storage area. The driveways to the east of the building will be reconfigured. The eastern most driveway will be widened to 36 feet to allow for trailers to enter and leave the storage area. The next driveway to the west will be relocated so that it is closer to the corner of the building and widened per request by the Fire Department for emergency vehicles. The western most driveway stays unchanged. TMD needs to preserve the previously granted parking setback variation from 20 feet to 2 feet for the parking spaces immediately to the south of the building. There are 26 car parking spaces provided for use by the office workers and the van drivers will park inside the building. The trailers stored outside in the east lot will be shuttled back and forth from the main Fed Ex facility as needed. There will be no semi traffic in the west parking lot and signage will be posted to this effect. Mr. and Mrs. Craig reside immediately to the west of this property and they have expressed concern of van traffic on their street. TMD has agreed to install a different 8 foot tall vinyl, Simtek fence which Mr. And Mrs. Craig believe will provide a better sound barrier. This style fence will also assist with the overhead van entry and exit doors which will not be left open in order to keep the building energy efficient. This will further serve to contain van noise in the building. The applicant agrees with all of staff's conditions, specifically Fed Ex is not to use West Street in connection with this facility. All traffic to and from the property are to use Gundersen Drive. Please grant the requests for approval.

Chairman Parisi asked if there were any comments or questions from the audience.

Chairman Parisi swore in Mr. Dimee Vasilev, 25W019 Doris Avenue, Carol Stream, Illinois.

Mr. Vasilev stated he has concerns about the traffic on West Street, the noise and pollution, both inside and outside the building, from the semi-trucks and the traffic on the corner of Gundersen Drive and Main Street.

Chairman Parisi stated, in regards to the pollution, a permit will be required through the Building Department and will have to comply with all codes.

Mr. McCahill stated this facility is for overflow purposes only and there will be no transfer of packages so vans will not line up.

Chairman Parisi confirmed there will be no traffic allowed to travel southbound or northbound on West St. and asked Mr. Farace to explain the flow.

Mr. Farace stated the vans and trailers would enter and exit the eastern most entrance and not be traveling westbound on Gundersen Drive, just eastbound.

Mr. McCahill stated this facility will be mostly used from November through March and there will be zero staging. The most time a truck would be running would be to hook up to a trailer. There will also be no overnight parking. He also stated TMD is very cognizant of the traffic at Gundersen Drive and Main Street.

Chairman Parisi asked for any other comments or questions from the audience.

Mr. Vasilev reiterated his concern about the traffic at Main Street and Gundersen Drive and asked if the marsh area, a protected land, will be effected by the pollution.

Chairman Parisi stated the marsh is not located on their property and they are only responsible for what is located on their property.

Chairman Parisi asked for any other questions or comments from the audience and there were none. He then asked Mr. Farace for a Staff Report.

Mr. Farace stated the applicant is seeking Special Use approval for outdoor storage of trailers with 44 van parking spaces inside the building. On the east side there will be 33 spaces for the trailers with automobile parking on the south and west side of the building. Fencing is proposed around the outdoor storage area. Staff recommended the proposed landscape area to increase the number of evergreens but not overcrowd which could have a negative impact on the existing rain garden. We spoke with the applicant to see if this drive isle is going to be utilized. Staff recommendation is to remove the hardscape from this area and make it more green space to install potentially a double row of evergreens which would provide a more solid screen, with the fence, along Gundersen Drive. We requested an updated landscaping plan before this case goes before Village Board. An 8 foot tall fence will be constructed around the property, but the plan has been modified for the west side to install a Simtek fence to reduce noise. Staff is supportive of this request with the recommended conditions.

Chairman Parisi asked for comments or questions from the Commission.

Commissioner Meneghini asked who was going to be responsible for installing signage pertinent to the flow of traffic.

Mr. McCahill stated he would be responsible and will see it through.

Commissioner Christopher had no questions.

Commissioner Tucek asked if the tractor trailers have back up signals and if new lighting will be installed.

Mr. McCahill stated there are no back up signals and the plan for lighting was submitted.

Mr. Farace stated the Engineering Department will review the photometric plan.

Chairman Parisi asked if the Simtek fence is only on the west side of the property and there is no enclosure or gate on the southwest side and what is the landscaping to the west.

Mr. Farace responded that is correct and the landscaping does provide a solid screen along with the fence.

Chairman Parisi asked for any other comments or questions from the Commission and there were none.

Motion to approve was made by Commissioner Meneghini and seconded by Commissioner Christopher with no further discussion.

The results of the roll call vote were:

Ayes:	4	Commissioners Meneghini, Tucek, Christopher and Chairman Parisi
Nays:	0	
Abstain:	0	
Absent:	3	Commissioners Petella, Battisto and Morris

The motion passed by majority vote.

This case will go before the Village Board on Tuesday, September 7, 2021, at 6:00 PM for review.

Chairman Parisi asked for a motion to close the Public Hearing. Commissioner Meneghini moved and Commissioner Christopher seconded the motion with no further discussion.

Ayes: 4 Commissioners Meneghini, Tucek, Christopher and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 3 Commissioners Petella, Battisto and Morris

The motion passed by unanimous vote.

PRESENTATION: 21-0049 – 27W031 North Avenue – Wayne Township
North Avenue Corridor Review – Landscaping and Site Modifications

Mr. Randy Ramey, applicant, and Mr. Algis Rugienius, Engineer and Product Manager were the presenters.

Mr. Randy Ramey stated they received a grant to enhance the area of our property that is currently vacant. We are proposing to build Wayne Township park with three structures, a path around the pond with various stopping points and a bacece ball court for seniors. This is a two phase project due to funding availability and will be on the east side of our property. This will be for our summer camp and we will develop it into different things to have available for them in the park and will also include some of the south side of the property.

Chairman Parisi asked for Mr. Ramey to point out the phases.

Mr. Ramey stated the pond area to the south where there is a structure and a walk path around the pond will be part of the first phase. By the east side of the building there is another covered structure for picnics and outdoor usage by our staff and kids in summer camp. The second phase will include the area to the east of the property showing the path to the picnic tables and the south end is called the Gaga Court (octagonal shape are for the kids to kick a ball).

Mr. Farace stated Wayne Township is seeking North Avenue Corridor approval for this new park on the east and south portions of the property. Staff is supportive of the project with conditions and recommends approval.

Mr. Ramey stated they agree with the recommendations.

Chairman Parisi asked for comments or questions from the Commission and there were none.

Motion to approve was made by Commissioner Meneghini and seconded by Commissioner Tucek with no further discussion.

The results of the roll call vote were:

Ayes: 4 Commissioners Meneghini, Tucek, Christopher and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 3 Commissioners Petella, Battisto and Morris

The motion passed by unanimous vote.

NEW BUSINESS:

OLD BUSINESS:

OTHER BUSINESS:

ADJOURNMENT:

At 7:00 p.m. Commissioner Meneghini moved and Commissioner Tucek seconded the motion to adjourn the meeting.

The results of the roll call vote were:

Ayes: 4 Commissioners Christopher, Tucek, Meneghini and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 3 Commissioner Petella, Battisto, and Morris

The motion was passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

Patty Battaglia
Planning and Permitting Assistant

Minutes approved by Plan Commission on this ____ day of _____, 20____.

Chairman

Village of Carol Stream Plan Commission/Zoning Board of Appeals

STAFF REPORT

September 13, 2021

TO:
Chairman and Plan Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
The applicant is requesting
approval of the following:

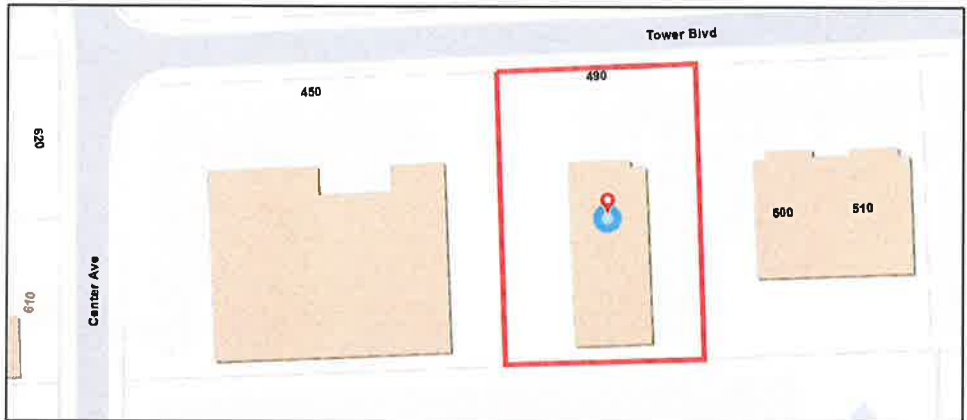
- A Special Use Permit to allow for the outdoor storage of fleet vehicles in accordance with Section 16-3-11 of the UDO

APPLICANT/ CONTACT:

Mr. Brian Ciske
BC Merchants
490 Tower Boulevard
Carol Stream, IL 60188



CASE #: 21-0046
LOCATION: 490 Tower Boulevard
PROJECT NAME: BC Merchants



LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN DESIGNATION
Subject Property	I Industrial District	Industrial (BC Merchants)	Industrial
North	I Industrial District	Industrial (Owens & Minor)	Industrial
South	I Industrial District	Industrial (Glen Ellyn Storage)	Industrial
East	I Industrial District	Industrial (Equichem)	Industrial
West	I Industrial District	Industrial (Apex Beverage)	Industrial

The property highlighted above is located on the south side of Tower Boulevard and east of Center Avenue.

Site Assessment

COMPREHENSIVE PLAN DESIGNATION:

The subject property is designated for industrial uses according to the Village's 2016 Comprehensive Plan. The continued use of the property for wholesale distribution, with the storage of fleet vehicles, is compatible with this designation.

AERIAL PHOTOGRAPH:



Project Summary

ATTACHMENTS:

Attached for review is the General Application, Special Use Application, Public Notice, Cover Letter received August 3, 2021, Plat of Survey depicting fleet vehicle and carport location (Exhibit A), and Carport Detail (Exhibit B).

BACKGROUND:

Brian Ciske, owner of BC Merchants at 490 Tower Boulevard, requests approval for the installation of a carport structure in the rear of the property to cover fleet vehicles associated with the business.

Staff Analysis

SPECIAL USE PERMITS – OUTDOOR STORAGE OF FLEET VEHICLES

Special Use approval is requested for the outdoor storage of fleet vehicles associated with the business.

