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ARTICLE 1: GENERAL PROVISIONS

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§ 16-1-1 TITLE.

This chapter shall be known and may be cited and referred to as the "Carol Stream Unified Development Ordinance", the "Carol Stream Unified Development Code", Unified Development Ordinance or the "UDO".

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-2 PURPOSE.

This chapter is adopted for the following purposes:

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-3 INTENT.

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

- (A) Categorizing the entire village into districts and regulating therein the location, construction, reconstruction, alteration and use of buildings, structures and land, whether for residential, business, manufacturing or other specified uses;
- (B) Avoiding or lessening congestion in the public streets;
- (C) Preventing the overcrowding of land through regulating the height and bulk of buildings hereafter erected as related to land area;
- (D) Establishing, regulating and limiting the building or setback lines on or along streets, easements or property lines;
- (E) Regulating the intensity of the use of lot areas, and regulating the area of open spaces within and surrounding such buildings;
- (F) Establishing standards to which buildings or structures therein shall conform;
- (G) Prohibiting uses, buildings or structures incompatible with the character of the residence, business or industrial districts;
- (H) Preventing additions to or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations herein imposed;
- (I) Limiting the deterioration of the environment by establishing standards whereby emissions, noise and other potential nuisances or hazards are regulated;
- (J) Providing for the gradual elimination of those uses, buildings and structures which are incompatible with the character of the districts in which they are located, including, but not necessarily limited to:
 - (1) Elimination of such uses of unimproved lands or lots when the existing rights of the persons in possession thereof are terminated, the uses to which they are devoted are discontinued or a reasonable time of use after the passage of this chapter shall have elapsed;
 - (2) Elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses; and
 - (3) Elimination of such buildings and structures when they are destroyed or damaged in a major part as hereinafter provided, or when they have reached the age fixed as a normal useful life of such buildings or structures.
- (K) Defining and limiting the powers and duties of the administrative officers and official bodies as hereinafter provided; and
- (L) Prescribing penalties for the violation of the provisions of this chapter, or of any amendment thereto.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-4 INTERPRETATION.

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-5 PRIVATE AGREEMENTS.

This chapter is not intended to abrogate any easement, covenant or other private agreement; provided that, where the regulations of this chapter are more restrictive or impose higher

standards or requirements than easements, covenants or other private agreements, the requirements of this chapter shall be controlling.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-6 RULES AND CONSTRUCTION OF LANGUAGE.

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

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-7 INCORPORATION BY REFERENCE.

Any and all standards and other codes, regulations and public records incorporated by reference into this UDO have been adopted in accordance with the requirement established in Illinois State Statutes.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-8 DISCLOSURE BY TRUSTEE OF LAND TRUST.

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-1-9 SUCCESSOR TO RULE OR STANDARD MAKING AGENCIES.

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

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 2: DEFINITIONS

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§ 16-2-1 DEFINITIONS - A.

- (A) **ABUT.** To have a common property line or district line.
- (B) **ABANDONMENT.** An action to give up one's right or interest in a property or a use.
- (C) **ABOVE-GROUND SERVICE FACILITY (SERVICE FACILITY or SERVICE FACILITIES).** An above-ground structure, used by a service entity to provide service to the public.
- (D) **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.

(E) **ACCESSORY USE, GENERAL.**

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

(2) Accessory uses otherwise listed in Table 16-3-11 shall not be considered a general accessory use.

(F) **ACUTE CARE CENTER.** A facility for the short-term, outpatient treatment of severe injuries or episodes of illness, urgent medical conditions, or during recovery from surgery.

(G) **ADULT USE CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act.

(H) **ADULT ORIENTED USES.** Any facility that provides goods or services or is otherwise oriented to the display of materials characterized as sexual or adult in nature, such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. Examples include adult bookstores, adult entertainment cabarets, adult entertainment centers, adult gift shops, and adult movie theaters, as defined in this Article 2.

(I) **ADDITION.** An extension or increase in floor area or height of a building or structure.

(J) **ADJACENT.** Touching, lying immediately next to, abutting, and/or sharing a common wall or lot line.

(K) **ADJOINING.** Touching or contiguous, as distinguished from lying near or adjacent.

(L) **AIRPORT.** Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities located thereon.

(M) **ALLEY.** Any right-of-way which is used primarily for vehicular traffic along the side or in the rear of properties and which affords only a secondary means of access to abutting properties.

(N) **ALTERATION.** Any change in size, shape, occupancy or use of a building or structure.

(O) **AMUSEMENT DEVICE.** An amusement device shall mean any machine, game, table or device which is designed, intended, displayed or kept as an amusement game, test of skill or entertainment, and may be operated by the public upon the insertion of coin, slug, token, plate, disc or the use of which is made available for any valuable consideration; it is operated by the manipulation of buttons, dials, balls, wheels, trigger devices or electrical impulses, whether or not registering a score, offering a prize or offering free replays. **AMUSEMENT DEVICE** shall include, but not be limited to, devices commonly known as pinball machines, marble machines, video games, electronic games, skill ball and all games, operations or transactions similar thereto under whatever name they may be indicated. Not included within the definition of **AMUSEMENT DEVICE** are regulation bowling alleys, children's rides, and State of Illinois licensed video gaming terminals.

(P) **AMPHITHEATER.** A sloping, semicircular seating gallery.

(Q) **ANIMAL HOSPITAL.** Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

(R) **ANTENNA STRUCTURE.** The rigid portion of the assembly which receives or transmits radio frequency energy, together with the mast or tower upon which such assembly is mounted, excluding non-rigid items such as wire, cable transmission lines, guy wires or guy wire anchors.

(S) **APARTMENT.** A room or suite of rooms in a multiple-unit structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities (sink, stove, refrigerator and storage facilities) permanently installed must always be included for each **APARTMENT**.

(T) **ARCHERY RANGE.** An outdoor facility that may include buildings or structures used for target practice with bows and arrows.

(U) **ART GALLERY, COMMERCIAL.** A for profit establishment engaged in the sale, loan, or display of art, books, paintings, sculpture, or other works of art, not including libraries or museums.

(V) **ASSISTED LIVING FACILITY.** A facility that provides community-based residential care for at least three unrelated adults (at least 80% of whom are 55 years of age or older) who need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident.

(W) **ATHLETIC COURTS.** A hard-surfaced area where sports such as but not limited to tennis, racquet ball, handball, racquetball, and basketball are played. Shall not include driveways as defined herein.

(X) **ATHLETIC FIELDS.** A non-hard-surfaced area where sports such as but not limited to soccer, baseball, football, and lacrosse are played.

(Y) **AUTOBODY REPAIR, ALL VEHICLES.** A facility or portion thereof that conducts engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repairing and painting of vehicles.

(Z) **AUTOMOBILE AND COMMERCIAL VEHICLE FUELING PLAZA.** A retail facility that sells gasoline and diesel fuel to the public for the fueling of automobiles and commercial vehicles up to and including semi-trucks, including but not limited to one or more of the following accessory uses: convenience store, restaurant, and short-term truck parking of not more than two hours. The facility shall not include shower facilities, laundry facilities, sleeping quarters or overnight parking or storage of commercial vehicles.

(AA) **AWNING.** A roof-like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021)

§ 16-2-2 DEFINITIONS - B.

(A) **BANDSHELL.** See **AMPHITHEATER**.

(B) **BANK.** A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

(C) **BAR AREA.** Part of an establishment used primarily for the sale, dispensing, or consumption of alcoholic beverages.

(D) **BASEMENT.** A story partly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a **BASEMENT** shall be counted as a story for the purposes of height measurement.

(E) **BLOCK.** A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of the village.

(F) **BLOOD DONATION CENTER.** A facility or portion thereof that collects, tests, prepares, and stores blood and blood components. Donors shall be restricted to unpaid volunteers.

(G) **BOARDING FACILITY.** See **KENNEL**.

(H) **BREWERY.** An industrial use that brews ales, beers, meads, and/or similar beverages on site. Breweries are classified as a use that manufactures more than 15,000 barrels of beverage (all beverages combined) annually.

(I) **BROADBAND TELE-COMMUNICATIONS.** The provision of the ability to transmit voice, data, text, sound or video programming. **ABROADBAND TELECOMMUNICATIONS UTILITY** is any entity engaged in operating, maintaining and/or providing a broadband telecommunications network to subscribers for a fee, and may be operated via an open and/or closed transmission path. A **TELE-COMMUNICATIONS UTILITY** may be based on a single technology or a combination of technologies.

(J) **BUILDING.** A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.

(K) **BUILDING, DETACHED.** A building surrounded by open space on the same zoning lot.

(L) **BUILDING HEIGHT.** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that, where buildings are set back from the street line, the **HEIGHT OF THE BUILDING** may be measured from the average elevation of the finished lot grade at the front of the building.

(M) **BUILDING, NON-CONFORMING.** Any building which does not conform to the regulations herein prescribing the required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which the building is located.

(N) **BUILDING, PRINCIPAL.** A non-accessory building in which the principal use of the zoning lot on which it is located is conducted.

(O) **BUILDING SETBACK LINE.** A line marking the minimum horizontal distance between the front line of the building or structure and the front property line.

(P) **BUSINESS PARK.** A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-3 DEFINITIONS - C.

- (A) **CANNABIS DISPENSING ORGANIZATION.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act.
- (B) **CANOPY.** Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements.
- (C) **CAR WASH.** A facility for the cleaning, steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities.
- (D) **CARNIVAL.** A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.
- (E) **CEMETERY.** Land used or dedicated to the burial of the dead including columbariums and mausoleums and excluding crematoriums and mortuaries.
- (F) **CHARGING LEVEL, AC.** The charging station delivers electric power to the vehicle's charging module, which converts the AC power to DC power and delivers it to the battery. Voltage is either 120 or 240 volts.
- (G) **CHARGING LEVEL, DC.** The charging station bypasses a vehicle's on-board charger to directly deliver electricity to the vehicle's high voltage battery. Voltage is equal to, or greater than 480 volts.
- (H) **CHARGING STATION, ACCESSORY.** Equipment, as an accessory use to a lawfully established principal use, that supplies electrical power for charging plug-in electric vehicles.
- (I) **CHARGING STATION, PRIMARY.** An electric fueling station with equipment that supplies electric power for charging plug-in electric vehicles.
- (J) **CHECK CASHING STORE.** A facility or portion thereof that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. A check cashing store does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.
- (K) **CLOSED CUP FLASHPOINT.** The lowest temperature at which a combustible liquid under the most favorable conditions will give off a flammable vapor which will burn momentarily.
- (L) **COLLEGE.** An educational institution which provides an educational program for which an associate's degree or higher degree is awarded and is accredited by a nationally recognized accrediting agency or association. Shall include dormitories, fraternities, sororities and other accessory buildings necessary for operation. Shall not include business colleges or trade schools when operated for profit.
- (M) **COMMERCIAL KITCHEN.** A professional food preparation and cooking facility set up for takeout and delivery-only meals with no dine-in option. This includes but is not limited to ghost kitchens, virtual kitchens, and the like.
- (N) **COMMERCIAL SERVICE, GENERAL.** Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals. Any service use otherwise listed in § 16-3-11 or defined herein shall not be considered a general service use.
- (O) **COMMISSION.** The Plan Commission of the Village of Carol Stream, Illinois.
- (P) **COMMON AREA.** An area or areas of reasonable contiguous open space available to residents of a planned development for common use. Required setbacks, parking spaces and driveways are not to be included in the determination of common area.
- (Q) **COMMUNITY GARDEN.** A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
- (R) **COMMUNITY RESIDENCE.** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with the residents on a 24 hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.
- (S) **CONSTRUCTION EQUIPMENT.** Any equipment which is used in connection with the construction, alteration, excavation, or repair of a building or of real property, including, but not limited to front loaders, trailers, cranes, plows, bulldozers and other similar equipment.
- (T) **CONSTRUCTION RELATED TEMPORARY USE.** A temporary structure such as but not limited to a mobile home, travel trailer, truck trailer, or other structure used as an office in conjunction with a construction project.
- (U) **CONTIGUOUS.** In actual contact.
- (V) **CREMATION SERVICES.** A portion of a funeral home, as an accessory use, or crematory, as a primary use, used for the act of performing human cremation in compliance with state and federal regulations. The act of cremation must take place within the principal structure.
- (W) **CREMATORY.** An establishment whose primary use is performing the act of cremation in compliance with the state and federal regulations.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022- 01-04, passed 1-3-2022; Ord. 2023-07-32, passed 7-17-2023)

§ 16-2-4 DEFINITIONS - D.

- (A) **DAY CARE CENTER.** An establishment whose primary use is the provision of care by qualified persons in occupied residences or group day care centers. This term includes child and adult care.
- (B) **DECIBEL.** A unit of measurement of the intensity (loudness) of sound. Sound level meters, which are employed or measure the intensity of sound, are calibrated in decibels.
- (C) **DETACHED STORAGE STRUCTURE.** Detached storage structures shall include but not be limited to detached garages, sheds, playhouses, greenhouses, and other similar structures, but shall not include gazebos, pools, or other recreational facilities.
- (D) **DEVELOPER.** Any person who undertakes development or certifies development on such person's behalf.
- (E) **DEVELOPMENT.** Any activity, excavation or fill, alteration, removal of vegetation, subdivision, change in land use, or practice, undertaken by private or public entities that affects the discharge of stormwater; or any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials in flood plain, flood way, wetland, waters or buffer areas. The term **DEVELOPMENT** does not include maintenance.
- (F) **DISTILLERY.** Any facility that produces distilled spirits from any source or substance; brews or makes mash, wort, or wash fit for distillation or for the production of distilled spirits; or by any process separates alcoholic spirits from any fermented substance.
- (G) **DISTRICT.** A portion of the village within which on a uniform basis certain uses of land and buildings are permitted and certain uses of land and building are prohibited as set forth in this chapter, or within which certain yards and other open spaces are required or within which certain lot areas, dwelling sizes and density requirements are established or within which a combination of such aforesaid regulations are applied, including both base and overlay districts.
- (H) **DOMESTIC PET SERVICE.** An establishment where clipping, bathing and other services, except that of a veterinary nature, are rendered to dogs, cats and domestic pets. No boarding shall be permitted.
- (I) **DONATION DROP BOX.** A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, not including trailers where personnel are present to accept donations.
- (J) **DRIVE-IN ESTABLISHMENTS.** An establishment or part thereof in which are provided facilities where serving or consuming commodities, or both, are intended to occur primarily in patrons' automobiles parked on the premises, or where commodities are purchased by customers waiting in automobiles for consumption off the premises.
- (K) **DRIVE THROUGH.** A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.
- (L) **DRIVEWAY.** An unobstructed hard-surfaced area providing access to a parking pad, garage, dwelling, or other structure.
- (M) **DRIVEWAY APPROACH.** The portion of a driveway located within a public right-of-way and regulated under Chapter 12 of the Village of Carol Stream Municipal Code.
- (N) **DRY CLEANER.** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
- (O) **DWELLING.** A building or portion thereof designed or used exclusively for residential purposes, including single-unit, two-unit and multiple-unit dwellings, but not including mobile homes, or other trailers or lodging rooms in hotels, motels or lodging houses.
- (P) **DWELLING UNIT.** One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-5 DEFINITIONS - E.

- (A) **EFFICIENCY UNIT.** A dwelling unit consisting of one principal room for living, sleeping and eating, plus facilities for cooking and complete bath and toilet facilities.

(B) **EMPLOYMENT TRAINING AND VOCATIONAL CENTER.** Educational and vocational training establishment for adults providing activities which include, but are not limited to:

(1) Vocational training services that provide test preparation, employment soft skills, life skills and self-improvement classes; employment certification classes such as forklift operations and IT certification classes; and an introduction to vocational training for auto maintenance and repair, furniture repair and electrical appliance repair.

(2) Adult educational services that include GED study classes, college preparation classes such as remedial (pre-college) math and writing classes, and first- and second-year college and vocational classes provided by a higher education college institution.

(3) Office activities that support educational and vocational services such as case management and counseling services, administrative functions and all other administrative and support activities typical of a business, vocational education or social service office.

(C) **ESTABLISHMENT, BUSINESS.** Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods, and/or the provision of services.

(D) **EXTENDED STAY HOTEL.** An establishment containing lodging rooms, for occupancy by transient guests in contrast to a hotel. Units contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves and ovens. Extended-stay hotels may contain lobbies, conference rooms, meeting rooms, child play areas, or restaurants.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-6 DEFINITIONS - F.

(A) **FAMILY.** An individual living alone or two or more persons, each related by blood, marriage, or adoption (including foster children), living together as a single housekeeping unit and occupying a single dwelling unit; or a group of not more than four persons not so related, living together as a single housekeeping unit by joint agreement and occupying a single dwelling on a nonprofit, cost-sharing basis, or a group of five or more persons living in a community based residential facility including group community residences and family community residences.

(B) **FAMILY COMMUNITY RESIDENCE.** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of no more than eight unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with residents on a 24 hour basis, or present whenever residents with disabilities are present at the dwelling; in compliance with the zoning regulations for the district in which the site is located.

(C) **FENCE.** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials as permitted herein erected to enclose, screen, or separate areas.

(D) **FENCE, DOG RUN.** An area enclosed on all sides made of wood or metal for the exclusive use of a dog.

(E) **FLOOR AREA.** The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, computed as follows:

(1) For determining floor area ratio, the sum of the following areas:

- (a) The basement floor area when more than one-half of the basement height is above the finished lot grade level where curb level has not been established;
- (b) Elevator shafts and stairwells at each floor;
- (c) Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof);
- (d) Penthouses;
- (e) Attic space having headroom of seven feet ten inches or more;
- (f) Interior balconies and mezzanines;
- (g) Enclosed porches; and
- (h) Floor area devoted to accessory uses.

(2) Space devoted to off-street parking or loading shall not be included in the floor area.

(3) The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.

(F) **FLOOR AREA RATIO (F.A.R.).** The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or, in the case of planned development, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal accessory buildings) in direct ratio to the gross area of the lot.

(G) **FOOD PROCESSING ESTABLISHMENT.** A commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a restaurant or other eating and drinking use, but does include catering establishments.

(H) **FREQUENCY.** Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

(I) **FUEL SALES.** A retail facility that sells gasoline for the fueling of automobiles, that may include one or more of the following accessory uses: convenience store and restaurant. The facility shall not be designed to serve vehicles over 12,000 pounds.

(J) **FUNERAL PARLOR.** A building, or portion thereof, used for the preparation of the deceased for burial and for the display of deceased and ceremonies connected therewith prior to burial or cremation.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022-01-04, passed 1-3-2022)

§ 16-2-7 DEFINITIONS - G.

(A) **GAME ROOM.** Any business establishment having two or more amusement devices, whether or not operated as a principal use.

(B) **GARAGE, BUS.** Any building used or intended to be used for the storage of three or more passenger motor buses or motor coaches used in public transportation, including school buses.

(C) **GARAGE, PRIVATE.** Any accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families residing on the premises.

(D) **GARAGE, PUBLIC.** A building other than a private garage where motor vehicles are parked or stored, but not including trucks, tractors, truck trailers and commercial vehicles exceeding one and one-half tons capacity.

(E) **GARAGE SALE.** All general sales, open to the public, conducted from or on residential premises in any residential zone for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "estate sale," or "rummage" sale.

(F) **GARAGE, STORAGE OR OFF-STREET PARKING.** A building or portion thereof, designed or used, or land used exclusively for storage of motor vehicles, at which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

(G) **GARDEN SUPPLY STORE.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden tools and utensils.

(H) **GENERAL COMMERCIAL EDUCATION.** A for profit establishment whose primary activity is the instruction of various classes to the public such as but not limited to dance, painting, sculpting, musical instruments, and singing.

(I) **GOLF COURSE.** Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

(J) **GOVERNMENTAL USES.** Services and facilities operated by any level of government.

(K) **GRADE.** The established grade of the street roadway or street sidewalk adjoining the front lot line, at a point opposite the middle of the building wall facing such front lot line. Where no such grade has been established, the grade shall be the elevation of the street sidewalk at such point; and, where no sidewalks exist, the grade shall be the average elevation of the street roadway adjacent to the front lot line. Except in cases of unusual topographic conditions, as determined by the Engineering Services Director, **GRADE** shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure.

(L) **GREENHOUSE.** A detached structure constructed primarily of glass or other translucent material in which temperature and humidity can be controlled for the cultivation or protection of plants.

(M) **GROCERY STORE.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies more than 5,000 square feet of gross floor area.

(N) **GROUND FLOOR AREA.** The lot area covered by a principal building, measured at grade, from the exterior face of the exterior walls, but excluding open porches or terraces, garages or carports; except the floor area of a garage may be included in the ground floor area when it is a part of the ground floor of a building over one story in height, and the floor above the garage is used or intended for use as a part of the principal use.

(O) **GROUP COMMUNITY RESIDENCE.** A single dwelling unit occupied on a relatively permanent basis in a family-like environment by a group of nine to 15 unrelated persons with disabilities, plus paid professional support staff provided by a sponsoring agency, either living with residents on a 24 hour basis, or present whenever residents with disabilities are present at the dwelling; and complies with the zoning regulations for the district in which the site is located.

(P) **GUN SHOP.** Any premises or portion thereof used for the sale, vending, dealing, exchange, or transfer, within a 12 month period, of two or more firearms.

(Q) **GUN RANGE.** Any building or premises where there are facilities of any sort for the firing of hand guns, rifles, or other firearms.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-8 DEFINITIONS - H.

(A) **HOME OCCUPATION.** Any occupation or activity resulting in financial gain and in which the occupation or activity is conducted entirely within the structural confines of the residential dwelling, including limited use of an attached garage for incidental storage only. The use as a home occupation must be clearly incidental and secondary to the use of the dwelling as a residential home.

(B) **HOSPITAL.** A building designed and used for the medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses, not including assisted living facilities, nursing homes, total senior life care facilities, senior cohousing facilities, acute care centers, or medical and rehabilitation facilities as defined herein.

(C) **HOTEL.** An establishment containing lodging rooms, for occupancy by transient guests in contrast to an extended stay hotel, lodging house, boardinghouse, or a rooming house, and is commonly known as a hotel in the village, and which provides customary hotel services such as maid, telephone and secretarial, bellboy and desk services, the use and upkeep of furniture, and furnishings and laundry of linens. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballroom or meeting rooms.

(D) **HOUSEHOLDER.** The occupant of a dwelling unit who is either the owner or lessee thereof.

(E) **HOUSEKEEPING UNIT.** Either one or more persons related by blood, marriage, legal adoption, or through legal custody; or four or fewer persons all of whom are not necessarily related to each of the others by blood, marriage, legal adoption, or through legal custody. A housekeeping unit shall not include persons living together in a group community residence, assisted living facility, nursing home, or total senior life care facility.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-9 DEFINITIONS - I.

(A) **IMPACT NOISES.** Impact noises are sounds that occur intermittently rather than continuously.

(B) **IMPACT VIBRATIONS.** Discrete impulses which do not exceed 100 per minute shall be considered impact vibrations.

(C) **INTERIOR PLAN VIEWS.** Preliminary plans showing the size and square foot area of each unit, the room design within each unit, the halls and stairwells, indicating fire doors where necessary. All floors of the building can be typical; however, any variations between floor designs are to be shown separately.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-10 DEFINITIONS - J.

(A) **JUNKYARD.** An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-11 DEFINITIONS - K.

(A) **KENNEL.** Any structure, land, or combination thereof used, designed, or arranged for the short term boarding, or care of dogs, cats, or other domestic animals for profit, but exclusive of animals used for agricultural purposes.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-12 DEFINITIONS - L.

(A) **LABORATORY, MEDICAL OR DENTAL.** A place that provides opportunity for systematic observation, experimentation, or practice related to health or dental care.

(B) **LAUNDRY SHOP, SELF-SERVICE.** A business that provides self-service type washing, drying and ironing facilities.

(C) **LODGING HOUSE.** A building originally designed for and used as a single- or two-unit dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family, for compensation pursuant to previous arrangement, but not open on a daily, overnight or per meal basis to transient guests.

(D) **LODGING ROOM.** A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this chapter.

(E) **LOT.** A parcel or tract of land under single unit control.

(F) **LOT AREA.** A measure, in square feet, of the land area enclosed within the lot lines of a single lot.

(G) **LOT, CORNER.** A lot of which at least two adjacent sides abut for their full lengths upon streets; provided that, the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is the point on the street lot line nearest to the point of intersection of the tangents above described.

(H) **LOT COVERAGE.** The part or percent of the lot occupied by impervious surface, not including driveways but including parking pads.

(I) **LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.

(J) **LOT, INTERIOR.** A lot that is not a corner lot.

(K) **LOT LINE.** A property boundary line of any lot held in single or separate ownership; except that, where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley line.

(L) **LOT LINE, FRONT.** That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line, provided that bulk regulations for all yards comply with applicable standards.

(M) **LOT LINE, INTERIOR.** A lot line which does not abut a street.

(N) **LOT LINE, REAR.** The boundary of a lot which is most distant from and is, or is most nearly parallel to the front lot line, and in the case of an irregular triangular or gore-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(O) **LOT LINE, SIDE.** Any boundary of a lot which is not a front lot line or a rear lot line.

(P) **LOT OF RECORD.** A single lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois; or a single parcel of land, the deed of which has been recorded in the office of the Recorder of Deeds of DuPage County, Illinois.

(Q) **LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot.

(R) **LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

(S) **LOT WIDTH.** The mean horizontal distance between the side lot lines measured within the boundaries, or the minimum distance between the side lot lines within the buildable area.

(T) **LOT, ZONING.**

(1) A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control, except as otherwise provided by law.

(2) A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-13 DEFINITIONS - M.

(A) **MACHINE AND EQUIPMENT RENTAL.** Buildings or structures, and land used for storing and renting machinery and equipment for construction, agriculture, or similar uses.

(B) **MANUFACTURING, HEAVY.** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

(C) **MANUFACTURING, LIGHT.** Manufacturing or other enterprises with limited external effects and which do not pose significant risks due to the involvement of explosives, radioactive

materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

(D) **MARQUEE** or **CANOPY**. A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the public way, and is designed and intended to protect pedestrians from adverse weather conditions.

(E) **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.

(F) **MEDICAL CANNABIS CULTIVATION CENTER**. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities, including but not limited to cultivation, packaging and distribution of medical cannabis, to provide only medical cannabis dispensing organizations registered by the Illinois Department of Financial and Professional Regulation with usable medical cannabis.

(G) **MEDICAL CANNABIS DISPENSARY**. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a medical cannabis cultivation center registered by the Illinois Department of Agriculture for the purpose of dispensing cannabis to qualifying patients or caregivers registered by the Illinois Department of Public Health.

(H) **MEDICAL AND REHABILITATION FACILITY**. A building or part thereof designed or used for the diagnosis, treatment and rehabilitation of persons with injuries or diseases. Such a facility shall also contain medical offices of some or all of the doctors who treat patients at the facility. A **MEDICAL AND REHABILITATION FACILITY** may also offer to non-patients a program to encourage physical fitness and disease prevention through the use of exercise and recreational techniques.

(I) **MICROBREWERY**. A brewery that produces less than 155,000 gallons or 3,690 barrels of beer per year. A microbrewery may also provide on-site consumption of food and beverages produced on or off-site.

(J) **MOBILE HOMES**. Any trailer, as defined herein, used for residential purposes, but not including sports or camping trailers.

(K) **MOTOR FREIGHT TERMINAL**. A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.

(L) **MULTIPLE-UNIT DWELLING, BUILDING**. A single dwelling containing three or more dwelling units having joint entrances.

(M) **MULTIPLE-UNIT DWELLING, COMPLEX**. A group of dwellings each containing three or more dwelling units having joint entrances.

(N) **MULTI-TENANT SHOPPING CENTER**. A group of retail and other commercial establishments that is planned, owned, and managed as a single development.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-09-39, passed 9-6-2022; Ord. 2023-03-08, passed 3-20-2023)

§ 16-2-14 DEFINITIONS - N.

(A) **NET FLOOR AREA**. The horizontal area of a floor or several floors of a building or structure; excluding those areas not directly devoted to the principal use of the building or structure including those items listed in § 16-5-2(C)(1) and excluding those items listed in §16-5-2(C)(2).

(B) **NON-CONFORMING USE**. Any building, structure or land occupied by a use established at the time of the adoption of the ordinance or amendments thereto, which does not conform after the passage of the ordinance or amendments thereto with the use regulations of the ordinance.

(C) **NOXIOUS MATTER**. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the psychological, social or economic well-being of human beings.

(D) **NURSERY**. A building or portion thereof used for the daytime care of preschool children.

(E) **NURSERY, PLANT MATERIAL**. A space, building or structure, or combination thereof, for the growing of live trees, shrubs, evergreens or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of **NURSERY**, within the meaning of this chapter, does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(F) **NURSING HOME**. A facility that provides community-based residential care for at least three unrelated adults (at least 80% of whom are 55 years of age or older) who require constant nursing care to perform activities of daily living (ADLs), including personal, supportive, and health-related services available 24 hours per day, if needed, to meet the scheduled and unscheduled needs of a resident.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-15 DEFINITIONS - O.

(A) **OCTAVE BAND FILTER**. An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

(B) **ODOR THRESHOLD**. The minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.

(C) **OFFICE, GENERAL**. A building or portion of a building wherein professional services are performed involving predominantly administrative, professional, or clerical services.

(D) **OFFICE, MEDICAL OR DENTAL**. An office for health care providers including but not limited to, dentists, physicians, counselors, and surgeons.

(E) **OFF-STREET PARKING AREA OR LOT**. Land which is improved and used or a structure which is designated and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces when permitted herein by district regulations.

(F) **OUTDOOR ACTIVITY OR OPERATION**. The subordinate use of a zoning lot for sustained and continuous outdoor use customarily incidental to the primary use of the zoning lot within an enclosed structure.

(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.

(H) **OUTDOOR RECREATION AND AMUSEMENT ESTABLISHMENT**. Commercial entertainment establishments whose primary activities are conducted outdoors, including but not limited to archery ranges, swimming pools, skating rinks, golf driving ranges, miniature golf courses, miniature railroads, merry-go-rounds and other mechanical rides.

(I) **OUTDOOR SPECIAL EXHIBITION, SHOW, OR SALES**. The temporary placement of goods for sale or advertisement outside of a building or structure on the same zoning lot and not in conjunction with the primary use found on the lot.

(J) **OUTDOOR STORAGE**. The keeping, in an area open to the sky, of goods, material, or merchandise, other than vehicles, recreational vehicles, playground equipment, landscape decorations, or the like, in the same place for more than 72 consecutive hours.

(K) **OUTDOOR THEATER**. An outdoor area used for dramatic, operatic, motion pictures, or other performance, for admission to the public.

(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.

(M) **OUTLINE LIGHTING**. An arrangement of incandescent bulbs or electric discharge tubing that is visible from the public right-of-way that outlines or defines the perimeter of features of a building including but not limited to the building's frame, shape, roof line, or window dimensions.

(N) **OUTLOT RETAIL BUILDING**. An area located within a shopping center as defined in this code that shares a common parking lot with the other buildings and establishments within said shopping center but which is separated from the principal building and establishment by a parking area.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021)

§ 16-2-16 DEFINITIONS - P.

(A) **PARKING AREA, PRIVATE**. An open, hard-surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

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

(C) **PARKING AREA OR YARD, TRUCK**. Any land used or intended to be used for the storage, parking of trucks, trailers, tractors and including commercial vehicles, while not loading or unloading, which exceeds one and one-half tons in capacity.

(D) **PARKING PAD**. An off-street parking area adjacent to a driveway and/or garage.

(E) **PARKING SPACE, AUTOMOBILE**. Space within a public or private parking area, exclusive of access drives or aisles, ramps, columns or office and work areas.

(F) **PARKING SPACE, ELECTRIC VEHICLE**. A parking space for an electric vehicle or plug-in hybrid vehicle.

(G) **PARKWAY**. The area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

(H) **PARTICULATE MATTER**. Finely divided solid or liquid matter, other than water, which is released in the atmosphere.

- (I) **PARTY WALL.** A common wall which extends from its footing below grade to the underside of the roof and divides buildings.
- (J) **PATIO.** An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground in any manner.
- (K) **PATIO DOOR.** A means of egress incorporating either a fixed panel and a sliding panel, two hinged panels or any combination thereof, but including at least one sliding or swinging panel.
- (L) **PAWN SHOP.** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.
- (M) **PAY DAY LOAN STORE.** See **CHECK CASHING STORE.**
- (N) **PERFORMANCE STANDARD.** A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.
- (O) **PERSON.** Any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of the state, or a receiver, trustee, conservator or other representative appointed by order of any court.
- (P) **PERSON WITH A DISABILITY.** Any individual whose disability:
- (1) Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments;
 - (2) Is likely to continue for a significant amount of time or indefinitely;
 - (3) Results in functional limitations in three or more of the following areas of major life activities:
 - (a) Self care;
 - (b) Receptive or expressive language;
 - (c) Learning;
 - (d) Mobility;
 - (e) Self direction;
 - (f) Capacity for independent living; and
 - (g) Economic self-sufficiency.
 - (4) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration.
- (Q) **PLACE OF ASSEMBLY.** A non-commercial, not for profit facility utilized by individuals or groups to accommodate public functions or events.
- (R) **PLACE OF WORSHIP.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building and accessory buildings and uses are maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
- (S) **PLAN COMMISSION.** The Plan Commission of the Village of Carol Stream, Illinois.
- (T) **PLANNED DEVELOPMENT.** A parcel or tract of land, initially under single ownership or control, which contains two or more principal buildings and one or more principal uses, planned and constructed as a unified development where specific regulations of a given zoning district are modified through the issuance of a special use permit.
- (U) **PORCH.** A roofed-over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.
- (V) **PORTABLE OUTDOOR STORAGE DEVICE.** Any item designed and used as follows: a container which is delivered to a property, which is filled with household items or other nontrash materials, and which the container and its contents are subsequently transported to another location.
- (W) **POST OFFICE.** See **GOVERNMENTAL USES.**
- (X) **PRESCHOOL.** See **NURSERY.**
- (Y) **PRIMARY USE.** See **PRINCIPAL USE.**
- (Z) **PRINCIPAL USE.** The main use of land or buildings as distinguished from a subordinate or accessory use.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-07-32, passed 7-17-2023)

§ 16-2-17 DEFINITIONS - Q.

[Reserve]

§ 16-2-18 DEFINITIONS - R.

- (A) **RADIATION HAZARDS.** The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include but are not limited to the electromagnetic radiations such as x-rays and gamma rays and particulate radiation such as electrons, beta particles, protons, neutrons and alpha particles.
- (B) **RAINWATER COLLECTION SYSTEM.** A system that gathers or catches rainwater, typically from a rooftop, and stores it for later use. **COLLECTION SYSTEMS** include rain barrels and cisterns.
- (C) **RECREATIONAL EQUIPMENT.** Recreational equipment shall be defined as including the following.
- (1) **BOATCRAFT.** Any unit that is used for water travel or pleasure.
 - (2) **CAMPER TRAILER.** A vehicular, portable structure built on a chassis or metal welded unit body with the superstructure made in part or in whole of canvas and metal frame, not to exceed 18 feet in length.
 - (3) **MOTORIZED HOME.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
 - (4) **RECREATIONAL EQUIPMENT TRAILER.** A non-automotive vehicle designed to be hauled by road to transport equipment such as boats, jet skis, and other recreational equipment.
 - (5) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, permanently identified travel trailer; it shall have a body width not exceeding eight feet and a body length not exceeding 32 feet.
- (D) **RECYCLING FACILITY.** A facility or operation that receives, processes, and transfers source-separated recyclable materials.
- (E) **REGIONAL RELIGIOUS INSTITUTION.** A place of worship with one or more of the following accessory uses: convents, rectories, residences for individuals and their families employed by the religious institution as their principal occupation and whose duties are either pastoral, educational or custodial; day care; pre-school; non-residential rehabilitative services; counseling; recreational facilities; book stores; media production facilities; and temporary over-night shelters for the homeless and victims of natural emergencies. A **REGIONAL RELIGIOUS INSTITUTION** shall be located on a parcel of land that is at least ten acres in size and shall be improved with a principal structure of at least 50,000 square feet in gross floor area.
- (F) **REPAIR AND SERVICE, AUTOMOBILE.** A facility that conducts light automobile maintenance activities such as engine tune-ups, lubrication, and minor repairs and shall not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and body work, are conducted.
- (G) **RESEARCH LABORATORY.** A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (H) **RESTAURANT, GENERAL.** A business establishment in which meals or refreshments may be purchased by the public, and in which greater than 50% of gross sales are unrelated to alcoholic beverages.
- (I) **RETAIL SALES, ACCESSORY.** Part of an establishment used primarily for general retail sales as defined herein.
- (J) **RETAIL SALES, GENERAL.** A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Commercial retail uses otherwise listed in Table 3-11 shall not be considered a general retail sales use.
- (K) **RINGELMANN CHART.** The chart described in the United States Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke, smoke density.
- (L) **RINGELMANN NUMBER.** The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of emission of the light-obscuring capacity of smoke.
- (M) **RIGHTS-OF-WAY.** A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer, and/or other public utilities or facilities.

(N) **ROADWAY.** The portion of a street which is used or intended to be used for the travel of motor vehicles.

(O) **ROOM.** For the purpose of determining lot area requirements and density in a multiple-unit district, a living room and bedroom, equal to at least a 100 square feet in area. A room shall not include the area in kitchen, open dining area, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units, and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-07-32, passed 7-17-2023)

§ 16-2-19 DEFINITIONS - S.

(A) **SCHOOL.** An institution for the teaching of children or adults including public and private primary and secondary schools.

(B) **SEED STORE.** See **GARDEN SUPPLY STORE.**

(C) **SELF STORAGE.** A building or group of buildings consisting of individual, self-contained units used for the storage of personal property where individual owners or lessees control individual storage spaces.

(D) **SENIOR COHOUSING.** A residential development targeted to people aged 55 and over where residents have individual dwelling units but share communal spaces, meals, and group activities.

(E) **SERVICE WALK.** A hard surface walkway for pedestrians located on private property and internal to a site.

(F) **SEXUALLY-ORIENTED MATERIAL.** Any media which displays sexually specified area(s) or specified sexual activities, as those terms are defined in this Article 2.

(G) **SEXUALLY ORIENTED USE, ADULT BOOKSTORE.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

(H) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT.** Any exhibition of sexually- oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

(I) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT CABARET.** A public or private establishment which features topless or nude dancers and/or waitresses, strippers, male or female impersonators and/or similar entertainers.

(J) **SEXUALLY ORIENTED USE, ADULT ENTERTAINMENT CENTER.** An enclosed building with the capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(K) **SEXUALLY ORIENTED USE, ADULT GIFT SHOP.** An establishment having as a substantial or significant portion of its stock in trade pictures, photographs, drawings, diagrams, paraphernalia, apparatus or other objects which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

(L) **SEXUALLY ORIENTED USE, ADULT MOVIE THEATER.** An enclosed building with a capacity of 50 persons or more used primarily for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(M) **SEXUALLY SPECIFIED AREAS.**

(1) Less than completely and opaquely covered human genitals, pubic region, the female breast below a point immediately above the areola to a point immediately below the areola, said opaque cover covering the entire areola, or anal area.

(2) The display of the human male genitals in a discernibly turgid state, real or simulated, even if completely and opaquely covered.

(N) **SPECIFIED SEXUAL ACTIVITIES.** Actual or simulated human genitals in a state of sexual stimulation or arousal; acts or simulated acts of human masturbation, sexual intercourse or sodomy; acts or simulated acts of oral sexual conduct; fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or excretory functions as part of or in connection with any activities set forth in this definition.

(O) **SHED.** A detached accessory structure used primarily for storage purposes whose use is incidental and subordinate to that of the principal building or structure.

(P) **SIDEWALK.** A paved walkway for pedestrians located in the public right-of-way.

(Q) **SIGHT TRIANGLE.** The portion of a lot within the triangular area formed by two measurements 25 feet in length from the point of intersection of two street right-of-way lines forming a corner lot, or 25 feet in length from the point of intersection of a street right-of-way line and the edge of an intersecting driveway, or two intersecting private roadways.

(R) **SIGN.** Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

(1) **SIGN, A-FRAME.** See **SIGN, SANDWICH BOARD.**

(2) **SIGN, ANIMATED.** The presentation of pictorials and graphics on signs displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

(3) **SIGN, AWNING.** A business or identification sign attached directly to an awning, or weather resistant paint directly affixed to the awning material.

(4) **SIGN, BILLBOARD.** See **SIGN, OFF PREMISES.**

(5) **SIGN, BLADE.** See **SIGN, PROJECTING.**

(6) **SIGN, BOX.** A sign that is self- enclosed and which may be multi-sided incorporating a rigid frame, which supports and retains removable sign face panels and/or background constructed of plastic or similar translucent material.

(7) **SIGN, CANOPY.** A sign attached directly to a canopy, or weather resistant paint directly affixed to the canopy material.

(8) **SIGN, CHANGEABLE COPY.** A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged manually without altering the face or surface of such sign.

(9) **SIGN COPY.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof on a sign.

(10) **SIGN, ELECTRONIC MESSAGE BOARD.** A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged electronically without altering the face or surface of such sign.

(11) **SIGN, FEATHER.** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

(12) **SIGN, GROUND MOUNTED.** A temporary sign on a frame, pole, or other support that is not attached to any building.

(13) **SIGN, MONUMENT.** A sign permanently affixed to the ground by means of a base with a solid appearance that is as wide or wider than the sign face and is appurtenant to a single-tenant building.

(14) **SIGN, MOVING.** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement by use of lighting, or that exhibits intermittent or sequential flashing of natural or artificial light or color effects by any means whatsoever.

(15) **SIGN, MULTI-TENANT MONUMENT.** A sign permanently affixed to the ground by means of a base with a solid appearance that is as wide or wider than the sign face and is appurtenant to a multi-tenant building.

(16) **SIGN, OFF PREMISES.** A sign that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located.

(17) **SIGN, ON-SITE TRAFFIC DIRECTIONAL SIGN.** A sign that primarily provides information for directing and guiding vehicular or pedestrian traffic in order to protect public safety.

(18) **SIGN, PERMANENT.** Any sign which is not a temporary sign.

(19) **SIGN, POLE.** A sign with a supporting structure with a size less than 25% of the total width of the sign with more than two feet of clear space between the bottom of the face of the sign and the grade beneath the sign face.

(20) **SIGN, PROJECTING.** A small, pedestrian oriented sign that projects perpendicular from a structure.

(21) **SIGN, ROOF.** A sign erected, constructed, painted, or placed upon or over a roof or parapet wall of a building and which is wholly or partly supported by the building or roof structure.

(22) **SIGN, ROTATING.** See **SIGN, MOVING.**

- (23) **SIGN, SANDWICH BOARD.** A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame, which is typically in the shape of an A.
- (24) **SIGN, SNIPE.** An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
- (25) **SIGN, TEMPORARY.** A sign intended to be displayed for a limited length of time.
- (26) **SIGN, TRAILER-TYPE PORTABLE.** A portable sign mounted on a trailer or similar.
- (27) **SIGN, WALL.** A permanent sign attached directly to a building wall.
- (28) **SIGN, WALL MOUNTED BANNER.** A temporary sign composed of lightweight, flexible, non-rigid material that is affixed to a building wall.
- (29) **SIGN, WINDOW.** A sign which is visible to persons in the public right-of-way and which is placed within a building and within one foot of a window.
- (30) **SIGN, YARD.** A temporary sign printed on corrugated plastic or similar material on a wire or plastic frame or similar support.

(S) **SINGLE-UNIT ATTACHED.** A dwelling designed to contain one dwelling unit from lowest level to roof, with a private outside entrance, but not necessarily occupying a private lot, and sharing a common wall adjoining dwelling units.

(T) **SINGLE-UNIT DETACHED.** A dwelling containing one dwelling unit only which is surrounded on all sides by open space on the same lot.

(U) **SMOKE.** The visible discharge from a chimney, stack, vent, exhaust or combustion process which is made up of particulate matter.

(V) **SMOKING SHELTER.** Any shelter in which smoking is permitted by a business or property owner and is not an "enclosed area", as defined by the Smoke-Free Illinois Act.

(W) **SOLAR ENERGY COLLECTION SYSTEM.** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

(X) **SOUND LEVEL.** The intensity of sound of an operation or use as measured in decibels.

(Y) **SOUND LEVEL METER.** An instrument standardized by the American Standards Association for measurement of the intensity of sound.

(Z) **SPECIALTY FOOD STORE.** A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies less than or equal to 5,000 square feet of gross floor area.

(AA) **STORY.** The portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. The floor of a story may have split levels; provided that, there are not more than four feet difference in elevation between the different levels of the floor. A basement shall be counted as a story and a mezzanine floor shall be counted as a story when it covers one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

(BB) **STORY, HALF.** A partial story under a gable, hip or gambrel roof, the wall plates on which on at least two opposite exterior walls are not more than three feet above the floor of such story; except that, any partial story used for residence purposes, other than for a janitor or caretaker or his or her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

(CC) **STREET, FRONTAGE.** All of the property fronting on one side of a street between two intersecting streets, or in the case of a dead-end street, all of the property along one side of the street between an intersecting street and the end of such dead-end street.

(DD) **STRUCTURE.** Any improvement upon land, the use of which requires a permanent or temporary location on the ground or attachment to something having a permanent or temporary location on the ground. This includes, but is not limited to, signs, fences, driveways, pools, decks, sheds, buildings and tennis courts.

(EE) **STRUCTURAL ALTERATION.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building.

(FF) **STRUCTURE, PRINCIPAL.** A non-accessory structure that houses or serves as the principal use of the zoning lot on which it is located.

(GG) **SUBSTANTIAL REHABILITATION.** Repairs, replacements, and improvements the cost of which exceeds 15% (exclusive of any soft costs) of the property's replacement cost (fair market value) after completion of all repairs, replacements, and improvements.

(HH) **SWIMMING POOL.** A structure, whether above or below grade level, designed to hold water more than 24 inches deep to be used for recreational purposes.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-20 DEFINITIONS - T.

(A) **TATTOO PARLOR.** An establishment whose principal business activity, either in terms of operation or as offered to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

(B) **TAPROOM.** A portion of a brewery, winery, or distillery establishment or an establishment associated with a brewery, winery, or distillery where beer, wine, or spirits made by the brewery, winery, or distillery are sold. A taproom may also provide on-site consumption of food and beverages produced on or off-site.

(C) **TOTAL SENIOR LIFE CARE FACILITY.**

(1) A housing development designated for retirement for individuals having a minimum age of 55 years or couples wherein one spouse is 55 years or older, containing one or more connected buildings with not less than 200 dwelling units and a common area containing dining, kitchen, meeting and recreational facilities which may be located upon a single zoning lot. The aforementioned development will provide a nursing home which will be located on the site. The overall size of the development will not be less than 25 acres and overall floor area ratio will not exceed 0.15. The density shall not be greater than ten dwelling units per acre and for purposes of computing the density, every four nursing beds shall constitute the equivalent of one dwelling unit.

(2) Minimum floor area shall be as follows:

- (a) Studio apartments: 435 square feet;
- (b) One-bedroom apartments: 610 square feet;
- (c) Two-bedroom apartments: 860 square feet;
- (d) Three-bedroom apartments: 1,450 square feet

(3) The use may include ancillary retail shops, the use of which is limited to the residents and their guests.

(D) **TOXIC MATTER OR MATERIAL.** Those materials which are capable of causing injury to living organisms by chemical means.

(E) **TRAILER.**

(1) A vehicle with or without motive power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet the Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place.

(2) A permanent foundation shall not change its character nor shall the erecting of additions to such trailer, unless the trailer itself and any additions thereto conform to all village laws.

(F) **TRAILER SALES AREA.** An open area, other than a street, used for the display or sale of new or used trailers, and where no repair work is done, except for minor incidental repair of trailers to be displayed and sold on the premises.

(G) **TRAILER, SPORTS OR CAMPING.** A trailer designed for camping or other recreational purposes.

(H) **TRAINING FACILITY.** See **UNION HALL.**

(I) **TRANSFER FACILITY, LANDSCAPE WASTE.** A facility at which landscape waste is deposited and loaded onto transfer trailers, to be transported off-site for disposal or processing.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-21 DEFINITIONS - U.

(A) **UNIVERSITY.** See **COLLEGE.**

(B) **UNION HALL.** A building in which a trade union meets, conducts training, hiring, or other business activities.

(C) **URBAN FARM.** See **COMMUNITY GARDEN.**

(D) **USE, PRINCIPAL.** The dominant use of land or buildings as distinguished from a subordinate or accessory use.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-22 DEFINITIONS - V.

(A) **VEHICLE, ELECTRIC.** A vehicle that operates exclusively on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes.

(B) **VEHICLE, HYBRID.** An electric vehicle that contains an internal combustion engine that allows power to be delivered to the drive wheels by an electric motor and also generates motive power by the burning of liquid or gaseous fuels.

(C) **VEHICLE, INTERNAL COMBUSTION ENGINE.** An engine that generates motive power by the burning of liquid or gaseous fuels.

(D) **VEHICLE SALES AND RENTAL.** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where repair work may be performed.

(E) **VETERINARY CLINIC.** See **ANIMAL HOSPITAL.**

(F) **VIBRATION.** The periodic displacement, measured in inches, of earth at designated frequency-cycles per second.

(G) **VIDEO GAMING CAFÉ.** An establishment whose primary business activity is video gaming, with incidental service of alcoholic and non-alcoholic beverages and food.

(H) **VILLAGE BOARD.** The President and Village Board of Trustees of the Village of Carol Stream, Illinois.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022- 02-11, passed 2-22-2022; Ord. 2023-07-32, passed 7-17-2023)

§ 16-2-23 DEFINITIONS - W.

(A) **WAREHOUSE, DISTRIBUTION.** A facility where goods are received and temporarily stored for delivery to the ultimate customer at remote locations.

(B) **WAREHOUSE, MINI.** See **SELF STORAGE.**

(C) **WAREHOUSE, STORAGE.** A facility where goods are received stored for extended periods of time for delivery to the ultimate customer at remote locations.

(D) **WASTE MANAGEMENT FACILITY.** A facility for the processing or storage, treatment or disposal of waste, not including hauling or transport.

(E) **WASTE TREATMENT.** Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(F) **WHOLESALE.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

(G) **WINERY.** An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-24 DEFINITIONS - X.

[Reserve]

§ 16-2-25 DEFINITIONS - Y.

(A) **YARD, ACTUAL.** The actual yard is bounded by the applicable lot line(s) and the actual building setback as established by the principal building or use of land.

(B) **YARD, COURT.** A yard formed by the enclosure of space on more than two sides by a building or buildings.

(C) **YARD, FRONT.** A yard which is bounded by the side lot lines, front lot line and the front yard line, or the established setback line when 40% or more of the lots fronting on one side of a street within a block are improved with principal buildings or uses of land.

(D) **YARD, INTERIOR SIDE.** A side yard which adjoins another lot or an alley separating such side yard from another lot, and which is bounded by the rear yard line, front yard line, side yard line and interior side lot line.

(E) **YARD LINE.** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard otherwise contained within this Zoning Code. Yard lines shall be created for each type of yard for which a required depth or width is established within the Zoning Code. A principal or accessory building, structure or other obstruction shall not encroach into the area between any yard line and an adjacent lot line except for such permitted obstructions in yards as are set forth in this chapter.

(F) **YARD, REAR.** A yard which is bounded by the interior side lot line(s), required yard line adjoining a street (if applicable), rear lot line and the rear yard line.

(G) **YARD, REQUIRED.** The required yard is bounded by the applicable lot line(s) and required yard line(s). Unless noted otherwise, references to **YARD** in the Zoning Code refer to the required yard.

(H) **YARD, SIDE, ADJOINING A STREET (CORNER SIDE YARD).** A yard which is bounded by the front yard line, side yard line, side lot line adjoining a street and rear lot line. A side yard adjoining a street shall extend across the entire length of a lot from the front yard line to the rear lot line.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-2-26 DEFINITIONS - Z.

(A) **ZONING ADMINISTRATOR.** The Zoning Administrator is the Community Development Director.

(B) **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals of the Village of Carol Stream, Illinois.

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 3: DISTRICT SPECIFIC STANDARDS

Section

- 16-3-1 Establishment of Zoning Districts
- 16-3-2 Zoning District Map and Boundaries
- 16-3-3 Zoning of annexed land
- 16-3-4 Residence Districts
- 16-3-5 Business Districts
- 16-3-6 Office, Service, and Industrial Districts
- 16-3-7 Overlay District
- 16-3-8 Control over bulk
- 16-3-9 Bulk and dimensional standards
- 16-3-10 Allowable use of land, buildings or structures
- 16-3-11 Permitted and special uses

§ 16-3-1 ESTABLISHMENT OF ZONING DISTRICTS.

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

(A) *Residence Districts*

- (1) R-1 Estate Residence and Community Facilities District
- (2) R-2 Traditional Residence District
- (3) R-3 Suburban Residence District
- (4) R-4 Multiunit Residence District

(B) *Business Districts*

- (1) B-1 Town Center District
- (2) B-2 Neighborhood Business District
- (3) B-3 General Business District

(C) *Office, Service, and Industrial Districts*

- (1) O-S Office and Service District
- (2) I Industrial District

(D) *Overlay Districts*

- (1) GAC Gary Avenue Corridor
- (2) NAC North Avenue Corridor

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-3-2 ZONING DISTRICT MAP AND BOUNDARIES.

(A) *Zoning District Map.* The districts and their boundaries are as shown upon a zoning district map entitled "Village of Carol Stream Official Zoning Map" approved by the Mayor and Village Board. The Zoning District Map, properly attested to, shall be kept on file with the Village Clerk.

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

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

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

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

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-3-3 ZONING OF ANNEXED LAND.

Any area annexed to the village after the effective date of the adoption of this UDO shall, upon such annexation, be automatically zoned R-1, being defined as the most restrictive zone within this UDO, unless such area is zoned to a different zoning district, approved by the Village Board in accordance with the terms of an annexation agreement.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-3-4 RESIDENCE DISTRICTS.

(A) *General purpose of Residence Districts.* Residence zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and to:

- (1) Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan;
- (2) Ensure adequate light, air, privacy, and open space for residents;
- (3) Provide for a variety of neighborhoods with a range of housing types with varying characters and patterns of development;
- (4) Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts; and
- (5) Provide amenities while protecting residents from incompatible uses and activities.

(B) *Estate Residence and Community Facilities District - R-1.* (See Figure 16-3-4(B))

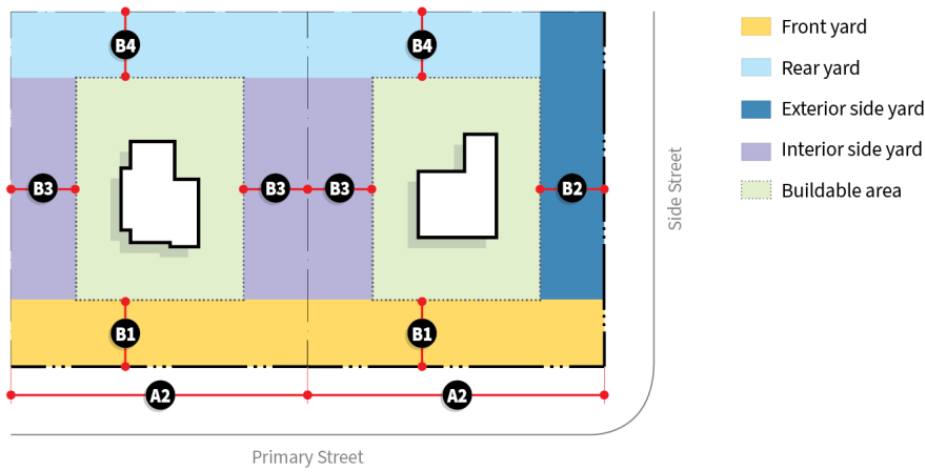
(1) *Purpose.* The R-1 District is established to provide and preserve areas for large lot single-unit detached dwellings as well as public amenities and complementary uses and activities such as places of worship, schools, and parks. The R-1 District shall be considered the highest restrictive district under the provisions of this UDO.

(2) *Dimensional standards.*

Table 16-3-4 (B): R-1 District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	20,000 square feet
2.	Lot Width	100 feet
B. Setbacks (Minimum)		
1.	Front Yard	40 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	10 feet
4.	Rear Yard	40 feet
C. Building Standards (Maximum)		
1.	Height (residential uses)	35 feet
2.	Height (nonresidential uses)	45 feet
3.	Lot Coverage	30 percent ⁽¹⁾
⁽¹⁾ See § 16-3-8(E)(3) for lot coverage exceptions for properties with single-unit detached dwelling units.		

R-1 District Dimensional Standards

R-1 District Dimensional Standards 16-3-4 (B)



(C) *Traditional Residence District - R-2.* (See Figure 16-3-4(C))

(1) *Purpose.* The R-2 District is established to provide and preserve areas for residential neighborhoods with single-unit detached dwellings on lots comparable in size to original residential areas in the village.

(2) *Dimensional standards.*

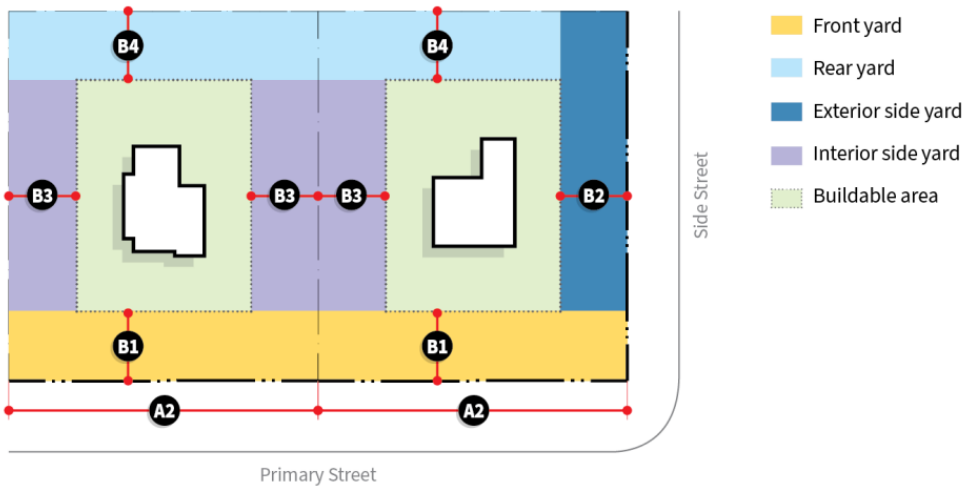
Table 16-3-4 (C): R-2 District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	10,000 square feet
2.	Lot Width	75 feet
B. Setbacks (Minimum)		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	8 feet
4.	Rear Yard	30 feet
C. Building Standards (Maximum)		
1.	Height	35 feet
2.	Lot Coverage	30 percent ⁽¹⁾

(1) See § 16-3-8(E)(3) for lot coverage exceptions for properties with single-unit detached dwelling units.

R-2 District Dimensional Standards

R-2 District Dimensional Standards

16-3-4 (C)



(D) *Suburban Residence District - R-3.* (See Figure 16-3-4(D))

(1) *Purpose.* The R-3 District is established to provide and preserve areas for residential neighborhoods with single-unit detached dwellings on lots that are smaller in size than Traditional Neighborhood (R-2) District lots.

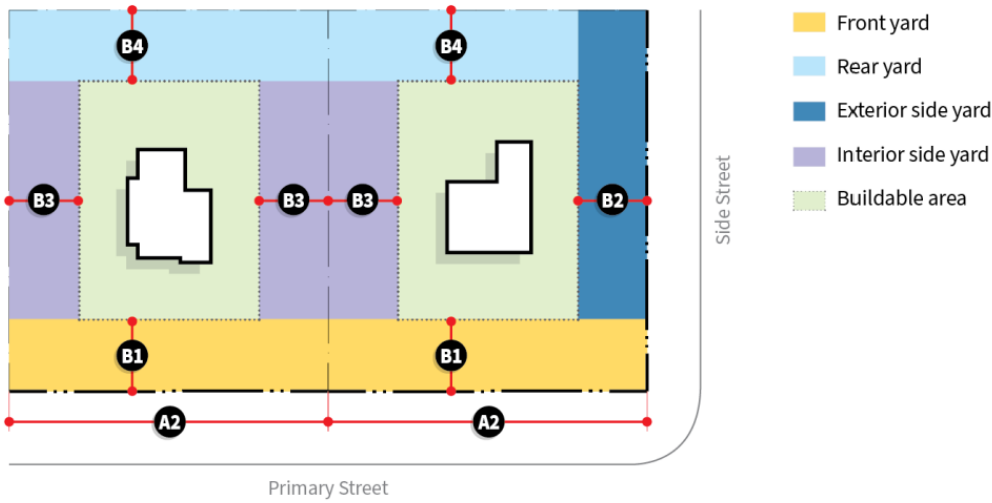
(2) *Dimensional standards.*

Table 16-3-4 (D): R-3 District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	7,500 square feet
2.	Lot Width	60 feet
B. Setbacks (Minimum)		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	7.5 feet
4.	Rear Yard	30 feet
C. Building Standards (Maximum)		
1.	Height	35 feet
2.	Lot Coverage	30 percent ⁽¹⁾

(1) See § 16-3-8(E)(3) for lot coverage exceptions for properties with single-unit detached dwelling units.

R-3 District Dimensional Standards

R-3 District Dimensional Standards 16-3-4 (D)



(E) *Multiunit Residence District - R-4.* (See Figure 16-3-4(E))

(1) *Purpose.* The R-4 District is established to provide and preserve areas for higher density single unit attached dwellings and multiunit dwellings, such as condominiums, apartments, and senior housing developments in a single building or complex setting.

(2) *Dimensional standards.*

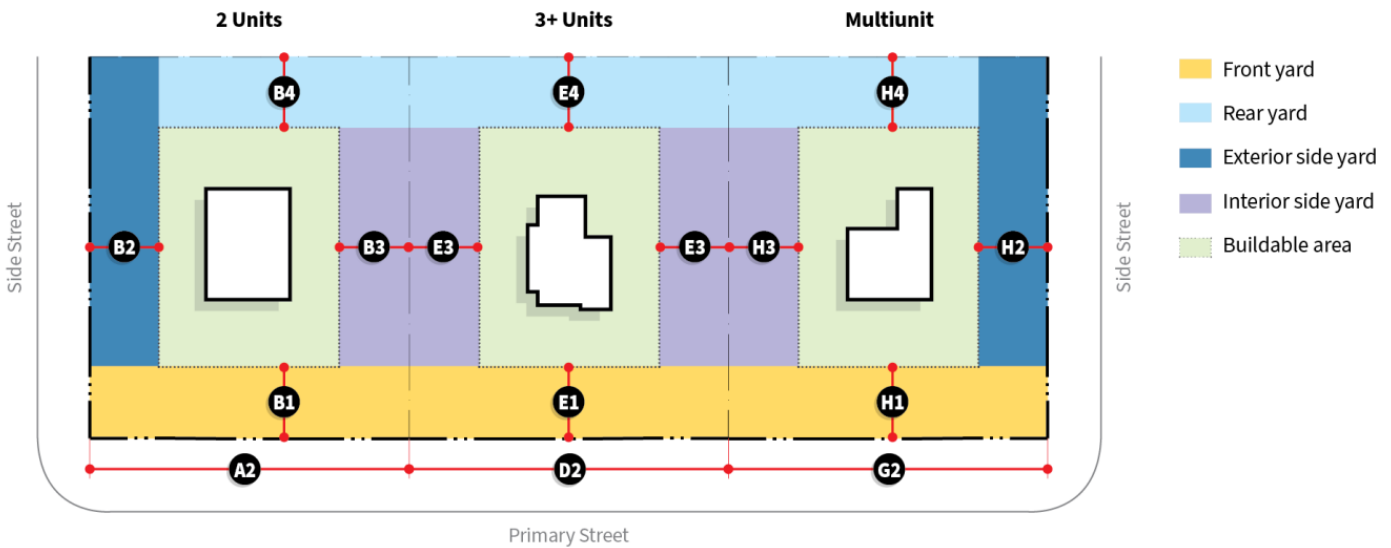
A. <i>Lot Standards (Minimum)</i>		
1.	Lot Area	10,000 square feet
2.	Lot Width	75 feet
B. <i>Setbacks (Minimum)</i>		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	7.5 feet
4.	Rear Yard	30 feet
C. <i>Building Standards (Maximum)</i>		
1.	Height	35 feet
2.	Lot Coverage	40 percent

D. <i>Lot Standards (minimum)</i>		
1.	Land Area per Unit	4,500 square feet
2.	Lot Width per Unit	40 feet
E. <i>Setbacks (Minimum)</i>		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	7.5 feet
4.	Rear Yard	30 feet
F. <i>Building Standards (Maximum)</i>		
1.	Height	35 feet
2.	Lot Coverage	50 percent

G. <i>Lot Standards (Minimum)</i>		
1.	Land Area per Unit	4,300 square feet
2.	Lot Width per Unit	n/a
H. <i>Setbacks (Minimum)</i>		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	7.5 feet
4.	Rear Yard	30 feet
I. <i>Building Standards (Maximum)</i>		
1.	Height	35 feet
2.	Lot Coverage	50 percent

R-4 District Dimensional Standards

16-3-4 (E)



(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-09-39, passed 9-6-2022)

§ 16-3-5 BUSINESS DISTRICTS.

(A) *General purpose of Business Districts.* Business zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to shop, dine, obtain various services, and to:

- (1) Accommodate retail, commercial, service, and mixed uses needed by Carol Stream residents, businesses, visitors, and workers;
- (2) Maintain and enhance the village's economic base and provide shopping, entertainment, restaurant, service and other nonresidential uses close to where people live and work;
- (3) Create suitable environments for various types of business uses and protect them from the adverse effects of incompatible uses;
- (4) Allow flexibility to encourage redevelopment and improvements to existing businesses; and
- (5) Help ensure that the appearance and operational impacts of business uses do not adversely affect the character of the areas in which they are located.

(B) *Town Center District - B-1.* (See Figure 16-3-5(B))

(1) *Purpose.* The B-1 District is established to foster the growth and development of the village's "Town Center". The intent of this district is to provide for a variety of retail, office, service, residential, and cultural amenities in a central setting. While visitors are likely to access the B-1 district by vehicle, bicycle and pedestrian facilities and circulation within the district are prioritized.

(2) *Dimensional standards.* Setbacks in the B-1 District shall be as established through the Planned Development and Gary Avenue Corridor Review Processes.

A. Lot Standards (Minimum)		
1.	Lot Area	n/a
2.	Lot Width	20 feet
B. Building Standards (Maximum)		
1.	Height	50 feet
2.	Floor Area Ratio	0.8

(C) *Neighborhood Business District - B-2.* (See Figure 16-3-5(C))

(1) *Purpose.* The B-2 District is established to provide and preserve areas that offer access to goods and services that residents and the general public need on a day-to-day basis. The intent of this district is to provide neighborhood-scale business uses without negatively impacting quality of life due to noise, traffic, or other issues related to high intensity business uses.

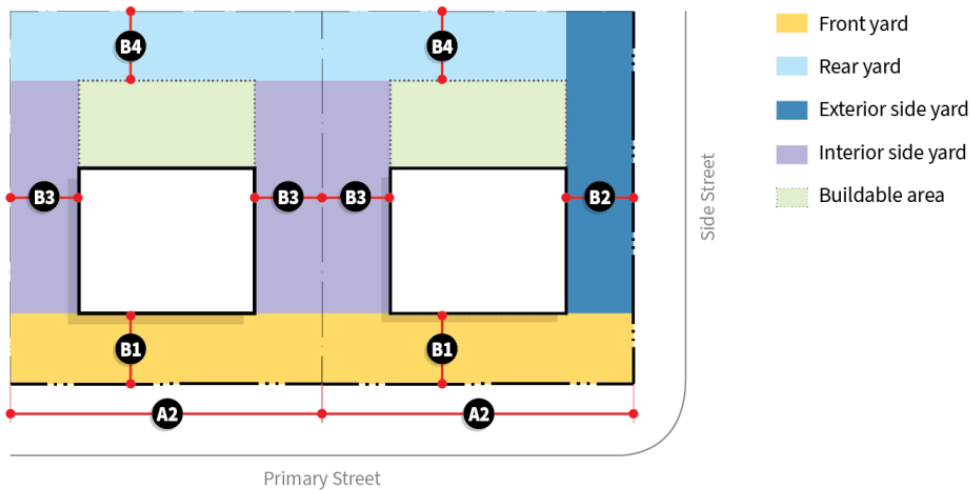
(2) *Dimensional standards.*

A. Lot Standards (Minimum)		
1.	Lot Area	n/a
2.	Lot Width	60 feet
B. Setbacks (Minimum)		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	15 feet
4.	Rear Yard	40 feet
C. Building Standards (Maximum)		
1.	Height	35 feet
2.	Floor Area Ratio	0.6

B-2 District Dimensional Standards

B-2 District Dimensional Standards

16-3-5 (C)



(D) General Business District - B-3. (See Figure 16-3-5(D))

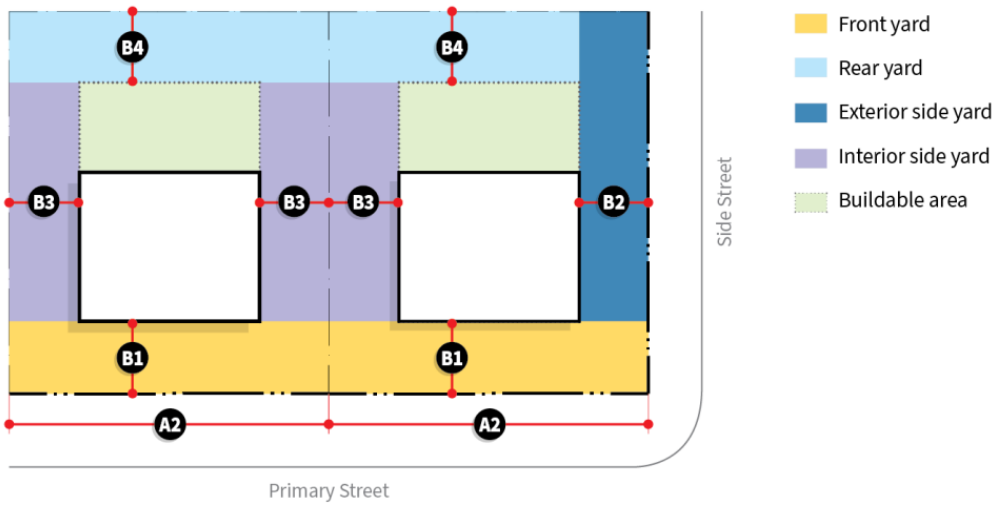
(1) *Purpose.* The B-3 District is established to provide and preserve areas along highly visible and accessible road corridors that provide for a broad range of retail, wholesale, and service uses. Because of the scale and access requirements of uses in this district, they often cannot be compatibly integrated within the Town Center or Neighborhood Business Districts. Development at district boundaries must provide a compatible transition to uses outside the district.

(2) *Dimensional standards.*

Table 16-3-5 (D): B-3 District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	n/a
2.	Lot Width	60 feet
B. Setbacks (Minimum)		
1.	Front Yard	25 feet
2.	Exterior Side Yard	25 feet
3.	Interior Side Yard	15 feet
4.	Rear Yard	40 feet
C. Building Standards (Maximum)		
1.	Height	40 feet
2.	Floor Area Ratio	0.6

B-3 District Dimensional Standards

B-3 District Dimensional Standards 16-3-5 (D)



(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022-01-04, passed 1-3-2022)

§ 16-3-6 OFFICE, SERVICE, AND INDUSTRIAL DISTRICTS.

(A) *General purpose of Office, Service, and Industrial Districts.* Office, service, and industrial zoning districts are established, designed, and intended to provide a healthy and safe environment in which to work and to:

- (1) Maintain and enhance the village's economic base and provide employment opportunities;
- (2) Preserve, protect, and promote employment-generating uses;
- (3) Minimize potential negative impacts of office and industrial development on adjacent business and residential areas; and
- (4) Help ensure that the appearance and operational impacts of office, service, and industrial developments do not adversely affect the character of the areas in which they are located.

(B) *Office and Service District - O-S.* (See Figure 16-3-6(B))

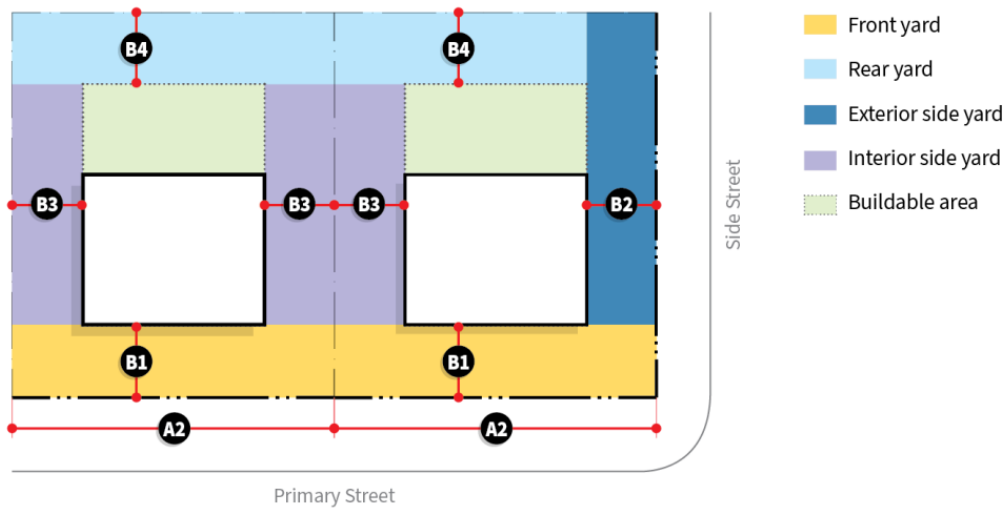
(1) *Purpose.* This district is established to provide and preserve areas for a wide range of office and service uses including research and development, total senior life care communities, office-flex, and large employment facilities such as those in a planned office campus or headquarters development. This district also accommodates limited supporting commercial uses as a means to support daily needs for employees within the district.

(2) *Dimensional standards.*

Table 16-3-6 (B): O-S District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	n/a
2.	Lot Width	60 feet
B. Setbacks (Minimum)		
1.	Front Yard	40 feet
2.	Exterior Side Yard	40 feet
3.	Interior Side Yard	10 feet
4.	Rear Yard	40 feet
C. Building Standards (Maximum)		
1.	Height	45 feet
2.	Floor Area Ratio	0.6

O-S District Dimensional Standards

O-S District Dimensional Standards 16-3-6 (B)



(C) *Industrial District - I.* (See Figure 16-3-6(C))

(1) *Purpose.* This district is established to provide for industrial and manufacturing uses which may be intensive in nature. This district is intended to accommodate uses that require extensive exterior movement of trucks, vehicles, goods, or other exterior operations. This district should not be located adjacent to residence districts, and its contiguity to commercial and business areas should, wherever possible, be avoided. Unless specifically permitted, all business, processing, storage and all other activities and operations shall be conducted completely within the principal building.

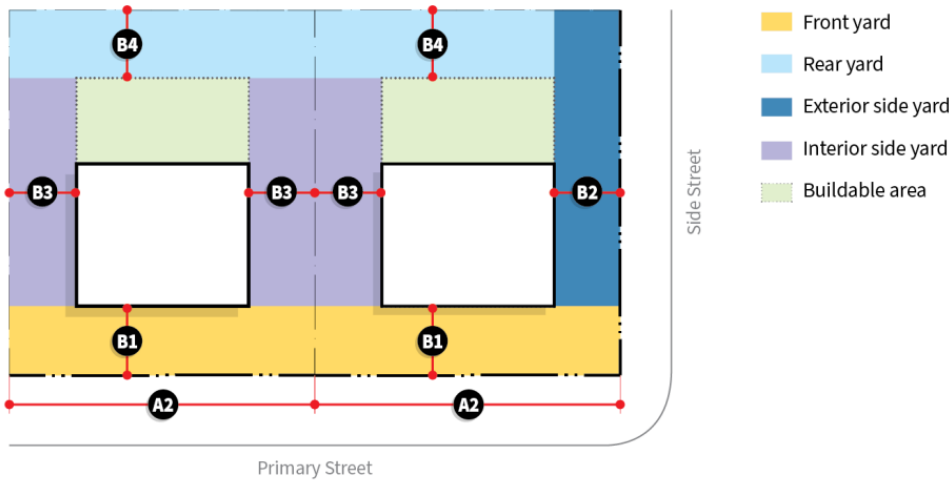
(2) *Dimensional standards.*

Table 16-3-6 (C): I District Dimensional Standards		
A. Lot Standards (Minimum)		
1.	Lot Area	1 acre
2.	Lot Width	75 feet
B. Setbacks (Minimum)		
1.	Front Yard	60 feet (1)
2.	Exterior Side Yard	60 feet (1)
3.	Interior Side Yard	10 feet
4.	Rear Yard	20 feet
C. Building Standards (Maximum)		
1.	Height	50 feet
2.	Floor Area Ratio	0.8
Note:		
(1) If adjacent right-of-way is less than 80 feet wide, the minimum setback shall be 40 feet.		

I District Dimensional Standards

I District Dimensional Standards

16-3-6 (C)



(Ord. 2021-05-15, passed 5-3-2021 ; Ord. 2022-01-04, passed 1-3-2022)

§ 16-3-7 OVERLAY DISTRICT.

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

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

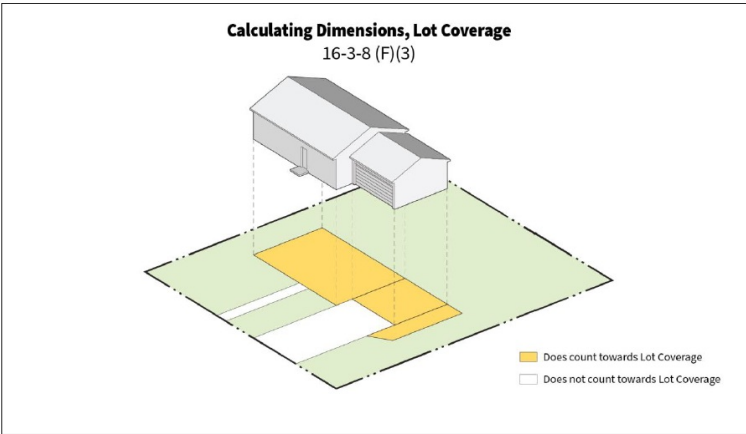
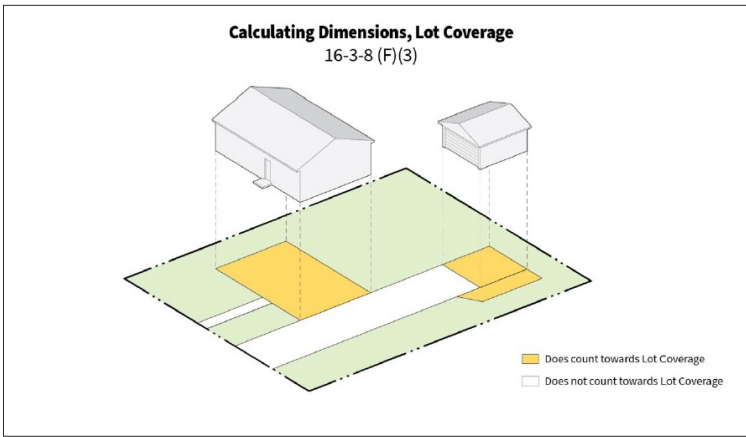
(C) Gary Avenue and North Avenue Corridor Overlay District - GAC and NAC. (See Figure 16-3-7(C))

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

- Create a unified, harmonious and high-quality visual environment throughout the Gary Avenue and North Avenue Corridors, thereby identifying them as special areas with a unique identity within the village and the region;
- Promote high-quality design through improved development standards within the Corridors. These standards, which govern site planning, building design, and landscaping will enable the village to enhance what otherwise might result in aesthetically and economically lower quality strip development;
- Foster a distinctive and positive image for the village and for the Gary Avenue and North Avenue Corridors which function as principal gateway into the village; and
- Protect and enhance wetlands and other significant natural resources through use of careful site design, protective easements, sensitive alignment and design of roadways and utilities, incorporation of natural features, landscaping and massing of trees.

(2) *Dimensional standards.* The dimensional standards of the underlying zoning district shall apply unless otherwise specified in §16-5-16.

16-3-7(C) Gary Avenue and North Avenue Corridor Overlay Districts



(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-08-33, passed 8-2-2021; Ord. 2022-09-39, passed 9-6-2022)

§ 16-3-9 BULK AND DIMENSIONAL STANDARDS.

(A) The following Table of Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a given district.