- BC Merchants is a wholesale liquor distributor, and a carport is proposed to cover 11 parking spaces. Vans which make deliveries for the business will be parked under the carport.
- The carport will be installed over parking spaces in the southeast corner of the property as depicted on the submitted plat of survey. The applicant has also submitted a catalog sheet of the proposed carport, which will be constructed of steel and will be approximately 12 feet tall.
- The applicant has five vans in his fleet at this time, but wishes to have additional available covered spaces as their fleet expands over time.
- Parking for the subject property is calculated as follows:

Business	Area of Use*	Code Requirement	Spaces Required
490 Tower Boulevard Property	Office Space	1 space per 250 S.F. of NFA (2,000 s.f. of office space)	8 spaces
15,000 s.f. building	Warehouse Space	1 space for each 1,500 s.f. of NFA (12,000 s.f. of warehouse space)	8 spaces
Parking Spaces Required:			16 spaces
Parking Spaces Provided:			34 spaces

The subject property contains 34 on-site parking spaces, and with approximately 14,000 square feet office and warehouse space, requires 16 parking spaces per the Unified Development Ordinance (UDO). Therefore, the 11 spaces proposed to be covered by the carport and used for fleet vehicles will not have a negatively impact on parking for the property.

SPECIAL USE FINDINGS OF FACT

The Plan Commission’s recommendation regarding the requested Special Use request must be based on the evaluation criteria set forth in the UDO. As stated in §16-8-4 (L) of the UDO, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

1. Is deemed necessary for the public convenience at the location.

The storage of covered fleet vehicles will provide an amenity to the business, which will be able to conduct business operations more efficiently.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed carport will be constructed in a manner that should not be 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.

The carport will be located in the rear of the property and should not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the area.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Surrounding properties are already developed. As such, there should be no impact on the normal and orderly development and improvement of surrounding properties.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Adequate utilities, access roads, drainage and other public improvements are in place.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The project is expected to conform to all applicable codes and requirements.

Recommendation

Staff has reviewed the applicant's request and can support the Special Use request. Therefore, staff recommends approval of a Special Use Permit for outdoor fleet vehicle storage for BC Merchants at 490 Tower Boulevard, Case No. 21-0046, subject to the following conditions:

1. That all improvements must be built, installed, and maintained in accordance with the attached plans and exhibits, and that a building permit shall be required prior to the installation of the carport structure; and

2. That the site and business must be maintained and operated in accordance with all State, County and Village codes and regulations.

T:\Planning New\Planning\Plan Commission\Staff Reports\2021 Staff Reports\21-0046 BC Merchants SUP 490 Tower.docx



RECEIVED

COMMUNITY DEVELOPMENT DEPT

Do Not Write in This Space	
Date Submitted:	<u>8-3-2021</u>
Fee Submitted:	<u>\$800.00</u>
File Number:	<u>21-0046</u>
Meeting Date:	<u>9/13/21</u>
Public Hearing Required:	<u>Y</u>

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

PHONE 630.871.6230 • FAX 630.665.1064

www.carolstream.org

FORM A

GENERAL APPLICATION PUBLIC HEARINGS AND DEVELOPMENT APPROVAL REQUESTS

1. Name of Applicant BC MERCHANTS Phone 630-240-7259

Address 490 TOWER BLVD., CAROL STREAM, IL 60188 Fax _____

E-Mail Address BC@BCMERCHANTS.COM
(required)

Name of Attorney _____ Phone _____
(if represented)

Address _____ Fax _____

Name of Owner BRIAN CISKE Phone 630-240-7259
(required if other than applicant)

Address _____ Fax _____

Name of Architect _____ Phone _____
(if applicable)

Address _____ Fax _____

2. *Common Address/Location of Property 490 TOWER BLVD., CAROL STREAM, IL 60188

3. Requested Action: (check all that apply)
- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input checked="" type="checkbox"/> Special Use Permit (requires Form C) |
| <input type="checkbox"/> Planned Development – Preliminary | <input type="checkbox"/> Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Shared Parking Facility | <input type="checkbox"/> Text Amendment (requires Form D2) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action ZONING APPROVAL FOR THE CONSTRUCTION OF
A GARAGE.

4. Fee Schedule: (Check all that apply)

Total Application Fee: \$ 800⁰⁰

Annexation approvals:		
New development		\$2,000
Other		\$800
Annexation Agreement Amendment		\$800
Appearance fee for approvals required by the UDO but not listed herein		\$500
Courtesy Review		\$240
Development Staff Review		\$640
Easement Encroachment		\$300
Gary/North Avenue Corridor Review:		
New or replacement monument sign		\$500
One discipline (site design, architecture or landscaping)		\$500
Two disciplines		\$1,000
Three disciplines		\$1,500
New development		\$1,500
Outdoor Dining Permit		\$120
Planned Development:		
Existing Planned Development, minor change		\$500
Existing Planned Development, major change		\$1,000
New Planned Development		\$1,500
Rezoning (Zoning Map Amendment)		\$640
Shared Parking Facility Permit		\$500
Site Plan Review		\$640
Special Use:		
First		\$800
Each additional		\$200
X Special Use Amendment		\$800
Staff Adjustment		\$240
Subdivision:		
Major		\$700
Minor		\$400
Temporary Building, Structure or Use		\$120
Temporary Waiver to the Code of Ordinances		\$120
Text Amendment:		
Building Codes		\$240
Unified Development Ordinance		\$640
Variation:		
First		\$640
Each additional		\$200
Zoning verification letter		\$80

5. Applicant Certification

*I authorize the Village of Carol Stream to install a temporary sign or signs on the property having the common address indicated in Item 2 on this form, for the purpose of notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed a copy of the informational handout(s) for the zoning process(es) for which I am making an application. I am familiar with the code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I understand that incomplete or substandard submittals may increase the staff review time and delay scheduling of the public hearing. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

BRIAN Ciske

Print Name
Brian Ciske

Signature
3/22/2021

Date

Revised 07/21



FORM C

RECEIVED

COMMUNITY DEVELOPMENT DEPT

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188

630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org • website: www.carolstream.org

SPECIAL USE APPLICATION

Uses designated under the various zoning districts herein as special uses are so classified because they may have site-specific impacts that require the discretionary review of the Plan Commission and Village Board. Each special use request must be reviewed based on its unique character, with consideration being given to the proposals impact upon neighboring properties. (Please address each of the following standards as it relates to your request.)

No special use shall be recommended by the Plan Commission nor approved by the Village Board, unless the special use:

1. Is deemed necessary for public convenience at the location.

Provides a roof over the vehicles protecting them from snow and rain.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The carport will not be a detriment or a danger to 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.

The carport will not be injurious to the use & enjoyment of other property in the immediate vicinity, 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.

The carport 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.

Utilities, access roads and drainage do not apply to the carport.

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 Village Board.

Carport will conform to the applicable regulations of the district in which it is located.

7. Other pertinent information or reason for request.

The carport will improve the quality of life for those using it.

Certificate of the Publisher

Examiner Publications, Inc. certifies that it is the publisher of The Examiner of Carol Stream. The Examiner of Carol Stream is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Carol Stream, township of Bloomingdale, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 times in The Examiner of Carol Stream, namely one time per week for 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on August 25, 2021 and the last publication of the notice was made in the newspaper dated and published on August 25, 2021. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Examiner Publications, Inc. has signed this certificate by Randall Petrik, its publisher, at The Village of Carol Stream, Illinois, on August 25, 2021.

Examiner Publications, Inc.

By: Publisher 

Randall E. Petrik, Publisher, Examiner Publications, Inc.

Subscribed and sworn to before me this 25 day of August, A.D. 2021.

Notary Public





PUBLIC NOTICE FILE #21-0046

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Carol Stream Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday, September 13, 2021, at 6:00 p.m. to consider an application from BC Merchants for the following actions:

A Special Use Permit for Outdoor Storage - Storage of Fleet Vehicles in accordance with Section 16-3-11 of the Carol Stream Unified Development Ordinance.

For the property at 490 Tower Boulevard (PIN 02-28-300-066).

The hearing will be held in-person and via a web conference meeting. All persons desiring to be heard will be given the opportunity to be heard. The web conference will allow the public to view the meeting online. Join from a PC, Mac, iPad, iPhone or Android device by using the following URL:

https://us02web.zoom.us/join/zoom/register/WN_6inEjYZxT-W18JLpZiYjeA

Description: This is an audio only meeting. Those members of the public wishing to be heard with respect to this matter must pre-register or complete the public comment form at <http://carolstre.am/pc> by 4pm the day of the public hearing.

Or join by phone: Dial (for higher quality, dial a number based on your current location): +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 821 5211 7032

International numbers available:
https://zoom.us/join/zoom/register/WN_6inEjYZxT-W18JLpZiYjeA

The application is available for public inspection on the Village's website at www.carolstream.org. The public may provide written comments prior to the public hearing by submitting them to Tom Farace, Planning & Economic Development Manager, 500 N. Gary Ave., Carol Stream, IL 60188, or may provide email comments by sending them to tfarace@carolstream.org by 4:00pm on September 13, 2021. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting, are requested to contact the ADA Coordinator at 630-871-6250.

As published in *The Examiner* Aug. 25, 2021 0825

RECEIVED

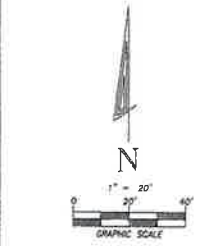
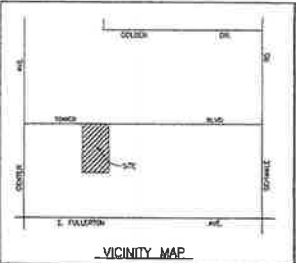
AUG 03 2021