<i>Table 16-3-9: Bulk and Dimensional Standards</i>												
Standard	R-1 (Res)	R-1 (Non-Res)	R-2	R-3	R-4 (SUA2)	R-4 (SUA3 +)	R-4 (MU)	B-1	B-2	B-3	O-S	I
<i>Table 16-3-9: Bulk and Dimensional Standards</i>												
Standard	R-1 (Res)	R-1 (Non-Res)	R-2	R-3	R-4 (SUA2)	R-4 (SUA3 +)	R-4 (MU)	B-1	B-2	B-3	O-S	I
A. Lot Standards (Minimum)												
1. Lot Area	20,000 square feet	n/a	10,000 square feet	7,500 square feet	10,000 square feet	4,500 square feet	4,300 square feet	n/a	n/a	n/a	n/a	1 acre
2. Lot Width	100 feet	100 feet	75 feet	60 feet	75 feet	40 feet	n/a	20 feet	60 feet	60 feet	60 feet	75 feet
B. Setbacks (Minimum, unless otherwise specified)												
1. Front Yard	40 feet	40 feet	25 feet	25 feet	25 feet	25 feet	25 feet	(1)	25 feet	25 feet	40 feet	60 feet (2)
2. Exterior Side Yard	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	(1)	25 feet	25 feet	40 feet	60 feet (2)
3. Interior Side Yard	10 feet	10 feet	8 feet	7.5 feet	7.5 feet	7.5 feet	7.5 feet	(1)	15 feet	15 feet	10 feet	10 feet
4. Rear Yard	40 feet	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet	(1)	40 feet	40 feet	40 feet	20 feet
C. Building Standards (Maximum)												
1. Floor Area Ratio	n/a	0.6	n/a	n/a	n/a	n/a	n/a	0.8	0.6	0.6	0.6	0.8
2. Height	35 feet	45 feet	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	35 feet	40 feet	45 feet	50 feet
3. Lot Coverage	30%(3)	n/a	30%(3)	30%(3)	40%	50%	50%	n/a	n/a	n/a	n/a	n/a
(1) Setbacks in the B-1 District shall be as established through the Planned Development and Gary Avenue Corridor Review Processes.												
(2) If adjacent right-of-way is less than 80 feet wide, the minimum setback shall be 40 feet.												
(3) See Section 16-3-8 (E)(3) for lot coverage exceptions for properties with single-unit detached dwelling units.												

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022-09-39, passed 9-6-2022)

§ 16-3-10 ALLOWABLE USE OF LAND, BUILDINGS OR STRUCTURES.

The following uses of land, buildings, or structures are allowed in the districts indicated, under the conditions specified as follows:

- (A) Uses lawfully established and existing on the effective date of this UDO, which conform to the provisions herein;
- (B) Uses lawfully established and existing on the effective date of this UDO, rendered non-conforming by the provisions herein shall be subject to the regulations of Article 16-10, "Non-conforming Lots, Buildings, Structures and Uses";
- (C) Permitted uses as designated in this UDO and established after the effective date of this UDO;

Public/Semi-Public										
Places of Assembly									S	
Places of Worship		S							S	
Regional Religious Institution	§ 16-4-14								S	
Governmental Uses/Post Offices		S				S			S	S
Medical Uses										
Hospitals								S	S	
Acute Care Centers								S	S	
Medical and Rehabilitation Facilities								S	S	
Utility										
Service and Utility Uses, Public or Private		S	S	S	S	S	S	S	S	S
Building-Mounted Solar Energy Collection System	§ 16-5-9(A)	P	P	P	P	P	P	P	P	P
Free-Standing Solar Energy Collection System, Primary	§ 16-5-9(B)	S	S	S	S	S	S	S	S	S
Free-Standing Solar Energy Collection System, Accessory	§ 16-5-9(C)	P	P	P	P	P	P	P	P	P
Accessory Uses										
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 and/or Sales of Merchandise, Permanent								S		S
Outdoor Activities and Operations	§ 16-4-18	S						S	S	P
Outdoor Storage	§ 16-4-18									S
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	
Temporary Uses										
Carnival	§ 16-4-21	P	P			P		P		
Outdoor Special Exhibition, Show or Sales	§ 16-4-22	P	P	P	P	P	P	P	P	P
Garage Sale	§ 16-4-23	P	P	P	P					
Portable Outdoor Storage Device	§ 16-4-24	P	P	P	P					
Construction Related	§ 16-4-25	P	P	P	P	P	P	P	P	P
Outdoor Display/Sales of Merchandise, Temporary	§ 16-4-26					P	P	P	P	P
Outdoor Activities and Operations, Temporary						P	P	P	P	P
Other Uses										
Charging Station, Accessory	Section 16-4-29	P	P	P	P	P	P	P	P	P
Charging Station, Primary	Section 16-4-29					S		S		
Planned Development	Article 16-7	S	S	S	S	S	S	S	S	S

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-08-33, passed 8-2-2021; Ord. 2021-09-39, passed 9-7- 2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-01-04, passed 1-3-2022; Ord. 2022-02-11, passed 2-22-2022; Ord. 2022-05-21, passed 5-2-2022; Ord. 2023-01-01, passed 1-16-2023; Ord. 2023-03-08, passed 3-20-2023; Ord. 2023-04-11, passed 4-3-2023; Ord. 2023-07-32, passed 7-17-2023; Ord. 2024-06-30, passed 6-3-2024)

ARTICLE 4: USE SPECIFIC STANDARDS

Section

- 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 Group 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 and medical 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, outdoor storage, 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 Special exhibitions, shows or special events
- 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
- 16-4-28 Video gaming cafes
- 16-4-29 Electric vehicle charging stations

§ 16-4-1 COMMUNITY GARDENING/URBAN FARMING.

(A) Community gardening and urban farming shall be permitted provided that, no keeping, propagation or culture of pigeons, poultry, rabbits, bees or livestock is conducted; and, further provided that, no retail sales are conducted from a store or stand erected or maintained on the premises.

(B) Gardens for the growing and cultivation of fruits and vegetables on single-unit residential properties shall be no larger than 1,000 square feet, or 10% of the area of the lot, whichever is less. Gardens for the growing and cultivation of fruits and vegetables on single-unit residential properties may be allowed in an interior side yard as long as there are no support structures over 36 inches in height.

(C) Structures associated with the growing and cultivation of fruits and vegetables in a rear yard of a single-unit residential property shall be no taller than eight feet in height.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-07-32, passed 7-17-2023)

§ 16-4-2 SINGLE-UNIT ATTACHED DWELLINGS.

Single-unit attached dwellings shall meet the following provisions:

(A) *Orientation.* The main entrances to a single-unit attached dwelling shall face the primary street. Garages are encouraged to face side yards or be located in the rear of the primary structure. If garages face the front yard, they shall be setback a minimum of three feet from the primary elevation of the primary building. Accessory buildings and structures other than garages shall be located as allowed in § 16-4-15.

(B) *Parking.* A minimum of one of the parking spaces, as required in §16-5-2(C), shall be provided in an attached or detached garage.

(C) *Quality materials.* Exterior building materials shall be traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture. EIFS and vinyl materials shall be restricted to 20% of the facade facing the front and exterior side yards and shall be utilized as accent or trim material only.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-03-08, passed 3-20-2023)

§ 16-4-3 MULTIPLE-UNIT DWELLING, BUILDING.

Multiple-unit dwelling, building shall meet the following provisions:

(A) *Orientation.* The main entrance to a multiple-unit dwelling building shall face the primary street.

(B) *Location of parking.* All off-street parking shall be located behind buildings.

(C) *Driveways.* Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(D) *Location of service, loading, and utility areas.* Service areas, dumpsters, utilities, and the required screening thereof shall not be readily visible from a right-of-way.

(E) *Walkways.* Pedestrian access shall be provided to the building entries and parking areas connecting to the public sidewalk at the street frontage when one exists.

(F) *Quality materials.* Exterior building materials shall be traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture. EIFS and vinyl materials shall be restricted to 20% of the facade facing the front and exterior side yards and shall be utilized as accent or trim material only.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-4 MULTIPLE-UNIT DWELLING, COMPLEX.

Multiple-unit dwelling, complex shall be permitted as a special use and shall meet the following provisions:

(A) *Site organization.* Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.

(B) *Compact design.* Buildings and other site improvements shall be clustered to maximize stormwater absorption.

(C) *Orientation.* Buildings orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.

(D) *Location of parking.* Parking shall be integrated into the overall site design to minimize impact, reduce the loss of trees, and to be visually concealed from rights-of-way.

(E) *Driveways.* Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(F) *Location of service, loading, and utility areas.* Service areas, dumpsters, utilities, and the required screening thereof shall not be readily visible from a right-of-way.

(G) *Walkways.* Pedestrian access shall be provided to the building entries and parking areas connecting to the public sidewalk at the street frontage when one exists.

(H) *Quality materials.* Exterior building materials shall be traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture. EIFS and vinyl materials shall be restricted to 20% of the facade facing the front and exterior side yards and shall be utilized as accent or trim material only.

(I) *Open spaces.* A minimum of 15% of the site shall be developed as usable open space and shall be sited to preserve natural site features and be integrated with the buildings and site circulation to provide common outdoor amenities and gathering places.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-5 GROUP COMMUNITY RESIDENCES.

Group community residences, approved as a special use, shall not be located less than 800 feet from any existing community residence, and shall meet the following provisions:

(A) The cumulative effect of such uses would not alter the residential character of the neighborhood; would not create an institutional setting; its operation would not create an adverse effect on surrounding properties; and the home shall to the extent possible, conform to the type and outward appearances of the residences in the area in which it is located;

(B) If the state requires a license or certification for the proposed community residence, the community residence has obtained the required state license or certification, or the operator has received licensing or certification required by the state to operate community residences;

(C) Applicant shall submit a statement of the exact nature of the home; the qualifications of the agency that will operate the home; the number and type of personnel who will be employed; and the number and nature of the residents who will live in the home; and

(D) The home shall to the extent possible, conform to the type and outward appearances of the residences in the area in which it is located.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022- 02-11, passed 2-22-2022)

§ 16-4-6 EXTENDED STAY HOTEL.

Extended stay hotels shall be permitted as a special use and shall meet the following provisions:

(A) Vehicles greater than 10,000 pounds shall only be permitted to park in the rear of the property.

(B) No vehicle greater than 10,000 pounds shall be parked on the property for more than 24 hours.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-7 RETAIL SALES, ACCESSORY.

Accessory retail sales shall meet the following provisions:

- (A) Accessory retail sales shall be limited to the sale of products produced on site.
- (B) Accessory retail sales shall not exceed 10% of the total gross floor area of the building.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-8 OUT LOT RETAIL BUILDING.

Out lot retail buildings shall meet the following provisions:

- (A) *Setback.* Out lot retail buildings shall be setback a minimum of 15 feet from any right-of-way.
- (B) *Location of parking.* All off-street parking shall be located behind the building.
- (C) *Driveways.* Curb cuts and site vehicular access shall be shared with the primary structure.
- (D) *Location of service, loading, and utility areas.* Service areas, dumpsters, and utilities shall not be visible from a right-of-way. Required screening shall be integrated into the architecture of the building.
- (E) *Walkways.* Pedestrian access shall be provided to the building entries and parking areas connecting to the public sidewalk at the street frontage when one exists.
- (F) *Architecture.* Out lot retail buildings shall provide 360 degree architecture for all sides visible to the public. Three-hundred sixty degree architecture incorporates facade elements, including for doors, windows, exterior cladding, and all other exterior decorative elements and finishes on all front, side, and rear elevations of the building.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-9 ADULT USE AND MEDICAL CANNABIS DISPENSING ORGANIZATION.

Adult use and medical cannabis dispensing organizations shall be permitted as special uses and shall meet the following provisions:

- (A) *Submission requirements and criteria.*
 - (1) An accurately dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses. The site plan shall include a statement that the location of the cannabis dispensing organization is not in violation of the distance requirements set forth in this section.
 - (2) A floor plan of the interior of the facility indicating the principal uses on the floor plan, including retail areas and storage areas.
 - (3) A plan for disposal of any cannabis or byproducts.
 - (4) A plan for ventilation of the dispensing organization that describes the ventilation systems that will be used to prevent any odor of cannabis off the premises of the business.
 - (5) A security plan that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations. Security arrangements must deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and the theft of cannabis or cannabis products, and ensure the safety of employees and customers, as well as the surrounding area, and include no less than the minimum security and lighting measures required by state law. The security plan shall be reviewed and approved by the Chief of Police.
 - (6) A proposed plan of operations. The proposed plan of operations of the dispensing organization must demonstrate the intent of the organization to operate in full compliance with the Cannabis Regulation and Tax Act and/or Medical Cannabis Act, as applicable.
 - (7) A signage plan shall be submitted. The proposed signage plan shall comply with the following standards. No sign shall contain any logo, name, wording, statement or illustration that is:
 - (a) False or misleading;
 - (b) Promotes the overconsumption of cannabis;
 - (c) Displays cannabis;
 - (d) Shows someone under 21 consuming cannabis;
 - (e) Includes the image of the cannabis leaf or bud;
 - (f) Includes any image that is likely to appeal to minors; or
 - (g) Contains any slang or colloquial term for cannabis or cannabis paraphernalia.
 - (8) A parking and/or traffic study may also be requested to determine parking adequacy or traffic circulation.
 - (9) *Exterior appearance.* The exterior appearance of the building of a dispensing organization shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.
 - (10) *Performance standards.* All uses shall provide evidence of conformity to the performance standards for noise, vibration, smoke, dust, odor, heat, glare, fire hazard and other objectionable influences established by the State of Illinois and administered by the Illinois Environmental Protection Agency, the United States of America and administered by the federal environmental agency, and any ordinance of DuPage County or the Village of Carol Stream.
 - (11) *Location.*
 - (a) A dispensing organization shall not be located within a 1,500 foot radius of any other dispensing organization located within or outside the village, or be located within 100 feet of any place of worship, school, hospital, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station within or outside the village.
 - (b) A dispensing organization shall not contain a drive up service window.
 - (12) *Exterior lighting.* Lighting shall illuminate the exterior of the building and all entrances and exits to the facility. Exterior lighting shall be one foot-candle and shall remain on until at least one hour after the closing of the dispensing organization. In addition, all exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.
 - (13) *Entrance.* A dispensing organization may have more than one means of egress from the interior so as to meet building codes and public safety concerns; however, it shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis. The entrance shall be located and maintained clear of any barriers, landscaping and similar obstructions that may block the view so that the entrance and pedestrian access is clearly visible from the public street, sidewalk and parking area.
 - (14) *Cannabis paraphernalia and product display.* No cannabis or paraphernalia shall be displayed or kept in a dispensing organization so as to be visible from outside the premises.
 - (15) *On-site use prohibited.* No cannabis shall be smoked, eaten or otherwise consumed or ingested within any dispensing organization.
 - (16) *Other standards.*
 - (a) All dispensing organizations shall abide by all other applicable state and village regulations and requirements. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act, and shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate, local, state and national bodies charged with the regulation of adult-use or medical cannabis business establishments and shall adhere to all governing local, state and national codes and regulations.
 - (b) Principal use. The cannabis dispensing organization is allowed as a principal use only and not allowed as an accessory use or temporary use as defined within the Unified Development Ordinance.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-01-01, passed 1-16-2023)

§ 16-4-10 ADULT ORIENTED USES.

Adult oriented uses shall be permitted uses in the Industrial District and shall meet the following provisions:

- (A) *Purpose.* The purpose of this section is to establish reasonable and uniform regulations to regarding the location of sexually oriented businesses in the municipality in order to minimize and control negative secondary effects associated with sexually oriented businesses within the municipality thereby promoting the health, safety and welfare of the citizens of the municipality. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials or communication, including sexually oriented entertainment. Similarly, it is not the purpose, nor effect of this section to restrict or deny access by adults to sexually oriented entertainment protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market. Furthermore, it is not the intent or effect of this article to condone or legitimize the distribution or exhibition of entertainment that is obscene.
- (B) *Findings.* Based on evidence concerning the adverse secondary effects of sexually oriented businesses the Village of Carol Stream finds the following: Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities.
 - (1) Sexual acts, including masturbation, oral sex and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or rooms for viewing

films, videos or live sexually oriented entertainment. Such activities may result in spreading communicable diseases such as syphilis, gonorrhea and human immunodeficiency virus (HIV).

(2) Studies conducted in other cities have demonstrated a correlation between sexually oriented business and a decrease in the residential and commercial property values that surround them, especially those properties within 1,000 feet of such businesses.

(3) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased crime in the neighborhood, including sex-related crimes like prostitution, obscenity and sexual assault. This correlation is especially acute when more than one sexually oriented business is located in a neighborhood, and when a sexually oriented business is located near a public open space such as a park, cemetery or school.

(4) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and increased harassment and propositioning of women, children and the elderly in the neighborhood.

(5) Studies conducted in other cities have demonstrated a correlation between sexually oriented businesses and offensive material such as pornographic magazines and used condoms being discarded in the surrounding neighborhood, making them available to children.

(6) Location of sexually oriented businesses in a neighborhood can create a "sex for sale" reputation in a neighborhood.

(7) The foregoing findings raise substantial governmental interests and concerns.

(8) The municipality cannot entirely prohibit sexually oriented businesses which are not obscene from locating within the municipality.

(9) The municipality can affect reasonable locational regulations to which it believes will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(10) Locating sexually oriented businesses in the Industrial Zone will ameliorate these deleterious secondary effects associated with sexually oriented business.

(11) Requiring sexually oriented businesses to be located 1,000 feet from any other sexually oriented businesses will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(12) Requiring sexually oriented businesses to be located 1,000 feet from any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing, place of religious worship, lot zoned for residential purposes and lot used for residential purposes, complies with the requirements of state law 65 ILCS 5/11-5-1.5, and will ameliorate these deleterious secondary effects associated with sexually oriented businesses.

(13) North Avenue is the main thoroughfare in the municipality, and more than any other location in the municipality reflects on the economic status of the municipality.

(14) Accordingly, a decrease in the property values and an increase in visible crime along North Avenue will affect the property values of the municipality as a whole in a way that other locations would not.

(15) Preventing sexually oriented businesses from locating directly on, or within 500 feet of North Avenue will help to conserve property values in the municipality as a whole, while still providing an adequate number of sites and acreage available for the location of sexually oriented businesses.

(C) *Permitted use.* Any other ordinance or section of any ordinance notwithstanding, and subject to the setback requirements of §16-3-11(B), sexually oriented businesses shall be a permitted use only in the I Industrial District. Sexually oriented businesses shall not be a special use in any district.

(D) *Setback requirements.* No sexually oriented business shall be located:

(1) Within 1,000 feet of the lot line of any other sexually oriented business, and any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing, place of religious worship, lot zoned for residential purposes and lot used for residential purposes;

(2) Within 500 feet of the centerline of North Avenue, which 500 feet shall be measured from the nearest lot line, or portion of the building in which the sexually oriented business is located to the nearest point of the centerline of North Avenue; and

(3) On a lot which physically touches North Avenue.

(E) *Restriction on use.* All sexually oriented businesses shall be conducted entirely within a fully enclosed business. No sexually oriented business shall be operated in any manner that permits the observation from outside the building of any image, material or entertainment depicting or describing excretory functions, specified sexual activities or specified anatomical areas or any person in a state of nudity or semi-nudity, whether by means of display, decoration, sign, window or any other means.

(F) *Signage.* No sexually oriented business shall advertise by way of billboard, sign boards or sign, within 1,000 feet of any school, day care center, cemetery, public park including any lineal recreational area like a bike path, forest preserve, public housing and place of religious worship.

(G) *Other regulations.* The restrictions set forth in this article shall supersede any other restrictions found in other ordinances or other sections of any ordinance as applied to sexually oriented businesses, if the terms of the restrictions are in conflict.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-11 DAY CARE CENTER.

Day care centers shall be permitted as a special use and shall meet the following provisions:

(A) Day care centers shall have a fenced-in yard area for outside play activities, which includes a fence of no greater than five feet in height or as permitted by §6-5-9 or as required by the Illinois Department of Children and Family Services.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-12 KENNEL AND BOARDING FACILITY, OUTDOOR.

kennel and boarding facilities shall be permitted as a special use and shall meet the following provisions:

(A) *Kennel.*

(1) Kennels shall be limited to the raising, breeding, boarding, and grooming of domestic dogs and cats.

(2) The minimum lot size for a kennel shall be two acres.

(3) Dogs kept on premises will not equal more than 15 per acre of land.

(4) Cats kept on premises will not equal more than 25 per acre of land.

(5) All runs shall be hard-surfaced, compacted fine stone or grassed with drains provided every ten feet and connected to an approved sanitary facility.

(6) No building, other structure or outside dog runs shall be located within 150 feet of the lot line of a residential use.

(7) Dog runs shall not be used between the hours of 8:00 p.m. and 8:00 a.m.

(8) Methods shall be used to reduce the impact of noise on adjacent properties, which may include the use of sound-barrier material such as "bark-block" and/or other approved insulation.

(B) *Boarding facilities.*

(1) Dog runs shall be set back as far as possible from all residential properties. In no case shall the minimum setback be less than 150 feet from the lot line of a residential use.

(2) Methods shall be used to reduce the impact of noise on adjacent properties, which may include the use of sound-barrier material such as "bark-block" and/or other approved insulation.

(3) The animals shall be boarded in appropriate kennel units with insulation to further abate noise.

(4) The facility shall have appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.

(5) The boarding area must be air-conditioned and heated so that any windows, doors or other openings can be closed at all times, with the exception of ingress and egress into the area.

(6) The total area designated for boarding within the building shall not exceed 75% of the gross floor area of the facility.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-13 VEHICLE SALES AND RENTAL.

Vehicle sales and rental facilities are commercial enterprises with unique characteristics which require the imposition of certain regulations intended to promote the public health, safety, comfort, morals and convenience, by ensuring that such uses are compatible with neighboring property and only minimally impact the local roadway network. Vehicle sales and rental uses are allowed as set forth in § 16-3-11(E) and shall meet the following provisions:

(A) Storage areas for vehicles for sale or rent shall not be located in any parking space required to satisfy the Schedule of Parking Requirements as set forth in §6-5-2(C).

(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 §6-5-6.

The Community Development Director may approve alternate placement of the required landscape material.

(C) Vehicle sales and rental facilities, when operated in the Industrial District and approved as a special use, shall be subject to the following additional provisions, unless such provisions are otherwise modified as part of the special use approval process:

- (1) Vehicles may not be stored or displayed within the required parking setback as set forth in §16-5-2(B)(4)(b).
- (2) No more than one vehicle sales or rental facility shall be permitted to operate within a multi-tenant building.
- (3) Unlicensed vehicles awaiting sale may not be parked within a public street right-of-way.
- (4) Vehicles may not be parked or stored in a manner that blocks access to drive aisles or parking spaces on adjacent property.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-02-11, passed 2-22-2022)

§ 16-4-14 REGIONAL RELIGIOUS INSTITUTION.

A regional religious institution shall be located on a parcel of land that is at least ten acres in size and shall be improved with a principal structure of at least 50,000 square feet in gross floor area.

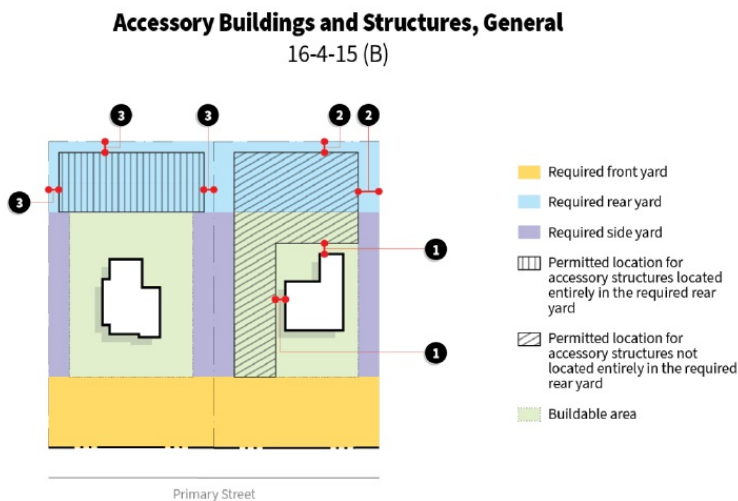
(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-15 ACCESSORY BUILDINGS AND STRUCTURES, GENERAL.

Accessory buildings and structures shall be compatible with the principal use and shall not be established prior to the establishment of the principal use. Except as otherwise regulated herein, an accessory building or structure hereafter established, erected, altered, enlarged or moved on a lot shall conform with the following.

- (A) *Height.* Detached garages shall not be more than one story, or 15 feet in height, excluding flag poles. No residential accessory structure shall be more than 13 feet in height.
- (B) *Location.*
 - (1) An accessory building or structure shall be located a minimum of five feet from the principal structure, unless otherwise permitted in this UDO.
 - (2) An accessory building or structure which is not located entirely in the required rear yard must comply with the side yard setback requirements of the primary structure and shall not be closer than five feet from any side property line.
 - (3) All accessory buildings or structures located entirely in the required rear yard shall not be closer than five feet from the property line unless otherwise specified.
 - (4) No accessory building or structure or portion thereof shall be located in the required front yard, exterior side yard, or interior side yard. Exception: gazebos, outdoor fireplaces, playground equipment, sheds, playhouses, greenhouses, storage buildings, swimming pools, patios, decks and terraces which may be located within an exterior side yard, not less than 15 feet from the lot line adjacent to the street, if the yard is enclosed with an allowable fence a minimum of five feet in height.
 - (5) Where an accessory building or structure is structurally attached to the principal structure, it shall comply with the setback requirements that apply to the principal structure.

Accessory Buildings and Structures, General



(C) *Number of detached storage structures or buildings.* There shall be no more than two detached storage structures or buildings per single-unit residential property. Detached storage structures less than or equal to 64 square feet in area shall not require a building permit, may be located within five feet of the principal structure, and shall comply with all other applicable codes and ordinances.

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

- (1) The smoking shelter must comply with all requirements of the Village Building Code and Fire Code.
- (2) The service and/or consumption of drinks or food in the smoking shelter is strictly prohibited.
- (3) The smoking shelter must be located in a rear yard or interior side yard only, and must conform with the locational requirements for accessory structures as set forth in this article.
- (4) The smoking shelter must be constructed on a suitable, hard surface and must be securely anchored.
- (5) The floor area of the smoking shelter must be no larger than 150 square feet.
- (6) The smoking shelter must be located no closer than 15 feet from any entrance, exit, open window or ventilation intake that serves an enclosed area in which smoking is prohibited.
- (7) The smoking shelter must have at least one permanently clear opening that is not less than 80 inches in height and 60 inches in width.
- (8) The smoking shelter may utilize outdoor lighting and electrical heating fixtures in accordance with the requirements of the Carol Stream Electrical Code and Fire Code. The smoking shelter must not contain any other electrical devices nor any mechanical devices, such as televisions or generators.
- (9) Temporary smoking shelters must meet the requirements of this section, and also shall be subject to the regulations of §16-8-3(A)(1)(f)(iv).
- (10) Smoking shelters located within the Gary Avenue or North Avenue Corridors must meet the requirements of §16-5-14.

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

- (1) Antenna structures or parabolic dish antenna structures shall not be located in any front or side yards adjoining a street and shall be constructed and maintained in compliance with the manufacturer's specifications.
- (2) No parabolic dish antenna structure in excess of three feet in diameter shall be mounted on or over, bracketed or guyed to any principal building or structure.
- (3) No dish antenna located upon a roof may exceed five feet in height as measured vertically from the roof which supports it to the top of the antenna or dish when positioned for operation.
- (4) All portions of the dish antenna, in any orientation to the sky, must meet the minimum side and rear yard building setback requirements for the lot on which it is placed and shall be at

least ten feet from any property line with no part of any antenna, wire, cable or guy wire crossings or extending over or beyond any property line.

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

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

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

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

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

(F) *Residential rainwater collection systems.*

(1) No more than four residential rainwater collection system storage devices shall be allowed on a single-unit residential lot.

(2) Rainwater collection systems that are four feet in height or less, or have a capacity of up to 55 gallons, may be located in all yards. Rainwater collection systems taller than four feet in height, or with a capacity of more than 55 gallons, must be located in the rear yard. Any structures and materials used for mounting and connecting the rainwater collection system shall be as unobtrusive as possible.

(3) Rainwater collection systems must be maintained in good working order, and must be removed if they are no longer in use.

(G) *Accessory Buildings and Structures in Business and Industrial Districts.* Site Plan Review shall be required prior to the installation of an accessory building or structure in the Business and Industrial zoning districts, and shall be subject to all applicable codes and ordinances and the following provisions:

(1) *Quality materials.* Exterior building materials shall complement the architecture of the primary structure, and be traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture, or comparable material.

(2) Accessory buildings and structures shall include landscape located at the building foundation as required by §16-5-6 of the UDO.

(3) Accessory buildings and structures shall not be located in required parking or storage spaces.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021- 08-33, passed 8-2-2021; Ord. 2022-01-04, passed 1-13-2022; Ord. 2022-02-11, passed 2-22-2022; Ord. 2022-05-21, passed 5-2-2022; Ord. 2022- 09-39, passed 9-6-2022; Ord. 2023-07-32, passed 7-17-2023)

§ 16-4-16 HOME OCCUPATIONS.

(A) *Intent and purpose.*

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

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

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

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

(B) *Performance Standards.*

(1) Only lawful activities that involve the performance of a business or occupation that is a permitted use or special use within the zoning districts contained within this chapter may be conducted within a home occupation. Exception: a person who possesses a valid federal firearms license may carry out that business as a home occupation; provided that, all other regulations of this section are complied with.

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

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

(4) There is no display or activity that will indicate from the exterior of the dwelling that it is being used in whole or in part for any use other than a dwelling.

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

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

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

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

(9) The parking of customer's or client's vehicles should not create safety hazards or unusual congestion. If the occupation is of the type that customers or clients visit the premises frequently, there shall be no more than four clients or customers in the dwelling unit or on the premises during any period of 60 consecutive minutes. Motor vehicle traffic generated by the occupation shall be prohibited from visiting the premises between the hours of 11:00 p.m. and 6:00 a.m., except for childcare operations. Motor vehicle traffic associated with the occupation shall be limited to no more than four vehicles during any period of 60 consecutive minutes. The number of additional customers, clients or motor vehicles can be increased to not more than eight to allow for the type of occupation that involves classes, demonstrations, meetings, students, day care or other similar occupations.

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

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

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-17 DRIVE THROUGH.

Drive through facilities shall be permitted as a special use and shall meet the following provisions:

(A) *General requirements.*

(1) Drive-throughs shall be permitted a maximum of one menu board and one pre-order board with a combined maximum area of 100 square feet per drive through lane. Each menu board or pre-order board shall not exceed 60 square feet in area and ten feet in height. Menu boards and pre-order boards may utilize electronic message boards for 100% of the permitted menu board or pre-order board area and must follow all regulations of § 16-6-9. Size, appearance and location of additional appurtenances associated with the drive through use, including but not limited to clearance bars, speaker boxes, pavement markings, and ordering canopies, shall be evaluated as part of the review of the drive through use.

(2) Stacking spaces and lanes for drive- through stations shall not impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas or drive aisles and are not to impede pedestrian access to a public entrance of a building.

(3) Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.

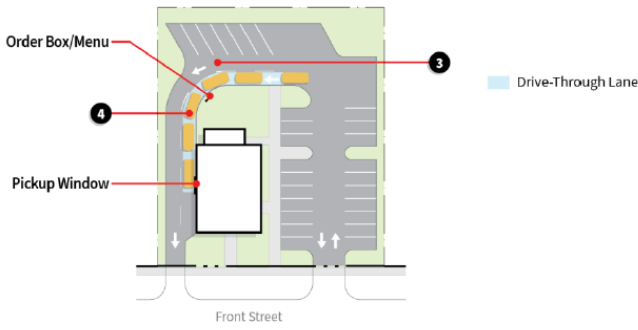
(4) Stacking spaces shall have a minimum depth of 20 feet. Stacking lanes shall have the following minimum widths:

(a) One lane: 12 feet,

(b) Two or more lanes: ten feet per lane.

General Requirements for Drive-Through Facilities

General Requirements for Drive-Through Facilities
16-4-17 (A)



(B) Requirements by use.

Table 16-4-13(B) Drive Through Stacking Space Requirements		
Use	Minimum Stack	Measure From
Table 16-4-13(B) Drive Through Stacking Space Requirements		
Use	Minimum Stack	Measure From
Automated Teller Machine	2 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box (1)
Carwash Stall, Automatic	5 per stall	stall entrance
Carwash Stall, Manual	2 per stall	stall entrance
Oil Change Shop	2 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window
(1) Four of the required stackingspaces are to be located between the order-box and pick up window, including the stacking space at the order box.		

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2023-03-08, passed 3-20-2023)

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

Outdoor activities and operations, outdoor storage, 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, outdoor storage, and outdoor vehicle storage in the I District.

(1) Outdoor activities and operations, outdoor storage, 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, outdoor storage, 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 §6-4-18(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, outdoor storage, 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 §16-5-8 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 § 16-5-6.

(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; or
- (b) Any residential property.

(2) The following minimum screening requirements shall apply to outdoor activities and adjacent to or visible from areas identified in §6-4-18(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 §6-4-18(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 § 16-5-6.

(3) The following minimum screening requirements shall apply to (outdoor activities and operations not adjacent to or visible from areas identified in §6-4-18(B)(1).

- (a) A fence, which conforms to all fence material requirements detail in §16-5-8 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 § 16-5-6.

(C) Residential districts. Outdoor activities and operations shall be permitted for nonresidential uses in residential districts only and shall meet all provisions included in §16-4-18(B).

(D) Surfacing. Areas for permanent outdoor activities and operations, and outdoor vehicle storage in the Industrial District, shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.

(E) Shipping containers. Shipping containers not located on a truck or located on a truck which is kept in the same parking or loading area for more than 30 days shall be considered an

outdoor operation and shall be subject to all of the provisions for outdoor activities and operations as found in this section, or as approved in adherence with all applicable regulations for accessory uses or construction uses.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-08-33, passed 8-2-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-05-21, passed 5-2-2022; Ord. 2022-09-39, passed 9-6-2022; Ord. 2023-07-32, passed 7-17-2023; Ord. 2024-06-30, passed 6-3-2024)

§ 16-4-19 OUTDOOR DINING, WITH OR WITHOUT ALCOHOL SALES AND CONSUMPTION.

Outdoor dining without alcohol sales shall be subject to approval by the Community Development Director, or his or her designee. Outdoor dining with alcohol sales shall be subject to approval through the special use permitting process.

- (A) The seating area shall be ancillary to a restaurant or food service business.
- (B) The seating area shall only be located on a paved pedestrian access area, sidewalk or other hard-surfaced area adjacent to the tenant space.
- (C) The seating area shall have a safety barrier for protection from vehicular impact.
- (D) The seating area must be located outside of required parking setbacks, parking spaces and landscape islands.
- (E) If alcohol is sold in the outdoor dining area, the seating area must be separated from adjacent roadways, parking areas, or on-site circulation areas with a fence the height of which shall be a minimum of three feet and a maximum of four feet.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-20 DONATION DROP BOXES.

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

- (A) No more than two donation drop boxes are allowed on a zoning lot less than two acres in size. No more than three boxes are allowed on a zoning lot equal to or greater than two acres in size.
- (B) All donation drop boxes on any given lot shall be located immediately adjacent to one another.
- (C) Each box shall not exceed seven feet in height and 25 square feet in ground area.
- (D) Boxes shall be located on an asphalt or concrete paved surface.
- (E) Boxes shall not be located in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five feet. Boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.
- (F) Boxes shall not be located nearer than 40 feet from an adjoining lot in a Residential Zoning District.
- (G) Boxes shall not be located nearer than 20 feet from the right-of-way line of any street other than Gary Avenue or North Avenue.
- (H) Boxes shall not be located nearer than 30 feet from the right-of-way line of Gary Avenue or North Avenue.
- (I) Boxes shall not be located nearer than five feet from a fire hydrant or fire protection system connection.
- (J) Boxes shall not occupy or otherwise inhibit the use of any parking spaces required to meet the parking space requirements for the uses on the property.
- (K) Donation drop boxes are permitted to be located within the Gary Avenue or North Avenue Corridors Overlay Districts and are not subject to the review and approval procedures specified in § 16-5-14. However, donation drop boxes located within the Gary Avenue Corridor or North Avenue Corridor Overlay Districts shall be located so as not to be visible from any public ways, or shall be screened from view so as not to be visible from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter.
- (L) A notice must be permanently affixed to each box in a highly visible location prohibiting the placement of items outside of the box. The name and 24 hour telephone number of the owner/operator must be permanently affixed to each box.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-21 CARNIVAL.

As regulated in § 10-2-12 of the Village of Carol Stream Code of Ordinances.

(Ord. 2021-05-15, passed 5-3-2021)

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

Special exhibitions, shows, or special events 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 hours of operation.
- (B) Except for vehicular parking, no portion of an exhibition, show or special event 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 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 parking areas. Required 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 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.
- (F) The Community Development Director may determine that the outdoor special exhibition, show, or special event requires review and approval by the Village Board.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021)

§ 16-4-23 GARAGE SALES.

Garage sales shall be permitted in residential zoning districts subject to the following provisions:

- (A) *Number of garage sales per year.*
 - (1) A residential property may conduct a maximum of three single-home garage sales per calendar year.
 - (2) A residential property may participate in a maximum of three multi-home garage sales per calendar year.
 - (3) Multi-home and single-home garage sales shall be considered in aggregate.
- (B) An individual or multi-home garage sale may not exceed four days in duration.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-24 TEMPORARY PORTABLE OUTDOOR STORAGE DEVICES.

Portable outdoor storage devices are permitted temporary uses in residential zoning districts, subject to the following provisions:

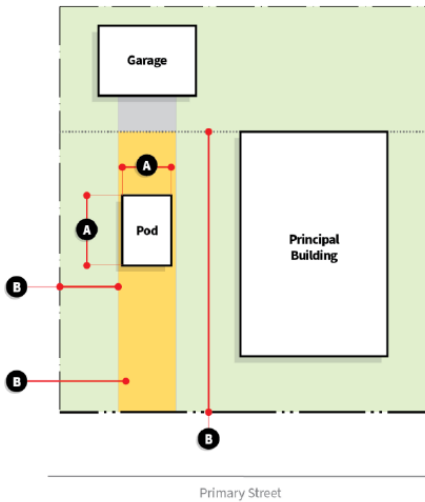
- (A) *Size.* No portable outdoor storage device shall be greater than 20 feet in length, eight feet in width, or eight feet in height.
- (B) *Placement.* The temporary portable outdoor storage unit cannot encroach on village property, village right-of-way, the driveway approach, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, or hard paved surface between the front property line and the rear building line of the principal structure.
- (C) *Duration.* Temporary portable outdoor storage devices may be placed in a residential district for no more than 30 days in any consecutive 12 month period. Extensions beyond the 30 day limit may be granted by the Community Development Director upon receipt of a written request demonstrating justifiable cause.

(D) *Number of devices.* A maximum of two portable outdoor storage devices shall be permitted concurrently per lot.

Placement of Temporary Portable Outdoor Storage Units

Placement of Temporary Portable Outdoor Storage Units

16-4-24



(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-25 SALES OR CONSTRUCTION TRAILERS, AUTOMOBILES, RECREATIONAL VEHICLES.

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

(B) *Recreational vehicles.* In residential districts, licensed and operable recreational equipment and trailers shall be subject to the following provisions:

- (1) Shall be located on a driveway (in accordance with §16-5-4) within 15 feet of the garage or principal building if there is no garage;
- (2) Shall not encroach on village property, village right-of-way, or neighboring property; and
- (3) Shall be limited to occasional use of not more than seven days out of a 30 day period as sleeping quarters. No connections or use for living quarters is allowed as set forth below:
 - (a) Connection to sewer;
 - (b) Connection to water for other than filling or maintenance purposes;
 - (c) Cooking with equipment; and
 - (d) Use of sanitation facilities within equipment.

(4) Storage, on a seasonal basis, of licensed and operable recreational equipment is permitted in a side yard (not adjoining a street), or a rear yard on a non-paved surface; provided that the landscaping or other surface material is not damaged and ruts are not created or permitted to remain.

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

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-26 OUTDOOR DISPLAY AND SALE OF MERCHANDISE, TEMPORARY.

Temporary outdoor display and sale of merchandise shall be permitted and shall meet the following provisions:

(A) *General outdoor display/sale of merchandise.*

- (1) Temporary outdoor display or sale of merchandise shall be located on the same zoning lot, and in conjunction with the primary use found on the lot.
- (2) Temporary outdoor display and sale of merchandise shall occur:
 - (a) On the sidewalk area at the foundation of the primary use, but not within a five-foot wide pedestrian walkway or
 - (b) In a portion of the parking lot proximate to such business, subject to approval by the Community Development Director and provided that no more than 20% of required parking spaces be utilized.

(B) *Outdoor display and sale of propane tanks.* The outdoor display and sale of propane tanks shall be accessory to the principal permitted use on the zoning lot and subject to the following provisions:

- (1) The propane tank storage facility shall be located immediately adjacent to the principal building or structure, and shall be limited to a maximum of 20 square feet in ground area;
- (2) The location on site and appearance shall be subject to review and approval by the Community Development Director, or his or her designee, in order to minimize the visual impact of the propane cages from the public right-of-way;
- (3) The placement of a propane cage on a sidewalk shall comply with the Illinois Accessibility Code;
- (4) The propane facility shall comply with all applicable codes and regulations as determined by the Community Development Department and the Carol Stream Fire Protection District, and shall require a building permit.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-4-27 MESSAGE ESTABLISHMENTS.

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

- (A) Message establishments shall be subject to the regulations of Chapter 10 Article 13 (Message Establishments) of the Code of Ordinances.
- (B) A message 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 section.
- (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.

(Ord. 2021-09-45, passed 9-20-2021)

§ 16-4-28 VIDEO GAMING CAFES.

Video gaming cafes are allowed as set forth in §16-3-11(E) and shall meet the following provisions:

- (A) Although a permitted use in the B-3 District, a video gaming café may not operate prior to the approval of a Class VC liquor license by the Village Board in compliance with §1-2-7(Q) of the Village of Carol Stream Code of Ordinances.
- (B) Alcoholic beverages served at video gaming cafes shall be limited to beer and wine.
- (C) The interior floor area of any video gaming café must measure a minimum of 1,200 square feet.
- (D) Table seating capacity in the dining area must be provided for a minimum of 20 persons, and food and beverages must be served to the customer's table by wait staff or servers.
- (E) The video gaming café must provide a variety of non-alcoholic beverages and a minimum of 20 food items, hot and cold, which shall be made available during all hours of operation.
- (F) No video gaming café shall be established within 1,500 feet, as measured from the public entrance to the café, to any other Class VC licensed video gaming café.

(Ord. 2022-02-11, passed 2-22-2022; Ord. 2022-09-39, passed 9-6-2022)

§ 16-4-29 ELECTRIC VEHICLE CHARGING STATIONS.

Electric vehicle charging stations shall meet the following provisions:

- (A) *Parking regulations.*
 - (1) Parking spaces devoted to the charging of electric vehicles shall count toward the minimum number of required off-street parking spaces.
 - (2) Electric vehicle charging station spaces may only be used for parking and charging electric or hybrid vehicles.
 - (3) Electric vehicle charging station spaces shall be identified with signage indicating the intended use of the parking space.
- (B) *Signage and advertising.* Advertising shall not be allowed on an electric vehicle charging station.
- (C) *Other provisions.*
 - (1) *Protection.* Barrier curbing, steel bollards, or other adequate protection shall be used to protect charging station equipment.
 - (2) *Accessibility.* Charging station equipment shall be located so as not to interfere with accessibility requirements of the Illinois Accessibility Code and other applicable accessibility standards.
 - (3) *Maintenance.* Charging station equipment, bollards, and parking stalls shall be maintained by the property owner. Charging stations no longer in use shall be immediately removed.
 - (4) *Location.* Charging equipment is encouraged near landscaped areas.
 - (5) *Usage fees.* Owners of charging equipment shall not be prohibited from collecting a fee for the use of a charging station. Fees shall be displayed on the charging station.

(Ord. 2023-07-32, passed 7-17-2023)

ARTICLE 5: DEVELOPMENT STANDARDS

Section

- 16-5-1 Performance standards
- 16-5-2 Off-street parking and loading
- 16-5-3 Outdoor lighting
- 16-5-4 Driveways
- 16-5-5 Fire lanes
- 16-5-6 Landscape
- 16-5-7 Screening
- 16-5-8 Fences
- 16-5-9 Solar energy collection systems
- 16-5-10 Permitted yard obstructions
- 16-5-11 Streets
- 16-5-12 Sidewalks and shared use paths
- 16-5-13 Stormwater and floodplain regulations
- 16-5-14 Sanitary sewers and water distribution systems
- 16-5-15 Off-site improvements and oversize design
- 16-5-16 GAC and NAC Overlay Districts

§ 16-5-1 PERFORMANCE STANDARDS.

Any use established in the Village of Carol Stream shall be operated in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, radiation or glare or heat for the district in which such use shall be located; and no use already established on the effective date of this chapter shall be so altered or modified as to conflict with, or further conflict with, applicable performance standards for the district in which such use is located. Failure to comply with such applicable performance standards shall constitute a nuisance.

- (A) *Noise.* No activity or use shall be conducted in a manner that generates a level of sound, as measured on another property, greater than that allowed by federal, state, county, and local regulations. These limits shall not apply to construction noises, noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources, such as motor vehicles, railroads, and aircraft.
- (B) *Vibration.* No activity or use shall be conducted in a manner that generates earthborn vibration that can be detected at any point off the lot on which the use is located.
- (C) *Dust and air pollution.* Dust and air pollution carried by the wind from sources such as storage areas, yards, parking areas, equipment, and the like, within lot boundaries, shall be kept to a minimum by appropriate landscaping, screening, paving, wetting, or other acceptable means.
- (D) *Hazardous, radioactive, and toxic materials.* No activity or use shall produce hazardous, radioactive, or toxic material without prior notice to the village. Notice shall be given to the Community Development Director at least 30 days before the operation is commenced. The transport, handling, storage, discharge, clean up, and disposal of all hazardous, radioactive, or toxic materials, including waste, shall comply with applicable federal, state, county, and local regulations.
- (E) *Odor.* No activity or use shall be conducted in a manner that generates odors of such intensity and character as to be harmful to the health, welfare, or comfort of the public. Any such use shall be stopped or modified so as to remove the odor.
- (F) *Fire and explosion hazards.* Materials that present potential fire and explosion hazards shall be transported, stored, and used only in conformance with all applicable federal, state, county, and local regulations.

(Ord. 2021-05-15, passed 5-3-2021)

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

- (A) *General provisions; parking and loading.*
 - (1) *Scope of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows.
 - (a) Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this section for all buildings and structures erected and all uses of land established in each district after the effective date of this chapter. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

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

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

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

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

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

(1) *Use of parking facilities.* Off-street parking facilities required for uses in accordance with division (C) below shall be used solely for the parking of motor vehicles of patrons, occupants or employees of the principal use or building. Spaces needed to meet the minimum number of parking spaces required under division (C) below may not be used for the regular storage or parking of vehicles, equipment or materials associated with the principal use on the property. The parking or storage of vehicles, equipment or materials associated with the principal use on the property on any surplus parking spaces, beyond the number of spaces required under division (C) below, may only be done in accordance with provisions contained elsewhere in this code. Vehicles exceeding the size of the vehicle parking space dimensions, as set forth in division (B)(5)(d), may not park in such spaces. Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of such occupants, unless otherwise permitted in division (B)(2) below. Under no circumstances shall any person use or allow to be used a required parking facility accessory to residential structures for the storage of trucks or other commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments, or for the parking or storage of licensed or unlicensed construction equipment or vehicles.

(2) *Shared parking facilities.*

(a) *Purpose.* Shared parking is encouraged as a means of conserving land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas, and improving community appearance.

(b) *Authorization.* Shared parking facilities for off-street parking of two or more buildings or uses may be approved by the Village Board subject to compliance with this section.

(c) *Location.* Shared parking facilities shall be located within 300 linear feet of the primary entrance of the main residential building and within 500 linear feet of the primary entrance of the main nonresidential building.

(d) *General requirements.*

I. The number of parking spaces provided shall not be less than the sum of the separate requirements for each such building or use. Where a mix of two or more land uses creates staggered peak periods of parking demand, shared parking agreements that have the effect of reducing the total amount of required parking may be approved.

II. Required accessible parking spaces for persons with disabilities may not be shared and shall be located on-site.

III. Adjacent lots that are subject to a shared parking agreement shall be interconnected by the provision of a cross-access easement for vehicular and pedestrian passage.

(e) *Shared parking for uses with different hours of operation.*

I. For purposes of this section, the following uses are considered daytime uses:

- i. Office uses;
- ii. Commercial service uses;
- iii. Commercial retail uses;
- iv. Industrial uses;
- v. Other similar primarily daytime uses, as determined by the Village Board.

II. For purposes of this section, the following uses are considered evening or weekend uses:

- i. Physical health and entertainment uses;
- ii. Public/semi-public uses;
- iii. Eating and drinking uses; and
- iv. Other similar primarily nighttime or weekend uses, as determined by the Village Board.

(f) *Shared parking study.* The applicant(s) shall demonstrate, through a shared parking study, that there is no substantial conflict in the peak periods of parking demand of the uses for which shared parking is proposed. The shared parking analysis shall include, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated hourly and peak parking and traffic loads for all uses that will be sharing parking spaces. If existing land uses are to be included in the shared parking agreement, the study shall also include parking counts that document parking occupancy during weekday, weekend, daytime, and evening periods of peak and off-peak parking demand.

(g) *Agreement.* The applicant(s) shall provide a copy of the executed shared parking agreement prior to the Village Board's authorization of a shared parking facility permit.

I. Shared parking agreements shall have a term of not less than five years, including any renewals at the option of the lessee.

II. Authorization of the shared parking facility will continue in effect only as long as the agreement, binding on all parties, remains in force. Should the agreement cease to be in force, parking must be provided as otherwise required by this section.

(3) *Design and maintenance (See Figure 16-5-2(B)(3)).*

(a) Open and enclosed parking spaces. Accessory parking spaces may be open to the sky, enclosed or semi-enclosed in a building or structure. Enclosed parking spaces shall have a vertical clearance of at least seven feet.

(b) Surfacing. Except as otherwise provided in this UDO, all open parking spaces and access thereto shall be improved with all-weather material, in accordance with specifications approved by the Engineering Services Director.

(c) Temporary parking lots. The Village Board may grant approval for the construction of a temporary parking lot. Such temporary parking lot shall be located outside of all required landscape areas and constructed of such material including, but not limited to, gravel, which shall be approved by the Engineering Services Director as providing a firm base to vehicles, and such temporary parking lot shall be adequately drained. A permit to maintain a temporary parking lot shall be granted only under those circumstances which would make the construction of a permanent parking lot an economic hardship upon the applicant. Temporary parking lot permits shall be valid for a maximum of 18 months, and shall not be renewable.

(d) Barrier protection. Bollards or other means of protection shall be installed by the developer, business owner, or property owner when deemed necessary by the Community Development Director or Village Board in instances when the relationship between parking spaces and the building or pedestrian facilities requires additional protection.

(e) Minimum parking area dimension requirements. Plans for the layout of off-street parking facilities shall be in accordance with the following requirements.

(f) Striping. Striping between spaces shall be in the form of a four inch hair-pin/looped line, 16 inches apart, and shall be white or yellow in color.

Table 16-5-2(B)(5)(d) Minimum Parking Area Dimension Requirements

Parking Pattern	Minimum Parking Space Width	Minimum Maneuvering Lane	Minimum Parking Space Length**	Minimum Parking Tier Width - Exterior Tier	Minimum Parking Tier Width - Interior Tier
	A	B	C	D	E
Table 16-5-2(B)(5)(d) Minimum Parking Area Dimension Requirements					

Parking Pattern	Minimum Parking Space Width	Minimum Maneuvering Lane	Minimum Parking Space Length**	Minimum Parking Tier Width - Exterior Tier	Minimum Parking Tier Width - Interior Tier
	A	B	C	D	E
0 degrees (parallel parking)	8 feet	12 feet (one-way)	23 feet	NA	NA
		24 feet (two-way)			
30 degrees	9.5 feet*	12 feet (one-way)	18 feet	17.25 feet	12.75 feet
		24 feet (two-way)			
45 degrees	9.5 feet*	12 feet (one-way)	18 feet	19.5 feet	15.75 feet
		24 feet (two-way)			
60 degrees	9.5 feet*	15 feet (one-way)	18 feet	20.5 feet	17.75 feet
		30 feet (two-way)			
90 degrees	9.5 feet*	12 feet (one-way)	18 feet	18 feet	18 feet
		24 feet (two-way)			

* = Employee parking space widths may be reduced to nine feet when approved by the Community Development Director upon the submission of employee parking counts or other parking data by the property owner

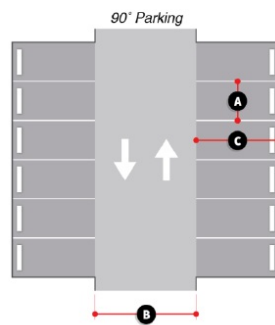
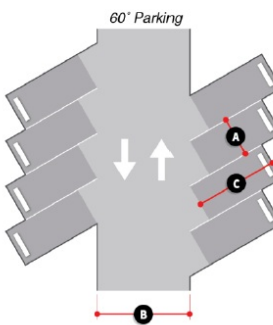
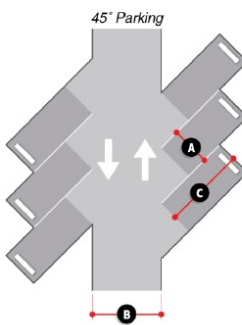
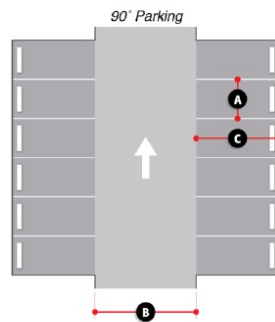
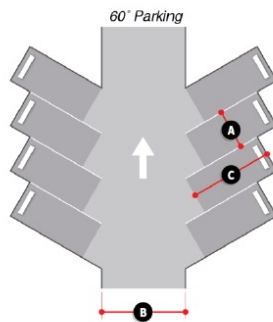
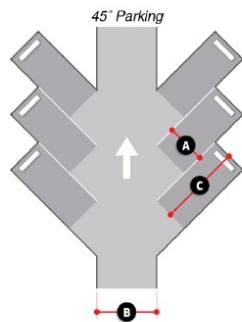
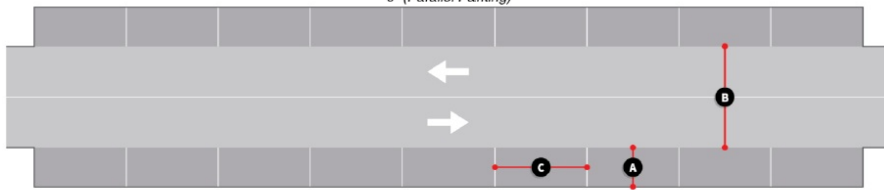
** = Six-inch bumper overhang may be used to reduce applicable space length when approved by the Community Development Director.

Dimensional Standards for Parking Spaces and Aisles

Dimensional Standards for Parking Spaces and Aisles

16-5-2 (B)(3)

0° (Parallel Parking)



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

(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.

(b) For uses in non-residential districts.

I. All required parking spaces shall be located within 500 feet of the use served. However, no parking spaces accessory to a use in a business district shall be located in a residential district, except that private, free, off-street parking accessory to business district uses and municipal parking lots may be allowed by special use permit in accordance with Article 16-8, within 200 feet of the site served and adjacent to any business district.

II. Parking spaces shall not be located:

- i. nearer than 40 feet from an adjoining lot in a residence district, 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 of a street right-of-way line, except for approved entry drives.

III. Landbanking of required parking spaces as greenspace may be permitted when approved as a variation, provided the owner of the property demonstrates through employee counts that the total number of parking spaces required using the square footage parking requirements outlined herein are not necessary and there is sufficient usable land area available on the subject property to provide the required parking spaces if deemed necessary by the village in the future.

IV. Equipment and/or materials used solely for on-site snow plowing, which may include covered salt or de-icing material, 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.

(C) *Schedule of parking requirements.* The requirements listed in Table 16-5-2 (C) shall be the minimum requirement for off-street parking spaces for the associated use(s). In making determination of required parking, the Community Development Director shall consider the component parts of the development including varying standards for individual uses. Speculative industrial buildings shall provide parking in accordance with the ratio for general office uses for a minimum of 5% of the net floor area of the building. Unless otherwise approved by the Community Development Director, the maximum permitted number of accessory off-street parking spaces shall be an additional 20% beyond the minimum requirement. Unless otherwise indicated, the number of required off-street parking spaces shall be determined by the net floor area of the use. The net floor area shall be the sum of the net horizontal floor area of the several floors of a building as measured from the exterior faces of the exterior walls.

(1) The net floor area of a building shall include:

- (a) Basements, when used for other than storage;
- (b) Penthouse, excluding mechanical penthouses;
- (c) Attic space having headroom of seven feet six inches or more;
- (d) Interior balconies and mezzanines;
- (e) Enclosed porches; and
- (f) Floor area devoted to warehouse storage areas.

(2) The net floor area (NFA) of a building shall not include:

- (a) Floor space occupied by mechanical, telephone and electrical equipment, including mechanical penthouses, coolers, freezers and refrigeration units, and similar equipment;
- (b) Stairwells, escalators and elevator shafts;
- (c) Storage areas, not to include warehouses;
- (d) Attic space having headroom of less than seven feet six inches;
- (e) Public/private restrooms;
- (f) Interior off-street parking and loading;
- (g) Basements, or portions thereof used for storage;
- (h) Conference rooms;
- (i) Lunchrooms;
- (j) Entrance lobbies; and
- (k) Interior covered common areas designed primarily for pedestrian circulation.

Table 16-5-2(C): Schedule of Parking Requirements

Use	Required Spaces
Table 16-5-2(C): Schedule of Parking Requirements	
Use	Required Spaces
Parks, Open Space, and Agriculture	
Parks and Open Space, Publicly Owned and Operated, including Unlit Athletic Fields and Courts	As determined by the Plan Commission
Parks and Open Space, Privately Owned and Operated	
Private Lit Athletic Fields and Courts	
Public Lit Athletic Fields and Courts	
Golf Course	
Cemeteries	
Community Gardening/Urban Farming	
Residential*	
Single-Unit Detached Dwellings	2 / Dwelling Unit
Single-Unit Attached Dwellings	
Multiple Unit Dwellings, Building	1.5 / Dwelling Unit
Multiple Unit Dwellings, Complex	
Multiple Unit Dwellings, Above Ground Floor as Part of Mixed Use	
Assisted Living Facilities/Nursing Homes	0.5 / Dwelling Unit
Senior Co-Housing	1.25 / Dwelling Unit
Total Senior Life Care Facilities	As determined by the Plan Commission
Group Community Residences, >8 Persons	
Family Community Residences, <8 Persons	
* Guest parking shall be provided at a rate of one guest space per every 20 required parking spaces for single-unit attached dwellings and multiple unit dwellings.	
Temporary Lodging	
Lodging and Rooming Houses	1 / occupiable room
Hotel	
Extended Stay Hotel	
Education	

Nurseries or Preschools	0.5 / 250 NFA
Schools (elementary, middle)	1.5 / average number of employees
Schools (high)	1 / faculty member and other full time employee, plus 1 / 7 students based on maximum design capacity
Colleges and Universities	1.5 / average number of employees, and 0.5 / average number of students
Employment Training and Vocational Center	
General Commercial Education	1 / 250 NFA
Commercial Retail	
Retail Sales, General	
Retail Sales, Accessory	
Grocery Stores	
Specialty Food Stores	
Multitenant Shopping Center	
Out Lot Retail Building	
Medical Cannabis Dispensary	
Pawn Shop	
Adult Use Cannabis Dispensing Organization	
Adult Oriented Uses	1 / 250 NFA
Commercial Service	
Commercial Service, General	
Day Care Center	
Banks	
Veterinary Clinic/Animal Hospital	
Kennel and Boarding Facility	
Funeral Parlor	
Crematory	
Self Service Laundry Shop/Dry Cleaners	
Blood Donation Centers	
Tattoo Parlors	
Check Cashing/Payday Loan Stores	
Massage Establishments	1 / 250 NFA
Commercial Kitchen	
Eating and Drinking	
Restaurant, Fast Casual	
Restaurant, Quality	
Restaurant, High Turnover Sit Down	4 / 250 NFA
Restaurant, with Drive-Through	2.5 / 250 NFA
Restaurant, Coffee/Tea Shop	
Restaurant, Takeout	2/250 NFA
Video Gaming Café	
Tasting Room for Microbrewery, Brewery, Winery, Distillery	3 / 250 NFA
Physical Health and Entertainment	
Health, Athletic, Recreation, or Amusement Facility, Indoor	1.5 / 250 NFA
Health, Athletic, Recreation, or Amusement Facility, Outdoor	9.5 / acre
Amphitheaters, Bandshells, or Outdoor Theaters	0.5 / every seat
Art Gallery, Commercial	0.5 / 250 NFA
Auto Oriented Businesses	
Autobody Repair, all vehicles	0.5 / 250 NFA, plus 1 / service bay
Fuel Sales	1 / employee, plus 1 / accessory use
Repair and Service	0.5 / 250 NFA, plus 1 / service bay
Car Wash	1 / employee
Automobile and Commercial Vehicle Fueling Plaza	2 / 250 NFA
Vehicle Sales and Rental	0.5 / 250 NFA
Outdoor Vehicle Storage	0.25 / 250 NFA
Office	
Offices, General	
Offices, Above Ground Floor as Part of Mixed Use	
Business Parks	
Medical or Dental Offices	1 / 250 NFA
Industrial	
Medical or Dental Laboratories	1 / 250 NFA
Research Laboratories	
Motor Freight Terminal	
Warehouse/Distribution	
Warehouse/Storage	1 / 1,500 NFA
Light Manufacturing	
Heavy Manufacturing	
Food Processing Establishment	1 /600 NFA
Brewery, Winery, Distillery (production only)	
Medical Cannabis Cultivation	
Wholesale Sales	
Nurseries, Greenhouses/Garden Supply and Seed Stores	
Machinery and Equipment Sales and Rental	
Waste Management Facilities	1 / 1,500 NFA
Union Hall/Training Facility	1 / seat in auditorium or meeting space
Mini Warehouses/Self Storage	4/100 storage units
Public/Semi-Public	

Places of Assembly	1 / every 3 seats
Places of Worship	
Regional Religious Institution	
Governmental Uses/Post Offices	
Medical Uses	
Hospitals	2.5 / 250 NFA
Acute Care Centers	
Medical and Rehabilitation Facilities	
Utility	
Service and Utility Uses, Public or Private	0.5 / 250 NFA
Free-Standing Solar Energy Collection System, Primary	0.5 / 250 NFA
Accessory Uses	
Outdoor Display/Sales of Merchandise, Permanent	0.5 / 250 NFA
Outdoor Activities and Operations, Permanent	
Outdoor Dining, without alcohol sales/consumption	
Outdoor Dining, with alcohol sales/consumption	

(D) *Pedestrian circulation standards.*

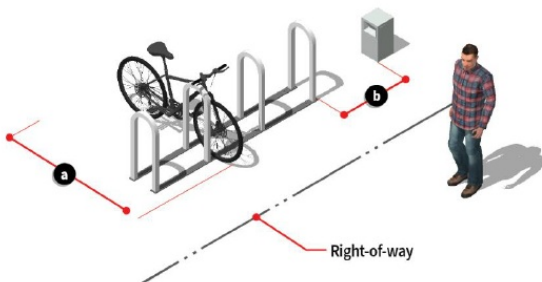
- (1) Off-street parking areas shall include pedestrian circulation systems to ensure the safety of pedestrians, bicyclists, and motorists.
- (2) The on-site pedestrian circulation system must connect all buildings on the site to one another and provide connections to required vehicle and bicycle parking spaces.
- (3) The on-site pedestrian circulation system must connect building entrances to adjacent public rights-of-way along direct routes that do not require significant out-of-direction travel if sidewalks or pedestrian paths exist along the public right-of-way.
- (4) The on-site pedestrian circulation system shall provide at least one connection to adjacent properties along a shared street frontage. Connections must provide access to existing walkways on adjacent properties, or to the likely future location of walkways on those properties. The Director of Engineering Services may waive this requirement upon determining that no walkway exists, a future walkway is unlikely to exist, or such connection would create a safety hazard.

(E) *Bicycle parking requirements.*

- (1) *Purpose.* This section is established to ensure the provision of bicycle parking facilities in furtherance of a safe, complete, and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode.
- (2) *Location.*
 - (a) Required bicycle parking shall be provided on the same lot as the use for which it is intended to serve.
 - (b) Bicycle racks shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.
 - (c) The location of bicycle parking shall not conflict with pedestrian and/or motor vehicle circulation.
 - (d) Bicycle parking shall be sited within 50 feet of a building's main entrance. If provided indoors, bicycle parking shall be located within a common area designated for secure bicycle storage.
 - (e) Bicycle parking adjacent to a pedestrian walkway shall be sited to ensure that a minimum five foot walkway clearance is maintained.
- (3) *Design criteria.*
 - (a) Bicycle parking facilities shall be of high quality.
 - (b) Bicycle racks shall be installed on a hard surface area. The hard surface surrounding each bicycle rack shall measure at least six feet by six feet in size.
 - (c) Each bicycle rack shall provide parking for at least two bicycles.
 - (d) Racks shall allow for the bicycle frame and at least one wheel to be locked to the racks.
 - (e) The bicycle rack shall allow for the use of cable and U-shaped locks.
 - (f) Installation of bicycle parking facilities shall conform to the manufacturer's requirements.
- (4) *Dimensional standards.* (See Figure 16-5-2(E)(4))
 - (a) Each bicycle parking space shall be a minimum six feet in length.
 - (b) Each bicycle parking space shall be located at least three feet in all directions from any obstruction, including but not limited to other bicycle racks, walls, doors, posts, columns, or landscaping.
 - (c) A minimum vertical clearance of seven feet shall be maintained above all bicycle parking facilities.

Bicycle Parking Spot Dimensions (16-5-2(E)(4))

Bicycle Parking Spot Dimensions
16-5-2(E)(4)



(5) *Required bicycle parking.*

- (a) *Exemption.* The bicycle parking requirements of this section shall apply to all uses other than the following:
 - I. Single-unit detached uses;
 - II. Single-unit attached uses;
 - III. Any auto-oriented business use;
- (b) When the required amount of bicycle parking is two spaces or less, the use shall provide a minimum of two spaces in a bicycle parking facility.
- (c) Unless otherwise specified herein, bicycle parking shall be provided at the ratio specified in Table 16-5-2(E): Bicycle Parking Requirements.

Use	Required Spaces
Residential	0-5 Dwelling Units - none required
	>5 Dwelling Units - 10% of required vehicle parking
Non-Residential	2.5% of required vehicle parking

(F) *Off-street loading requirements.* On the same premises with every building erected and occupied for any nonresidential use involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained adequate space for standing, turning, loading, and unloading services in a manner that does not interfere with required parking, pedestrian walkways, and with the public use of streets and alleys.

(1) *Location.*

- (a) All required loading berths shall be located on the same zoning lot as the use served.
- (b) No loading berth for vehicles over two tons capacity shall be located closer than 50 feet to any property in a residential district unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof, not less than six feet high.
- (c) No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets.
- (d) All loading and unloading docks where the public access road to such docks has a right-of-way width of less than 80 feet shall be located at least 65 feet behind the property line.
- (e) No loading or unloading docks shall be located in any front yard or exterior side yard where that street has a right-of-way width of 80 feet or greater.

(2) *Access.*

- (a) Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or easement in a manner which will least interfere with traffic movements.
- (b) Every loading berth shall be provided with sufficient maneuvering space to accommodate the largest vehicle likely to serve the lot.
- (c) The loading berth access design for lots located on major streets shall allow vehicles to access and exit the loading space without having to make any backing movement on or onto the public street.
- (d) For the purposes of this section of the UDOe, major streets are as follows:
 - I. Army Trail Road
 - II. Kuhn Road
 - III. County Farm Road
 - IV. Lies Road
 - V. Fair Oaks Road
 - VI. Morton Road
 - VII. Fullerton Avenue
 - VIII. North Avenue
 - IX. Gary Avenue
 - X. Schmale Road
 - XI. Kehoe Boulevard
 - XII. St. Charles Road
 - XIII. Kimberly Drive

(3) *Utilization.* Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the requirements for any off-street parking space.

(Ord. 2021-05-16, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2022-01-04, passed 1-13-2022; Ord. 2022-02-11, passed 2-22-2022; Ord. 2022-05-21, passed 5-2-2022; Ord. 2023-03-08, passed 3-20-2023; Ord. 2024-06-30, passed 6-3-2024)

§ 16-5-3 OUTDOOR LIGHTING.

(A) *Lighting of off-street areas.*

(1) *Purpose:* The purpose of the outdoor lighting standards is:

- (a) To provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
- (b) To protect pedestrians, cyclists and motorists from the excessive illumination of non- vehicular light sources.
- (c) To reduce the distribution of stray light upon neighboring properties and protect neighbors, the environment and the night sky from nuisance illumination and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.
- (d) To promote conservation of energy through energy-efficient lighting design and operation.
- (e) To protect and retain the intended visual character of the various venues of the village and to maintain and improve nighttime aesthetics, including preservation of the night sky.

(2) *Applicability:* All properties shall comply with the provisions of this section; however, the requirement to install lighting for parking lots serving the public at educational and religious institutions or public agencies may be waived by the Engineering Services Director, upon receipt of a written request demonstrating justifiable cause.

(3) *Conformance:* Any existing luminaire or lighting installation used for outdoor lighting in any zoning district on the effective date of this chapter that does not comply with the requirements of this section shall be considered a nonconforming use. Existing nonconforming luminaires or light installations legally installed and operative before the effective date of this chapter are exempt from compliance with the requirements of this section, unless such fixtures are deemed a safety hazard by the Community Development Director or his/her designee.

(4) *Illumination standards:*

(a) *Light intensity and uniformity.* Outdoor lighting on any pavement shall meet the requirements of Table 16-5-3(A)(4)(a) for light level as measured in the plane of the illuminated surface. Maximum to minimum light levels shall not exceed 1:15.

Use	Maximum Average Light Level (footcandles)	Minimum Average Light Level (footcandles)	Minimum Light Level (footcandles)
Multi-Unit Residential	3.50	1.20	0.10
Commercial	8.00	2.00	0.15
Industrial	5.00	1.60	0.10
Fuel Station Canopy	45.00	30.00	10.0

(b) *Light spillage.* Except for street lighting, light emitted from outdoor lighting on any zoning lot shall not cause the light level along any property line, as measured at the height of five feet above grade in a plane at any angle of inclination to exceed the following limits:

Adjacent Use	Maximum Light Level (footcandles)
Single-Unit Residential	0.1
Multi-Unit Residential	0.2
Commercial	2.0
Industrial	5.0
Institutional	5.0

(c) *Installation height.*

Use	Maximum Height (feet)
Residential	25
Commercial	30
Industrial	35

(d) *Prohibited lighting.* The following outdoor lighting applications are prohibited in all districts:

- I. Lighting that could be confused for a traffic control device.
- II. Laser source lights or any similar high-intensity light except for those used in emergencies by police or fire personnel.
- III. Blinking, flashing, moving, scintillating, flickering, changing intensity and changing colors light fixtures not otherwise permitted by this UDO.
- IV. Any lighting fixture or device that is operated in such a manner as to constitute a hazard, nuisance or danger to persons or to safe vehicular operation, as determined by the Director of Community Development or his/her assigned designee.

(e) *Exempt outdoor lighting.*

- I. All lighting required by federal, state, county or municipal agencies.
- II. Temporary seasonal displays, using multiple low wattage bulbs (approximately 15 lumens or less), provided they do not constitute a fire hazard, create a nuisance, and are maintained in a safe condition.
- III. Portable lighting temporarily used for maintenance or repair that is not deemed by the village to create a hazard or nuisance.
- IV. Lighting approved by the village for temporary events such as carnivals, gala, picnics, fairs, etc. or through temporary use permits.
- V. Emergency lighting used by police, fire-fighting, emergency management or medical personnel at their discretion as long as the emergency exists.
- VI. Temporary lighting required for road construction or other public improvements.
- VII. Lighting for schools, parks and playing fields.

(f) *Lighting system design.* Energy-efficient lighting and operation shall be considered in the design of a lighting system. The preferred lighting source is light emitting diodes (LED). It is encouraged that lighting fixtures are chosen and installed in a manner in which they minimize light pollution and glare to keep the nighttime skies dark.

(5) *Procedures.*

(a) *Plan submission.* For subdivision and land-improvement permit applications where outdoor lighting is required or proposed, all lighting plans, lighting installations or other requests for approval of lighting fixtures pursuant to this section shall be submitted in duplicate, in writing to, and a permit shall be obtained from, the Director of Engineering Services or his/her designative representative prior to installation. Plans or written requests shall include but not be limited to:

- I. A site plan complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and all adjacent uses. The site plan shall show, by location, and identify each existing and proposed luminaire and shall specify its installed height, pole foundation details, and mounting methods.
- II. Iso-footcandle plots for individual lighting installations, or ten feet by ten feet illuminance grid plots for multi-fixture lighting installations, which demonstrate compliance with all applicable requirements, set forth within this chapter. The plots shall indicate the location of each existing and proposed luminaire, the installed height of said luminaires, and the overall light levels in footcandles on the entire paved surface and at the property lines.
- III. A summary table identifying the average, maximum and minimum light levels for all paved areas. The table shall also include the maximum lighting level at the property line.
- IV. A description of each luminaire identified in the site plan, including the manufacturer, model number, a photograph or catalog cut, photometric data verifying any compliance requirements specified within this chapter, light output in initial lumens, shielding or illumination reduction devices, lamp type, and on/off control devices.

(B) *Street lighting.*

(1) *Street lighting required.* Street lighting shall be installed by the developer of all developments, regardless of size, within the corporate limits or planning jurisdiction of the village for the illumination of all roadways within dedicated rights-of-way or along private roadways required to serve the development. The street light system consists of the poles, mast arms, luminaires, wires and all other materials and work necessary to complete the street lighting installation.

(2) *Design standards and specifications.* All required street lighting and appurtenances shall be designed, installed and located in accordance with the Manual of Design Standards and Construction Specifications of the Engineering Services Department.

(C) *Lighting for residential uses.*

- (1) *Luminaire location.* All privately owned luminaires must be erected only on the private property intended to be illuminated.
- (2) *Light direction.* Light from luminaires on residential property shall be directed in such a manner as to limit light spillage off of the lot upon which they are installed so as to reduce the impact on neighboring properties.
- (3) *Maximum light intensity.* All luminaires shall not emit light resulting in greater than 0.1 foot candles measured at the property line at a height of five feet above grade in a plane at any angle of inclination.
- (4) *Light color temperature.* All luminaires shall be under 4,000 Kelvin.
- (5) *Shut-off controls.* Automatic shut-off controls are encouraged to conserve energy and minimize non-essential light.
- (6) *Maximum building luminaire height.* A luminaire attached to the house may not be installed higher than the roof line.
- (7) *Maximum yard light pole height.* A luminaire may not be installed on a pole which is higher than eight feet from the established grade.
- (8) *Maximum recreational light pole height.* A luminaire installed on a pole may be erected up to 18 feet from the established grade, but not higher than the building height of the residential dwelling, provided it is installed in conjunction with an outdoor recreational amenity requiring illumination, including, but not limited to, tennis courts and basketball courts. Recreational light pole luminaires must be designed to shield and direct all light onto the recreational amenity. Any luminaire used to illuminate a recreational amenity may only be used during active use of the recreational amenity.
- (9) *Recreational light pole illumination hours.* Recreational light poles shall not be lit between 10 p.m. and 7 a.m.
- (10) *Right-of-way illumination.* To promote safety in the ordinary and intended use of rights-of-way these regulations shall not apply to any luminaires owned and operated by a state or local highway authority for the purpose of illuminating the right-of-way.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-4 DRIVEWAYS (SEE FIGURE 16-5-4(A)).

(A) *Criteria for single-unit residential driveways.* A driveway (improved with a hard-surfaced, all weather, dustless material) from the property line to legal, on-site parking shall be provided. Driveways shall not be included in the calculation of lot coverage. The location and width of the driveway shall be in conformance with the following criteria.

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

(2) *Configuration.* The driveway shall be essentially perpendicular to the street pavement and the principal structure to the extent possible, shall lead to legal parking such as a garage, carport or parking pad, and shall not extend across the front of the principal structure by more than three feet. The driveway may widen from the width at the property line as specified in § 16-5-4(A)(4) below to the maximum allowable width as specified below; provided, it does not widen at a rate greater than one foot of width for each one foot of length.

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

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

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

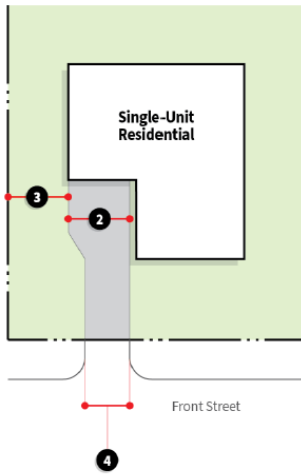
(4) *Width at the property line.* Driveway width shall not exceed requirements as set forth herein.

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

(b) Leading to three parking spaces or a three-car garage, or a combination of a parking space and a two-car garage, the maximum driveway width is 30 feet; provided, the width of the lot is no less than 80 feet, as measured at the building line. Leading to greater than three parking spaces or greater than a three-car garage, the maximum width is 30 feet, as measured at the property line; provided, the width of the lot is no less than 80 feet, as measured at the building line. The driveway may widen to the combined width of the parking spaces and garage, even if greater than 30 feet, provided it does not widen at a rate greater than one foot of width for each one foot of length.

Single-Unit Residential Driveways (16-5-4(A))

**Single-Unit Residential Driveways
16-5-4 (A)**



(5) *Driveway approaches.* Driveway approaches shall be regulated by Manual of Design Standards and Construction Specifications of the Engineering Services Department.

(6) *Parking pad.* (See Figure 16-5-4(A)(6))

(a) *Limit of one.* A single-unit residential driveway may be extended beyond the front elevation of the garage to include a parking pad.

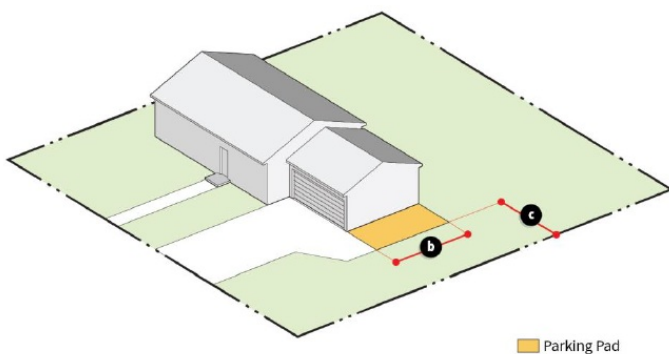
(b) *Configuration.* The parking pad shall have a maximum length of 20 feet, as measured from the front facade line of the garage.

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

(d) *Lot coverage.* A parking pad shall count toward lot coverage.

Parking Pad (16-5-4(A)(6))

**Parking Pad
16-5-4(A)(6)**



(7) *Circular driveways.*

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

(b) *Driveway width.* The access driveway leading most directly to the garage or parking area shall not exceed 20 feet in width, and the secondary access driveway shall not exceed ten feet in width, measured at the property line.

(B) *Criteria for multifamily and nonresidential driveways.* A driveway (improved with a hard-surfaced, all weather, dustless material) from the property line to legal, on-site parking shall be provided. The driveway shall be a maximum width of 24 feet, unless otherwise approved by the Engineering Services Director. One way driveways shall be a minimum width of 20 feet. Two way driveways shall be a minimum width of 24 feet.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-5 FIRE LANES.

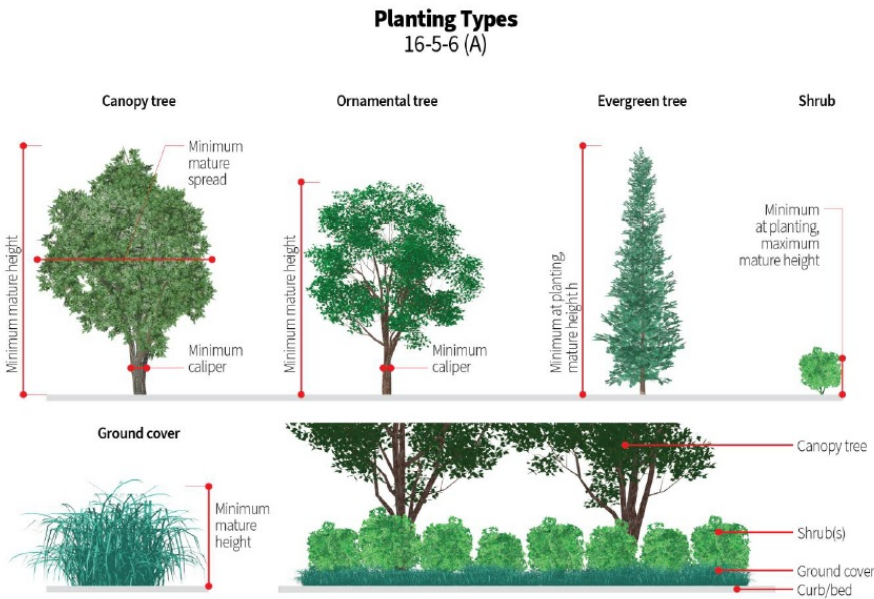
Fire lanes shall be provided as required by the village's adopted Fire Code.

§ 16-5-6 LANDSCAPE.

(A) *Planting types.* (See Figure 16-5-6(A))

- (1) *Canopy trees:* A hard wood plant having not less than a two and one-half inch caliper which reaches a mature height of not less than 20 feet and a mature spread of not less than 15 feet.
- (2) *Ornamental trees:* A hard wood plant having not less than a one and one-half inch caliper and normally reaches a mature height of at least 15 feet and usually has one main stem or trunk and many branches. Several species may appear to have several stems or trunks.
- (3) *Evergreen trees:* A tree having foliage that persists and remains green throughout the year and has a height of not less than six feet at installation and maturing to a height of not less than 20 feet.
- (4) *Shrub:* A perennial plant (deciduous or evergreen) of low to medium height characterized by multiple stems and branches continuous from its base and having a height of not less than two feet and normally maturing to a height of not more than five feet.
- (5) *Ground cover:* Plants, other than turf grass, normally reaching an average maximum height of not more than 18 inches at maturity.
 - (a) *Native vegetation:* Grasses and forbs that are native to, or adapted to, the State of Illinois, and that are commonly found in meadow and prairie plant communities, not including noxious weeds.