EDWARD J. MOLLOY & ASSOCIATES

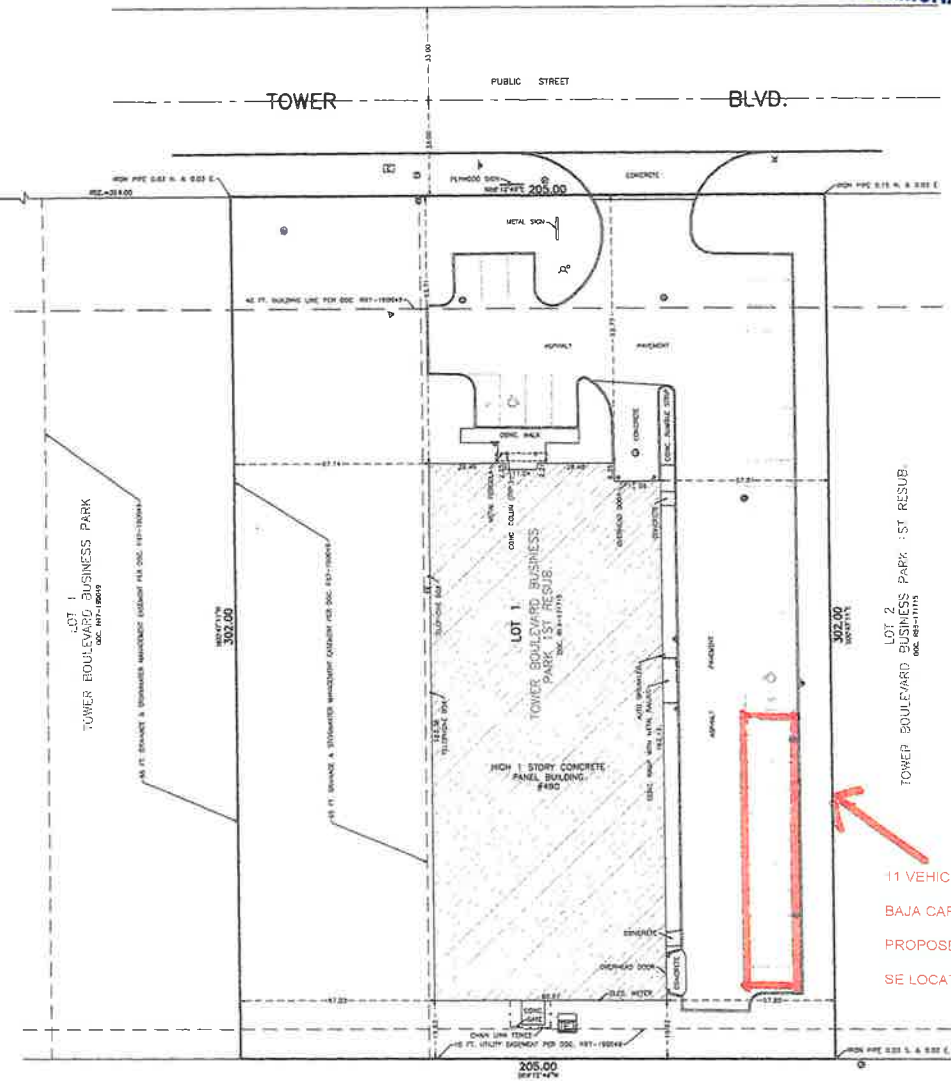
A DIVISION OF THOMAS A. MOLLOY, LTD. - PROFESSIONAL LAND SURVEYING
1235 MARK STREET, BENSenville, ILLINOIS 60106 (630) 565-2660 Fax (630) 565-4700
e-mail: tmolloy@ajmolloy.com

COMMUNITY DEVELOPMENT DEPT ALTA/NSPS LAND TITLE SURVEY

LOT 1, IN TOWER BOULEVARD BUSINESS PARK 1ST RESUBDIVISION, BEING A PART OF THE SOUTHWEST 1/4 IN SECTION 28, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT HEREBY REFERRED TO AS "PLAT", BEING AS DOCUMENT NUMBER 808-171715, IN DUPAGE COUNTY, ILLINOIS, COMMONLY KNOWN AS: 490 TOWER BOULEVARD, CAROL STREAM, ILLINOIS



- LEGEND:**
- Sanitary Manhole
 - Water Valve Vault
 - Storm Catch Basin/Inlet
 - ▭ Flared End Section
 - Fire Hydrant
 - B-Box
 - × Light Pole
 - 4 Traffic Sign
 - 4 Concrete Filled Post
 - ⊕ Electric Transformer
 - ⊕ Cabin TV Pedestal
 - ⊕ Cabin TV Vault
 - ⊕ Telephone Pedestal
 - Handicap Parking Space
 - Depressed Curb
 - NP No Parking Area



SURVEYOR'S NOTES

TITLE COMMITMENT: THIS SURVEY REFLECTS CERTAIN MATTERS OF TITLE, AS REFERENCED IN SCHEDULE B OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE GOVERNMENT NUMBER ED000263470 WITH A COMMITMENT DATE OF SEPTEMBER 11, 2020.

H. BUILDING LINE AS SHOWN ON THE PLAT OF TOWER BOULEVARD BUSINESS PARK 1ST RESUBDIVISION, AFORESAID, AS FOLLOWS: 40 FEET ON THE NORTH LINE OF THE PROPERTY [PLOTTED ON THE DRAWING].

I. PUBLIC UTILITY EASEMENT AS SHOWN ON THE PLAT OF TOWER BOULEVARD BUSINESS PARK 1ST RESUBDIVISION, AFORESAID, AS FOLLOWS: 10 FEET ON THE SOUTH LINE OF THE PROPERTY [PLOTTED ON THE DRAWING].

J. DRAINAGE AND STORMWATER MANAGEMENT EASEMENT AS SHOWN ON THE PLAT OF TOWER BOULEVARD BUSINESS PARK 1ST RESUBDIVISION, AFORESAID, AS FOLLOWS: 65 FEET ALONG THE WEST LINE OF THE PROPERTY [PLOTTED ON THE DRAWING].

P. THE PLAT OF SUBDIVISION RECORDED AUGUST 21, 1998, AS DOCUMENT NUMBER 808-171715 INCLUDES A CERTIFICATION BY THE SURVEYOR THAT NO PART OF THE LAND IS LOCATED WITHIN A SPECIAL FLOOD AREA AS RECORDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, (SEE TABLE A - ITEM 3 STATEMENT AS TO FLOOD ZONE CLASSIFICATION BELOW).

S. EASEMENTS AND RESTRICTIONS (BUT NOTING ANY BULKY CONCRETE OR RESTRICTION BASED ON INGLE, COLE, WELDON, ETC. HANDICAP, PARALLEL, STATE OR NATIONAL OPEN UNLESS AND ONLY TO THE EXTENT THAT SAID CONCRETE IS COVERED UNDER CHAPTER 63, SECTION 2307 OF THE ILLINOIS STATE CODE OR IS RELATED TO HANDICAP ACT 5002, NOT OTHERWISE ADOPTED UNDESIGNED PERSONS) RELATING IN PART TO ARCHITECTURAL, SCULPTURE, ASSOCIATION, ASSOCIATIONS AND NEW THEREAFTER, CONTAINED IN THE DOCUMENT RECORDED JANUARY 15, 1998 AS DOCUMENT NO. 808-171715 WHICH DOES NOT CONFORM A REVENUE/OWNY OR PORTFOLIO CLAUSE, AND HEREBY BY DOCUMENT NUMBER 808-171715, FIRST AMENDMENT TO PROTECTIVE COVENANTS AND CONDITIONS FOR TOWER BOULEVARD BUSINESS PARK IN THE VILLAGE OF CAROL STREAM, ILLINOIS RECORDED SEPTEMBER 25, 1998 AS DOCUMENT 808-180216. (NOT A PLEASANT MATTER).

L. 18' RIGHTS OF ADJOINING OWNERS TO THE EAST TO THE USE OF THE STRM DITCH ALONG THE EASTERN PART OF THE LAND AS SHOWN ON THE SURVEY PREPARED BY STACY FORTINOW LAND SURVEYING CO., 408 N. 184-25TH, DATED MAY 6, 2001, LAST REVISED JUNE 5, 2003. (VISIBLE SITE IMPROVEMENTS PLOTTED ON THE DRAWING).

TAX PARCEL IDENTIFICATION NUMBER: 07-28-300-823

ACCESS STATEMENT: THE PROPERTY HAS DIRECT PHYSICAL VEHICULAR ACCESS TO AND FROM TOWER BOULEVARD, A LEGALLY OPENED AND PUBLICLY DEDICATED, USED AND MAINTAINED STREET OR HIGHWAY.

TABLE A - ITEM 3 STATEMENT AS TO ADDRESS: THE POWER ADDRESS OF THE PROPERTY OBSERVED WHILE CONDUCTING THE FIELD WORK IS 490 TOWER BOULEVARD, CAROL STREAM, ILLINOIS.

TABLE A - ITEM 3 STATEMENT AS TO FLOOD ZONE CLASSIFICATION: BASED ON OUR REVIEW AND INTERPRETATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP COMMUNITY-FEMA-172402061U WITH A MAP REVISED DATE OF AUGUST 6, 2018, THE PROPERTY LEGALLY DESCRIBED HEREON FALLS WITHIN ZONE X OF SET FLOOD ZONE CLASSIFICATION. (SEE TABLE A - ITEM 3 STATEMENT AS TO FLOOD ZONE CLASSIFICATION BELOW).

TABLE A - ITEM 4 STATEMENT AS TO GROSS LAND AREA: THE PROPERTY LEGALLY DESCRIBED HEREON CONTAINS A GROSS LAND AREA OF 514.00 SQUARE FEET OR 1.1723 ACRES.

TABLE A - ITEM 5 STATEMENT AS TO EXTERIOR DIMENSIONS OF BUILDINGS AT GROUND LEVEL: SEE DRAWING FOR EXTERIOR DIMENSIONS OF BUILDINGS AT GROUND LEVEL.

TABLE A - ITEM 6 STATEMENT AS TO SUBSTANTIAL FEATURES OBSERVED: SURVEYOR HAS SHOWN LOCATION OF SUBSTANTIAL FEATURES OBSERVED ON THE SURVEYED PROPERTY IN THE PROCESS OF CONDUCTING THE FIELDWORK.

TABLE A - ITEM 7 STATEMENT AS TO FRONT STREET PARKING SPACES: THE LAND SURVEYED HEREON CONTAINS A TOTAL OF 11 FRONT STREET PARKING SPACES INCLUDING 2 REGULAR SPACES AND 9 DEPRESSED HANDICAP SPACES.

TABLE A - ITEM 8 STATEMENT REGARDING EXISTING UTILITIES: SURVEYOR HAS SHOWN LOCATION OF UTILITIES EXISTING ON THE SURVEYED PROPERTY AS SHOWN BY SURVEYOR'S EVIDENCE ON OR ABOVE THE SURFACE ONLY, COLLATED PURSUANT TO SECTION 5.1.2.F.

TABLE A - ITEM 9 STATEMENT REGARDING DISTANCE TO NEAREST INTERSECTION STREET: SEE DRAWING FOR THE DISTANCE TO THE NEAREST INTERSECTION STREET.

TABLE A - ITEM 10 STATEMENT REGARDING EXISTING MOBILE HOME AND BUILDING CONSTRUCTION: SURVEYOR FINDS NO EXISTING MOBILE HOME OR BUILDING CONSTRUCTION ON THE SURVEYED PROPERTY ON OR WITHIN THE PROPERTY LEGALLY DESCRIBED HEREON IN THE PROCESS OF CONDUCTING THE FIELDWORK.

TABLE A - ITEM 20 STATEMENT REGARDING PROFESSIONAL LIABILITY INSURANCE: PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE AMOUNT OF \$1,000,000 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM, CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.