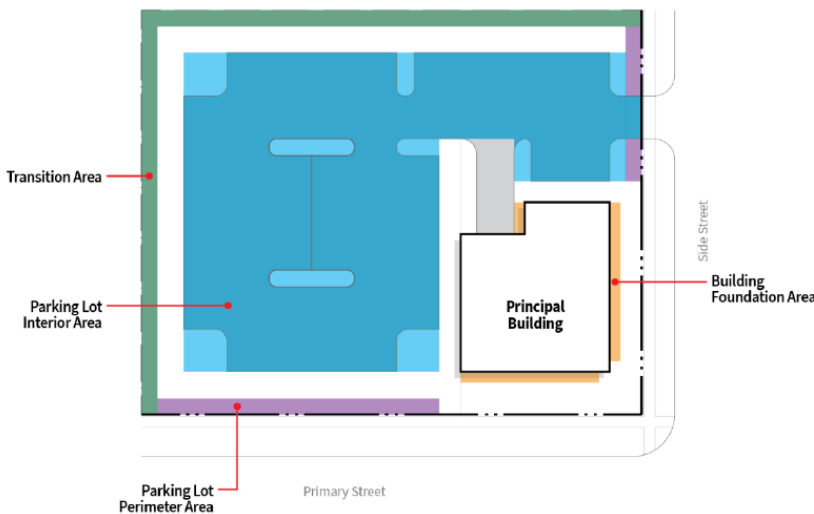
Planting Types (16-5-6(A))



(B) *Required on-site landscape areas.* (See Figure 16-5-6(B)) Landscape improvements required by this section shall apply to all non-single unit development and consist of living plants in a combination of trees, shrubs, and/or ground cover. Unless otherwise stated in this section, all size specifications for plant materials shall be based upon the time of planting. When caliper is specified for tree planting, the caliper of the tree trunk shall be measured at 12 inches above the ground level. Any plant materials used to meet the requirements of this section shall not include any plant material included in the Illinois Noxious Weed Law (505 ILCS 100) or generally considered to be an invasive species within the Chicago Metropolitan Area. The Morton Arboretum's Northern Illinois Tree Species List is the village's recommended species list. The following graphic illustrates the location of the landscape and screening requirements detailed in this section.

Required On-Site Landscape Areas (16-5-6(B))

Required On-Site Landscape Areas
16-5-6 (B)



(1) *Parking lot perimeter area.* (See Figure 16-5-6(B)(1)) All parking lots shall include landscape improvements located on the perimeter of parking areas as required by this section. Landscape improvements required by this section shall be in addition to landscape improvements required under other sections of this chapter. It is the objective of this section to provide screening between parking areas and street right-of-way.

(a) *Applicability.* The parking lot perimeter landscape regulations of this section apply to the following:

- I. The construction of any new surface parking lot or vehicular use area that is adjacent to street right-of-way; and

II. The expansion of any existing surface parking lot or vehicular use area that is adjacent to street right-of-way.

(b) *Exemptions.* Installation of parking lot perimeter landscape is not required when the parking lot or vehicular use area is not visible from adjacent street right-of-way.

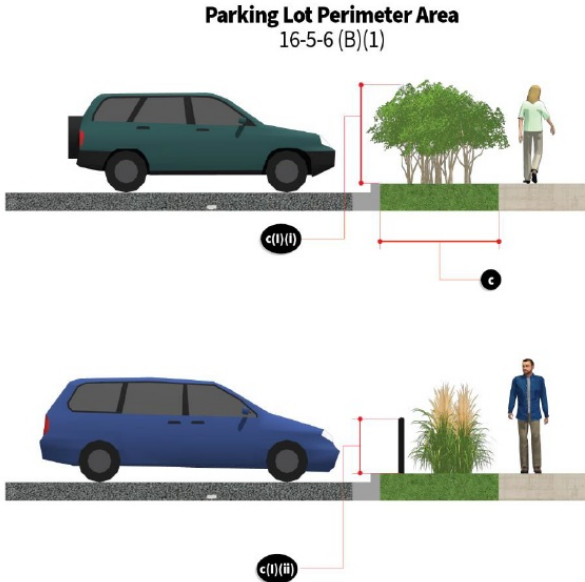
(c) *Requirements.* Perimeter landscape is required for all parking lots and shall be established along the edge of the parking lot with a minimum depth of seven feet as measured from the back of curb, to accommodate vehicle bumper overhang and ensure planting areas that are adequate in size.

I. The landscape improvement shall run the full length of the parking lot and shall be located between the property line and the edge of the parking lot. Landscaped areas outside of shrub, native vegetation, and tree masses shall be planted in live groundcover. The landscaped area shall be improved as follows:

i. One shrub or native grass the height of which shall not be less than three feet nor greater than four feet, shall be planted for every three feet of landscape area length, spaced linearly to adequately screen vehicle bumpers (ideally creating a solid hedge row).

ii. Alternatively, a low pedestrian wall or fence the height of which provides effective screening to a maximum height of three feet may be used in conjunction with required landscaping. Plant materials shall be installed between the sidewalk and the fence or wall to provide a softening effect.

Parking Lot Perimeter Area (16-5-6(B)(1))



(2) *Parking lot interior area.* (See Figure 16-5-6(B)(2)) All parking lots shall include landscape and trees located within the parking area as required by this section. Trees and landscape required by this section shall be in addition to trees and landscape required under other sections of this chapter. It is the objective of this section to provide shade within parking areas, break up large expanses of parking lot pavement, and provide a safe pedestrian environment.

(a) *Applicability.* The parking lot interior landscape regulations of this section apply to the following:

I. The construction of any new surface parking lot containing ten or more parking spaces; and

II. The expansion of any existing surface parking lot if the expansion would result in ten or more new parking spaces, in which case the requirements of this section apply only to the expanded area.

(b) *Requirements.* For parking lots consisting of 15 or more spaces, interior parking lot landscape shall be required. For parking lots consisting of fewer than 15 spaces, all rows of parking shall be terminated by a parking lot island or landscape area.

(c) *Amount.* One parking lot island shall be provided between every 15 parking spaces. Parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands shall be no less than the amount required one island for every 15 spaces. However, all rows of parking spaces shall be terminated by a parking lot island or landscape area.

(d) *Size and planting of parking lot islands.* Parking lot islands shall be the same dimension as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row. A minimum of one canopy tree shall be provided for every parking lot island or landscaped area. If the island extends the width of a double row, then two canopy trees shall be provided.

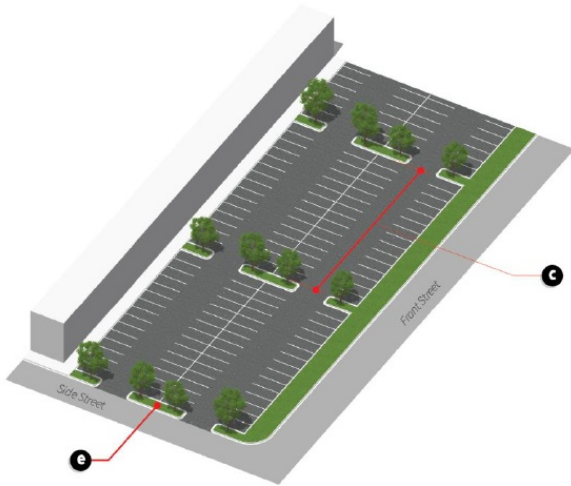
(e) *Design of planting areas.* Parking lot islands or landscape areas shall be at least 144 square feet in area and at least six inches above the surface of the parking lot and protected with concrete curbing, except where designed as part of a post-construction best management practice. Such islands and landscape areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability, except where designed as part of a post-construction best management practice.

(f) *Type of landscape material.* Canopy trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, evergreen trees, shrubs, native grasses, groundcover, and other plant materials may be used to supplement the canopy tree plantings but shall not create visibility concerns for automobiles and pedestrians.

(g) *Groundcover.* A minimum of 75% of every parking lot island shall be planted in groundcover.

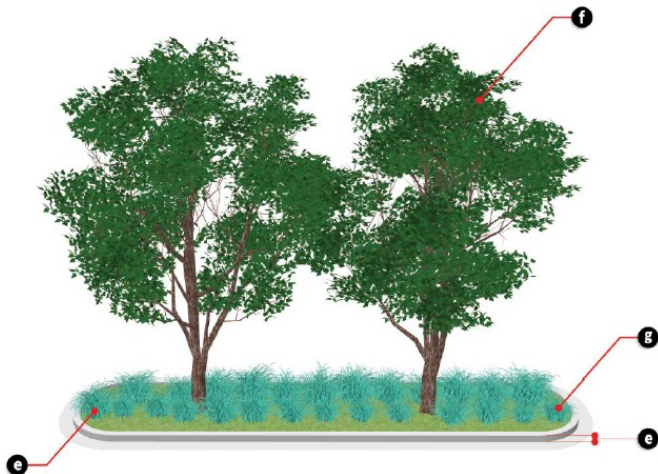
Parking Lot Interior Area (16-5-6(B)(2))

Parking Lot Interior Area
16-5-6 (B)(2)



Typical Parking Lot Landscape Island (Double Row) (16-5-6(B)(2))

Typical Parking Lot Landscape Island (Double Row)
16-5-6 (B)(2)

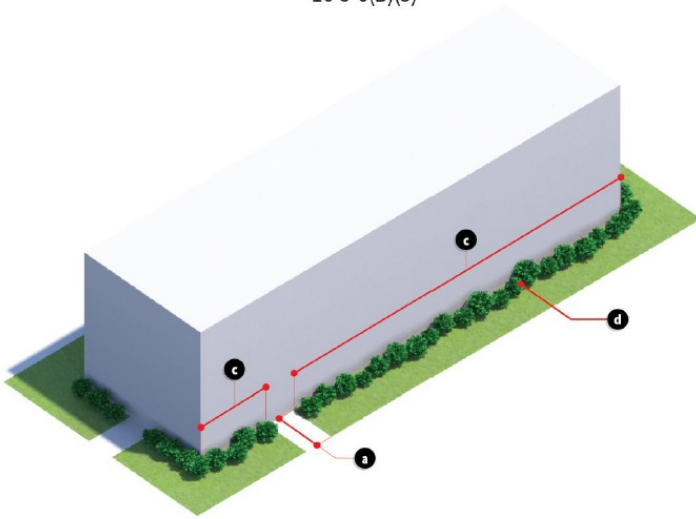


(3) *Building foundation area.* (See Figure 16-5-6(B)(3)) All multiunit residential, non-residential, or mixed use development, with the exception of food processing facilities, shall include landscape located at the building foundation as required by this section. Landscape required by this section shall be in addition to landscape required under other sections of this chapter. It is the objective of this section to provide a softening effect at the base of buildings.

- (a) A multiunit residential, non-residential, or mixed use development is required to maintain a building foundation area at the front and exterior side yards of five feet at a minimum.
- (b) Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall correspond to the windows and materials of the building.
- (c) Foundation plantings shall be installed across 80% of the length of the facade of the building, except where walkways and driveways are located.
- (d) A minimum four foot-wide hedge row shall be planted with one shrub or native grass every three feet on center, spaced linearly. Foundation plantings may also include trees, additional shrubs and native grasses, and groundcover.

Building Foundation Area (16-5-6(B)(3))

Building Foundation Area
16-5-6(B)(3)



(4) *Transition area.* (See Figure 16-5-6(B)(4)(b)) Transition area landscape shall be required along interior property lines of all multiunit residential, non-residential, or mixed use development. It is not expected that the transition area will totally screen such uses but rather minimize land use conflicts and enhance aesthetics over time as landscaping matures. Landscape required by this section shall be in addition to landscape required under other sections of this chapter. It is the objective of the transition area to minimize possible conflicts between land uses.

(a) *Applicability.*

I. The construction or installation of any new primary building or primary use; and

II. The expansion of any existing primary building or primary use that results in an increase in gross floor area or site area improvements by more than 5% or 1,000 square feet, whichever is greater. In the case of expansions that trigger compliance with transition area requirements, transition area landscaping is required only in proportion to the degree of expansion. The Community Development Director is authorized to allow the transition area to be established adjacent to the area of expansion or to disperse transition area landscaping along the entire site transition area.

III. Primary buildings or uses in the B-1 District shall not be required to install transition area landscape along interior side yards except for those that abut a lot not zoned in the B-1 District.

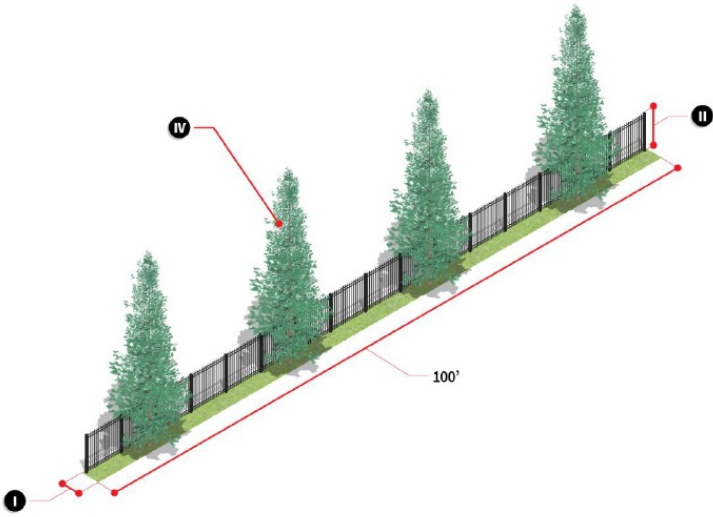
(b) *Transition area types.* Four transition area types are established in recognition of the different contexts that may exist, as shown in Table 16-5-5(B)(4)(b). Transition yards may include a combination of elements including setback distances for separation, planting types, solid fencing, groundcover, and turf.

Table 16-5-5(B)(4)(b): Transition Area Types

<i>Specification</i>	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>	<i>Type D</i>
Table 16-5-5(B)(4)(b): Transition Area Types				
<i>Specification</i>	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>	<i>Type D</i>
I) Min. Yard Width (1)	5 ft.	8 ft.	10 ft.	15 ft.
II) Min. Fence/Wall Height (II)	optional	optional	6 ft.	6 ft.
Min. Number of Landscape Elements (per 100 lineal feet)				
III) Ornamental (III)	optional	3	4	5
IV) Canopy/Evergreen (IV)	4	3	4	5
V) Shrubs/Native Grasses	optional	optional	20	30
(1) Required yard setbacks may be utilized for transition area landscape.				

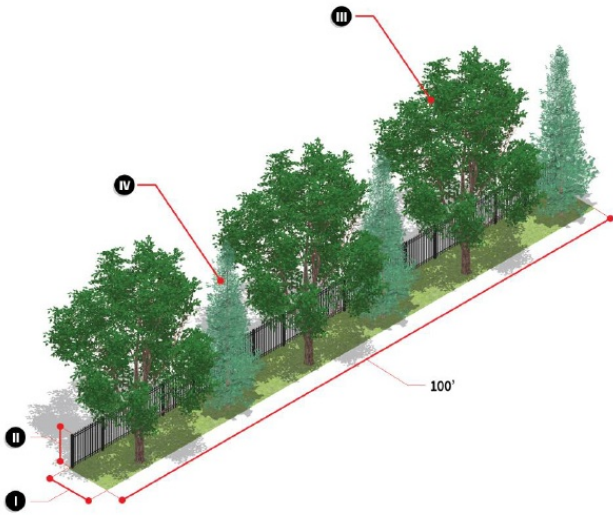
Transition Area - Type A (16-5-6(B)(4)(b))

Transition Area - Type A
16-5-6(B)(4)(b)



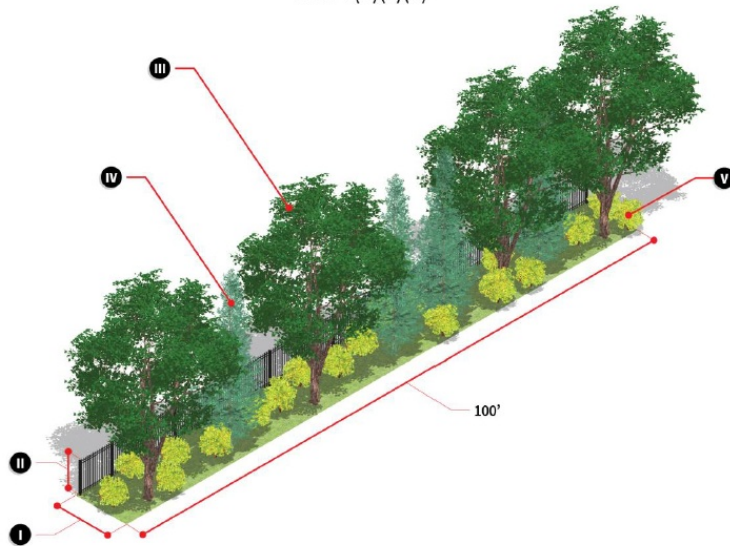
Transition Area - Type B (16-5-6(B)(4)(b))

Transition Area - Type B
16-5-6(B)(4)(b)



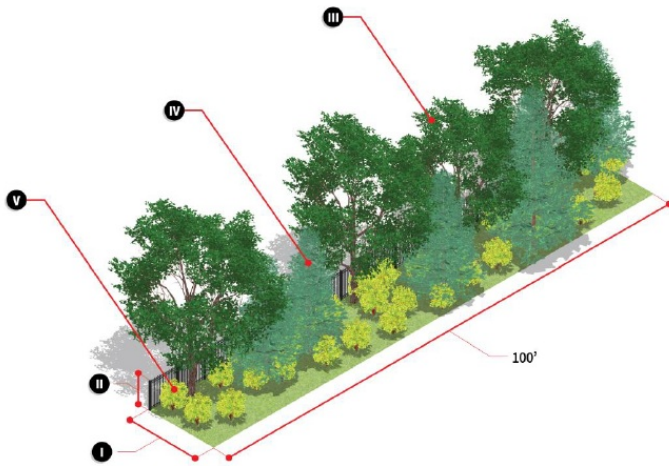
Transition Area - Type C (16-5-6(B)(4)(b))

Transition Area - Type C
16-5-6(B)(4)(b)



Transition Area - Type D (16-5-6(B)(4)(b))

Transition Area - Type D
16-5-6(B)(4)(b)



(c) *Application of transition area types.* Transition areas shall be provided based on the table below, except where adjacent uses are of a similar nature, scale, and intensity. As per Table 16-5-5(B)(4)(c), the type of required transition yard is dependent upon the land use type of the subject lot and the land use type of the adjacent lot(s).

Table 16-5-5(B)(4)(c): Application of Transition Area Types						
Subject Lot Land Use	Adjacent Lot Land Use					
	Open Space / Agriculture	Single-Unit Residential	Multiunit Residential	Commercial	Industrial	Public / Semi-Public
Open Space/ Agriculture	N/A	N/A	N/A	N/A	N/A	N/A
Single-Unit Residential	N/A	N/A	N/A	N/A	N/A	N/A
Multiunit Residential	Type A	Type B	N/A	Type C	Type D	Type B
Commercial	Type B	Type D	Type B	N/A	Type C	Type B
Industrial	Type D	Type D	Type D	Type C	N/A	Type C
Public/Semi-Public	Type B	Type C	Type B	Type B	Type C	N/A

(C) *Required right-of-way landscape area.*

(1) All unpaved areas within the street right-of-way shall be seeded or sodded. A developer shall be required to plant a minimum of one canopy tree per every 40 feet of lineal lot frontage within the village parkway adjacent to the subject lot. Required trees shall be planted in accordance with the standards set forth in the Village's Urban Forestry Management Plan and as approved by the Public Works Director.

(D) *Species diversity requirements.*

- (1) A minimum of 50% of the landscape elements utilized on a lot that is less than one-half acre shall be drought and salt tolerant species.
 - (2) A minimum of 60% of the landscape elements utilized on a lot that is between one-half and five acres shall be drought and salt tolerant species. Total landscape elements, excluding turf, shall not be comprised of more than 30% of any single species, 50% of any genus, nor 70% of any family.
 - (3) A minimum of 75% of the landscape elements utilized on a lot that is greater than five acres shall be drought and salt tolerant species. Total landscape elements, excluding turf, shall not be comprised of more than 5% of any single species, 10% of any genus, nor 20% of any family.
- (E) *Tree preservation.* Preservation of existing quality plant material within a new development or redevelopment site is encouraged. Such preserved plant material can fulfill a portion of the landscape requirements set forth herein. Should the developer propose to maintain existing high-quality landscape materials to count toward satisfying certain landscape requirements of the UDO, the Community Development Director may, upon receipt of a landscape preservation plan, waive certain landscape requirements if mature, high-quality plant material on a lot are proposed to be preserved. If, upon inspection at the conclusion of the development, any plant material identified for preservation has been removed, damaged, or is otherwise in declining condition, that plant material must be replaced.

(F) *Installation and maintenance of landscape areas.*

- (1) Immediately upon planting, all landscape shall conform to the American Standard for Nurserymen, published by the American Association of Nurserymen, Inc., as revised from time to time.
- (2) A guaranty, in the form of a letter of credit or performance bond, approved by the Village Attorney and the Community Development Director, or a cash deposit made with the Village Treasurer for 20% of the total cost estimate of landscaping for the construction in January 1 dollars for the current year, shall be provided by the applicant for all required landscape improvements. Such guaranty shall be executed before building permits are issued. The 20% landscaping deposit will be held in escrow for a period of 18 months past the time of planting and will be refunded on approval of the village, unless extended by the village per § 16-8-4(O)(10)(c).
- (3) Dead plant materials shall be replaced within 60 days upon notification from the village, taking into consideration the season of the year, and shall be of the same quantity and quality as initially approved. If the particular project is constructed in more than one phase, the 60-day timeframe shall apply to each individual phase.
- (4) All landscape areas shall be maintained in a healthy and weed-free condition. The ground surface of landscape areas shall be covered with regularly maintained turf or other types of pervious groundcover or mulch.
- (5) Any required landscaped area, greater than 150 square feet in area, shall be provided with an underground irrigation system or be provided with a portable water supply within 50 feet of said landscaped areas, unless otherwise approved by the Engineering Services Director to accommodate native grasses. No part of an irrigation system may be installed in village right-of-way.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022-05-21, passed 5-2-2022; Ord. 2023-07-32, passed 7-17-2023)

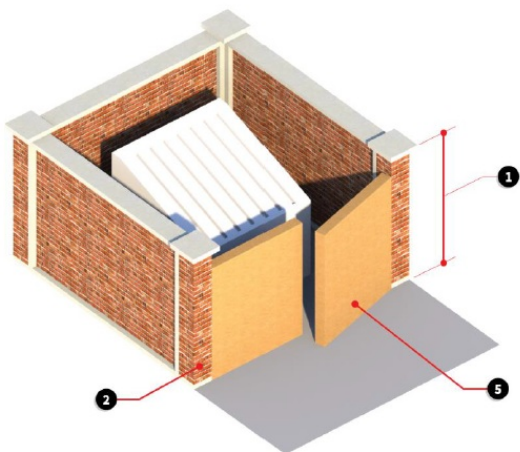
§ 16-5-7 SCREENING (SEE FIGURE 16-5-7(A)).

(A) *Trash and recycling receptacles.* The following requirements shall apply to all multiunit residential, non-residential, and mixed use development.

- (1) Trash and recycling receptacles shall be screened on three sides with a solid, opaque material with a minimum height of six feet and a maximum height of eight feet. The use of materials that are not solid, such as slats in chain-link, shall only be used in the Industrial District.
- (2) Materials used for screening shall complement the architecture of the primary structure.
- (3) Materials and elevations for enclosures that are attached to buildings shall be integrated into the primary structure.
- (4) Enclosures attached to buildings shall comply with applicable fire and building codes.
- (5) Enclosure openings shall be gated with an opaque material.
- (6) Enclosure openings shall be kept closed at all times except for when the receptacle is being accessed by a service truck or person authorized to place refuse in the enclosure.
- (7) Property owners shall be responsible for ensuring that trash and recycling receptacles are placed in the enclosure at all times other than when it is being emptied by a service truck.
- (8) Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure area for service trucks shall be maintained by the property owner or tenant.
- (9) Enclosures shall be of an adequate size to accommodate the expected number of containers. It is recommended that the enclosure be designed to be expandable to accommodate additional containers in the future.
- (10) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may be provided by use of barrier curbing, reinforced masonry walls, bollards, or other similar means.
- (11) Trash and recycling receptacle enclosures shall not occupy required parking spaces.

Trash and Recycling Receptacle Screening (16-5-7(A))

**Trash and Recycling Receptacle Screening
16-5-7(A)**



(B) *Service yards, loading docks, and truck-parking areas.* The following requirements shall apply to all multiunit residential, commercial, and mixed use development and shall be equally effective throughout the year.

- (1) Service yards, loading docks, and truck-parking areas that are visible from any public right of adjacent residential property shall be completely screened from public view.
- (2) Materials used for screening shall be opaque masonry walls, wood or wood composite board on board fence, landscape hedging, berming, or a combination thereof.
- (3) The height of screening materials shall not exceed eight feet with the exception of landscape materials.

(C) *Ground and wall mounted mechanical units and process equipment.* (See Figure 16-5-7(C)) The following requirements shall apply to all ground-mounted mechanical units, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, storage silos, tanks etc., and any related utility structures and equipment.

- (1) Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts. Ground/wall mounted mechanical units and process

equipment are prohibited within the front or exterior side yard, regardless of whether screening is provided, unless operationally necessary and approved by the Community Development Director.

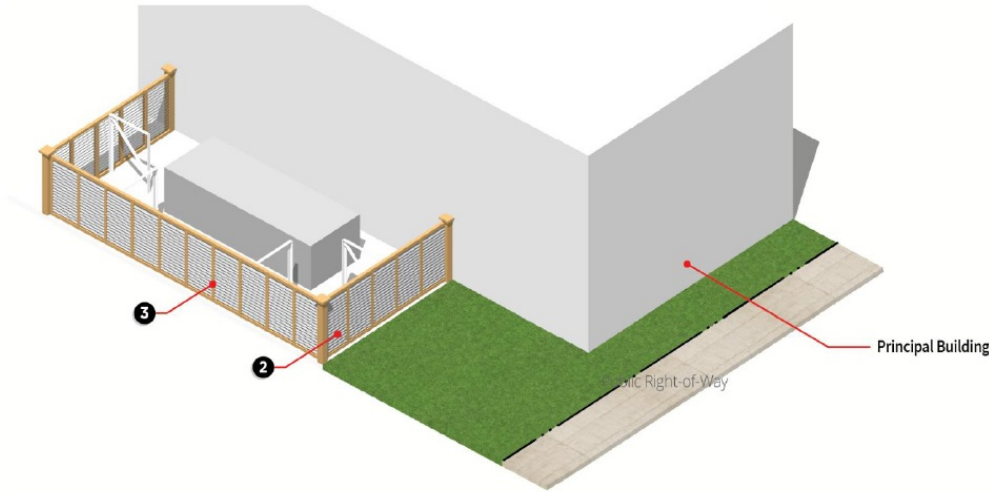
(2) Ground/wall mounted mechanical units and process equipment that are visible from any public right-of-way or adjacent residential property shall be screened from public view.

(3) Materials used for screening shall be designed to be architecturally integrated with the building and established so that the area or element being screened is no more than 20% visible through the screen.

(4) Chain-link fence or slats in chain-link fence shall not be used to meet this requirement.

Ground Mounted Mechanical Unit Screening (16-5-7(C))

Ground Mounted Mechanical Unit Screening 16-5-7(C)



(D) *Roof mounted mechanical units.* (See Figure 16-5-7(D)) The following requirements shall apply to all roof mounted mechanical units, including but not limited to air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, etc., and any related utility structures and equipment which service multiunit residential, non-residential, or mixed use developments.

(1) Locating mechanical units within the principal building is strongly encouraged in order to minimize exterior visual impacts.

(2) Roof mounted mechanical units that are visible from any public right-of-way or adjacent residential property shall be completely screened from public view.

(3) Materials used for screening shall be architecturally integrated with the building in the form of a parapet wall and shall be continuous, permanent, and sound attenuating.

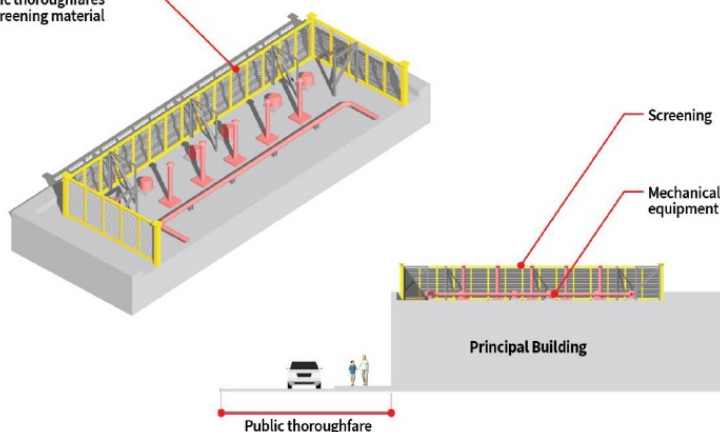
(4) Screening shall be required when new equipment is installed and shall be provided around both new and existing roof mounted mechanical units in order to provide visual continuity. Normal maintenance of roof mounted mechanical units shall not trigger the screening requirements.

(5) Additional screening may be required due to topographic differences in the adjoining properties.

Roof Mounted Mechanical Unit Screening (16-5-7(D))

Roof Mounted Mechanical Unit Screening 16-5-7(D)

All roof-mounted mechanical units shall be screened from adjacent public thoroughfares using an opaque screening material



(E) *Drive through.* (See Figure 16-5-7(E)) The following requirements shall apply to all drive throughs regardless of the use to which it is accessory.

(1) Drive aisles of drive throughs must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays.

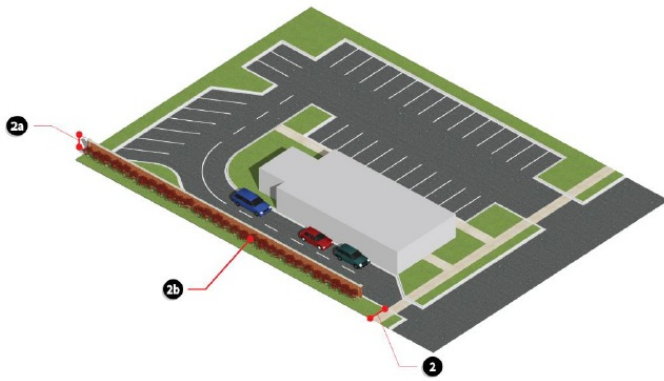
(2) Screening must be approved during the special use permitting process, shall be a minimum of six feet in width, and must consist of:

(a) An opaque masonry wall or solid fence of high quality material and design with a minimum height of four feet and a maximum height of six feet; and

(b) Shrubs or native grasses installed every three feet along the exterior of the wall or fence to provide a softening effect.

Drive Through Screening (16-5-7(E))

Drive Through Screening 16-5-7(E)



(F) *Above-ground service facilities.* The following requirements shall govern the landscaping surrounding above-ground service facilities.

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

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

(3) The property owner and the service entity shall be jointly and severally liable for the landscaping and screening obligations set forth in this section.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-8 FENCES.

(A) *Purpose.* The purpose of a fence is to provide privacy, security, weather control, aesthetic appearance, boundary definitions, utility (snow fences) and the like for residential, commercial, industrial, public and semi-public land uses within the corporate area of the village.

(B) *Permit required to erect or alter fence.* Unless otherwise provided, no fence or dog run shall be erected or altered until a permit has been secured from the village by the person desiring to erect or alter the fence or dog run as detailed in Article 8. A permit shall be required for alterations to an existing fence if the alteration impacts 25% or more of the fence sections or posts.

(C) *General provisions.*

(1) *Location.* All fences permitted in this section shall be located:

- (a) Wholly within property lines;
- (b) A minimum of one foot from any public sidewalk;
- (c) A minimum of ten feet from the curb;
- (d) Outside of a sight triangle;
- (e) A minimum of 18 inches from an underground utility access structure; drainage structure; telephone, electric, cable television or gas pedestal or in any manner that would interfere with the maintenance for these utilities;
- (f) In a manner which does not block access to underground utility access structures or fire hydrants;
- (g) A minimum of two inches above finished grade if located in a drainage swale or a drainage easement; and
- (h) In a manner which does not inhibit the function of storm drainage structures.

(2) *Construction standards.* Fences shall be designed and constructed to resist a horizontal wind pressure of not less than 35 pounds per square foot, in addition to all other forces to which they may be subjected. Fences that are leaning at an angle of 15 degrees or greater when measured from vertical are considered dangerous and shall be unlawful.

(3) *Maintenance.* Fences shall be maintained in accordance with the adopted Property Maintenance Code of the village. Replacement of up to 25% of the fence shall be permitted without a permit.

(D) *Fences on lots with residential or institutional uses.* (See Figure 16-5-8(D)) Fences on lots with single-unit detached or single-unit attached uses shall meet the requirements for each fence area as illustrated in Figure 16-5-8 (D) below. Barbed wire, razor wire, or makeshift materials such as plywood shall be prohibited on lots with single-unit detached or single-unit attached uses. All fences shall be erected so that the posts and all other supporting members face inward toward the owner's property. The Community Development Director may waive any regulations to fences for institutional uses in order to protect public safety and welfare.

(1) *Fences in front yards.*

- (a) *Height.* The maximum height of a fence in front yards shall be three feet.
- (b) *Extension.* Fences in front yards shall not extend more than one-third of the length of any street frontage.
- (c) *Materials.* Fences in front yards shall be of non-sight barrier construction and have a minimum opacity of 50%. Fence materials utilized in front yards shall complement fence materials utilized in other yards. Permitted fence materials in front yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:

- I. Vegetation;
- II. Wood, chemically treated or naturally resistant to decay;
- III. Wood composites;
- IV. Aluminum;
- V. Vinyl/PVC;
- VI. Wrought iron; and
- VII. As approved by the Community Development Director.

(2) *Fences in exterior side, interior side, and/or rear yards.*

(a) *Height.* The maximum height of a fence in exterior side, interior side, and rear yards shall be five feet, except for fences abutting a major street in §6-5-2(F)(2)(d) which shall be six feet in height.

(b) *Materials.*

I. Fence materials utilized in exterior side yards, interior side yards, and rear yards shall complement fence materials utilized in other yards. Permitted fence materials in exterior, interior side and rear yards shall be only those materials which are designed and intended for use in fence installations and shall be limited to:

- i. Masonry;
- ii. Wood, chemically treated or naturally resistant to decay;
- iii. Wood composites;
- iv. Aluminum;

- v. Vinyl/PVC;
- vi. Wrought iron;
- vii. Coated chain link; and
- viii. As approved by the Community Development Director.

(c) *Location.*

I. Fences in exterior side yards shall be located no closer to the front yard than the established rear face of the primary building on the lot unless a building entrance is located on the exterior side yard facade in which case the fence may extend three feet past the entrance.

II. Fences in interior side yards and rear yards shall be located no closer to the front yard than the established front face of the primary building on the lot or the primary building on the adjacent lot.

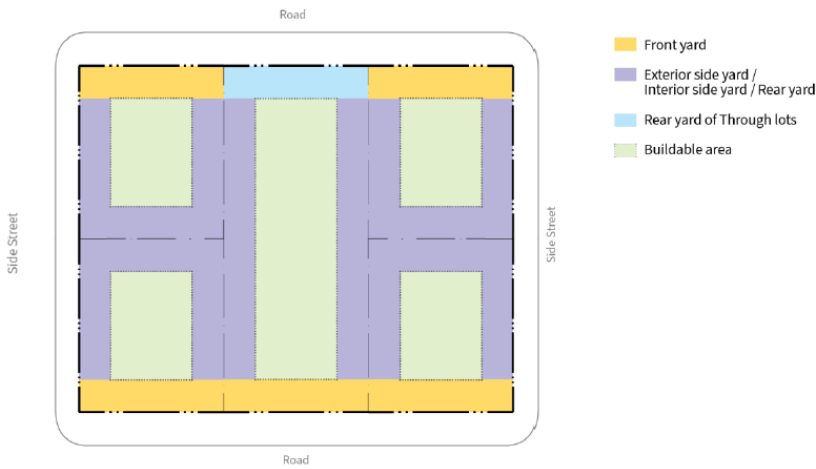
(3) *Fences in exterior side and rear yards of through lots.*

(a) *Height.* The maximum height of fences in rear yards of through lots must be five feet, except for fences on through lots which back up to a major street as defined in §6-5-2(F)(2) (d), in which case the fence must be six feet in height. The maximum height of a fence in exterior side yards of through lots must be five feet.

(b) *Location.* Fences in exterior side and rear yards of through lots shall be located in line with the fences of adjacent properties. In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the front yard of an adjacent residential interior lot, a structural fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit, provided the fence is placed no nearer to the right-of-way/property line than the required setback for a side yard adjoining a street for the zoning district or planned development, as applicable, in which the lot is located. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door and may encroach no more than five feet into this required setback. The fence setback shall increase back to the required setback at a point no greater than five feet past the rear of the dwelling unit into the rear yard.

Fence Yards (16-5-8(D))

**Fence Yards
16-5-8(D)**



(4) *Exemptions for residential properties.*

(a) In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the rear yard of an adjacent interior through lot (Figure 16-5-8 (D)(4)(i)), a fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

Figure 16-5-8(D)(4)(i)

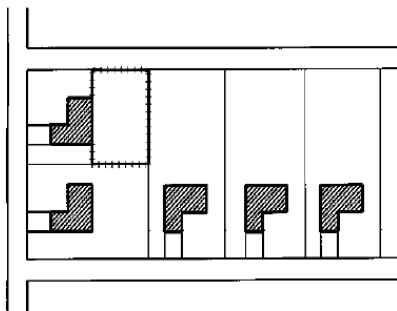


Figure 16-5-8 (D)(4)(i)

(b) In the case of a corner lot in which the rear lot line of the rear yard abuts the rear lot line of the rear yard of an adjacent corner lot (Figure 16-5-8 (D)(4)(ii)), a fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

Figure 16-5-8(D)(4)(ii)

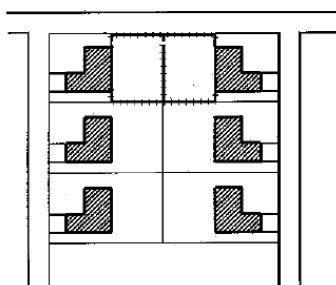


Figure 16-5-8 (D)(4)(ii)

(c) In the case of a corner lot in which the rear lot line of the rear yard abuts a public right-of-way, or a lot line of any lot, public or private, other than a single-family residential lot (Figure 16-5-8 (D)(4)(iii)), a fence may be erected in the side yard adjoining a street within the area between the rear property line and the rear of the dwelling unit. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door.

Figure 16-5-8(D)(4)(iii)

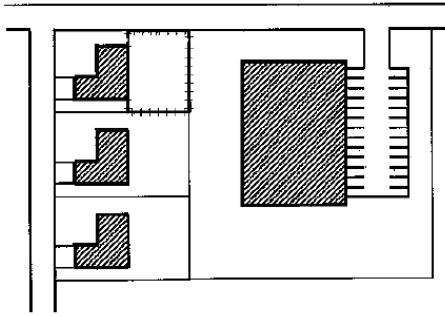


Figure 16-5-8 (D)(4)(iii)

(d) In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the front yard of an adjacent residential interior lot (Figure 16-5-8 (D)(4)(iv)), a fence may be erected in the side yard adjoining a street within the area between the rear lot line and the rear of the dwelling unit, provided the fence is placed no nearer to the right-of-way/property line than the required setback for a side yard adjoining a street for the zoning district or planned development, as applicable, in which the lot is located. If the only rear access door to the house is located facing the side yard adjoining a street, the fence may extend along the side of the house to a point not more than three feet past the access door and may encroach no more than five feet into this required setback. The fence setback shall increase back to the required setback at a point no greater than five feet past the rear of the dwelling unit into the rear yard.

Figure 16-5-8(D)(4)(iv)

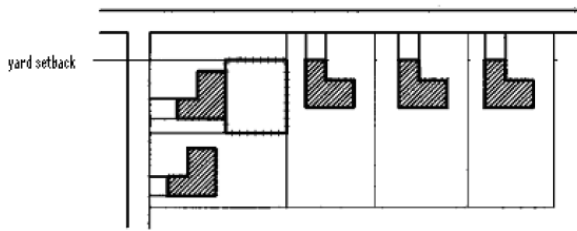


Figure 16-5-8 (D)(4)(iv)

(e) *Privacy fence for patios or decks.* The height of a privacy fence erected adjacent to a patio or deck shall not exceed six feet measured from the top of the patio or deck.

(f) *Residential use adjacent to a business or industrial use.* A fence may be erected at a height not to exceed seven feet adjacent and parallel to a rear or side yard lot line of a property in a residential zoning district which separates such property from a property in a business or industrial zoning district, or from a property being used for a nonconforming use which is permitted in only a business or industrial district.

(g) *Residential use adjacent to railroad right-of-way.* A fence may be erected at a height not to exceed seven feet adjacent and parallel to a rear or side yard lot line of a property in a residential zoning district along a railroad right-of-way.

(h) *Single-unit residential use adjacent to multiple-unit use.* A fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single-unit residential district which abuts a multiple-unit district property line. Attached single-units do not constitute a multiple-unit use.

(i) *Single-unit residential use adjacent to a utility use.* A fence may be erected at a height equal to six feet along a rear or side yard lot line of a property in a single-unit residential district which abuts a lot line of a parcel of property improved with a major utility structure and is not used for dwelling purposes.

(j) *Single-unit residential use adjacent to a non-residential use.* A fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single-unit residential district which abuts a lot line of a property improved with a habitable building or structure that is not used for dwelling purposes (such as schools, churches, community centers, public buildings, etc.).

(k) *Single-unit residential use adjacent to a public or private recreational use.* A fence may be erected at a height not to exceed six feet along a rear or side yard line of a property in a single-unit residential district which abuts a lot line of a property that is not used for dwelling purposes and is improved with, and has a principal use of, a public or private recreational use such as, but not limited to, a swimming pool, tennis courts, basketball courts, golf course, driving range, or mini-golf facility.

(l) *Single-unit residential use adjacent to public park and/or stormwater management facilities.* A fence may be erected at a height not to exceed six feet along a rear or side yard lot line of a property in a single unit residential district which abuts a lot line of a property that is not used for dwelling purposes and is specifically dedicated for park uses or stormwater detention/retention use, or a combination thereof. This shall not include land used solely for pathways, sidewalks or other pedestrian or bicycle paths.

(E) *Fences on lots with business uses.*

(1) *Height.* The maximum height of fences on a lot with business uses shall not exceed seven feet.

(2) *Location.* Fences on lots with business uses shall be limited to the rear yard and interior side yard only.

(3) *Materials.* Permitted fence materials on lots with business uses shall be only those materials which are designed and intended for use in fence installations and shall be limited to:

- (a) Masonry;
- (b) Wood, chemically treated or naturally resistant to decay;
- (c) Wood composites;
- (d) Aluminum;
- (e) Vinyl/PVC;
- (f) Wrought iron;
- (g) Coated chain link; and
- (h) As approved by the Community Development Director.

(F) *Fences on lots with industrial uses.*

(1) *Height.* The maximum height of fences on a lot with industrial uses shall not exceed eight feet.

(2) *Location.* Fences on lots with industrial uses shall be limited to the rear yard and interior side yard.

(3) *Barbed wire.* Barbed wire may be utilized and shall be limited to a maximum height of one foot, and a maximum of three strands of wire. The barbed wire shall not be included in the determination of fence height.

(G) *Dog runs.*

(1) There shall be no maximum area for a dog run, except under the following circumstances:

- (a) Any dog run with any type of a cover over the top shall be limited to a maximum area of 100 square feet.
- (b) A dog run constructed to a height greater than five feet in accordance with §16-5-9(G)(4) shall be limited to a maximum area of 100 square feet.

(2) Dog runs shall be permitted in the buildable area of the rear yard only.

(3) Dog runs shall not be permitted in any side yard or front yard.

(4) The maximum height of a dog run shall be six feet.

(5) A dog run constructed for the purpose of providing a secure enclosure for a dangerous, vicious or ferocious dog shall conform with the requirements of § 9-3-11 of the Village Code.

(H) *Swimming pools.* All swimming pools, hydromassage, spa and hot tubs shall meet all applicable Building and Property Maintenance Codes adopted by the village with respect to fence and safety barrier requirements.

(I) *Tennis courts.* Tennis courts may be totally enclosed with an open-type fence. The height of the fence shall not exceed 12 feet.

(J) *Other athletic facilities.* All other fence-type enclosures for athletic facilities shall be approved by the Plan Commission, after a review of a site plan of the proposed improvement and the surrounding area.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021- 08-33, passed 8-2-2021; Ord. 2022-01-04, passed 1-13-2022; Ord. 2022-03-16, passed 3-21-2022; Ord. 2022-05-21, passed 5-2-2022; Ord. 2022-09-39, passed 9-6-2022; Ord. 2024-06-30, passed 6-3-2024)

§ 16-5-9 SOLAR ENERGY COLLECTION SYSTEMS (SEE FIGURE 16-5-9(A)).

Solar energy collection systems are permitted as an accessory use within all zoning districts with the following conditions:

(A) Building-mounted systems.

(1) *Location.* Building mounted systems may be located on any roof face of principal or accessory structures. Systems should be flush mounted when possible.

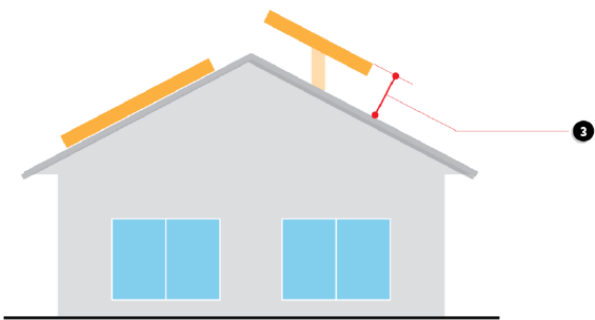
(2) *Measuring height.* Height is measured from the roof surface on which the system is mounted to the highest edge of the system.

(3) *Maximum height.* Systems on residential structures shall not extend beyond 12 inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond 36 inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.

(4) *Architectural integration.* All materials used for racking, mounts, mounting clamps, and flashings, shall be of a color consistent with the color of the roof surface to minimize visibility. Equipment associated with the building-mounted system is prohibited on the front or exterior side of a building, unless operationally necessary and approved by the Community Development Director, and shall be a color consistent with the color of the building.

Building-Mounted Solar Energy System (16-5-9(A))

**Building-Mounted Solar Energy System
16-5-9(A)**



(B) Free-standing systems, primary use.

(1) *Quantity.* An unlimited quantity of panels is permitted.

(2) *Maximum height.* Maximum height shall be five feet in height, measured from the grade at the base of the pole to the highest edge of the system.

(3) *Clearance.* Minimum clearance between the lowest point of the system and the surface on which the system is mounted is 12 inches.

(4) *Setbacks.* All parts of the freestanding system shall be set back ten feet from the side and rear lot lines and shall not be located in a public utility easement.

(C) Free-standing systems, accessory use. (See Figure 16-5-9(C))

(1) *Location.* Systems are permitted in the rear yard only.

(2) *Quantity.* An unlimited quantity of panels is permitted on all zoning lots with the exception of any residential zoning lot 30,000 square feet or less in size, which are limited to a total of 100 square feet in area of panels.

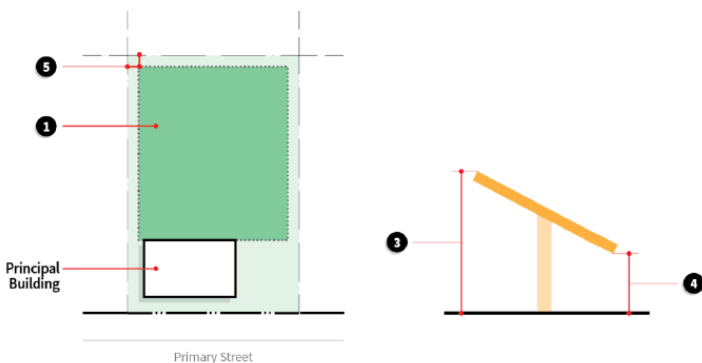
(3) *Maximum height.* Maximum height shall be five feet in height, measured from the grade at the base of the pole to the highest edge of the system.

(4) *Clearance.* Minimum clearance between the lowest point of the system and the surface on which the system is mounted is 12 inches.

(5) *Setbacks.* All parts of the freestanding system shall be set back ten feet from the side and rear lot lines and shall not be located in a public utility easement.

Free-Standing Solar Energy Collection System (16-5-9(C))

**Free-Standing Solar Energy Collection System
16-5-9(C)**



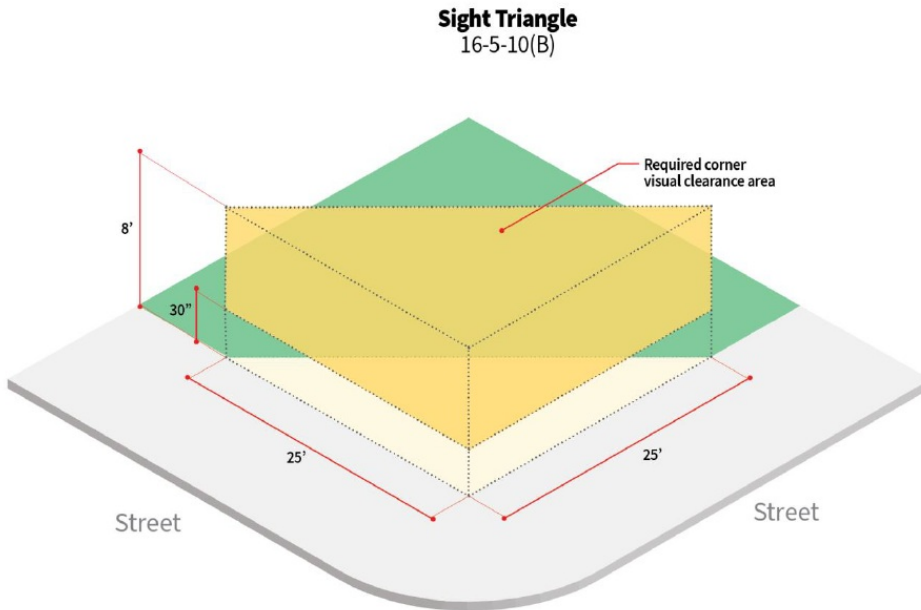
(Ord. 2021-05-15, passed 5-3-2021; Ord. 2024-06-30, passed 6-3-2024)

§ 16-5-10 PERMITTED YARD OBSTRUCTIONS (SEE FIGURE 16-5-10(B)).

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

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

Sight Triangle (16-5-10(B))



(C) Yard obstructions, as herein defined, shall be permitted in accordance with the following standards as contained in Table 16-5-10(C): Permitted Yard Obstructions, except where such obstructions would encroach upon the required sight triangle on corner lots or upon easements, or adversely affect drainage. Unless regulated in the following table, yard obstructions for properties containing uses other than single-unit residential shall be permitted in accordance with the regulations set forth elsewhere in this chapter.

Table 16-5-10(C): Permitted Yard Obstructions						
Use	Additional Requirements	Front	Exterior Side	Side	Rear	Courtyard
1 Above-ground service facilities.	§ 16-5-6(F)	X		X	X	
2 Air conditioning equipment, which shall project no more than 4 feet into a required yard.	§ 16-5-6		X	X	X	X
3 Arbors or trellises.		X	X	X	X	X
4 Architectural features, including ordinary projections of sills, belt courses, cornices and ornamental features, which shall project no more than 18 inches into a required yard.		X	X	X	X	X
5 Automobile service station fuel pump islands, canopies, and air and vacuum stations provided they shall be set back at least 35 feet from the lot line.		X	X	X	X	X
6 Awnings or canopies, which shall project no more than 3 feet into a required yard or courtyard.		X	X	X	X	X
7 Balconies, which shall project no more than 4 feet into a required yard.		X	X		X	X
8 Chimneys, attached, which shall project no more than 24 inches into a required yard or courtyard.		X	X	X	X	X
9 Clotheslines and laundry-drying equipment.				X	X	
10 Eaves and gutters on a principal building or attached accessory building, projecting no more than 4 feet into a required front yard, required exterior side yard or required rear yard, and projecting no more than 24 inches into a required side yard or courtyard.		X	X	X	X	X
11 Fallout shelters, attached or detached.					X	
12 Flagpoles, which shall have a maximum height of 25 feet in residential districts and shall not exceed the maximum height permitted in nonresidential districts.		X	X	X	X	X
13 Garages, detached.	§ 16-4-15				X	
14 Gazebos.	§ 16-4-15		X		X	
15 Growing of farm and garden crops in the open.	§ 16-4-1			X	X	
16 Lawn furniture, such as benches, sun dials, bird baths and similar architectural features.		X	X	X	X	X
17 Ornamental light standards.		X	X	X	X	X
18 Outdoor fireplaces.	§ 16-4-15		X		X	

19	Patios, decks and terraces, open (unroofed). Open terraces, decks and patios are only permitted to be located in the interior side yard of a dwelling unit to serve a patio door facing the interior side yard. Such open decks, patios and terraces shall project no more than 4 feet into the required side yard.	§ 16-4-15			X	X	X
20	Patios, decks and terraces, open (unroofed), elevated greater than 4 feet above the average level of the adjoining ground. Such elevated open decks, patios and terraces shall project no more than 10 feet into a required yard.					X	X
21	Playground equipment.	§ 16-4-15		X	X	X	
22	Porches, open, shall be permitted to project no more than 4 feet into the required front yard or the required side yard adjoining a street.		X	X			
23	Rainwater collection system	§ 16-4-15	X	X	X	X	X
24	Seasonal decorations and lighting, which may be displayed for a maximum of 45 days.		X	X	X	X	X
25	Service walks, allowed on residential properties without a building permit where they are no wider than 4 feet at any point and set back a minimum of 1 foot from any side or rear property line. When located parallel to a driveway, a service walk may be located adjacent to the driveway and shall not be considered part of the driveway for the purpose of determining driveway width, provided that the service walk is of a different surface material or design from the driveway. Service walks shall not be located within the public right-of-way, except to connect to a public sidewalk.		X	X	X	X	X
26	Sheds, playhouses, greenhouses, and similar storage buildings.	§ 16-4-15		X	X	X	
27	Steps, open, subject to the following: Necessary for access to a principal or accessory building, or necessary as access to the lot from the street, or located in gardens or terraces. The steps shall project no more than 4 feet into a required side yard.		X	X	X	X	X
28	Swimming pools, detached single-unit. Swimming pools located on properties other than detached single-unit shall be approved in accordance with Art. 16-7, Planned Development.	§ 16-4-15		X		X	
29	Tennis courts, basketball courts or other recreational facilities, detached single-unit. Such recreational facilities located on properties other than detached single-unit shall be approved in accordance with Art. 16-7 Planned Development.					X	
30	Windows which project no more than 3 feet into a required yard.		X	X	X	X	X
31	Wheelchair Ramps		X	X	X	X	X

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-08-33, passed 8-2-2021; Ord. 2023-07-32, passed 7-17-2023)

§ 16-5-11 STREETS.

- (A) *Purpose.* The purpose is to balance the needs of all types of vehicular, non-motorized and pedestrian traffic and to ensure the safe and efficient movement of all modes of travel.
- (B) *Applicability.* Developments within all zoning districts proposing new public streets shall be designed per the standards set forth in the Manual of Design Standards and Construction. All developments adjacent to existing public streets shall be required to improve adjacent existing streets to comply with the standards set forth in this section. The Engineering Services Director may waive this requirement for developments adjacent to existing public streets, or in lieu of the developer installing the improvements, require a monetary contribution to the village for future public improvements.
- (C) *Standards.* Developers shall be responsible for the design and construction of street improvements that will be publicly owned. Improvements shall include but may not be limited to street pavement, curbs and gutters, sidewalk and shared use paths, stormwater management systems, street lighting, parkway landscaping and trees, street name signs, traffic control signs, traffic signals, pavement striping and markings and other safety-related appurtenances.
- (D) *Street improvements.* Street improvements shall be designed and installed per the standards set forth in the Unified Development Ordinance, the village's Manual of Design Standards and Construction Specifications of the Engineering Services Department, and the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-12 SIDEWALKS AND SHARED USE PATHS.

- Each lot or parcel of land to be developed shall have a public sidewalk located within the dedicated right-of-way or an easement and shall be placed one foot from the property line of abutting lots and along such line as extended at intersections. If extenuating circumstances prevent sidewalk construction in the dedicated right-of-way, sidewalk easements shall be granted to the village.
- (A) The Engineering Services Director may waive sidewalk requirements upon determining that a sidewalk cannot be installed based on the current width of the right-of-way or that it would create a safety hazard.
 - (B) Shared use paths shall be provided when shown in the Comprehensive Plan and considered when an existing path is within a quarter-mile of the subdivision boundary. Shared use paths may be required in lieu of sidewalks on collector or arterial streets.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-13 STORMWATER AND FLOODPLAIN REGULATIONS.

- (A) *Adoption of Flood Insurance Rate Map and Flood Insurance Study.* The Flood Insurance Rate Map ("FIRM") and the Flood Insurance Study ("FIS") approved by the Federal Emergency Management Agency on February 1, 2019 and adopted by DuPage County, effective August 1, 2019, is hereby adopted by reference as the FIRM and FIS for the Village of Carol Stream.
- (B) *Adoption of various provisions of the DuPage County Countywide Stormwater and Floodplain Ordinance.* The DuPage County Countywide Stormwater and Floodplain Ordinance ("DuPage County Ordinance") as contained in Section 15-1-1 et seq. of the DuPage County Code, as amended and approved by the DuPage County Board effective May 14, 2019, are hereby adopted by reference.
- (C) *Local amendments to the DuPage County Ordinance.* The following sections of the DuPage County Ordinance, as effective within the corporate boundaries of the village, are hereby amended as follows:

(1) Appendix A, Definitions of the DuPage County Ordinance is hereby amended by revising the language for "Substantial Improvement" as follows:

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building, during a ten (10) year period, the cost of which improvement equals or exceeds, individually or in the aggregate, fifty (50) percent of the fair market value of the building, determined from the equalized assessed value of the building, before the start of construction of the improvement or, if the building has been damaged, before the damage occurred. The term "cost of improvement" includes the value of volunteer labor and donated materials. The term "cost of improvement" does not, however, include either (1) any development for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions or (2) any alteration of a historic building that will not preclude the building's continued designation as a historic building.

(D) *Adoption of general certifications.* The general certifications, adopted from time to time by the DuPage County Board in accordance with Section 15-32 of the DuPage County Ordinance, are hereby adopted by reference. The full text of each general certification is available from the DuPage County Stormwater Management's website.

(E) *Minor and major stormwater systems.* Minor stormwater systems and major stormwater systems, as defined in the DuPage County Ordinance, shall be designed in accordance with the Illinois Department of Transportation's Drainage Manual, and the materials, installation, and testing shall be in accordance with the Standard Specifications for Water & Sewer Construction in Illinois, 8th Edition, except when modified by either this article or by the village's Manual of Design Standards and Construction Specifications of the Engineering Services Department.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-14 SANITARY SEWERS AND WATER DISTRIBUTION SYSTEMS.

(A) *Sanitary sewer system.* All development shall provide for the collection of sanitary sewage discharges in accordance with all federal, state and local regulations; specifically, Chapter 13 Water and Sewer Regulations of this Code.

(1) Sewage systems shall be connected to either the village's combined waterworks and sewerage system or Wheaton Sanitary Sewer District's sanitary sewer system. The particular system, and any variations, shall be done in accordance with the Chicago Metropolitan Agency for Planning's Facility Planning Area Procedures Manual and Amendment Application.

(2) Any proposed connection or extension of the sanitary sewer system of the Wheaton Sanitary District shall obtain a permit from the same before approval is provided by the Village Engineer.

(3) Any proposed connection or extension of a sanitary sewer system shall obtain a permit in accordance with 35 Ill. Adm. Code 309.202 before approval is provided by the Engineering Services Director.

(4) The design, materials, installation, and testing of any proposed connection or extension to the village's sanitary sewer system shall be in accordance with the 35 Ill. Adm. Code 370 and the Standard Specifications for Water & Sewer Construction in Illinois, 8th Edition (SSWSC), except when modified by the following requirements and the village's Manual of Design Standards and Construction Specifications of the Engineering Services Department.

(5) All sewers that will be privately maintained shall be covered by the village's "Onsite Utility Maintenance, Right of Entry and Hold Harmless Agreement".

(B) *Water distribution system.* All development shall provide for a complete potable water and fire protection distribution system in accordance with all federal, state and local regulations; specifically, Chapter 13 Water and Sewer Regulations of this Code.

(1) The design, materials, installation, and testing of any proposed connection or extension to the village's water distribution system shall be in accordance with the 35 Ill. Adm. Code 653 and the Standard Specifications for Water & Sewer Construction in Illinois, 8th Edition, except when modified by the following requirements and the village's Manual of Design Standards and Construction Specifications of the Engineering Services Department.

(a) The proposed distribution system shall be sized to supply all present and future needs based on the anticipated use of the subject development.

(b) The design shall consider the affect that the anticipated movement of water will have on the water's age and quality. Additional measures may be required by the Engineering Services Director in cases where there may be a concern unless additional information is provided to the satisfaction of the Engineering Services Director.

(c) The minimum depth of bury (cover) shall be five-and-one-half feet.

(d) System, shut-off valves shall be in approved enclosures and spaced along a main no further than 800 feet apart. Shorter spacing may be required in order to reduce the number of service lines interrupted when isolating the water main.

(e) No more than three system shut-off valves shall be necessary to isolate a main.

(f) Fire hydrants shall be installed on water mains in the dedicated right-of-way at maximum intervals of 300 feet in a direct line.

(g) Each service line shall be equipped with its own shut-off valve and enclosure.

(2) All water main and its appurtenances (including valves, enclosures, fire hydrants, etc.) that will be privately maintained shall be covered by the village's "Onsite Utility Maintenance, Right of Entry and Hold Harmless Agreement".

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-15 OFF-SITE IMPROVEMENTS AND OVERSIZE DESIGN.

(A) *Off-site improvements.* The developer shall be responsible for the design and construction of any extensions or modifications to existing infrastructure, which is situated either in part or entirely outside of the subdivision's boundary (i.e. "off-site"), when said infrastructure is deemed inadequate to accommodate the full build-out of the subject development.

(B) *Oversize design.* When the Engineering Services Director deems that a required land improvement must be larger than that which is necessary to serve the subject development, the developer shall be responsible for all costs associated with its design and construction.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-5-16 GAC AND NAC OVERLAY DISTRICTS.

(A) *Identification of the Gary Avenue Corridor and North Avenue Corridor Overlay Districts.*

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

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

(B) *Uses permitted within the Gary Avenue and North Avenue Overlay Districts.* Uses within the Gary Avenue and North Avenue Overlay Districts shall be permitted pursuant to the Unified Development Ordinance, as amended, of the village.

(C) *Site design.*

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

(2) Pedestrian facilities shall be provided within the site and between adjacent sites to improve circulation, increase safety, or promote decreased use of the automobile.

(3) Stormwater management facilities and post-construction best management practices shall be incorporated as an integral part of the project design to provide attractive open space in order to enhance the overall quality and aesthetics of a site.

(4) All parking lots will be curbed. Ideally, the building will be slightly elevated on a foundation constructed on the excavated soil to reduce the visual barrier caused by automobiles adjacent to the roadway and result in better visibility for the owner/tenant.

(D) *Required setbacks.*

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

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

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

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

(5) Required front setbacks shall be improved as Transition Area Type D as detailed in §16-5-5(B)(4) of the Unified Development Ordinance.

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

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

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

(3) Design improvements shall be compatible with the existing built and natural environments. New materials shall be the same or complement existing materials.

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

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

- (a) Unfinished pre-cast concrete or unfinished poured-in-place concrete;
- (b) Fabricated metal, not to include high-quality decorative architectural material, covering more than 25% of the wall area visible from any public way; and

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

- (a) Materials with no proven record of durability or ease of maintenance in the intended application; and
- (b) Materials or construction methods used for one aspect or portion of a project that are significantly lower in quality than those used for the balance of that project, such that this one aspect or portion is or rapidly becomes an eyesore or detriment to the project as a whole.

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

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

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 6: SIGN STANDARDS

Section

- 16-6-1 Purpose and applicability
- 16-6-2 Applicability to Gary Avenue Corridor and North Avenue Corridor Overlay Districts
- 16-6-3 Calculating dimensions (See Figure 16-6-3)
- 16-6-4 Permanent signs requiring a permit
- 16-6-5 Permanent signs not requiring a permit
- 16-6-6 Temporary signs requiring a permit
- 16-6-7 Temporary signs not requiring a permit
- 16-6-8 Prohibited signs
- 16-6-9 General standards for all signs (See Figure 16-6-9(A))
- 16-6-10 Nonconforming signs

§ 16-6-1 PURPOSE AND APPLICABILITY.

(A) The Village Board find that signs can obstruct views, distract motorists, displace alternative uses of land and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the height, area, color, illumination, movement, materials, and condition of signs placed upon property within the village, thus ensuring public safety, the protection of property values, the character of neighborhoods, the creation of a convenient, attractive and harmonious community and the encouragement of economic development.

(B) It is the intent of this article to coordinate the type, placement, size, and scale of signs within the village's zoning districts and for the following purposes:

- (1) To promote and protect public health, safety, comfort, morals, convenience and general welfare through the reasonable and orderly display of signs;
- (2) To encourage the physical appearance of signs to be in harmony with the visual character of the associated street corridor and to be an integral part of the aesthetic of the site and architectural style of associated buildings;
- (3) To protect the general public, pedestrians, and motorists within the village by assuring the design, location, construction, and maintenance of signs presents safe navigation through discernable identification, and does not create distractions, obstructions, or hazards;
- (4) To protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents;
- (5) To ensure compatibility of signs with surrounding land uses and the environment;
- (6) To foster attractive business areas within the village; and
- (7) To advance the Village of Carol Stream's implementation of its Comprehensive Plan.

(C) These objectives shall be accomplished through the regulation of the display, construction, use, and maintenance of signs. However, these regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike a balance that preserves ample channels of communication by means of visual display while reducing and mitigating the negative effects caused by signs. Signs shall be regulated based on their applicable zoning district. Notwithstanding any other provision of this article, no sign shall be located in any area or in any manner so as to create a nuisance or a threat to public health, safety, or welfare.

(D) When a sign type is not specifically listed in the sections devoted to permitted signs, it shall be assumed that such signs are hereby expressly prohibited. If it is determined by the Community Development Director that such sign is similar to and not more objectionable than signs listed, such signs may then be permitted.

(E) From and after the effective date of this article, the use of all signs and portions of signs erected, altered with respect to height and area or sign face, added to, or relocated in the village shall be in conformity with the provisions of this article. Any existing sign not in conformity with the regulations herein prescribed shall be regarded as non-conforming.

(F) The regulations contained within this article are the minimum exercise of the police power required in order to accomplish the purposes of this article.

(G) The regulations contained within this article shall not be applicable to signs erected and maintained by the Village of Carol Stream, DuPage County, or State of Illinois for regulatory purposes.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-6-2 APPLICABILITY TO GARY AVENUE CORRIDOR AND NORTH AVENUE CORRIDOR OVERLAY DISTRICTS.

Signs placed on properties located within the Gary Avenue Corridor and North Avenue Corridor Overlay Districts must comply with the regulations contained in §§ 16-6-3 and 16-8-4(A)(4).

(A) Signage for new development shall be included in the Gary Avenue or North Avenue Corridor Development Plans and shall be subject to review and approval by the Plan Commission in accordance with the procedures defined in § 16-8-4(A)(4).

(B) New or replacement monument signs placed on existing, developed properties shall be subject to review and approval by the Plan Commission in accordance with the procedures defined in § 16-8-4(A)(4).

(C) New or replacement wall signs placed on existing, developed properties must meet the purpose and intent of the corridor regulations, as determined by the Community Development Director, or his or her designee and review by the Plan Commission shall not be required; however, the applicant may appeal the decision of the Community Development Director in accordance with § 16-8-3(A)(2).

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-6-3 CALCULATING DIMENSIONS (SEE FIGURE 16-6-3).

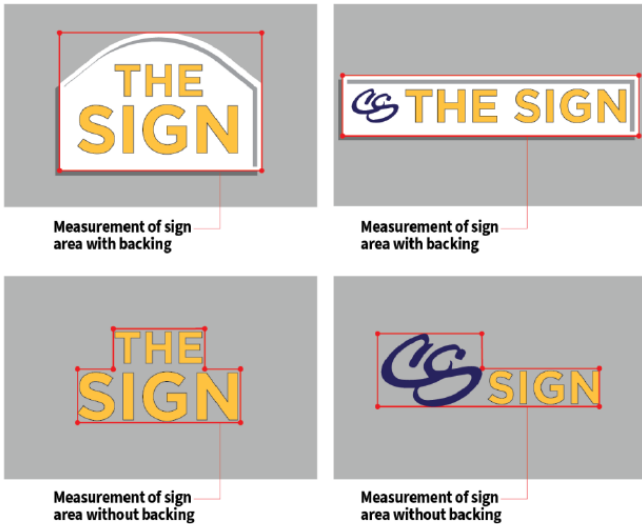
(A) *Sign area.* Unless otherwise defined, sign area is determined by the total area enclosed by a continuous perimeter along the edges of a sign, including any frame or border. The area of a sign composed of individually-affixed letters is determined by the total area of the smallest geometric shape enclosing the letters. A maximum of two geometric shapes may be utilized. The calculation for a double-faced sign shall be the area of one face only, but must be the area of the largest side if the two sides are different.

(B) *Sign height.* Sign height is determined by the total distance between the highest point on a sign to the crown of the street directly opposite the sign, or from the natural grade level directly below the sign, whichever is higher.

Calculation of Sign Area (16-6-3)

Calculation of Sign Area

16-6-3



(Ord. 2021-05-15, passed 5-3-2021)

§ 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.*

(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)(1)(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).

(e) *Sign copy.* All copy featured on wall signs shall either be individually affixed, affixed to a raceway, or be printed, etched, or otherwise incorporated directly on the sign's backing plate. Raceways and other supports shall be of a color consistent with the color of the wall upon which the raceway or other support shall be mounted. Should sign copy be incorporated onto a sign's backing plate, it shall be dimensional copy with a minimum depth of two inches. Box signs or cabinet style wall mounted signs shall be prohibited.

(f) *Other provisions.*

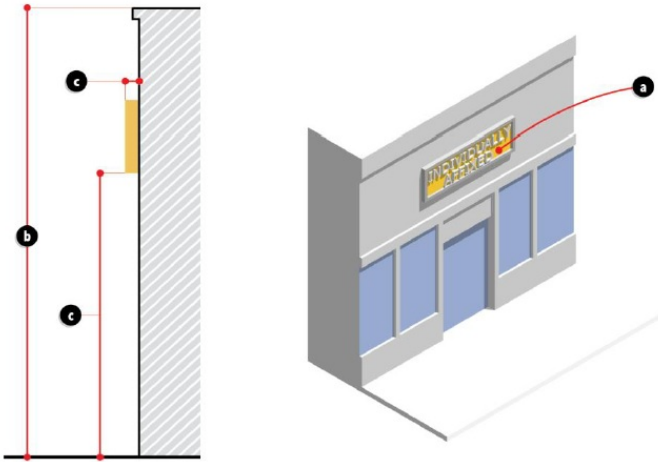
I. No wall sign shall cover any architectural features. Architectural features shall include but not be limited to, pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel of the building to which it is affixed.

II. Buildings located on outlots of shopping centers may display one additional wall sign towards a main parking area of the development and not oriented towards a street.

III. No wall sign shall be affixed to HVAC screening, elevator overrun, or other features protruding from the roof of the structure.

Wall Signs (16-6-4(A)(1))

Wall Signs
16-6-4(A)(1)



Wall Signs (16-6-4(A)(1)(d)(III))

Wall Signs
16-6-4(A)(1)(d)(III)



(2) *Monument signs.* (See Figure 16-6-4(A)(2))

(a) *Sign area.* The maximum permitted sign area of a monument sign in the I District shall not exceed 96 square feet. The maximum permitted sign area of a monument sign in the R-1, R-2, R-3, R-4, B-1, B-2, B-3, and O-S Districts shall not exceed 72 square feet.

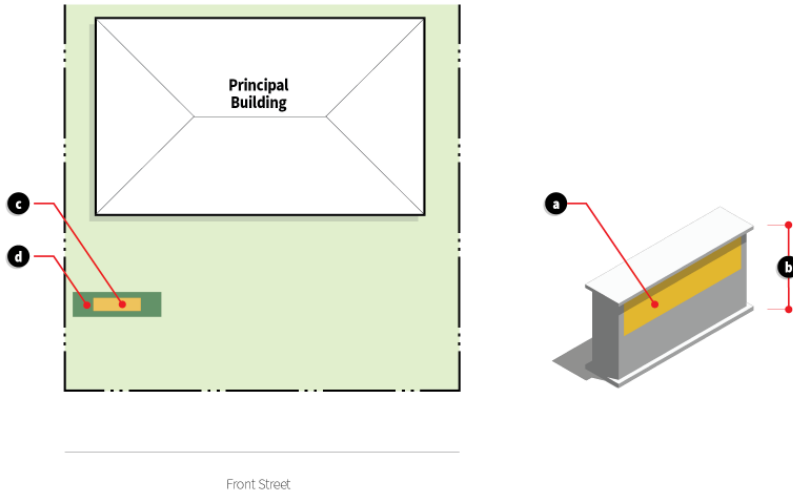
(b) *Height.* The maximum permitted height of a monument sign shall not exceed six feet, with the exception of properties in the B-3, O-S, and I Districts and/or in the GAC or NAC Overlay Districts, where the maximum permitted height of a monument sign shall not exceed ten feet.

(c) *Number of signs.* Only one monument sign shall be permitted per lot frontage along a public right-of-way.

(d) *Landscape requirement.* A landscape area shall be planted and maintained around the base of a monument sign, the minimum area of which shall be equal to the area of the sign.

Monument Signs (16-6-4(A)(2))

Monument Signs
16-6-4(A)(2)



(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.

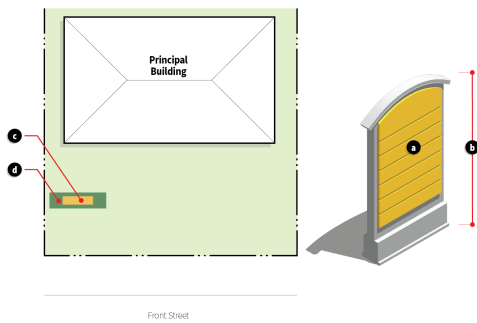
(b) *Height.* The maximum permitted height of a multitenant monument sign in the B-1 or B-2 District shall not exceed six feet. The maximum permitted height of a multitenant monument sign in the B-3 District shall not exceed 25 feet if the property is five acres in area or larger and contains a minimum 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.

(c) *Number of signs.* Only one multitenant monument sign shall be permitted per lot frontage along a public right-of-way.

(d) *Landscape requirement.* A landscape area shall be planted and maintained around the base of a monument sign, the minimum area of which shall be equal to the area of the sign.

Multitenant Monument Signs 16-6-4(A)(3)

Multitenant Monument Signs
16-6-4(A)(3)



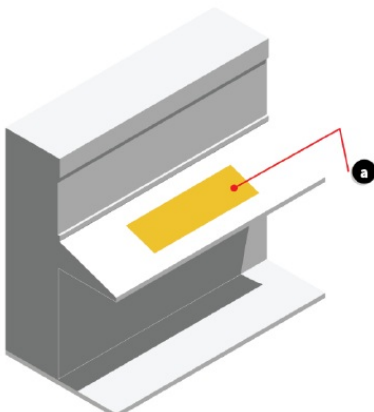
(4) *Awning/canopy signs.* (See Figure 16-6-4(A)(4)).

(a) *Sign area.* The maximum permitted sign area of an awning or canopy sign shall be 50% of the face of the awning or canopy.

(b) *Other provisions.* Awning or canopy signs shall only be permitted on awnings or canopies extending above ground floor entrances or windows. Awning or canopy signs may be downlit. Coloring or striping shall be allowed but shall not be included in the calculation of sign area.

Awning/Canopy Signs (16-6-4(A)(4))

Awning / Canopy Signs
16-6-4(A)(4)



(5) *Projecting/blade signs.* (See Figure 16-6-4(A)(5))

(a) *Sign area.* The maximum area of a projecting sign shall not exceed six square feet.

(b) *Height.* Projecting signs shall not extend above the roofline of the building to which it is attached, or a maximum of 12 feet. A minimum of eight feet of clearance shall be maintained from the lower edge of the sign face to grade.

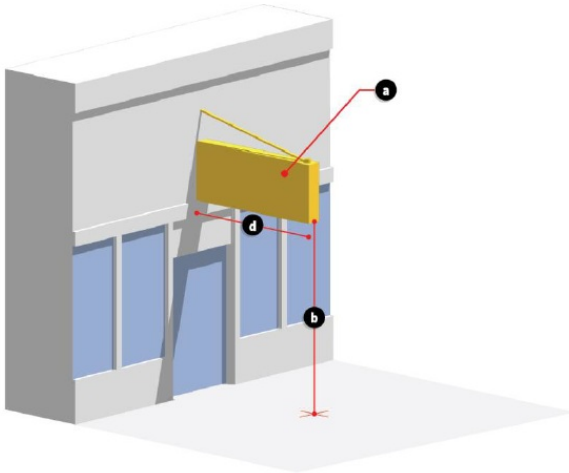
(c) *Number of signs.* One projecting sign shall be permitted per building or structure, or unit of the building or structure to which it is attached. A projecting sign and a wall sign may be placed on the same wall. A projecting sign and an awning or canopy sign shall not be placed on the same wall.

(d) *Projection.* Projecting signs shall not horizontally project more than four feet beyond that portion of the building or structure to which it is attached.

(e) *Other provisions.* Illumination of projecting signs shall not be permitted. Projecting signs may encroach upon, extend, or project over any public sidewalk.

Projecting/Blade Signs (16-6-4(A)(5))

**Projecting / Blade Signs
16-6-4(A)(5)**



(B) *Permitted locations.* Table 16-6-4(B) identifies the districts where permanent signs that require a permit may be located. Signs that are marked as a "P" in the table shall be authorized with a permit, subject to all applicable regulations of this article.

Table 16-6-4(B) Permitted Location of Permanent Signs Requiring a Permit									
Sign Type	Zoning District								
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	OS	I
Wall	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P
Monument	P(2)	P(2)	P(2)	P(2)	P	P	P	P	P
Multitenant Monument					P	P	P	P	P
Awning/Canopy	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P
Projecting/Blade					P				
(1) Sign shall only be permitted for nonresidential uses, and residential subdivision and multiunit complex entrances.									
(2) Sign shall only be permitted for non-single-unit detached uses.									

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021; Ord. 2023-03-08, passed 3-20-2023)

§ 16-6-5 PERMANENT SIGNS NOT REQUIRING A PERMIT.

The following permanent signs may be displayed without a permit, provided that said signs comply with the requirements of this article and shall be subject to the provisions for unsafe and unlawful signs. Exempt signs which do not conform to the given standards are unlawful. Permanent signs shall be permitted in the zoning district shown in Table 16-6-5(B) without a permit.

(A) *Standards for permanent signs not requiring a permit.* (See Figure 16-6-5(A)(1))

(1) *On-site traffic directional signs.* On-site traffic directional signs are permitted as determined necessary by the Engineering Services Director to assist in the movement of vehicular traffic on a property for the purpose of both pedestrian and vehicular traffic.

(a) *Sign area.* The maximum area of an on-site traffic directional sign shall be six square feet.

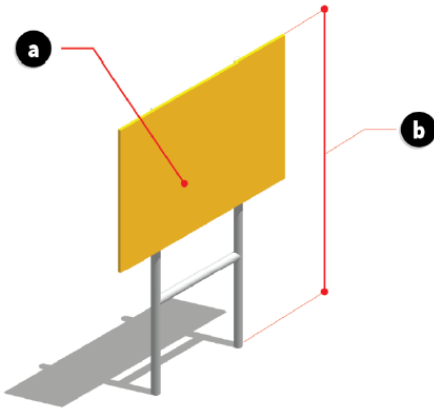
(b) *Height.* The maximum height of an on-site traffic directional sign shall be four feet.

(c) *Other provisions.*

I. No part of an on-site traffic directional sign shall be located within any required landscape areas.

Onsite Traffic Directional Signs (16-6-5(A)(1))

Onsite Traffic Directional Signs
16-6-5(A)(1)



(2) *Window signs, permanent.* (See Figure 16-6-5(A)(2)).