11 VEHICLE
BAJA CARPORT
PROPOSED
SE LOCATION

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, THOMAS A. MOLLOY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY TO:

490 TOWER LLC
CHICAGO TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS LAND OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 ILLINOIS STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, WHICH ARE THE SAME AS SET FORTH IN THE ILLINOIS SURVEYING ACT, 625 CS. 1/1-1/16, AS AMENDED BY ACTS 1000 AND 1001, PUBLIC ACTS 1000-001 AND 1001-001, RESPECTIVELY, AND THAT THE SURVEY WAS COMPLETED ON 8/2/2021.

DATE: 08/02/2021	PROJECT: 2677
ORDER NO.: 200182	FILE: 28-60-10
PAGE: 1 OF 1	PROJECT NO.: 2677

LOT 2
I.P.F. NO. 1 SUBDIVISION
DOC #1930-1884

EXHIBIT A

RECEIVED

COMMUNITY DEVELOPMENT
DEPT

Dear Plan Commission/Zoning Board of Appeals,

Thank you for your time, we appreciate you greatly. I am the owner of the warehouse located at 490 Tower Blvd, Carol Stream, IL 60188. We operate a wholesale distribution company at this location and have five Chevy Express 2500 vans we use for deliveries. Our Team of delivery persons will need to clean the snow off the vans each morning M-F before loading up and heading out on their delivery routes. The quality of life would be much better for them if they did not have to spend 30-40 minutes cleaning off the snow in the cold. We would like to build a clean lined, stylish roof over the vans in the parking lot that would keep the rain and snow off the vehicles and our Team. Attached is a picture of what we would like to build. Ours will not have electricity with lighting.



We hope you agree this will be an improvement of life and approve the construction. We look forward to hearing from you. Thank you again for your time. Please let us know if you have any questions.

Thank you,

Brian Ciske

Owner 490 Tower Blvd

EXHIBIT B

**Village of Carol Stream
Plan Commission/Zoning Board of Appeals**

STAFF REPORT

September 13, 2021

TO:
Chairman and Plan Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning & Economic
Development Manager

ACTION REQUESTED:
Staff is requesting the following:

- Text Amendments for miscellaneous modifications to Article 2 (Definitions); Article 3 (District Specific Standards); Article 4 (Use Specific Standards); Article 5 (Development Standards); and Article 6 (Sign Standards) of Chapter 16 (Unified Development Ordinance) of the Carol Stream Code of Ordinances

APPLICANT/ CONTACT:
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL 60188



CASE #: 21-0047

PROJECT NAME: Village of Carol Stream - Text Amendment for Miscellaneous Modifications to the Unified Development Ordinance (UDO)

BACKGROUND:

The Unified Development Ordinance (UDO) was approved by the Village Board on May 3, 2021 and went into effect on July 1, 2021. As the PC/ZBA recalls, the UDO combines zoning, signage, fencing, and subdivision regulations into a new chapter of the Code of Ordinances (Chapter 16).

Now that Village staff has begun to utilize the UDO, we have identified some minor omissions and "fine-tuning" needed to some of the code sections. The first round of modifications were reviewed by the PC/ZBA on July 26, 2021, and approved by the Village Board on August 2, 2021. The staff report outlines the second round of modifications proposed in Article 2 (Definitions), Article 3 (District Specific Standards), Article 4 (Use Specific Standards), Article 5 (Development Standards), and Article 6 (Sign Standards).

It should be noted that a new amendment includes provisions to require massage establishments to obtain special use approval.

ATTACHMENTS:

Attached for review is the General Application, Text Amendment Application, Public Notice, and Massage Establishment Licensing Ordinance (Section 10-13 of the Code of Ordinances).

Staff Analysis

TEXT AMENDMENT

Outlined below are the modifications or omissions proposed to be revised in the UDO.

Massage Establishments as Special Uses

- A new provision proposed in the UDO pertains to massage establishments. In 2018, the Village created a massage establishment licensing program to develop more effective regulations for massage businesses due to recurring issues with illegal activities. The program included the adoption of Section 10-13 (Massage Establishments) of the Code of Ordinances, which created licensing procedures and operational regulations for massage establishments. The Ordinance also established a suspension and revocation procedure, where the massage establishment owner would be required to attend a hearing before the Mayor should the business violate provisions of the Massage Establishment Ordinance. Section 10-13 is attached to this report for reference.

The Village has recently revoked a couple of massage establishment licenses, and in order to curb future revocations and encourage legitimate massage establishment owners to operate in town, a special use approval process is proposed. Provisions in several articles of the UDO are proposed to be added to address massage establishments, and are highlighted below, along with other proposed text amendments (unrelated to massage establishments). It should be noted that regulations are proposed for massage establishments as the principal use or business; massage therapy that is ancillary to a medical or physical health use will not require special use approval (as already stipulated in the Massage Establishment Licensing Ordinance).

Article 2 – Definitions

- Staff recommends adding a definition for “access drive.” The definition will aid when describing allowable locations for parking spaces and wall signage.

§ 16-2-1 DEFINITIONS - A.

ACCESS DRIVE. An unobstructed way of specified width containing a drive or roadway that provides vehicular access within a development and connects to a public street.

- A definition for massage establishments will be included, and will match the definition currently found in Section 10-13 of the Code of Ordinances.

§ 16-2-13 DEFINITIONS - M.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on, a business of providing massages.

- Staff recommends a minor change to outdoor display or sale of merchandise to include “and/or” to provide a definition for both scenarios. Additional sections will be updated throughout the UDO to accommodate both scenarios.

§ 16-2-15 DEFINITIONS - O.

(G) **OUTDOOR DISPLAY AND/OR SALE OF MERCHANDISE.** The placement of goods for sale or advertisement outside of a building or structure on the same zoning lot and in conjunction with the primary use found on the lot.

- Staff also recommends a modification to the definition of “outdoor vehicle storage,” so that it is clear that said storage also includes vehicles displayed at car dealerships.

§ 16-2-15 DEFINITIONS - O.

(L) **OUTDOOR VEHICLE STORAGE.** The commercial storage, in an unenclosed area, of any vehicles, recreational vehicles, and trailers, including vehicles associated with vehicle sales and rental uses.

Article 3 – District Specific Standards

- As already described, massage establishments are proposed to be special uses, specifically in the B-2 (Neighborhood Business), B-3 (General Business), and O-S (Office-Service) Districts. Use specific standards are also proposed, and will be provided under recommendations for Article 4.

Commercial Services	Additional Regulations	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
Commercial Service, General						P	P	P	S	
Day Care Center	§ 16-4-11						S	S	S	
Banks							P	P	P	
Veterinary Clinic/Animal Hospital							P	P		
Kennel and Boarding Facility, outdoor	§ 16-4-12							S		S
Kennel and Boarding Facility, indoor								P		P
Funeral Parlor								P		S
Self Service Laundry Shop/Dry Cleaner							P	P		
Blood Donation Centers								P		

Tattoo Parlors										
Check Cashing/Payday Loan Stores										
Massage Establishments	§ 16-4-27							S	S	S

- Staff proposes adding use specific standards for outdoor vehicle storage, specifically in the Industrial District. The standards will be provided in Article 4, but Table 16-3-11 is proposed to be updated to list the use specific standard section.

Auto Oriented Businesses	Additional Regulations	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
Autobody Repair, all vehicles								S		S
Fuel Sales								S		
Repair and Service								S		S
Car Wash								S		S
Automobile and Commercial Vehicle Fueling Plaza								S		
Vehicle Sales and Rental	§ 16-4-13							P		S
Outdoor Vehicle Storage	§ 16-4-18							S		S

- After further reviewing Table 16-3-11, staff recommends making the use “Outdoor Display/Sales of Merchandise, Permanent” a special use in the Industrial District. Currently, the use is a special use in the B-3 District only. However, the Village has businesses, such as Rental Max on Randy Road, which permanently displays equipment that is sold and rented on-site. Additionally, the use of “and/or” will be included.

Accessory Uses	Additional Regulations	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
Accessory Buildings and Structures, General	§ 16-4-15	P	P	P	P	P	P	P	P	P
Home Occupations	§ 16-4-16	P	P	P	P					
Drive Through	§ 16-4-17					S	S	S	S	
Outdoor Display <i>and/or</i> Sales of Merchandise, Permanent								S		S
Outdoor Activities and Operations	§ 16-4-18	S						S	S	P
Outdoor Dining, without alcohol sales/consumption	§ 16-4-19					P	P	P		
Outdoor Dining, with alcohol sales/consumption	§ 16-4-19					S	S	S		
Donation Drop Boxes	§ 16-4-20	P					P	P	P	

Article 4 – Use Specific Standards

- The table of contents for Article 4 is proposed to be updated to include Use Specific Standards for massage establishments and outdoor vehicle storage in the Industrial District.

- [16-4-1](#) Community gardening/urban farming
- [16-4-2](#) Single-unit attached dwellings

- [16-4-3](#) Multiple-unit dwelling, building
- [16-4-4](#) Multiple-unit dwelling, complex
- [16-4-5](#) Family community residences
- [16-4-6](#) Extended stay hotel
- [16-4-7](#) Retail sales, accessory
- [16-4-8](#) Out lot retail building
- [16-4-9](#) Adult use cannabis dispensing organization
- [16-4-10](#) Adult oriented uses
- [16-4-11](#) Day care center
- [16-4-12](#) Kennel and boarding facility, outdoor
- [16-4-13](#) Vehicle sales and rental
- [16-4-14](#) Regional religious institution
- [16-4-15](#) Accessory buildings and structures, general
- [16-4-16](#) Home occupations
- [16-4-17](#) Drive through
- [16-4-18](#) Outdoor activities and operations, permanent, **and outdoor vehicle storage in the Industrial District**
- [16-4-19](#) Outdoor dining, with or without alcohol sales and consumption
- [16-4-20](#) Donation drop boxes
- [16-4-21](#) Carnival
- [16-4-22](#) Outdoor special exhibition, show or sales
- [16-4-23](#) Garage sales
- [16-4-24](#) Temporary portable outdoor storage devices
- [16-4-25](#) Sales or construction trailers, automobiles, recreational vehicles
- [16-4-26](#) Outdoor display and sale of merchandise, temporary
- [16-4-27](#) **Massage Establishments**

- Section 16-4-13 pertaining to vehicle sales and rental provides an incorrect citation for the parking lot perimeter landscaping section of the UDO.

§ 16-4-13 VEHICLE SALES AND RENTAL.

(A) Storage areas for vehicles for sale or rent shall not be located in any required parking area.
 (B) Storage areas for vehicles for sale or rent shall be screened on all sides facing a public right-of-way with the requirements for parking lot perimeter landscape as detailed in § [16-5-56](#). The Community Development Director may approve alternate placement of the required landscape material.

- Section 16-4-18 (A) and (B) also incorrectly list the parking lot perimeter landscaping section of the UDO. In addition, staff recommends use specific standards for outdoor vehicle storage for properties within the Industrial District (excluding vehicle sales and rental uses), and these standards can mirror existing screening standards for permanent outdoor activities and operations.