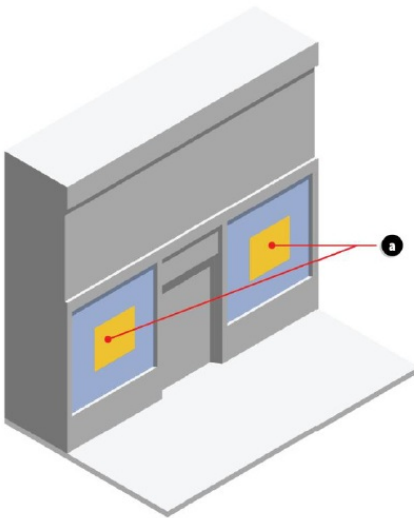
(a) *Sign area.* The maximum area of a permanent window sign shall be 25% of the square footage of the window on which the sign shall be located. Allowable permanent window sign area shall be considered in aggregate with allowable temporary window sign area.

(b) *Other provisions.*

- I. Permanent window signs shall not be illuminated.
- II. Permanent window signs shall include window film, decals and clings which are more than 50% opaque and/or contain sign copy.

Window Sign (16-6-5(A)(2))

Window Sign
16-6-5(A)(2)



(B) *Permitted locations.* Table 16-6-5(B) identifies the district where permanent signs not requiring a permit may be located. Signs that are marked as a "P" in the table shall be authorized without a permit, subject to all applicable regulations of this article.

Table 16-6-5(B) Permitted Location of Permanent Signs not Requiring a Permit									
Sign Type	Zoning District								
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
On-Site Traffic Directional	P(2)	P(2)	P(2)	P(2)	P	P	P	P	P
Window, Permanent	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P
(1) Sign shall only be permitted for nonresidential uses.									
(2) Sign shall only be permitted for non-single-unit detached uses.									

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-6-6 TEMPORARY SIGNS REQUIRING A PERMIT.

Temporary signs including wall mounted banner signs, ground mounted signs, and feather signs, shall be allowed in the zoning district shown in Table 16-6-7(B) only after the issuance of a temporary sign permit in accordance with § 16-8-3. A maximum of four temporary sign permits may be issued each calendar year. Temporary signs may be displayed on a property for a total of eight weeks per calendar year. It is the applicant's choice as to how to allocate the eight weeks of display among the four temporary sign permits that may be issued each calendar year. A maximum of two temporary signs may be displayed concurrently.

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

(1) *Wall mounted banner signs.* (See Figure 16-6-6(A)(1)).

- (a) *Sign area.* The maximum permitted sign area of a wall mounted banner sign in the B-1, B-2, B-3, O-S, and I Districts shall not exceed 5% of the total area of the wall face on which

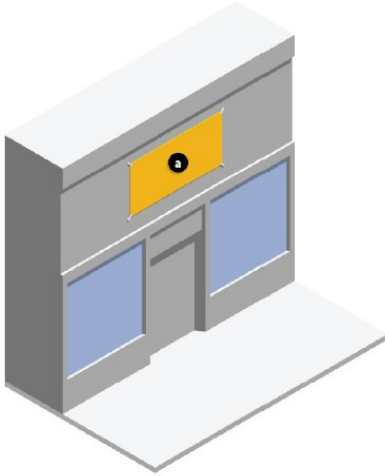
the sign shall be located or 200 square feet, whichever is less. The maximum permitted sign area of a banner sign in the R-1, R-2, R-3, and R-4 Districts shall not exceed 2.5% of the total area of the wall face on which the sign shall be located.

- (b) *Height.* No wall mounted banner sign shall protrude above the highest roof line or above the top of the parapet wall or mansard roof.
- (c) *Number of signs.* Only one wall mounted banner sign shall be permitted per building frontage along a public right-of-way or unit of a building along a public right-of-way.
- (d) *Location.* Wall mounted banner signs shall be attached to a building.
- (e) *Projection.* Such signs shall be affixed flat against the building to which they are mounted.

Wall Mounted Banner Signs (16-6-6(A)(1))

Wall Mounted Banner Signs

16-6-6(A)(1)



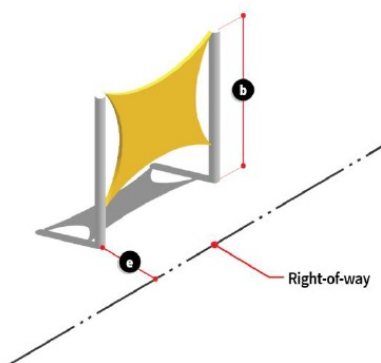
(2) *Ground mounted signs.* (See Figure 16-6-6(A)(2))

- (a) *Sign area.* The maximum permitted sign area of a ground mounted sign shall not exceed 60 square feet.
- (b) *Height.* The maximum permitted height of a ground mounted sign shall be six feet.
- (c) *Number of signs.* Only one ground mounted sign shall be permitted per building frontage along a public right-of-way or unit of a building along a public right-of-way.
- (d) *Maintenance.* Ground mounted signs shall be maintained in good condition and shall not sag, lie on the ground, or be torn.
- (e) *Other provisions.*
 - I. No part of a ground mounted sign shall be located within any required landscape area.
 - II. Ground mounted signs shall be securely anchored into the ground or secured in a portable base designed for such function.

Ground Mounted Signs (16-6-6(A)(2))

Ground Mounted Signs

16-6-6(A)(2)

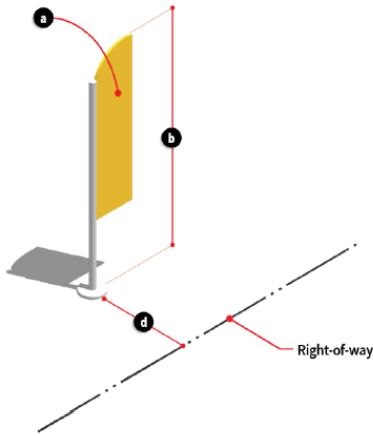


(3) *Feather signs.* (See Figure 16-6-6(A)(3))

- (a) *Sign area.* The maximum area of a feather sign shall be 20 square feet.
- (b) *Height.* The maximum height of a feather sign shall be 12 feet.
- (c) *Number of signs.* Only one feather sign shall be permitted per building frontage along a public right-of-way or unit of a building along a public right-of-way.
- (d) *Other provisions.*
 - I. No part of a feather sign shall be located within any required landscape area.
 - II. Feather signs shall be securely anchored into the ground or secured in a portable base designed for such function.

Feather Signs (16-6-6(A)(3))

Feather Signs
16-6-6(A)(3)



(B) *Permitted locations.* Table 16-6-7(B) identifies the district where temporary signs that require a permit may be located. Signs that are marked as a "P" in the table shall be authorized with a permit, subject to all applicable regulations of this article.

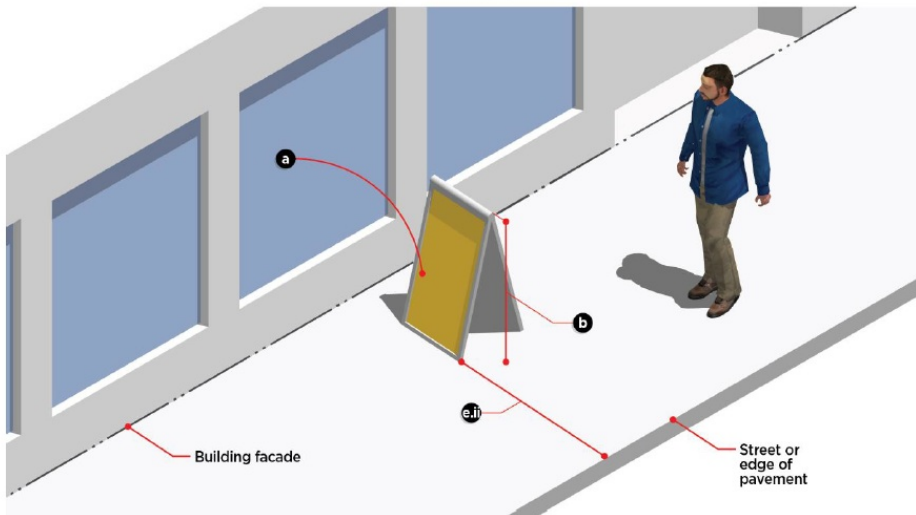
Table 16-6-7(B) Permitted Location of Temporary Signs Requiring a Permit

Sign Type	Zoning District								
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
Wall Mounted Banner	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P
Ground Mounted Banner	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P
Feather	P(1)	P(1)	P(1)	P(1)	P	P	P	P	P

(1) Sign shall only be permitted for multiple-unit and nonresidential uses.

Sidewalk Signs (16-6-7(A)(1))

Sidewalk Signs
16-6-7(A)(1)



(Ord. 2021-05-15, passed 5-3-2021)

§ 16-6-7 TEMPORARY SIGNS NOT REQUIRING A PERMIT.

Temporary signs including yard signs and temporary window signs shall be allowed without a permit in the zoning district shown in Table 16-6-7(C), so long as the temporary signs conform to the standards set forth in this article.

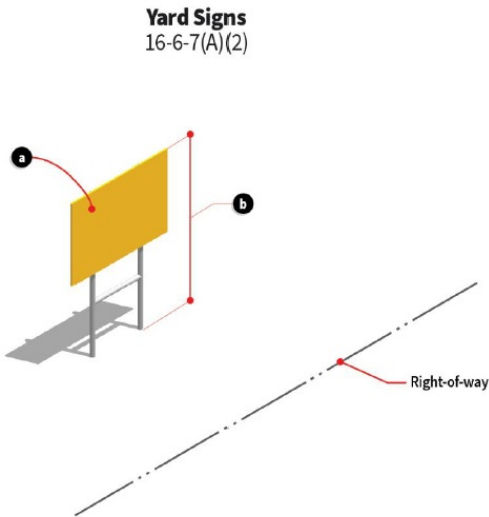
(A) *Standards for temporary signs not requiring a permit.*

(1) *A-frame/sandwich board signs.* (See Figure 16-6-7(A)(1)).

- (a) *Sign area.* The maximum permitted sign area of an A-frame/sandwich board sign shall be six square feet.
- (b) *Height.* The maximum permitted height of an A-frame/sandwich board sign shall be three and one-half feet.
- (c) *Number of signs.* Only one A-frame/sandwich board sign shall be permitted per building or unit of a building.
- (d) *Duration of display.* Twelve months, renewable on a 12 month basis.
- (e) *Other provisions.*
 - I. No A-frame/sandwich board sign shall be located upon public property.
 - II. A-frame/sandwich board signs shall be placed in a manner to preserve a continuous sidewalk width of a minimum of five feet.

- III. No part of any A-frame/sandwich board sign shall block points of ingress or egress.
 - IV. A-frame/sandwich board signs shall be placed no more than one foot from the wall of the building or unit of a building to which the sign is associated.
 - V. A-frame/sandwich board signs shall be placed no less than three feet and no more than six feet from the building entrance of the building or unit of a building to which the sign is associated.
 - VI. The display of A-frame/sandwich board signs shall only be permitted during the operating hours of the use which the sign is associated.
- (2) *Yard signs.* (See Figure 16-6-7(A)(2)).
- (a) *Sign area.* The maximum permitted sign area of a yard sign in the R-1, R-2, R-3, and R-4 Districts shall not exceed six square feet.
 - (b) *Sign height.* The maximum permitted height of yard signs in the R-1, R-2, R-3, and R-4 Districts shall not exceed four feet.
 - (c) *Number of signs.* Only three yard signs shall be permitted per lot frontage.
 - (d) *Other provisions.*
 - I. No part of any yard sign shall be located within any required landscape area.
 - II. Yard signs shall be securely anchored into the ground or secured in a portable base designed for such function.

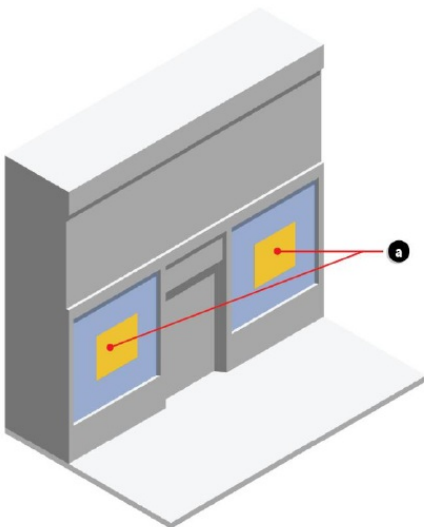
Yard Signs (16-6-7(A)(2))



- (3) *Window signs, temporary.* (See Figure 16-6-7(A)(3)).
- (a) *Sign area.* The maximum area of a temporary window sign shall be 25% of the square footage of the window on which the sign shall be located. Permitted temporary window sign area shall be considered in aggregate with permitted permanent window sign area.
 - (b) *Other provisions.*
 - I. In the B-1, B-2, B-3, O-S, and I Districts, neon tubing may comprise a maximum of 50% of the permitted temporary window sign area.
 - II. Temporary window signs shall include window film, decals and clings which are more than 50% opaque and/or contain sign copy.

Window Sign (16-6-7(A)(3))

Window Sign
16-6-7(A)(3)



(C) *Permitted locations.* Table 16-6-7(B) identifies the districts in which temporary signs authorized without a permit may be located. Signs that are marked as a "P" in the table shall be authorized without a permit, subject to all applicable regulations of this article.

Table 16-6-7(B) Permitted Location of Temporary Signs Requiring a Permit									
Sign Type	Zoning District								
	R-1	R-2	R-3	R-4	B-1	B-2	B-3	O-S	I
A-Frame/Sandwich Board	P(1)	P(1)	P(1)	P(1)	P	P	P		

Yard	P	P	P	P					
Window, Temporary	P	P	P	P	P	P	P	P	P

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-6-8 PROHIBITED SIGNS.

- (A) Unless otherwise provided for in this article, the following signs are expressly prohibited:
- (1) Any sign which constitutes a traffic hazard by reason of size, location, design or illumination or which is likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
 - (2) Any sign which is located in the public right-of-way or extends into the public right-of-way except as permitted under these regulations;
 - (3) Off-premises signs or billboards;
 - (4) Moving, rotating or animated signs;
 - (5) Searchlights;
 - (6) Signs with flashing lights;
 - (7) Trailer-type portable signs, excluding signs placed by the village, county, or state for public health or safety purposes;
 - (8) Pennants, streamers, spinners, propellers, balloons, inflatable shapes;
 - (9) Triangular, cube or "V" shaped signs;
 - (10) Signs which emit sounds including but not limited to voice, music and similar attention getting methods;
 - (11) Signs painted on the surface of any building or structure;
 - (12) Signs containing obscene matter;
 - (13) Signs which obstruct in any manner the use of a driveway, door, window, fire escape, or access or ingress from any building or structure;
 - (14) Vehicle signs, permanent: no vehicles bearing permanently affixed signs shall be parked on public right-of-way, public property or private property for a period which exceeds three days. All vehicles displaying permanently affixed signs shall be currently licensed, operable, parked on the property of the business owning or leasing the vehicle, and in the parking area furthest from any street right-of-way, so as to minimize the effects of additional signage on the property, except for vehicles actively in transport, or in the specific act of receiving or delivering merchandise or rendering a service;
 - (15) Roof signs;
 - (16) Snipe signs;
 - (17) Outline lighting; and
 - (18) Box signs.
- (B) Signs not listed in §§ 16-6-5 through 16-6-8 shall be deemed to be prohibited, even though such signs are not specifically listed in §16-6-8(A).

(C) *Obscenity prohibited.* It shall be unlawful for any person to display upon any sign or other advertising structure any matter in writing or in picture, which, considered as a whole, predominantly appeals to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and goes substantially beyond customary limits of candor in description or representation of such matters.

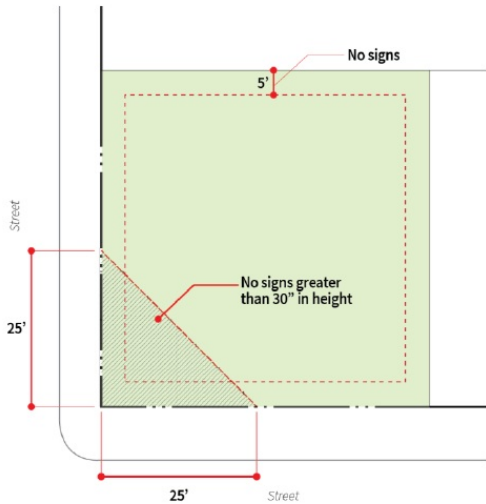
(Ord. 2021-05-15, passed 5-3-2021)

§ 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.

Sign Obstruction (16-6-9(A))

Sign Obstruction
16-6-9(A)



- (B) *Illumination.*
- (1) Illumination of all signs shall be diffused or indirect and shall be so arranged that there will be no direct rays reflecting into the public way or any. Exposed light bulbs, flashing, blinking or traveling and similar illumination are not permitted.
 - (2) Direct lighting shall be allowed on monument signs and so long as direct rays do not reflect into the public right-of-way or onto residential lots.
- (C) *Changeable copy.* (See Figure 16-6-9(C-D)). Changeable copy is allowed on monument signs in accordance with the following.
- (1) One-third of the sign area must be permanent copy. The area of the sign devoted to changeable copy shall be part of, not in addition to, the total permitted sign area.
 - (2) The changeable copy must be protected from unauthorized changes with a protective covering or other means of securing the sign.
- (D) *Electronic message boards.* (See Figure 16-6-9(C-D)). Electronic message boards are allowed on monument signs in accordance with the following.

- (1) One-third of the sign area must be permanent copy.
- (2) The area of the sign devoted to an electronic message board shall be part of, not in addition to, the maximum sign area permitted.
- (3) The electronic message format shall conform to the following requirements:
 - (a) The message will contain a static message or image only and not have limited movement, or the appearance of movement, during the static display period.
 - (b) The transition to change from one message or image to another shall be instant and not dissolve, fade, scroll, travel, or have similar transitions so as not to distract motorists.
 - (c) The message shall not change more frequently than once every four seconds.
- (4) Electronic message boards must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- (5) Electronic message boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to light conditions.
- (6) Electronic message boards shall have a white light correlated color temperature not exceeding 4,000 degrees Kelvin.
- (7) Illumination of electronic message boards shall not exceed three-tenth foot-candles over the ambient lighting conditions when measured at a distance equal to the square footage of the sign area.

Changeable Copy & Electronic Message Signs (16-6-9(C-D))

**Changeable Copy & Electronic Message Signs
16-6-9(C-D)**



(E) *Construction, safety, maintenance, and abandonment.* Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the Property Maintenance, Building, Electrical and Fire Codes of the village.

(1) All signs, together with all supports, braces, guys, and anchors shall be kept in proper repair in accordance with the provisions of this article. When not galvanized or constructed of approved corrosion resistive, noncombustible materials, signs shall be painted when necessary to prevent corrosion, rust, peeling paint, and excessive fading. Failure of owners to keep signs maintained in good mechanical and visual repair shall be deemed a violation of this article.

(2) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean condition, free of rubbish. Any landscaping surrounding the sign shall be kept trimmed and in good condition. If the landscaping planted at the time of sign installation dies, said landscaping shall be replaced immediately or as soon as weather permits.

(3) Every existing sign shall be subject to an inspection whenever the Community Development Director deems it necessary. In the event an inspection demonstrates that repairs and/or maintenance is necessary, the sign owner shall be notified and required to complete said repairs and/or maintenance within 30 days of notification. The Community Development Director is authorized to grant one 30 day extension, if, upon written request, it is deemed necessary due to extenuating circumstances.

(4) If the Community Development Director shall find that any sign is unsafe or unsecure, or is a threat to the public safety, or was, after the adoption of this article constructed, erected, or maintained in violation of the provisions of this article, he or she shall give written notice per the provisions of this article. Such notice shall specify the manner of which the sign is unsafe or in violation of this article.

(5) Sign copy shall be removed and in the case of a wall sign, the building facade shall be repaired, by the owner or lessee of the premises upon which the sign is located when the use which the sign is associated is no longer conducted on the premises. The sign copy shall be removed within 30 days of when the use ceases to operate. If the owner or lessee fails to remove the sign copy, the Community Development Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Community Development Director may have the sign removed at the owner's expense.

(Ord. 2015-05-15, passed 5-3-2021; Ord. 2021-09-45, passed 9-20-2021)

§ 16-6-10 NONCONFORMING SIGNS.

(A) All permanent signs which are in existence at the time of passage of this article, but which do not conform to one or more provisions of this article, shall be deemed to be a legal nonconforming use and may be continued only as provided in this article.

(B) Any sign for which a permit has been lawfully granted prior to the effective date of this or any subsequent amendment of the sign code and which does not comply with the provisions of such amendment may nonetheless be completed in accordance with the approved plans, provided construction of the sign is started within 90 days after the passage of the ordinance amendment, and is diligently prosecuted to completion.

(C) Whenever a nonconforming sign has been discontinued for a period of six consecutive months, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be reestablished, and the sign thereafter shall be in conformity with the regulations of this code.

(D) Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming features of the sign.

(E) No structural alteration, enlargement or extension shall be made in a nonconforming sign, except in the following situations:

- (1) When the alteration is required by law; and/or
- (2) When the alteration will actually result in eliminating the nonconforming use.

(F) If a nonconforming sign is damaged or destroyed by any means to the extent of 50% or more of its replacement value at that time, the sign can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the code. In the event the damage or destruction is less than 50% of its replacement value, based upon prevailing costs, the sign may then be restored to its original condition and the use may be continued which existed at the time of such partial destruction until the nonconforming sign is otherwise abated by the provisions of this code. In either event, restoration or repair must be started within a period of six months from the date of damage or destruction, and diligently prosecuted to completion.

(G) Existing temporary signs shall expire at the termination date specified on the permit, but in no case later than six months from the date of passage of this amendment. New temporary signs shall be allowed only in conformance with the provisions contained in Article 16-8 of this UDO.

(H) The Community Development Director shall, after the adoption of this sign code, notify each owner of a nonconforming sign of the manner in which such sign is not in compliance with this code. He or she shall further notify each owner of a nonconforming sign that such sign must either be brought into compliance with this code or removed prior to its required abatement date.

(I) Conformity of sign setbacks reduced by the exercise of eminent domain. Legal, permitted signs which do not meet the requirements of the minimum setback which conformed to the provisions of this article but were reduced in setback as a result of the exercise of eminent domain or the threat of the exercise of eminent domain by a governmental body and which are still located entirely upon private property and not in the 25 foot sight triangle shall not be found to be nonconforming with the provisions of this article as a result of the loss of such territory.

(Ord. 2021-05-15, passed 5-3-2021)

Section

- 16-7-1 Intent and purpose
- 16-7-2 General provisions
- 16-7-3 Standards for review
- 16-7-4 Site development allowances
- 16-7-5 Procedures
- 16-7-6 Amendments and alterations to approved planned developments

§ 16-7-1 INTENT AND PURPOSE.

The purpose of the regulations, standards, and criteria contained in this article is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural and site design when sufficiently justified under the provisions of this article. The objective of the planned development is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Comprehensive Plan and planning policies of the village while departing from the strict application of the use and bulk regulations as detailed in Article 16-3 of the UDO. The planned development is intended to permit and encourage such flexibility and to accomplish the following purposes:

- (A) To stimulate creative approaches to the commercial, residential, and mixed-use development of land.
- (B) To provide more efficient use of land.
- (C) To preserve natural features and provide open space areas and recreation areas in excess of that required under conventional zoning regulations.
- (D) To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
- (E) To unify buildings, structures, and site amenities through design.
- (F) To promote long-term planning pursuant to the Village of Carol Stream Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-7-2 GENERAL PROVISIONS.

- (A) The following must be approved as a planned development in accordance with the Unified Development Ordinance:
 - (1) Any mixed-use development.
 - (2) Any development in the B-1 District.
- (B) Any development other than single-unit detached residential uses may be approved as a planned development.
- (C) Each planned development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a planned development solely upon an already existing planned development except to the extent such planned development has been approved as part of a development master plan.
- (D) The burden of providing evidence and persuasion that any planned development is necessary and desirable shall rest with the applicant.
- (E) Uses within a planned development shall be as permitted within the zoning district in which the planned development is located, with the following exceptions:
 - (1) Planned developments in the O-S District shall also be entitled to the uses of the B-2 District.
 - (2) Planned developments in the I District shall also be entitled to the uses of the B-3 District.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-7-3 STANDARDS FOR REVIEW.

Approval of development through the use of a planned development, including modifications to conventional zoning and subdivision regulations, is a privilege and will be considered by the village only in direct response to the accrual of tangible benefits from the planned development to the village or the neighborhood in which it would be located. These benefits shall be in the form of exceptional amenities, outstanding environmental, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a planned development, the Plan Commission and/or Village Board, as the case may be, shall be required to make certain findings based on the following standards:

- (A) *Required findings.* No application for a planned development shall be approved unless all the following findings are made about the proposal:
 - (1) *Comprehensive plan.* The planned development shall conform with the general planning policies of the village as set forth in the Comprehensive Plan.
 - (2) *Public welfare.* The planned development shall be designed, located, and proposed to be operated and maintained such that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety, and welfare.
 - (3) *Impact on other property.* The planned development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
 - (4) *Impact on public facilities and resources.* The planned development shall be designed such that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it. The planned development shall include such impact donations as required by this UDO.
 - (5) *Archaeological, historical or cultural impact.* The planned development shall not substantially adversely impact a known archaeological, historical, or cultural resource located on or off the parcel(s) proposed for development.
 - (6) *Parking and traffic.* The planned development shall have or make adequate provision to provide necessary parking and ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets and provides adequate access for emergency vehicles.
 - (7) *Adequate buffering.* The planned development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
 - (8) *Performance.* The applicant shall demonstrate a successful history of having completed one or more recent projects of comparable value and complexity to provide the village with reasonable assurance that, if authorized, the planned development can be completed according to schedule as proposed.
 - (9) *Signs.* Any sign on the site of the planned development shall be in conformity with or shall satisfy the standards of review for variations as detailed in Article 16-8 of the UDO.
- (B) *Modification standards.* In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a planned development. These standards shall not be regarded as inflexible but shall be used as a framework by the village to evaluate the quality of the amenities, benefits to the community, and design and desirability of the proposal.
 - (1) *Integrated design.* A planned development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
 - (2) *Beneficial common open space.* Any common open space in the planned development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
 - (a) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - (b) Dedicated streets, alleys, and other public rights-of-way.
 - (c) Vehicular drives and parking, loading and storage areas.
 - (d) Irregular or unusable narrow strips of land.
 - (e) Land areas needed to provide required buffer yards as set forth in Article 5 of the Unified Development Ordinance.
 - (3) *Location of taller buildings.* Taller buildings shall be located within the planned development in such a way as to dissipate any material adverse impact on lower buildings within the development or on surrounding properties, and shall not unreasonably invade the privacy of occupants of such lower buildings.
 - (4) *Functional and mechanical features.* Exposed storage areas, refuse and recycling facilities, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be included in the design of the planned development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding

properties.

(5) *Visual and acoustical privacy.* The planned development shall provide reasonable visual and acoustical privacy for each dwelling unit or tenant space. Fences, walls, barriers, and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

(6) *Energy efficient design.* A planned development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the planned development.

(7) *Landscape conservation and visual enhancement.* The existing landscape and trees in a planned development shall be conserved and enhanced, as feasible, by minimizing tree and soil removal, and the conservation of special landscape features such as streams, ponds, groves, and land forms. The addition or use of larger trees, shrubs, flowers, fountains, ponds, special paving amenities will be encouraged to the extent of their appropriateness and usefulness to the planned development and the likelihood of their continued maintenance.

(8) *Drives, parking and circulation.* Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and limiting the number of access points to the public streets through the use of cross access connections, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.

(9) *Surface water drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely impact neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-7-4 SITE DEVELOPMENT ALLOWANCES.

Notwithstanding any limitations on variations which can be approved as contained elsewhere in the Unified Development Ordinance, site development allowances (i.e. deviations from the underlying zoning provisions set forth outside this article) may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development; is in furtherance of the stated objectives of this article; and is necessary for proper development of the site.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-7-5 PROCEDURES.

The following steps are provided to ensure the orderly review of every planned development application:

(A) *Pre-filing review and transmittal of application.*

(1) *Conference.*

(a) A prospective applicant, prior to submitting a formal application for a planned development, shall meet for a pre-filing conference with the Community Development Director and any other village employee designated by the Community Development Director as a member of the Development Review Team. The purpose of the conference is to help the applicant understand the Comprehensive Plan, Unified Development Ordinance, site development allowances, standards by which the application will be evaluated, and the application requirements, including:

I. The names and addresses of the owner of the subject property, the applicant, and all persons having an ownership or beneficial interest in the subject property and proposed planned development.

II. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the applicant.

III. A plat of survey legal description and street address for the subject property.

IV. A statement indicating compliance of the proposed planned development with the Comprehensive Plan; and evidence of the proposed project's compliance in specific detail with each of the "Standards for Review" for planned developments as detailed in § 16-7-3.

V. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, infrastructure, and utilities.

VI. A scaled site plan of the proposed planned development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.

VII. Schematic drawings illustrating the design and character of the building elevations, building materials, building heights, types of construction, and floor plans of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and floor area of all uses or combinations of uses, and the floor area of the entire development.

VIII. A landscape plan showing the location, size, character and composition of vegetation and other material.

IX. The substance of covenants, easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.

X. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the planned development.

XI. A professional traffic study acceptable to the Engineering Services Director showing the proposed traffic circulation pattern within and in the vicinity of the area of the planned development, including the location and description of public improvements to be installed, and any streets and access easements.

XII. A professional economic analysis acceptable to the village, including the following:

i. The financial capability of the applicant to complete the proposed planned development;

ii. Evidence of the project's economic viability; and

iii. An analysis summarizing the economic impact the proposed planned development will have upon the village.

XIII. Copies of all environmental impact studies as required by law.

XIV. An analysis setting forth the anticipated demand on all village services.

XV. A plan showing off-site utility improvements required to service the planned development, and a report showing the cost allocations and funding sources for those improvements.

XVI. A site drainage plan for the planned development.

XVII. The mailing list and a written summary of comments, pertaining to the proposed application, from any meeting held pursuant to §16-7- 5(A)(1)(d) below.

(b) After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed planned development. Such request shall be made in writing prior to the submission of the formal application documents.

(c) All requests for waiver shall be reviewed by the Community Development Director. A final determination regarding the waiver shall be given to the prospective applicant following the decision. Denied requests may be appealed to the Village Board.

(d) The applicant, prior to submitting a formal application for a planned development, may be required to schedule and hold a meeting to discuss the proposed planned development and its impact on adjoining properties and area residents. Instances in which a meeting may be required include but are not limited to projects which propose:

I. Deviation from the Comprehensive Plan Future Land Use Plan land use recommendation for the property that is the subject of the planned development;

II. Uses which are not listed as allowable uses in the UDO; and

III. Projects which include the rezoning of a property.

(e) Should the village require such a meeting to be held, the applicant shall send a written notice of the meeting via mail to all taxpayers of record for all property within 250 feet of the proposed planned development not less than 15 days prior to the date of the meeting. A copy of the mailing list and written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

(B) An application for a planned development shall be reviewed and decided upon following the procedures set for a special use permit as detailed in §16-8-4(E) and (L).

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2022-09-39, passed 9-6-2022)

§ 16-7-6 AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENTS.

(A) A minor change is any change in the site plan or design details of an approved planned development which is consistent with the standards and conditions applying to the planned development and which does not alter the concept or intent of the planned development. A minor change shall not:

(1) Increase the planned development's density,

- (2) Increase the height of buildings,
- (3) Reduce open space by more than 10%,
- (4) Modify the proportion of housing types,
- (5) Change parking areas in a manner inconsistent with this UDO,
- (6) Limit the installation of ground-mounted utility and mechanical equipment provided screening is installed per the requirements of this UDO,
- (7) Prohibit additions to buildings which do not increase gross floor area by more than 500 square feet,
- (8) Alter alignment of roads, utilities or drainage,
- (9) Amend final development agreements, provisions or covenants, or
- (10) Provide any other change inconsistent with any standard or condition imposed by the Village Board in approving the planned development.

Said minor change may be approved by the Community Development Director without obtaining separate approval by the Village Board. In addition, the Village Board may, after reviewing the request for a major change made by the applicant, direct the Community Development Director to process the request as a minor change.

(B) A major change is any change in the site plan or design details of an approved planned development which is not a minor change as detailed in subsection (A) above and shall require separate review and approval under the provisions of Article 16-8 the Unified Development Ordinance.

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

Section

- 16-8-1 Administration
- 16-8-2 General application provisions
- 16-8-3 Staff review and action
- 16-8-4 Petition review and approval
- 16-8-5 Enforcement
- 16-8-6 Declarations and associations for common areas and shared facilities

§ 16-8-1 ADMINISTRATION.

(A) *Community Development Director.*

(1) *Responsibility.* The Community Development Director may delegate any of the duties detailed below to a village officer or employee.

(a) The Community Development Director shall not approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Unified Development Ordinance and other applicable ordinances of the village.

(b) This Unified Development Ordinance shall not nullify any private agreement or covenant; however, where the terms of this Unified Development Ordinance are more restrictive than a private agreement or covenant, this Unified Development Ordinance shall control. Where such covenants are known to the Community Development Director, he or she may, at his or her discretion, refuse the issuance of a permit for a period of time, during which he or she may notify the parties known to him or her to be interested in the enforcement of such covenants.

(2) *Powers and duties.* In administering and enforcing this Unified Development Ordinance, the Community Development Director shall have the following powers and duties, which may be delegated to a village officer or employee.

- (a) Determine conformance of applications with regulations of this Unified Development Ordinance;
- (b) Serve as or designate the village's Zoning Administrator;
- (c) Issue all certificates of occupancy, and make and maintain records thereof;
- (d) Conduct inspections of buildings, structures and use of land to determine compliance with this Unified Development Ordinance;
- (e) Issue violation notices that require compliance and advise suspected violators of the right of appeal;
- (f) Maintain permanent and current records of the administration and enforcement of this Unified Development Ordinance, including, but not limited to, applications and decisions for all amendments, variations, special uses, and appeals;
- (g) Inform the Village Manager of all applications initially filed with the Community Development Director for amendments, appeals, variations, special uses and other matters under this Unified Development Ordinance upon which the Village Board, the Zoning Board of Appeals and/or the Plan Commission are required to act; and
- (h) Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals and Plan Commission in the exercise of their duties.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-8-2 GENERAL APPLICATION PROVISIONS.

(A) *Authority to file applications.* An application for staff review or petition review under this Unified Development Ordinance must be filed by the record owner, purchaser under contract from the record owner with signature from that owner, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary. The village is authorized to require proof of legal authority to take the action sought. The Village Board, Plan Commission, Zoning Board of Appeals, and Village Manager may initiate any action under this Unified Development Ordinance with or without an application from the property owner.

(B) *Where to file applications.* Applications for staff review or petition review shall be submitted to the office of the Community Development Director.

(C) *How to file applications.* Applications for staff review or petition review must be submitted on forms and in such numbers as required by the Community Development Director.

(D) *Application fees.* Every application must be accompanied by a fee in such amount as established in Chapter 6, Article 13 of the Village Code of Ordinances.

(E) *Incomplete applications.* Applications that are not complete, or that are not accompanied by required fees, will not be processed. No further processing of the application will occur until the deficiencies are corrected. Applications will be processed when determined to be complete.

(F) *Approval authority.*

- (1) Applications for staff review are reviewed and acted upon by village staff.
- (2) Applications for petition review are reviewed by village staff and forwarded to the appropriate decision-making body for final action.

(G) *Application processing cycles.* The Community Development Director, after consulting with review and decision-making bodies, may provide processing cycles for applications. Processing cycles may establish:

- (1) Deadlines for receipt of complete applications.
- (2) Dates of regular meetings.
- (3) The scheduling of staff reviews and staff reports on complete applications.
- (4) All required steps in the application process (including reviews by other agencies and public hearings).
- (5) Required timeframes for action by review and decision-making bodies.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-8-3 STAFF REVIEW AND ACTION.

(A) *Community Development Director authority.*

(1) The Community Development Director shall have the authority to receive applications and make determinations for the following staff review procedures:

- (a) Development staff review;
- (b) Staff adjustment;

- (c) Site plan review;
- (d) Sign permit;
- (e) Fence permit;
- (f) Specific use permits:
 - I. Home occupation permit;
 - II. Outdoor dining permit;
 - III. Outdoor special exhibition, show or sales permit;
 - IV. Temporary buildings, structures, or uses.

(2) Any applicant who receives a notice of denial as an outcome of a staff review procedure from the Community Development Director may, within 30 days after receipt of notice of such decision, appeal such decision to the Zoning Board of Appeals by filing a written notice of appeal with the Community Development Director with an explanation as to why said decision was not warranted according to the applicant.

(B) *Engineering Services Director authority.*

(1) The Engineering Services Director shall have the authority to receive applications and make determinations for land improvement permits.

(2) Any applicant who receives a notice of denial as an outcome of a staff review procedure from the Engineering Services Director may, within 30 days after receipt of notice of such decision, appeal such decision to the Village Board by filing a written notice of appeal with the Engineering Services Director.

(C) *Summary of staff review procedures.* Table 16-8-3(C) summarizes the staff review procedures and lists the appropriate boards or commissions for appeals of staff determinations or decisions.

Table 16-8-3(B) Summary of Staff Review Procedures					
Procedure	Section	Community Development Director	Engineering Services Director	Zoning Board of Appeals	Village Board
Table 16-8-3(B) Summary of Staff Review Procedures					
Procedure	Section	Community Development Director	Engineering Services Director	Zoning Board of Appeals	Village Board
Development Staff Review	16-8-3(D)	[]			
Staff Adjustment	16-8-3(E)	[]			
Site Plan Review	16-8-3(F)	[]		*	
Sign Permit	16-8-3(G)	[]		*	
Fence Permit	16-8-3(H)	[]		*	
Specific Use Permit	16-8-3(I)	[]		*	
Land Improvement Permit	16-8-3(J)		[]		*
[] = Review and Final Determination					
* = Appeal Body					

(D) *Development staff review.*

(1) *Applicability.* The developer of any proposed development, or his/her agent, may apply to the village for development staff review with the submission of plans and information reflecting the details of the proposed development.

(2) *Application.* An application for development staff review shall include a brief description of the project and any other pertinent project information.

(3) *Purpose.* The purpose of the development staff review is to offer the developer initial feedback regarding technical, code-based requirements pertaining to a potential development.

(4) *Review.* The Community Development Director shall inform the developer in writing of the extent to which the plans and information as submitted or as modified do or do not meet the requirements of the UDO and other village ordinances and policy documents.

(E) *Staff adjustment.*

(1) *Applicability.* The Community Development Director, upon written request, shall have the authority to authorize a deviation of up to 10% from any side or rear yard setback requirements set forth in § 16-3-9. The adjustment shall be only granted to the minimum extent necessary, in order to closely maintain the intent of the dimensional standard.

(2) *Application.* An application for a staff adjustment shall include a brief description of the requirement to be varied and any other information necessary to ensure the review criteria are met.

(3) *Review criteria.* To approve an application for a staff adjustment, the Community Development Director shall make an affirmative finding that the following review criteria are met:

(a) That granting the staff adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.

(b) That granting the staff adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use considerations.

(c) That granting the staff adjustment will be generally consistent with the purposes and intent of this Unified Development Ordinance.

(d) That the staff adjustment granted is the minimum amount necessary for the application and is not more than 10% of the required dimension established by the Unified Development Ordinance.

(4) *Review and action.* The Community Development Director shall review the application and approve, approve with conditions, or deny the application based on the review criteria. A written decision including the findings on the review criteria shall be rendered to the applicant.

(5) *Appeals.* Appeal of a staff adjustment denied by the Community Development Director shall not be permitted. Instead, the applicant may choose to apply for a variation in accordance with § 16-8-4(A)(5).

(F) *Site plan review.*

(1) *Applicability.* Whenever any proposed development meets any of the following criteria, a site plan review shall be required to certify compliance with all applicable provisions of this UDO. Development proposed in the Gary Avenue Corridor or North Avenue Corridor Overlay Districts shall be reviewed as detailed in § 16-8-4(A)(4)(j). Prior to review and issuance of an application for a building permit or land improvement permit for developments identified in § 16-8-3(F)(a), an application for site plan review must be submitted and reviewed by village staff.

(a) New development, including the construction or placement of any new building(s) or expansion of any existing building, in any of the following general use categories, as found in § 16-3-11:

- I. Multiple-unit dwellings, complex;
- II. Commercial retail;
- III. Commercial service;
- IV. Eating and drinking;
- V. Physical health and entertainment;
- VI. Auto oriented businesses;
- VII. Office;

VIII. Industrial; and

IX. Medical uses.

(b) The proposed development is subject to off-street parking and loading improvement requirements, see § 16-5-2.

(2) *Application.* When site plan review is required, such plans shall be submitted in a form established by the Community Development Director, along with a nonrefundable fee established by the Village Board. The application shall contain the following information:

(a) Plans at a size of at least 24 inches by 36 inches, and drawn to scale.

(b) Labels for the date, scale, north point, title, name of owner, and name of person preparing the plan.

(c) A map layout showing the location of existing boundary lines and dimensions of the legal lot(s) or tract of land, any existing easements, and utility locations. A boundary survey prepared by a professional land surveyor registered in the State of Illinois may be required by the Community Development Director.