§ 16-4-18 OUTDOOR ACTIVITIES AND OPERATIONS, PERMANENT-, AND OUTDOOR VEHICLE STORAGE IN THE INDUSTRIAL DISTRICT.

Outdoor activities and operations and outdoor vehicle storage, excluding storage for vehicle sales and rental uses shall be subject to the following provisions:

(A) *Screening of outdoor activities and operations and outdoor vehicle storage in the I District.*

(1) Outdoor activities and operations and outdoor vehicle storage shall not be visible from:

- (a) Adjacent non-industrial property;
- (b) The right-of-way of the following roadways:
 - I. Gary Avenue;
 - II. North Avenue;
 - III. East Lies Road; and
 - IV. Schmale Road.

(2) The following minimum screening requirements shall apply to outdoor activities and operations and outdoor vehicle storage adjacent to or visible from areas identified in § 16-4-18(A)(1).

(a) A solid wall or fence not less than six feet and not more than eight feet in height along all property frontages identified in § 16-4-18(A)(1).

(b) A landscape strip not less than five feet wide located in front of the wall or fence. The required landscape materials shall conform to all requirements for transition area landscape found in § 16-5-5.

(3) The following minimum screening requirements shall apply to outdoor activities and operations and outdoor vehicle storage not adjacent to or visible from areas identified in § 16-4-18(A)(1).

(a) A fence, which conforms to all fence material requirements detail in § 16-5-9 and is not less than six and not more than eight feet in height.

(b) A landscape strip not less than five feet wide located in front of the fence wall. The required landscape materials shall conform to all requirements for transition area landscape found in § 16-5-5.

(4) General screening requirements.

(a) No screening wall or fence shall be located within a required front yard.

(b) Screening walls and fences shall be architecturally compatible with the primary structure.

(B) *Screening of outdoor activities and operations in the B-1, B-2, B-3, and O-S Districts.*

(1) Outdoor activities and operations shall not be visible from:

- (a) Any public right-of-way;
- (b) Any residential property.

(2) The following minimum screening requirements shall apply to outdoor activities and adjacent to or visible from areas identified in § 16-4-18(B)(1):

(a) A solid wall or fence not less than six feet and not more than eight feet in height along all property frontages identified in § 16-4-18(B)(1).

(b) A landscape strip not less than five feet wide located in front of the wall or fence. The required landscape materials shall conform to all requirements for transition area landscape found in § 16-5-5.

(3) The following minimum screening requirements shall apply to outdoor activities and operations not adjacent to or visible from areas identified in § 16-4-18(B)(1).

(a) A fence, which conforms to all fence material requirements detail in § 16-5-9 and is not less than six and not more than eight feet in height.

(b) A landscape strip not less than five feet wide located in front of the masonry wall. The required landscape materials shall conform to all requirements for transition area landscape found in § 16-5-56.

- Staff proposes modifications to the use specific standards for special exhibitions, shows, and sales, in order to tailor the standards to be more in line with current practices for special events.

§ 16-4-22 **OUTDOOR SPECIAL EXHIBITIONS, SHOWS OR SPECIAL EVENTS SALES.**

Special exhibitions, shows, or **special events sales** shall be subject to the following provisions:

(A) The Community Development Director, in granting a temporary use permit, shall establish the period during which the temporary use may take place and its **maximum** hours of operation.

(B) Except for vehicular parking, no portion of an exhibition, show or **special event 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.

(C) No exhibition, show or **special event sale** which takes place in whole or in part outdoors shall, without written authorization from the office of the Community Development Director, 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.

(D) No special exhibition, show or **special event sale** which is scheduled to last more than one day shall be granted a temporary use permit until the Chief of Police, or his/her designee, approves a parking plan submitted by the applicant. The Chief of Police, or his/her designee, 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.

(E) **Temporary signs and attention-getting devices, which may otherwise be prohibited in Article 6, such as pennants, streamers, balloons, inflatable shapes or vehicle signs, may be authorized with the approval of a Temporary Use Permit. Detailed information regarding the type, number, placement and duration of proposed temporary signs and attention-getting devices must be included with the Temporary Use Permit application, and shall be subject to the following provisions:**

1. **Temporary signs or attention getting devices must be properly anchored or secured and must be maintained in good condition; and**

2. **Temporary signs or attention getting devices installed in association with a grand opening event may remain in place for a maximum of 30 days.**

(~~E~~F) The Community Development Director may determine that the outdoor special exhibition, show, or **special event sale may** requires review and approval by the Village Board.

- The following use specific standards are proposed for massage establishments:

§ 16-4-27 **MASSAGE ESTABLISHMENTS.**

Massage establishments shall be permitted as a special use and shall meet the following provisions:

- (A) Massage establishments shall be subject to the regulations of Section 10-13 (Massage Establishments) of the Code of Ordinances.
- (B) A massage establishment operating as a principal use shall be located on the ground floor of the subject building.
- (C) The public entrance to establishments offering massage therapy in private rooms shall be clearly visible from the street or main public parking area, unless such establishment was licensed prior to the passage of this ordinance.
- (D) Features of the massage establishment, such as the floor plan, transparency of the front reception area, hours of operation, and staffing levels, which are specifically included in the approved license for the business, shall not be modified without first obtaining prior approval. The Community Development Director shall review such proposed changes, referring the business to a public meeting or public hearing as needed.

Article 5 – Development Standards

- Staff proposes a modification to Section 15-5-2 (B)(4)(a)(V) to provide clarity on when commercial vehicles are allowed to be parked in residential districts. As the PC/ZBA is aware, only commercial vehicles bearing an A or B license plate designation may be parked or stored in residential districts, unless the vehicle is making a delivery or providing a service at the residential property.

§ 16-5-2 OFF-STREET PARKING AND LOADING.

(B) Additional regulations; parking. Off-street parking facilities shall be provided in accordance with additional regulations hereinafter set forth.

(4) *Location of accessory off-street parking facilities.* 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.

(a) *For uses in residential districts.*

I. Parking spaces serving multiunit and non-residential uses shall be located on the same zoning lot as the use served.

II. Parking spaces serving multiunit 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.

III. Parking spaces serving multiunit and non-residential uses shall not be located:

i. nearer than 40 feet from an adjoining single-unit residential lot, nor

ii. less than 20 feet from a street right-of-way line.

iii. No on-site 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.

IV. No commercial vehicles bearing a class designation other than A or B under the provisions of Illinois State Statutes 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.

V. **Unless in compliance with §16-5-2(B)(4)(a)(IV),** 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 multiunit properties. Equipment and/or materials used solely for on-site snow plowing may be stored on the premises where such equipment and/or materials will be used during the period from November 1 through March 31 each season.

- Staff also proposes parking requirements for massage establishments, at a rate of one space per 250 square feet of net floor area of space (similar requirement for other service uses in the UDO).

<i>Table 16-5-2(C): Schedule of Parking Requirements</i>		
<i>Use</i>	<i>Required Spaces</i>	
Commercial Service		
Commercial Service, General		
Day Care Center		
Banks		
Veterinary Clinic/Animal Hospital		
Kennel and Boarding Facility		
Funeral Parlor		
Self Service Laundry Shop/Dry Cleaners		
Blood Donation Centers		
Tattoo Parlors		
Check Cashing/Payday Loan Stores		
Massage Establishments		
		1 / 250 NFA

Article 6 – Sign Standards

- In regards to wall sign square footage allowances, a maximum size was inadvertently left out of the UDO from the original Village Sign Code, and staff recommends putting the maximum

size requirement back in the UDO. In addition, there are typos in some of the figure references in the code section that need to be corrected.

§ 16-6-4 PERMANENT SIGNS REQUIRING A PERMIT.

(A) *Standards for permanent signs requiring a permit.*

(1) *Wall signs.* (See [Figure 16-6-4\(A\)\(I\)](#))

(a) *Sign area.* The maximum permitted sign area of wall signs in the B-1, B-2, B-3, O-S, and I Districts shall not exceed 10% of the total area of the wall face on which the sign is to be located, **or 500 square feet, whichever is less.** The maximum permitted sign area of wall signs in the R-1, R-2, R-3, and R-4 Districts shall not exceed 5% of the total area of the wall face on which the sign is to be located, **or 300 square feet, whichever is less.**

(b) *Height.* No wall sign shall protrude above the highest roof line or above the top of the parapet wall or mansard roof.

(c) *Projection.* Wall signs must not extend more than 12 inches from the wall of the building or structure to which it is attached and shall maintain a vertical clearance of seven feet.

(d) *Number of signs.* (See [Figure 16-6-4\(A\)\(I\)\(d\)\(iii\)](#))

I. Single tenant buildings shall be permitted one wall sign per lot frontage along a public right-of-way or private access drive.

II. Multi-tenant buildings shall be permitted one wall sign per unit per frontage along a public right-of-way or private access drive.

III. A maximum of four secondary wall signs may be authorized for buildings with lineal frontage in excess of 75 feet by the Community Development Director provided such additional signage is:

- i. In keeping with the overall design and architecture of the building;
- ii. A minimum of 20 feet from the primary wall sign and other secondary wall signs;
- iii. A maximum of 50% of the size of the primary wall sign;
- iv. Accessory to the building's primary wall sign; and
- v. The total area of all primary and secondary wall signs does not exceed the

maximum wall sign area as established in § [16-6-4\(A\)\(1\)\(a\)](#).

- Staff recommends amending height requirements for multitenant monument signs for properties in the B-3 District. The UDO currently states that multitenant monument signs shall not exceed 25 feet in height; however, this provision was geared toward shopping center signs. Based on current code language, a small strip mall could have a 25-foot tall sign, which was not the intent. Therefore, staff recommends modifying the code to limit multitenant monument signs in the B-3 to be no taller than 10 feet if the property is no larger than 5 acres in area and contains less than 25,000 square feet in building floor area. If the B-3 zoned property is 5 acres or larger and contains 25,000 square feet or more of building floor area, then the multitenant monument sign may be 25 feet in height.

§ 16-6-4 PERMANENT SIGNS REQUIRING A PERMIT.

Permanent signs including wall signs, monument signs, awning or canopy signs, and projecting signs, shall be permitted in the zoning district shown in Table 16-6-4(B) only after the issuance of a sign permit in accordance with § 16-8-3.

(A) Standards for permanent signs requiring a permit.

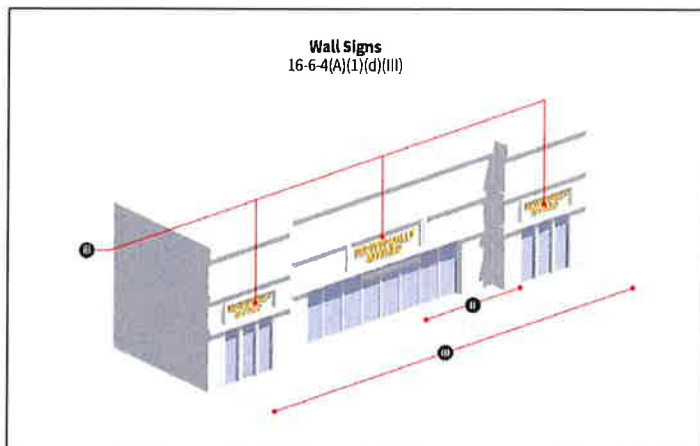
(3) *Multitenant monument signs.* (See [Figure 16-6-4\(A\)\(3\)](#)).

(a) *Sign area.* The maximum permitted sign area of a multitenant monument sign in the B-1, B-2, O-S, or I Districts shall not exceed 96 square feet. The maximum permitted sign area of a multitenant monument sign in the B-3 District shall not exceed 160 square feet.

(b) *Height.* The maximum permitted height of a multitenant monument sign in the B-1 or B-2 District shall not exceed six feet. The maximum permitted height of a multitenant monument sign in the B-3 District shall not exceed 25 feet **if the property is five acres in area or larger and contains a minimum of 25,000 square feet of building floor area.** The maximum permitted height of a multitenant monument sign in the O-S or I District, **or in the B-3 District if the property is less than five acres in area and contains less than 25,000 square feet of building floor area,** shall not exceed ten feet.

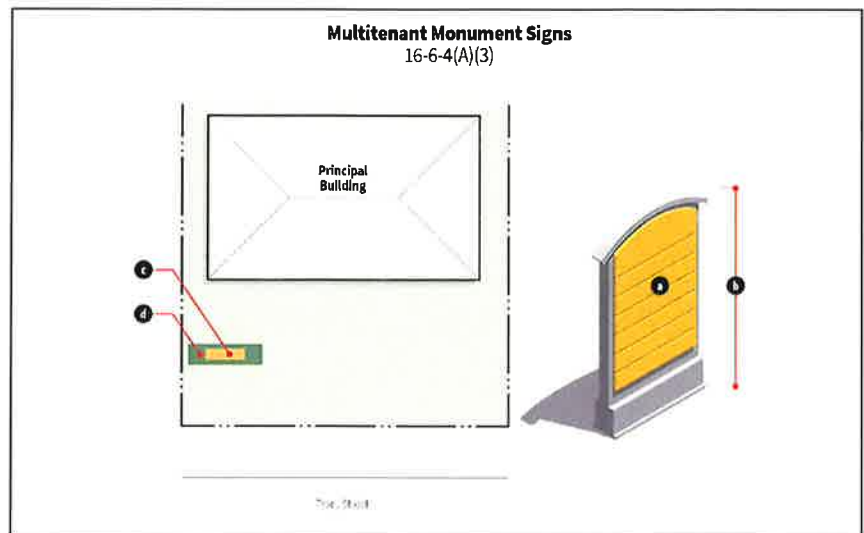
- The illustration for multitenant monument signage was inadvertently left out, and instead the illustration for wall signage was provided twice in the UDO. The following illustration should be provided in its place.

(3) *Multitenant monument signs.* (See [Figure 16-6-4\(A\)\(3\)](#)).



**TO BE REMOVED FROM THIS SECTION
(TO REMAIN IN SECTION 16-6-4)**

TO BE ADDED



- Section 16-6-9 (A) provides regulations for placement of signs on lots, with requirements for the minimum distance from property lines and locations outside of sight triangles. However, one provision that was accidentally left out was an increased setback for multitenant monument signs (such as shopping center signs). Given the larger size of a multitenant monument sign, staff believes it should be set back a greater distance from the property line, and is recommending a minimum of 40 feet as previously required in the Village Sign Code.

§ 16-6-9 GENERAL STANDARDS FOR ALL SIGNS (SEE FIGURE 16-6-9(A)).

(A) *Placement of signs on lots.* No sign shall be placed closer than five feet to any lot line, **excluding multitenant monument signs for properties in the B-3 District that are at least five acres in area or larger and contain a minimum of 25,000 square feet of building floor area, which shall be set back a minimum of 40 feet from any property line, or** unless otherwise specific herein. No sign of any type shall be located within the 25 foot sight triangle of a corner lot, unless the height of the sign is no more than 30 inches above the crown of the adjacent road. No sign shall be placed at any location on any lot in such a manner as to obstruct the view of traffic.

Recommendation

Staff recommends approval of text amendments for miscellaneous modifications to Article 2 (Definitions), Article 3 (District Specific Standards), Article 4 (Use Specific Standards), Article 5 (Development Standards), and Article 6 (Sign Standards) of the UDO.



Do Not Write in This Space	
Date Submitted:	<u>8/23/21</u>
Fee Submitted:	<u>—</u>
File Number:	<u>21-0047</u>
Meeting Date:	<u>9/13/21</u>
Public Hearing Required:	<u>Y</u>

Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188

PHONE 630.871.6230 ▪ FAX 630.665.1064

www.carolstream.org

FORM A

GENERAL APPLICATION PUBLIC HEARINGS AND DEVELOPMENT APPROVAL REQUESTS

1. Name of Applicant Village of Carol Stream Phone 630.871.6230
Address 500 N. Gary Avenue, Carol Stream, IL 60188 Fax _____
E-Mail Address communitydevelopment@carolstream.org
(required)
Name of Attorney _____ Phone _____
(if represented)
Address _____ Fax _____
Name of Owner _____ Phone _____
(required if other than applicant)
Address _____ Fax _____
Name of Architect _____ Phone _____
(if applicable)
Address _____ Fax _____
2. *Common Address/Location of Property _____
3. Requested Action: (check all that apply)
- | | |
|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Subdivision – Minor/Major |
| <input type="checkbox"/> Courtesy Review | <input type="checkbox"/> Temporary Waiver/Code of Ordinances |
| <input type="checkbox"/> Development Staff Review | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Gary/North Avenue Corridor Review | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Planned Development – Final | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input type="checkbox"/> Planned Development – Preliminary | <input type="checkbox"/> Special Use Permit (requires Form C) |
| <input type="checkbox"/> Shared Parking Facility | <input checked="" type="checkbox"/> Map Amendment (requires Form D-1) |
| <input type="checkbox"/> Site Plan Review | <input checked="" type="checkbox"/> Text Amendment (requires Form D2) |
| | <input type="checkbox"/> Staff Adjustment (requires Form E) |

Describe requested action Miscellaneous modifications to the Unified Development Ordinance – Articles 2, 3, 4, 5, 6, and 8

4. Fee Schedule: *(Check all that apply)*

Total Application Fee: \$ 0

Annexation approvals:	
New development	\$2,000
Other	\$800
Annexation Agreement Amendment	\$800
Appearance fee for approvals required by the UDO but not listed herein	\$500
Courtesy Review	\$240
Development Staff Review	\$640
Easement Encroachment	\$300
Gary/North Avenue Corridor Review:	
New or replacement monument sign	\$500
One discipline (site design, architecture or landscaping)	\$500
Two disciplines	\$1,000
Three disciplines	\$1,500
New development	\$1,500
Outdoor Dining Permit	\$120
Planned Development:	
Existing Planned Development, minor change	\$500
Existing Planned Development, major change	\$1,000
New Planned Development	\$1,500
Rezoning (Zoning Map Amendment)	\$640
Shared Parking Facility Permit	\$500
Site Plan Review	\$640
Special Use:	
First	\$800
Each additional	\$200
Special Use Amendment	\$800
Staff Adjustment	\$240
Subdivision:	
Major	\$700
Minor	\$400
Temporary Building, Structure or Use	\$120
Temporary Waiver to the Code of Ordinances	\$120
Text Amendment:	
Building Codes	\$240
Unified Development Ordinance	\$640
Variation:	
First	\$640
Each additional	\$200
Zoning verification letter	\$80

5. Applicant Certification

*I authorize the Village of Carol Stream to install a temporary sign or signs on the property having the common address indicated in Item 2 on this form, for the purpose of notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed a copy of the informational handout(s) for the zoning process(es) for which I am making an application. I am familiar with the code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I understand that incomplete or substandard submittals may increase the staff review time and delay scheduling of the public hearing. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

TOM FARACE

Print Name

Tom Farace

Signature

8/23/21

Date

Revised 07/21



Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188
630.871.6230 • FAX 630.665.1064

e-mail: communitydevelopment@carolstream.org ▪ website: www.carolstream.org

TEXT AMENDMENT

Please see Section 16-8-4(M) of the Unified Development Ordinance (UDO) to learn more about Text Amendments.

In accordance with the applicable statutes of the State of Illinois, an amendment shall be granted or denied by the Village Board only after a public hearing before the Plan Commission and a report of its findings and recommendations has thereafter been submitted to the Village Board.

Proposed Text Amendments that satisfy all of the review criteria may be approved. The Plan Commission and Village Board shall consider the following criteria in their review of Text Amendments: (Please respond to each of these standards in writing below as it relates to your request.)

1. The amendment must be consistent with the purpose of this UDO and the Village Comprehensive Plan.

The proposed modifications will be consistent with the purpose of the UDO and Comprehensive Plan.

2. The amendment must not adversely affect the public health, safety, or general welfare.

The proposed modifications will not adversely affect the public health, safety, or general welfare.

3. The amendment is necessary because of changed or changing social values, new planning concepts, or other social, technological, or economic conditions in the areas affected.

The proposed modifications update regulations for massage establishments and amend other sections to the UDO.

PUBLIC NOTICE
FILE #21-0047

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Carol Stream Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday, September 13, 2021, at 6:00 p.m. to consider an application from the Village of Carol Stream for the following actions:

Text Amendments for miscellaneous modifications to Article 2 (Definitions); Article 3 (District Specific Standards); Article 4 (Use Specific Standards); Article 5 (Development Standards); Article 6 (Sign Standards); and Article 8 (Administration and Enforcement) of Chapter 16 (Unified Development Ordinance) of the Code of Ordinances.

The hearing will be held in-person and via a web conference meeting. All persons desiring to be heard will be given the opportunity to be heard. The web conference will allow the public to view the meeting online. Join from a PC, Mac, iPad, iPhone or Android device by using the following URL:

https://us02web.zoom.us/webinar/register/WN_6inEjYZxT-W18JLpZtYjeA

Description: This is an audio only meeting. Those members of the public wishing to be heard with respect to this matter must pre-register or complete the public comment form at <http://carolstre.am/pc> by 4pm the day of the public hearing

Or join by phone: Dial (for higher quality, dial a number based on your current location):

+1 312 626 6799 or +1 301 715 8592 or +1 646 558 8656

Webinar ID: 821 5211 7032

International numbers available: <https://zoom.us/j/82152117032>

The application is available for public inspection on the Village's website at www.carolstream.org. The public may provide written comments prior to the public hearing by submitting them to Tom Farace, Planning & Economic Development Manager, 500 N. Gary Ave., Carol Stream, IL 60188, or may provide email comments by sending them to tfarace@carolstream.org by 4:00pm on September 13, 2021. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting, are requested to contact the ADA Coordinator at 630-871-6250.

Certificate of the Publisher

Examiner Publications, Inc. certifies that it is the publisher of The Examiner of Carol Stream. The Examiner of Carol Stream is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Carol Stream, township of Bloomingdale, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 times in The Examiner of Carol Stream, namely one time per week for 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on August 25, 2021 and the last publication of the notice was made in the newspaper dated and published on August 25, 2021. This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Examiner Publications, Inc. has signed this certificate by Randall Petrik, its publisher, at The Village of Carol Stream, Illinois, on August 25, 2021.

Examiner Publications, Inc.

By: Publisher 
Randall E. Petrik, Publisher, Examiner Publications, Inc.

Subscribed and sworn to before me this 25 day of August, A.D. 2021.

Notary Public





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As published in *The Examiner* Aug. 25, 2021. 0825

**ARTICLE 13: MASSAGE ESTABLISHMENTS
(FOR REFERENCE-LICENSING ORDINANCE)**

ARTICLE 13: MASSAGE ESTABLISHMENTS

Section

- 10-13-1 Definitions
- 10-13-2 Massage business license required
- 10-13-3 Application for massage establishment business license
- 10-13-4 Issuance of license for a massage establishment
- 10-13-5 Approval or denial of application
- 10-13-6 Posting of license; photo identification card
- 10-13-7 Register of employees
- 10-13-8 Revocation of suspension of license
- 10-13-9 Revocation of massage therapist license
- 10-13-10 Facility requirements
- 10-13-11 Operating requirements
- 10-13-12 Persons under age 18 prohibited on premises
- 10-13-13 Alcoholic beverages prohibited
- 10-13-14 Hours
- 10-13-15 Employment of massage therapist
- 10-13-16 Inspections required
- 10-13-17 Unlawful acts
- 10-13-18 Massage establishment license; exemptions
- 10-13-19 Sale or transfer or change of location
- 10-13-20 Name and place of business
- 10-13-21 Joint and several liability
- 10-13-22 Public nuisance
- 10-13-23 Duty to report
- 10-13-24 Violation and penalty

FOR REFERENCE – LICENSING ORDINANCE

§ 10-13-1 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

APPLICANT. Any person or entity seeking a massage establishment business license. If it is a corporation or limited liability company, the term shall include any stockholder holding more than 5% of the stock, and each officer and director. If it is a partnership, it shall include each partner, including each limited partner. It shall also include the manager or other person principally in charge of the operation of the business.

EMPLOYEE. Any person over 18 years of age, other than a massage therapist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

LICENSEE. The operator of a massage establishment.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the body with the hands, elbows, feet, or with the aid of any mechanical or electrical apparatus or appliance, with or without rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations used in this practice, under such circumstances that it is reasonably expected that the person to whom treatment is provided, or some third party on such person's behalf, will pay money or give any other consideration or gratuity.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on, or permits to be engaged in or carried on, a business of providing massages.

MASSAGE THERAPIST. Any person who, for any consideration or gratuity whatsoever, engages in the practice of massage and is licensed by the State of Illinois.

OUTCALL MASSAGE SERVICE. Any business, a function of which is to engage in or carry on massages at a location

designated by the customer or patron rather than at a massage establishment.

PATRON. Any person who is offered or receives a massage under such circumstances that it is reasonably expected that he or she will pay money or any other consideration for such massage.

SEXUAL MISCONDUCT. Any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation.

SEXUAL OR GENITAL AREA. Genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.

STATE LICENSE. A valid license issued pursuant to the Illinois Massage Licensing Act (225 ILCS 57/1 et seq.).

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-2 MASSAGE BUSINESS LICENSE REQUIRED.

(A) *Massage business license required; exceptions.* No person or entity shall operate a massage establishment unless that person has a valid massage establishment business license issued by the village pursuant to the provisions of this article for each and every separate office or place of business in the village. However, where individuals possessing the license required in division (B) below perform massage in their own homes or as an outcall massage service without a massage establishment in Carol Stream, no massage business license shall be required for that home. When a licensee performs massage in his or her own home, the requirements of the Carol Stream zoning code pertaining to home occupations shall apply. All massage establishments within the village shall be licensed on or before September 1, 2018, which licenses shall expire on December 31, 2019. Thereafter, all licenses shall be due on or before January 1 of each year and will terminate on December 31 following such issuance, unless sooner suspended or revoked.

(B) *State license required.* No person shall engage in massage for compensation or other consideration, unless the person has a valid state license issued pursuant to the Massage Licensing Act (225 ILCS 57/1 et seq.).

(Ord. 2018-05-19, passed 5-7-18)

§ 10-13-3 APPLICATION FOR MASSAGE ESTABLISHMENT BUSINESS LICENSE.

(A) Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application, under oath, with the Village of Carol Stream upon a form provided by the Village Clerk and pay a nonrefundable annual license fee, in the amount set forth in § 10-1-19 of this chapter. Copies of the massage establishment business license application shall be forwarded to the Director of Community Development. The Director of Community Development shall, within 30 days of receiving a complete application, cause an inspection of the premises proposed to be operated as a massage establishment and upon inspection, shall prepare a written report concerning compliance with the applicable regulations. The complete application, once accepted, shall also be referred to the Police Department by the Village Clerk for investigation. The Police Department will perform the required criminal record check. Background investigations shall require the submission of fingerprints for the owner/applicant(s) and the manager(s). The cost of the criminal record check and cost of fingerprint submissions shall be borne by the applicant.

(B) Each application shall contain the following information:

(1) The name under which the business will be conducted and a complete statement of the service or services to be provided.

(2) The location, mailing address and all telephone numbers where the business is to be conducted. If the premises is leased, the name and address of the owner of the premises, and if the premises is held in a trust, the names and addresses all owners of the beneficial interest in the trust. A copy of the lease for the premises shall also be provided.

(3) Federal employer identification number (FEIN) and state of Illinois business tax number (IBT).

(4) The name and residence address of each applicant (all provisions which refer to applicant include an applicant which may be a corporation, limited liability company or partnership).

(a) If applicant is a corporation or limited liability company, the term applicant includes each of the officers, directors, member or manager of the corporation or company and of each stockholder owning more than 5% of the stock of the corporation or company.

(b) If applicant is a partnership, the term applicant includes each of the partners including limited partners.

(c) If the applicant is a corporation, limited liability company or partnership, the business address of the partnership, if different from the address of the massage establishment shall be provided.

(5) The two previous addresses immediately prior to the present address of each applicant.

(6) Proof that each applicant is at least 18 years of age.

(7) Copy of a government issued photo identification, such as a driver's license or State of Illinois identification for each applicant.

(8) One portrait photograph of each applicant at least two inches by two inches and a complete set of applicant's fingerprints shall be taken by the Chief of Police or his or her agent. If the applicant is a partnership, limited liability company, or corporation, the Chief of Police shall have the right to require fingerprints of any and all officers, shareholders,

directors, partners, members, managers or agents of the entity along with the fee for each.

(9) Business, occupation, or employment of each applicant for the three years immediately preceding the date of application.

(10) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another municipality, county or state, has had a business license revoked or suspended, the reason for the revocation or suspension, and the business activity or occupation subsequent to such action of suspension or revocation.

(11) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted for each applicant.

(12) The name and residence address of each person who shall be employed as massage therapists, managers, assistant managers or any other persons principally in charge of the operation of the business, whether such persons are employees or independent contractors. Each application shall be accompanied by a copy of the state license issued by the State of Illinois authorizing the practice of massage therapy under the Massage Licensing Act (225 ILCS 57/1 et seq.). Each application shall also be accompanied by a copy of a photo identification card such as an Illinois driver's license or Illinois identification card for each massage therapist, manager, assistant manager or any other person principally in charge of the operation of the business. The business license holder shall provide the information required herein for every new employee or independent contractor employed, to the Village Clerk, at least ten business days prior to the person beginning work at the premises.

(13) The name and address of any other business owned or operated by any person whose name is required to be given as an applicant as provided in division (B)(4) above.

(14) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

(15) Authorization of the village, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit. Authorization for the village or its agents to inspect the premises.

(16) Such other identification and information necessary to discover the truth of the matters required to be set forth in the application.

(C) Upon the completion of the above provided form and the furnishing of all foregoing information, the Village Clerk shall accept the completed application for the necessary investigations. The holder of a massage establishment license shall notify the Village Clerk of each change in any of the data required to be furnished by this section within ten days after such change occurs.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-4 ISSUANCE OF LICENSE FOR A MASSAGE ESTABLISHMENT.

The Village of Carol Stream shall issue a license for a massage establishment if all requirements for a massage establishment described in this article are met unless it finds one or more of the following:

(A) The license application is incomplete, is missing required documentation, or the correct license fee or other fees or fines owed to the Village of Carol Stream have not been tendered to the village.

(B) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the village's building, zoning, and health regulations.

(C) The applicant or employees, other than massage therapists, have been found guilty of any of the following offenses or found guilty of an offense outside the State of Illinois that would have constituted any of the following offenses if committed within the State of Illinois:

(1) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(2) An offense enumerated in any provision of Article 11, entitled "Sex Offenses", of the Illinois Criminal Code (70 ILCS 5/11-1 et seq.), as amended from time to time.

(3) Any offense involving possession or delivery of a controlled substance or other illegal drug offense that amounts to a felony.

(4) A felony offense enumerated in Article 24, "Deadly Weapons", of the Illinois Criminal Code (720 ILCS 5/24-1 et seq.), as amended from time to time, or any other offense that involves the use of weapons.

(5) Any crime of moral turpitude. The Village of Carol Stream may issue a license to any person found guilty of (or whose employees, other than massage therapists, have been found guilty of) any of the crimes described in division (C)(1) through (C)(4) of this section only if it determines that such finding of guilt occurred more than ten years prior to the date of the application and the individual has had no subsequent felony findings of guilty of any nature and no subsequent misdemeanor findings of guilty for a crime or crimes set forth in this section. Further, for the purpose of this section, any finding of guilty, including an order resulting in supervision, shall apply.

(D) Any applicant has knowingly made any false, misleading or fraudulent statement of fact or failed to disclose or

attempted to conceal required information or a fact in the license application or in any other document required by the village.

(E) Any applicant has had a massage business, massage therapy or other similar permit or license denied, revoked or suspended by the village or any other state, county or local agency within five years prior to the date of the application.

(F) Any applicant is not 18 years of age or older.

(G) Copies of the state licenses of persons, who will be providing massage services at the business establishment, including outcall services, have not been provided.

(H) The business is licensed as a sexually oriented business as defined in §10-10-3.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-5 APPROVAL OR DENIAL OF APPLICATION.

The Village of Carol Stream, through the Village Clerk or designee shall act to approve or deny an application for a license under this article within a reasonable period of time and in no event shall the Village of Carol Stream act to approve or deny said license later than 90 days from the date that a full and complete application was filed with the village.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-6 POSTING OF LICENSE; PHOTO IDENTIFICATION CARD.

(A) The state licenses issued to each massage therapist shall be posted in the reception area for patrons, or in the therapist's work area and shall be available for immediate inspection.

(B) The village's paper massage business license shall be posted in a publicly viewable area and the village's sticker massage business license shall be posted in a front window.

(C) In the event of the loss or destruction of a license issued pursuant to this article, upon written application to the Office of the Clerk, and payment of a fee of \$5, a duplicate license will be issued, noting it is a reissued license.

(D) Every massage therapist shall possess a government issued photo identification card while on the licensed premises and produce such identification card upon request of any representative of the Village of Carol Stream.

(E) To provide outcall massage service, the massage therapist must possess a government issued photo identification card and state license in the name of the individual providing the service.

(F) Every manager, assistant manager or other person principally in charge of the operation of the business shall possess a government issued photo identification card while on the licensed premises and produce such identification card upon request of any representative of the Village of Carol Stream.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-7 REGISTER OF EMPLOYEES.

The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time, including massage therapists, along with their current photographs and a copy of their licenses. Such register shall be available at the massage establishment to representatives of the Village of Carol Stream during regular business hours.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-8 REVOCATION OR SUSPENSION OF LICENSE.

(A) Any license issued for a massage establishment may be revoked or suspended by the Village of Carol Stream after notice and a hearing by the Mayor or designee, for good cause, or in any case where any of the provisions of this article are violated or where any employee of the licensee, including a massage therapist, is engaged in any conduct which violates any of the state or local laws or regulations at licensee's place of business. Such license may also be revoked or suspended by the Village of Carol Stream after notice and hearing, upon the recommendations of the inspector that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

(B) Notice of the hearing for revocation of a license or permit shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address, at least three days prior to the date set for the hearing. Notice will also be posted on a public bulletin board and the village website no less than 48 hours before the hearing. A stenographic or electronically recorded record of the hearing shall be kept. The village shall pay the cost of attendance fees of the reporter and the costs of the transcript, if such transcript shall be ordered by the village. The licensee or permittee shall pay the cost of any transcript ordered by him or her.

(C) Within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion, the Mayor shall file a written decision in which he or she has summarized the evidence and has stated the reasons for his or her decision. If a license has been revoked for any cause, no license shall be granted to any person for the conduct of the business of a massage establishment at that location for a period of 12 months.

(D) No person shall destroy, obliterate, take, remove or carry away without the consent of the owner any license, certificate, plate or sticker which has been issued by the village, except when such license, certificate, plate or sticker has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the Mayor or his or her duly authorized representative from removing any license, certificate, plate or sticker from the possession of a former licensee, his or her premises, any vehicle or any machine when such license has been revoked under the provisions of this code.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-9 REVOCATION OF MASSAGE THERAPIST LICENSE.

A massage therapist license issued by the state may be revoked or suspended in accordance with the Illinois Massage Licensing Act (225 ILCS 57/1 et seq.), as it may be amended from time to time. The Chief of Police shall report any and all suspected violations to the department of professional regulation.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-10 FACILITY REQUIREMENTS.

Every location for which a massage establishment license is sought shall, in addition to meeting all other village regulations, comply with the following:

(A) The minimum number of plumbing fixtures shall be provided and maintained as required by code.

(B) The establishment will comply with all building, property maintenance, and fire codes.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-11 OPERATING REQUIREMENTS.

(A) Prices for all services shall be prominently posted in the reception area in a location available to all prospective customers on a placard of at least eight inches by ten inches.

(B) All employees, including massage therapists, shall wear nontransparent outer garments.

(C) The sexual or genital areas of patrons must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.

(D) No massage therapist, employee, or licensee shall perform, offer, or agree to perform any act, which shall require the touching of a patron's sexual or genital area.

(E) Any reception or waiting area shall be open to the public and visible from outside of the immediate entrance of establishment, e.g., storefront windows and any entrance door shall be transparent and unobstructed. Any exterior windows or doors with a view to the waiting area or reception area must be free of any posting or material that would obstruct the view of the waiting area or reception area from the outside of the establishment. No massage establishment shall be equipped with tinted or one-way glass in any room or office. No doors to corridors or individual massage rooms shall be equipped with a lock or shall be obstructed.

(F) No massage establishment granted a license under the provisions of this article shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

(G) No massage establishment granted a license under the provisions of this article shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective patrons that any services are available other than those services permitted by this article, or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this article.

(H) No advertising will suggest or describe the physical characteristics of employees or massage therapists.

(I) No person shall be denied a massage or access to the massage establishment because of gender.

(J) No massage establishment or employee of any massage establishment may display or offer to others any 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.

(K) An owner or manager of the massage establishment must be present during all operating hours.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-12 PERSONS UNDER AGE 18 PROHIBITED ON PREMISES.

It shall be unlawful to permit any person under the age of 18 years to be offered or receive a massage at any massage business establishment unless accompanied by, or with written consent of, a parent or legal guardian.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-13 ALCOHOLIC BEVERAGES PROHIBITED.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on any premises used in any way for or by a massage business, patron or massage therapist.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-14 HOURS.

No portion of any business premises used in any way for or by a massage business shall be kept open for any purpose between the hours of 10:00 p.m. and 6:00 a.m.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-15 EMPLOYMENT OF MASSAGE THERAPIST.

No person shall employ, as a massage therapist, any person unless the employee has obtained and has in effect a state license issued by the Illinois Department of Professional Regulation pursuant to the Illinois Massage Licensing Act (225 ILCS 57/1 et seq.), as it may be amended from time to time, or a reciprocal license as defined by 225 ILCS 57/1 et seq.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-16 INSPECTIONS REQUIRED.

Upon issuance of a massage establishment business license, in addition to the inspection requirements of this article, the licensee shall provide any representative of the village with reasonable opportunity to inspect the premises for which the license is issued and to interview the licensee's agents and employees for the purpose of determining that the provisions of this article and other applicable ordinances and state and federal laws are being complied with. It shall be unlawful for any person to fail to allow any representative of the village access to the premises of the massage establishment or to hinder such access in any manner.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-17 UNLAWFUL ACTS.

(A) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.

(B) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital area to any other person. It shall also be unlawful for any person, in a massage establishment, to expose the sexual or genital area of any other person.

(C) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital area of his or her body.

(D) It shall be unlawful for any person to perform, offer or agree to perform any act which shall require the touching of a patron's sexual or genital area or any unlawful act, as defined in 720 ILCS 5/11-14, 11-14.1, 11-14.3, and 11-14.4, which are incorporated as now or hereafter amended.

(E) It shall be unlawful for any person owning, operating or managing a massage establishment, to

cause, allow or permit in or about such massage establishment, any agent, employee or any other person under his or her control or supervision to perform such acts prohibited in divisions (A), (B), (C), or (D) above.

(F) It shall be unlawful for any licensee under this article to administer or permit massage within the village, except within the establishment licensed to carry on such business under this article or as outcall massage service.

(G) It shall be unlawful for any massage service to be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purposes on the exterior door or curtain of the cubicle, room or booth. Nothing contained in this article shall be construed to eliminate any other regulation concerning the maintenance of premises, or to preclude authorized inspection of any premises, whenever such inspection is deemed appropriate by the Carol Stream Police Department.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-18 MASSAGE ESTABLISHMENT LICENSE; EXEMPTIONS.

The massage establishment license shall not be required for hospitals, nursing homes, sanatoriums, or any facility at which a healthcare worker duly licensed by the State of Illinois provides, on an ongoing basis, professional health services to individuals, including, but not limited to, the offices of an occupational therapist licensed under the Illinois Occupational Therapy Practice Act (225 ILCS 75/1 et seq.); a physical therapist licensed under the Medical Practice Act (225 ILCS 60/1 et seq.); a chiropractor licensed under the Medical Practice Act (225 ILCS 60/1 et seq.); and a naprapath listed under the Illinois Naprapathic Practice Act (225 ILCS 63/1 et seq.).

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-19 SALE OR TRANSFER OR CHANGE OF LOCATION.

No license issued under the provisions of this article is transferable. Upon sale, transfer or relocation of a massage

establishment, the license shall be null and void and a new license required. Upon the death or legal incapacity of the licensee or any co-licensee of the massage establishment, any heir or beneficiary of a deceased licensee, or any legal guardian of an heir or beneficiary of a deceased licensee, or any legal guardian of any legally incapacitated licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed 60 days to allow for an orderly transition and application for a new license.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-20 NAME AND PLACE OF BUSINESS.

No person granted a license pursuant to this article, shall operate the massage establishment under a name not specified in the license, nor shall the person conduct business under any designation or location not specified in the license, except that the location for outcall massage service need not be specified on the license.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-21 JOINT AND SEVERAL LIABILITY.

Any act or failure to act of an employee, a person performing massage at or on behalf of a massage establishment, or an agent of the licensee with respect to the licensed business shall be deemed to be the act of the licensee. The licensee and individual committing a violation are jointly and severally liable for any fines or penalties assessed pursuant to this article.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-22 PUBLIC NUISANCE.

It is determined and declared by the corporate authorities to be a public nuisance and a menace to the health, safety and welfare for any person, firm association or corporation to establish, operate, or maintain a massage establishment, whether open to the public generally or operated as a private or semi-private club, within the village where any massage therapist, employee or patron touches, rubs, strokes, kneads, massages, fondles, or manipulates the genital area of any other person or exposes his or her sexual or genital area to any other person for the purpose of sexual arousal and/or sexual gratification. Touching of the genital area by a licensed physician, chiropractor, osteopath, or nurse for the purpose of medical examination or treatment shall not constitute a public nuisance hereunder.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-23 DUTY TO REPORT.

All employees, managers and agents of a massage establishment are mandated reporters and shall immediately report to the Carol Stream Police Department within one business day any sexual misconduct that is observed or any allegations of sexual misconduct that are reported.

(Ord. 2018-05-19, passed 5-7-2018)

§ 10-13-24 VIOLATION AND PENALTY.

Any person violating any provisions of this article shall be punished by a fine as determined by §15-4-5 (Index of Minimum Fines). Penalties for ordinance violations may also be determined by administrative adjudication. A separate offense shall be deemed committed each time on each day during or on which violation occurs or is permitted to occur.

(Ord. 2018-05-19, passed 5-7-2018)