(d) The location, size, and setbacks from the property lines, of all existing and proposed structures, buildings, and land improvements.

(e) A building elevation plan showing the height, facade design, and exterior building materials and window specifications, for all proposed buildings.

(f) A site plan, showing the location and size of existing and proposed streets and alleys, sidewalks, parking and loading spaces, ADA compliant spaces, drive aisles, driveways, vehicular and pedestrian circulation, cross-access connections, fire lanes, bumpers, curbs, wheel stops.

(g) A landscaping plan, showing the location and size of existing and proposed landscaping areas, including parking lot perimeter area landscaping, parking lot interior area landscaping, building foundation area landscaping, transition area landscaping, and curbing, a table of plant types, sizes, and quantities, installation specifications, irrigation, and maintenance provisions.

(h) The location, size, and type of proposed permanent signs, if known.

(i) A preliminary application for a Stormwater Management Certification that includes narratives and/or calculations to support the approximate footprints of any stormwater management facilities and/or special management areas shown on the site plan. This shall include an Alternatives Analysis per 15-86.B and/or 15-86.C of the DuPage County Ordinance for every direct impact to a wetland that is proposed.

(3) *Review and action.* The Community Development Director shall:

(a) Review and evaluate the application in accordance with this UDO and any other relevant information.

(b) Advise the applicant, in writing, of required and recommended revisions to the plans and application.

(c) Render an approval, approval with conditions, or denial of the application, in writing to the applicant. An approval may only be rendered when the Community Development Director is satisfied that the proposed project complies with all applicable provisions of this UDO and with all adopted plans and policy documents of the village. The Director may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this UDO and adopted plans and policy documents. Any notice of denial shall state the reason for denial.

(4) *Concurrent applications.* A special use permit or variation application may be processed concurrently with the site plan review.

(5) *Expiration and lapse of approval.* The applicant shall have 12 months from the date of a site plan review approval to secure a building permit or land improvement permit to carry out the proposed improvements. If a building permit has not been obtained within 12 months of the date of approval, the approval shall expire. An extension of the time requirements may be requested in writing and granted by the Community Development Director for good cause shown by the applicant, provided a written request is filed with the village at least four weeks prior to the respective deadline.

(G) *Sign permit.*

(1) *Applicability.* A sign permit shall be required prior to the display, construction, erection, or alteration of a sign, and its structural components, on any property. All signs must comply with Article 16-6, and the applicable sections of the building code as adopted by the village. All electrical installations associated with the erection and installation of a sign must be done in accordance with the adopted Building and Electrical Codes.

(2) *Exemptions.* Signs exempt from a permit are listed in §16-6-5 and 16-6-7.

(3) *Permanent sign permit application.* An application for a permanent sign permit shall be submitted in a form established by the Community Development Director. The application shall contain the following information:

(a) Name, address and telephone number of the applicant;

(b) A site plan drawn to scale showing the location of the building, structure or lot to which the sign is to be attached or erected, and showing the position of the sign in relation to nearby buildings and thoroughfares;

(c) A plan drawn to scale showing the design of the sign including dimensions, materials used and method of construction, and means of attachment to the building or the ground;

(d) The name of the person, firm, corporation or association erecting, altering or relocating such sign;

(e) Written consent of the owner of the land on which the sign is to be erected, altered or relocated; and

(f) Any other information as the Community Development Director shall require in order to show full compliance with this and all other applicable ordinances of the village.

(4) *Temporary sign permit applications.* An application for a temporary sign permit shall be submitted in a form established by the Community Development Director. The application shall contain all information required for a permanent sign permit application as detailed in § 16-8-3(G)(3).

(a) *Review and action.* The Community Development Director shall review applications for permanent and temporary sign permits in accordance with all applicable regulations. The Community Development Director shall render an approval, approval with conditions, or denial of the application, with reasons included in writing to the applicant. An approval shall only be rendered when the Community Development Director is satisfied that the proposed sign complies with all applicable provisions of this UDO. The Community Development Director may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this UDO.

(b) *Temporary sign permit sticker.* Upon approval of a temporary sign permit application, the Community Development Director shall issue a sticker which shall be applied to the approved temporary sign. The sticker shall include the following information:

I. Name and contact information of the applicant;

II. Permitted location of the sign; and

III. Dates between which the sign may be displayed.

(H) *Fence permit.*

(1) *Applicability.* A fence permit shall be required prior to the construction or installation of any fence. All fences must comply with §16-5-9, and the applicable sections of the building code as adopted by the village.

(2) *Application.* An application for a fence permit shall be submitted in a form established by the Community Development Director. The application shall contain the following information:

(a) A completed fence permit application form;

(b) Name, address, and contact information of the applicant;

(c) A site plan or plat of survey showing the location on the property where the fence will be placed and its distance to all applicable property lines and all other buildings and structures;

(d) Plans and specifications of the fence or wall structure, including all dimensions, materials, an indication of the fence design or style, and structural supports.

(3) *Review and action.* The Community Development Director shall review the fence permit application in accordance with all applicable regulations. The Community Development Director shall render an approval, approval with conditions, or denial of the application, with reasons included in writing to the applicant. An approval shall only be rendered when the Community Development Director is satisfied that the proposed fence complies with all applicable provisions of this UDO. The Community Development Director may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into compliance with this UDO. Any notice of denial shall state the reason for denial.

(4) *Expiration and lapse of approval.* The applicant shall have 12 months from the date of approval of a fence permit to carry out the proposed improvements.

(I) *Specific use permits.*

(1) *Home occupation permit.* A home occupation permit shall be required prior to the initiation or operation of a home occupation and shall be renewed each year the home occupation is in operation. The permit for a home occupation does not run with the land, is personal to the applicant, is not transferable to any other person, and does not apply to any other business of the applicant.

(a) *Application.* An application for a home occupation permit shall contain the following information:

- I. Name, address, and contact information of the applicant;
- II. Description of the home occupation to be conducted;
- III. Hours of operation; and
- IV. Evidence and statement of compliance with the standards of §16-4-16.

(b) *Review and action.* The Community Development Director shall be responsible for conducting reviews to determine if the proposed home occupation complies with all applicable regulations and standards. No permit shall be issued unless the plans and specifications conform in all respects to the provisions of this UDO and the building code.

(2) *Outdoor dining permit.* An outdoor dining permit shall be required prior to the installation of outdoor dining areas or the initiation of outdoor service and must be renewed annually. The permit for outdoor dining does not run with the land, is personal to the applicant, is not transferable to any other person or business, and does not apply to any other business of the applicant.

(a) *Application.* An application for an outdoor dining permit shall contain the following information:

- I. Name, address, and contact information of the applicant;
- II. A site plan shall be submitted showing the location on the property where the seating area will be located; the layout and quantity of tables and chairs; dimensions of pedestrian walkways; the height and design specifications of the fence, if required; and relation to all required setbacks, parking spaces, and required landscape areas;
- III. Hours of operation;
- IV. Evidence and statement of compliance with the outdoor dining standards in §16-4-19.

(b) *Review and action.* The Community Development Director shall be responsible for conducting reviews to determine if the proposed outdoor dining complies with all applicable regulations and standards, including § 16-4-19 . No permit shall be issued unless the plans and specifications conform in all respects to the provisions of this UDO.

(c) *Concurrent applications.* A special use permit application may be processed concurrently with the outdoor dining permit.

(3) *Temporary building, structure, or use permit.* A temporary building, structure, or use permit shall be required prior to the establishment of a temporary use of a building, structure, or property that does not otherwise conform with certain UDO regulations, provided that such use will not have an adverse impact on surrounding properties or the public health, safety, and general welfare, and provided that such use shall not exceed a period of six months.

(a) *Application.* An application for a temporary building, structure, or use permit shall contain the following information:

- I. Name, address, and contact information of the applicant;
- II. A written description of the specific nature of the building, structure or use, including the proposed duration that the building, structure or use will be in operation, the purpose of the building, structure or use, the hours of operation of the building, structure or use, and any other pertinent information. A written description of the parking and traffic impacts, if any, and the efforts to mitigate such impacts, should be included;
- III. A plan showing the entire property and illustrating the location and dimensions of the temporary building, structure or use. Design plans or manufacturer's product information may be required depending on the nature of the use;
- IV. Written authorization from the owner of the property in which owner specifically authorizes the temporary building, structure or use. Such written authorization shall make reference to the specific terms of the use, as proposed;
- V. Evidence and statement of compliance with any applicable use specific provisions of Article 16-4 including but not limited to the outdoor special exhibition, show, or sales standards in § 16-4-24.

(b) *Review and action.* The Community Development Director shall be responsible for conducting reviews to determine if the proposed temporary building, structure, or use complies with all applicable regulations and standards, including this UDO. No permit shall be issued unless the plans and specifications conform in all respects to the provisions of this UDO.

(c) *Village Board approval.* Requests for temporary uses in excess of six months, or those determined by the Community Development Director as having a potential adverse impact on surrounding properties, shall require Village Board approval. The Village Board shall only grant approval of such temporary uses for specified periods of time and subject to such conditions as the Village Board determines to be appropriate to protect against any potential adverse impact on surrounding properties and for safeguarding the public health, safety and general welfare. Such approval shall be considered pursuant to a public hearing in accordance with the requirements of this section, or may be considered in accordance with § 1-1-17 if so authorized by the Village Manager.

(J) *Land improvement permit.*

(1) *Applicability.* No person shall construct, alter, relocate, remove or destroy any off-street parking, off-street loading, off-street lighting, driveway, sanitary sewer system, water distribution system, minor or major stormwater system, or sidewalk, nor shall said person perform any earthwork including clearing, grubbing, topsoil stripping, excavating, filling or grading, upon any improved or unimproved real estate without first obtaining a land improvement permit. A land improvement permit shall not be required if any of the following applies:

(a) The activity is directly covered under a Type B, C or E permit issued from the Community Development Department;

(b) The activity meets all the criteria of Section 15-30.A, or any of the criteria of Section 15-30.B, of the DuPage County Countywide Stormwater and Floodplain Ordinance as it pertains to Stormwater Management Certifications.

(2) *Application.* Any person desirous of obtaining a land improvement permit shall make application therefor to the village on a form provided by the Engineering Services Department, as well as an application for a Stormwater Management Certification, if applicable. The form shall be accompanied by any plans, specifications and calculations required by the Engineering Services Director to perform the review. Unless waived in writing by the Engineering Services Director, the supporting documentation shall be signed and sealed by a professional engineer licensed in the State of Illinois.

(3) *Review and action.* The Engineering Services Director shall review the application for conformance with the requirements set forth in this UDO and the Manual of Design Standards and Construction Specifications (DSCS Manual). The Engineering Services Director shall render an approval, approval with conditions, or denial of the application in writing to the applicant. Approval with conditions shall specify the actions necessary to bring the application and its supporting documentation into conformance. Any notice of denial shall state the reason for denial. When applicable, a Stormwater Management Certification shall be approved and issued, either prior or in conjunction with, the issuance of a land improvement permit.

(4) *Expiration of permit.* Every land improvement permit shall only be valid for the time period as specified in Article IV Stormwater Management Certifications, § 15-44 Duration and Revision to Certifications and Authorizations of the DuPage County Countywide Stormwater and Flood Plain Ordinance as adopted in Ch. 6, Art. 14 of this code or otherwise become null and void unless the Engineering Services Director extends the expiration date as allowed by § 15-44.

(5) *Revocation of permit.* In the event any person holding a land movement permit pursuant to this article violates the terms of the permit or conducts or carries on such site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee or conducts or carries on such site development so that it is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Engineering Services Director shall revoke or suspend the land improvement permit in accordance with Article XIV Prohibited Acts/Enforcement/Penalties, § 15-107 Revocation and Suspension of Certifications of the DuPage County Countywide Stormwater and Flood Plain Ordinance as adopted in Ch. 6, Art. 14 of this code.

(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021- 08-33, passed 8-2-2021)

§ 16-8-4 PETITION REVIEW AND APPROVAL.

(A) *Staff authority.* The Community Development Director shall have the authority to receive applications for the following petition requests to village boards or commissions.

- (1) Courtesy review;
- (2) Shared parking facility permit;
- (3) Easement encroachment;
- (4) Gary Avenue Corridor and North Avenue Corridor Overlay District Development review;
- (5) Variation;
- (6) Special use permit;
- (7) Text amendment;
- (8) Map amendment;
- (9) Subdivision;
- (10) Annexation.

(B) Application review and approval procedures for planned developments are included in Article 16-7 of this UDO.

(C) If in the opinion of the Community Development Director the village does not have the requisite expertise on staff to complete the review of any application for petition review and approval, the Community Development Director shall notify the applicant before acquiring the services of consultants and/or attorneys as may be necessary for the proper review and

preparation of the report and/or opinion. The developer shall, within five calendar days either formally withdraw its application or provide written acknowledgment that the developer is responsible for all fees incurred by the village for said review.

(D) *Summary of petition review procedures.* Table 16-8-4(B) summarizes the petition review procedures and lists the appropriate boards or commissions that serve as recommending or decision making bodies.

Table 16-8-4(D) Summary of Petition Review Procedures				
Procedure	Section	Community Development Director	Plan Commission/ Zoning Board of Appeals	Village Board
Table 16-8-4(D) Summary of Petition Review Procedures				
Procedure	Section	Community Development Director	Plan Commission/ Zoning Board of Appeals	Village Board
Courtesy Review	16-8-4(G)	Non-binding review only		
Shared Parking Facility Permit	16-8-4(H)	[]		*
Public Easement Encroachment	16-8-4(I)	[]		*
Gary Avenue Corridor and North Avenue Corridor Overlay Districts Development Review	16-8-4(J)	[]	*	
Variation	16-8-4(K)	[]	X	*
Special Use Permit	16-8-4(L)	[]	X	*
Text Amendment	16-8-4(M)	[]	X	*
Map Amendment	16-8-4(N)	[]	X	*
Subdivision	16-8-4(O)	[]	X	*
Annexation	16-8-4(P)	[]		*
[] = Staff Review				
X = Recommending Body				
* = Decision Making Body				

(E) *Recommending and decision-making bodies.*

(1) *Authority for actions.*

(a) Decision-making bodies may take any action on an application that is consistent with the notice given, including, but not limited to, approving the application, approving the application with conditions, or denying the application. Decision-making bodies must act by simple majority vote of the body.

(b) Decision-making bodies may approve an application for a lower density of development, a less intensive use, a less intensive zoning district, increased setbacks, fewer dwelling units, less height, or fewer access points, than indicated in the notice.

(2) *Inaction.*

(a) When a recommending body fails to take action on an application, the application will be forwarded to the decision-making body with no recommendation.

(b) When a decision-making body fails to take action on an application that inaction will be deemed a denial of the application.

(3) *Continuation of public hearings.* A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the original public hearing. If the public hearing is canceled for lack of a quorum or any other reason, notice of the continuance shall be posted at the main entrance of the building where the original public hearing was held.

(F) *Notice requirements.*

(1) *Notice content.* All notices required under this UDO shall include the following content:

- The date, time, and place of all scheduled public hearings.
- A description of the property involved in the application by street address if one exists.
- A description of the nature, scope, and purpose of the application.
- The location and source of additional information on the application.

(2) *Notice methods.*

(a) *Published notice.* When the provisions of this UDO require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation within the village at least 15 days and no more than 30 days before the date of the first scheduled public hearing.

(b) *Written notice.* Unless otherwise expressly stated, when the provisions of this UDO require that written notice be provided, the official responsible for accepting the application shall provide written notice by first class mail to all taxpayers of record of the subject property and all taxpayers of record within 250 feet of the boundaries of the subject property. The notice shall be deposited in the U.S. mail by the Community Development Department at least 15 days and no more than 30 days before the first scheduled public hearing. Ownership information shall be obtained from the most current taxpayer records.

(3) *Notice issues.* Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a finding regarding whether there was compliance with the notice requirements of this chapter.

(4) *Cost of notice.* All costs associated with published and written notice, as required by this UDO, shall be the responsibility of the applicant.

(G) *Courtesy review.*

(1) *Applicability.* Whenever any development is proposed, the developer or his/her agent may submit to the Community Development Director plans and information reflecting the detail of the proposed development for inclusion on the agenda of an upcoming Plan Commission and Village Board meeting.

(2) *Purpose.* The purpose of the courtesy review is to offer the developer informal feedback regarding a proposed development from the recommending and decision making bodies.

(3) *Application.* An application for courtesy review shall include a brief description of the project and any other information necessary to communicate the scope, intent and impacts of the project.

(4) *Review.* At the Plan Commission and Village Board meetings during which the developer presents their plans and information, the appointed and elected officials may offer informal feedback, however no comment offered shall be construed as a binding decision of the village.

(H) *Shared parking facility permit.*

(1) *Applicability.* Shared parking facilities shall require the review and approval of the Village Board. The following procedure is established to ensure the public health, safety, and welfare through the provision of adequate parking, conservation of land resources, reduction of stormwater runoff, reduction in heat island effect caused by large paved areas, and improvement of the appearance of the community.

(2) *Application.* An application for a shared parking facility permit shall be submitted to the Community Development Director, along with such accompanying information as is detailed in § 16-5-2(B)(2). Application procedures are described in the General Application Provisions found in §16-8-2.

(3) *Shared parking facility permit review criteria.* The Village Board shall consider the following criteria in their review of shared parking facility permit applications.

(a) That no substantial conflict exists in the peak periods of parking demand of the uses for which shared parking is proposed, as demonstrated through the professionally prepared shared parking study.

(b) That a shared parking agreement with a term of not less than five years has been executed between the owners of the property for which shared parking is proposed, and is on file with the Village Clerk's Office.

(4) *Review and action.* The Village Board may act to approve, approve with conditions, or deny the shared parking facility permit based on the review criteria set out in this section.

(l) *Public easement encroachment.*

(1) *Applicability.* Easement encroachment requests shall require review and approval of the Village Board. The following procedure is established to ensure the public health, safety, and welfare through the provision of adequate areas for utilities, safe measures for public services, and general appearance of the community.

(2) *Application.* An application for an easement encroachment shall be submitted to the Community Development Director, along with the following information:

(a) Plat of survey with legal description depicting the location of all structures on the property including setbacks from property lines. The proposed structure that is the subject of the easement encroachment application also needs to be shown on the plat, with dimensions provided. The easement that the applicant is requesting to encroach within must be clearly labeled on the plat.

(b) A cover letter addressed to the Mayor and Village Board introducing the applicant and explaining the details of the request.

(c) If the easement being encroached upon is a utility easement, the applicant shall provide the village with letters from any and all other entities that were also afforded rights by said easement in which they indicate no objection to easement encroachment request.

(3) *Easement encroachment review criteria.* The Village Board shall consider the following criteria in their review of easement encroachment applications:

(a) The need to encroach within the easement as opposed to placing the structure elsewhere on the property.

(b) That all other options have been considered for the placement of the structure outside of the easement and rejected as impractical.

(4) *Review and action.* Before the Village Board may act on the easement encroachment request, the property owner must sign and submit the village's terms of approval letter. Upon receipt of the signed letter, the Village Manager shall schedule the review of the request before the Village Board. The Village Board may act to approve, approve with conditions, or deny the easement encroachment based on the review criteria set out in this section.

(J) *Gary Avenue Corridor and North Avenue Corridor Overlay District Development review (See Figure 16-8-4(J)).*

(1) *Applicability.* Whenever any development is proposed to occur in the Gary Avenue Corridor or North Avenue Corridor Overlay Districts; a review shall be required to certify compliance with all applicable provisions of this UDO.

(2) *Application.* Plans shall be submitted in a form established by the Community Development Director. The application shall contain the following information, as required by the Community Development Director:

(a) Plans at a size of at least 24 inches by 36 inches, and drawn to scale.

(b) Labels for the date, scale, north point, title, name of owner, and name of person preparing the plan. A map layout showing the location of existing boundary lines and dimensions of the legal lot(s) or tract of land, any existing easements, and utility locations. A boundary survey prepared by a professional land surveyor registered in the State of Illinois may be required by the Community Development Director.

(c) The location, size, and setbacks from the property lines, of all existing and proposed structures, buildings, and land improvements.

(d) A building elevation plan showing the height, facade design, and exterior building materials and window specifications, for all proposed buildings.

(e) A site plan, showing the location and size of existing and proposed streets and alleys, sidewalks, parking and loading spaces, ADA compliant spaces, drive aisles, driveways, vehicular and pedestrian circulation, cross-access connections, fire lanes, bumpers, curbs, wheel stops. The site plan shall also include the approximate footprints of stormwater management facilities (ex. site runoff storage facilities and post-construction best management practices) and/or special management areas (ex. special flood hazard areas, wetlands, and buffers) that have the potential to impact the proposed geometrics of the site.

(f) A landscaping plan, showing the location and size of existing and proposed landscaping areas, including parking lot perimeter area landscaping, parking lot interior area landscaping, building foundation area landscaping, transition area landscaping, and curbing, a table of plant types, sizes, and quantities, installation specifications, irrigation, and maintenance provisions.

(g) A tree preservation plan, including an inventory of all mature, high-quality trees on the lot.

(h) The location, size, and type of proposed permanent signs, if known.

(i) A preliminary application for a Stormwater Management Certification that includes narratives and/or calculations to support the approximate footprints of any stormwater management facilities and/or special management areas shown on the site plan. This shall include an Alternatives Analysis per 15-86.B and/or 15-86.C of the DuPage County Ordinance for every direct impact to a wetland that is proposed.

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

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

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

(c) Establishment throughout the Overlay Districts of harmonious physical and visual relationships among existing, new and proposed buildings, open spaces, natural terrain and plant materials and placements, with the intent of creating a unique and unified appearance for the entire Overlay District;

(d) Creation of unified site designs with a sense of internal and interrelated order, that provide desirable environments for site users and visitors and the community as a whole and that consider all site elements, including: the relationship of buildings to surrounding land forms; grading; architectural design; building, parking and loading-dock orientation; building height; site furnishings (lighting, outdoor seating, signs and the like); landscaping (retention of natural vegetation, plant selection and placement, retention and incorporation of water features, and the like); and other visible outdoor site elements;

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

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

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

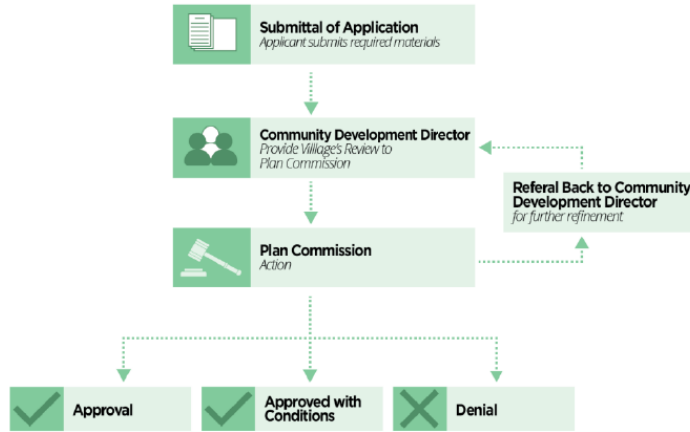
(4) *Action by the Plan Commission.* The Plan Commission may approve, approve with conditions, or deny any corridor review request, or may refer it back to the Community Development Director with recommendations for further refinement to address specific issues.

(5) *Concurrent applications.* A special use permit or variation application may be processed concurrently with the corridor review.

(6) *Expiration and lapse of approval.* The applicant shall have 12 months from the date of a corridor review approval to secure a building permit to carry out the proposed improvements. If a building permit has not been obtained within 12 months of the date of approval, the approval shall lapse and be of no further effect.

16-8-4(J) Gary Avenue Corridor and North Avenue Corridor Overlay District Development Procedure

16-8-4(J) Gary Avenue Corridor and North Avenue Corridor Overlay District Development Procedure



(K) Variation (See Figure 16-8-4(K)).

(1) *Applicability.* The Village Board, by ordinance, upon report of the Zoning Board of Appeals, and only after a public hearing before the Zoning Board of Appeals, shall decide variations of the provisions of this UDO in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

(2) *Application.* An application for a variation shall be submitted to the Community Development Director, along with such accompanying material as is required to ensure compliance with the variation review criteria below. Application procedures are described in the general application provisions found in § 16-8-2 and include published and mailed notification requirements of § 16-8-4(F)(2)(a) and (b).

(3) *Use variations prohibited.* The Village Board may not grant a use variation to allow a use not permitted within a specific zoning district.

(4) *Variation affecting rights-of-way prohibited.* The Village Board may not grant a variation that will allow a use or structure to extend into a public right-of-way or easement.

(5) *Variation review criteria.* A variation may be granted by the Village Board upon an affirmative finding by the Zoning Board of Appeals that all of the following conditions exist:

(a) The requested variation arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

(b) That the variation to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property;

(c) The strict application of the applicable standards will constitute an unnecessary physical hardship (not economic hardship) because the property cannot be used for an otherwise allowed use without coming into conflict with applicable site development standards;

(d) The variation is the minimum action necessary to alleviate the hardship and observes the spirit of this UDO; and

(e) The variation desired will not adversely affect the public health, safety, or general welfare or impair the purposes or intent of this UDO or the comprehensive plan.

(6) *Sign variation review criteria.* A variation from the regulations of Article 6 : Sign Standards may be granted by the Village Board upon an affirmative finding by the Zoning Board of Appeals that all of the following conditions exist:

(a) The inability to follow the strict standards of the sign code are due to the unique physical feature of the property;

(b) The available locations for adequate signing on the property;

(c) The effect of the proposed sign on pedestrian and motor traffic;

(d) The proposed variation will not impair visibility to the adjacent property, create or increase traffic problems, endanger public safety or otherwise be detrimental to the public welfare or injurious to other property or improvements in the area;

(e) The cost to the applicant of complying with the sign code as opposed to the detriment; and

(f) The proposed variation is in harmony with the spirit and intent of this article.

(7) *Fence variation review criteria.*

(a) An exceptional situation related to topography, surroundings or conditions of a specific piece of property, or by reason of exceptional narrowness or shallowness;

(b) Difficulties or particular hardship in the way of carrying out the strict letter of the fence standards;

(c) The fence will not impair an adequate supply of light and air to adjacent property;

(d) The fence will not endanger the public safety;

(e) The fence will not unreasonably diminish or impair established property values within the surrounding area; and

(f) The fence will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the village.

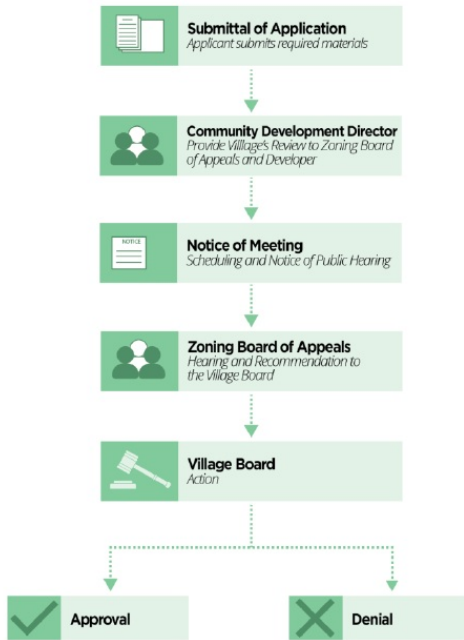
(8) *Findings of fact.* The Zoning Board of Appeals shall make a determination on each of the variation review criteria and submit its findings in the form of a written report to the Village Board. Findings of fact shall be based on evidence presented at the public hearing on the variation request. A negative finding of fact on any of the variation review criteria shall require a negative vote on the application as a whole.

(9) *Conditions of approval.* The Zoning Board of Appeals may recommend and the Village Board may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this chapter.

(10) *Expiration and lapse of approval.* The applicant shall have 12 months from the date of approval of a variation to secure any necessary permits to carry out the proposed improvements. If permits have not been obtained within 12 months of the date of variation approval, the approved variation shall lapse.

16-8-4(K) Variation Procedure

16-8-4(K) Variation Procedure



(L) Special use permit (See Figure 16-8-4(L)).

(1) *Applicability.* 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. The following procedure is established to integrate the special uses properly with other land uses located in the district. These uses shall be reviewed and authorized or denied according to the following procedure.

(2) *Application.* An application for a special use permit shall contain all of the required elements of site plan review as detailed in § 6-8-3(F), and shall include a detailed written description of the operation and nature of the proposed special use. Site plan review shall occur concurrently with special use permit review. Application procedures are described in the general application provisions found in § 16-8-2 and include published and mailed notification requirements of § 16-8-4(F)(2)(a) and (b).

(3) *Special use permit review criteria.* A special use permit may be recommended by the Plan Commission and granted by the Village Board only upon finding in the review of the application that all of the following criteria are met. No special use shall be recommended by the Plan Commission, nor approved by the Village Board, unless the special use:

- (a) Is deemed necessary for the public convenience at the location;
- (b) Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (c) 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;
- (d) Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (e) Will provide adequate utilities, access roads, drainage and other important and necessary community facilities; and
- (f) 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.

(4) *Hearing and recommendation by the Plan Commission.* The Plan Commission shall make a determination on each of the special use permit review criteria and submit its findings in the form of a written report to the Village Board. Findings of fact shall be based on evidence presented at the public hearing on the special use permit request. A negative finding of fact on any of the six special use permit review criteria shall require a negative vote on the application as a whole. The Plan Commission may recommend certain conditions and restrictions, including, but not limited to, those upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required.

(5) *Action by the Village Board.* Prior to granting any special use permit, the Village Board may stipulate certain conditions and restrictions, including, but not limited to, those upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. In all cases in which special use permits are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be complied with, including, but not limited to, the acceptance in writing of the owner of the property involved and other interested parties of the conditions and guarantees set forth within the UDO. A copy of the ordinance bearing the acceptance may be recorded in the office of the County Recorder of DuPage County. The acceptance shall be in approximately the following form:

(a) *"The undersigned, being the (owner, tenant, contract purchaser, etc.) of the property legally described in this ordinance do/does hereby acknowledge that the fulfillment of such conditions and guarantees are essential to the granting and continuation of the special use allowed herein, and that but for the imposition of these requirements and guarantees the special use would not have been granted. The undersigned do/does further certify and agree that such conditions and guarantees shall equally bind and be effective against any/all successor/ successors to the interest of the undersigned. The commitment herein made shall run with the land and shall be enforceable by the Village of Carol Stream in a court of law or equity in addition to any and all other remedies available to the village to secure compliance with the conditions and guarantees agreed to herein."*

(6) *Expiration and lapse of approval.* The applicant shall have 12 months from the date of Village Board approval of a special use permit to secure any necessary permits to carry out the proposed improvements. If permits have not been obtained within 12 months of the date of approval, the approval shall lapse. An extension of the time requirements may be granted by the Village Board, at the Board's sole discretion, for good cause shown by the applicant, provided a written request is filed with the village at least four weeks prior to the respective deadline.

(7) *Successive applications.* If an application is not approved, an application for the same use on the same property shall not be filed for a period of 12 months from the date of Village Board action, except upon demonstration of significant/substantive changes that address the factors leading to previous denial.

(8) *Amendments to special use permits.* Any change which would alter the provisions, conditions, or restrictions of a special use ordinance or that would alter the way the use is operated, designated, maintained, or occupied; or significantly alters the building size or integral changes to the design or location of site elements, shall require the applicant or owner to apply for an amendment to the special use permit. The criteria for amendment for an amendment to a special use permit shall be the same as for the issuance of a special use permit.

16-8-4(L) Special Use Permit Procedure

16-8-4(L) Special Use Permit Procedure

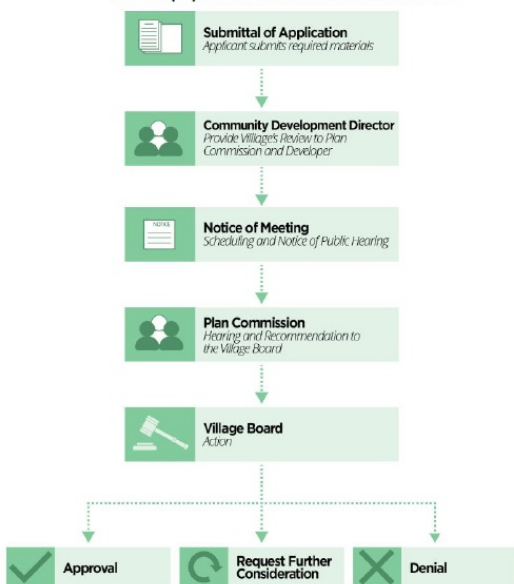


(M) Text amendment (See Figure 16-8-4(M)).

- (1) **Applicability.** The regulations imposed under the authority of this UDO may be amended by ordinance in accordance with applicable state law. 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.
- (2) **Application.** Text amendments to the UDO may be proposed by the Village Board, Plan Commission or Zoning Board of Appeals, or by any resident or owner of property in the village. Application procedures are described in the general application provisions found in § 16-8-2 and include published notification requirements of §16-8-4(F)(2)(a).
- (3) **Text amendment review criteria.** The Plan Commission and Village Board shall consider the following criteria in their review of text amendments. Proposed text amendments that satisfy all of the review criteria may be approved.
 - (a) The amendment must be consistent with the purpose of this UDO and the village comprehensive plan.
 - (b) The amendment must not adversely affect the public health, safety, or general welfare.
 - (c) 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.
- (4) **Hearing and recommendation by the Plan Commission.** The Plan Commission shall hold a public hearing on the text amendment, and, at the close of the public hearing, make a recommendation to the Village Board to approve, approve with modifications, or deny the amendment based on the review criteria set out in this section.
- (5) **Action by the Village Board.** The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable state law, or may refer it back to the Plan Commission for further considerations.

16-8-4(M) Text Amendment Procedure

16-8-4(M) Text Amendment Procedure



(N) Map amendment (See Figure 16-8-4(N)).

- (1) **Applicability.** The district boundaries created under the authority of this UDO may be amended by ordinance in accordance with applicable state law. 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.
- (2) **Application.** Map amendments to the Official Zoning Map may be proposed by the Village Board, Plan Commission or Zoning Board of Appeals, or by the property owner or duly authorized agent or representative of the property or properties proposed for map amendment. Application procedures are described in the general application provisions found in § 16-8-2 and include published and mailed notification requirements of § 16-8-4(F)(2)(a) and (b).

(3) *Map amendment review criteria.* The decision to amend the Official Zoning Map is a matter of legislative discretion that is not controlled by any single review criterion. In making recommendations and decisions on map amendments, the Plan Commission and Village Board must consider all relevant factors, including at minimum the following criteria:

- (a) The existing uses and zoning of nearby property;
- (b) The extent to which property values are diminished by the current zoning classification;
- (c) The extent to which the diminishment of property value of the applicant promotes the health, safety, morals or general welfare of the public;
- (d) The relative gain to the public as opposed to the hardship imposed upon the individual property owner;
- (e) The suitability of the subject property for the zoned purposes;
- (f) The length of time the property has been vacant as zoned considered in the context of land development in the area;
- (g) The care with which a community has undertaken to plan its land-use development; and
- (h) Community need for the use proposed by the applicant.

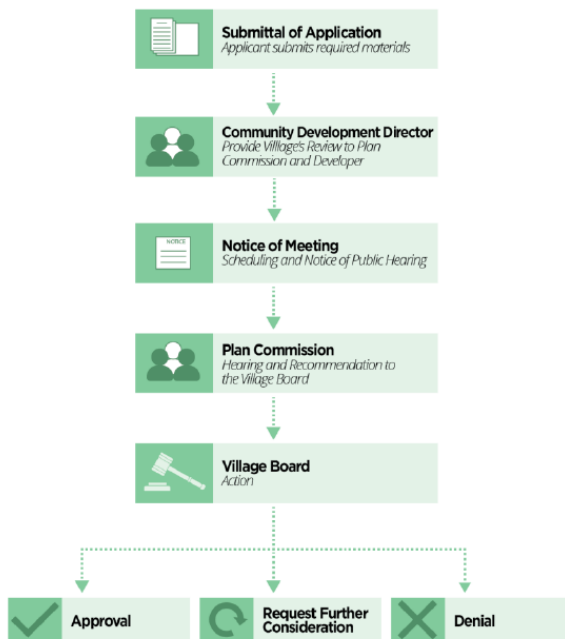
(4) *Hearing and recommendation by the Plan Commission.* The Plan Commission shall hold a public hearing on the map amendment, and, at the close of the public hearing, make a recommendation to the Village Board to approve or deny the amendment based on the review criteria set out in this section.

(5) *Action by the Village Board.* The Village Board, upon report of the Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable state law, or may refer it back to the Plan Commission for further considerations.

(6) *Successive applications.* If the Village Board denies an application for a map amendment, an application for the same or any more intensive district on any portion of the subject tract may not be refiled for a period of 12 months from the date of the Village Board action on the proposed amendment.

16-8-4(N) Map Amendment Procedure

16-8-4(N) Map Amendment Procedure



(O) *Subdivision.*

(1) *Types of subdivision applications.*

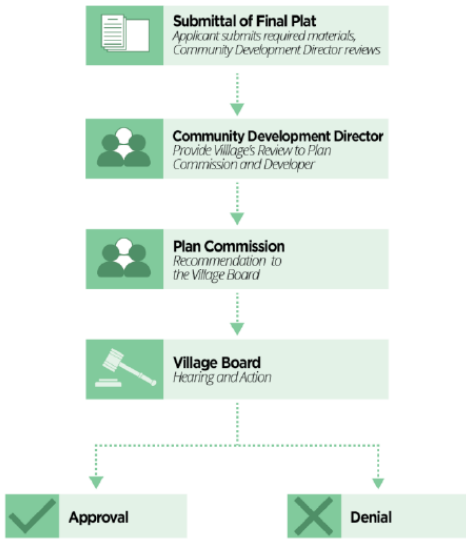
(a) *Major subdivision (See Figure 16-8-4(O)).* Any subdivision of land, as defined in this article, that involves the dedication of rights-of-way or easements for public use, or the dedication or reservation of land for schools, parks, playgrounds or other public uses. The review of major subdivisions shall occur in two stages: a preliminary plat approval as detailed in § 16-9-7 and a final plat approval as detailed in §16-9-8. The Community Development Director may, at his or her discretion, re-categorize any major subdivision as a minor subdivision.

1. A developer may submit a preliminary plat and final plat concurrently for review and consideration by the Plan Commission and Village Board only if he/she elected to participate in the development staff review and concept plan review detailed in this article.

(b) *Minor subdivision (See Figure 16-8-4(O)).* Any subdivision of land, as defined in this article, that does not meet the definition of a major subdivision. The preliminary plat process shall not be required for minor subdivisions but may be followed when requested by the developer.

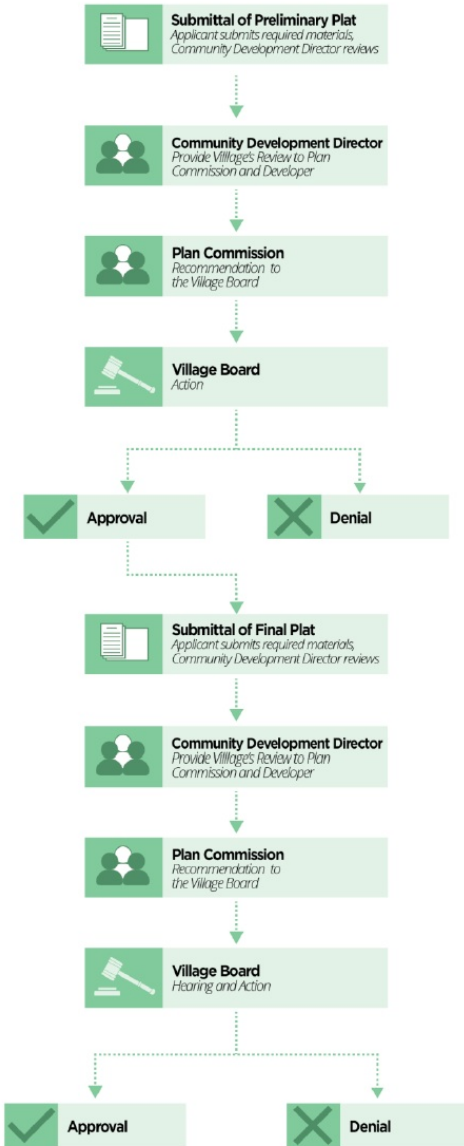
16-8-4(O) Minor Subdivision Procedure

16-8-4(O) Minor Subdivision Procedure



16-8-4(O) Major Subdivision Procedure

16-8-4(O) Major Subdivision Procedure



(2) Preliminary plat approval procedures.

(a) Application. An application for preliminary plat approval shall be made on forms furnished by the Community Development Director and shall include applicable copies of the supporting data required per § 16-8-4(N)(3).

(b) The Community Development Director shall refer the preliminary plat to the Plan Commission at the next regular meeting of the Plan Commission after the application is determined to be complete.

(c) The Plan Commission shall recommend approval or denial of the preliminary plat within 90 days from the date of the application or the filing by the developer of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent. The recommendation of the Plan Commission, in the form of the meeting minutes, shall be forwarded to the Village Board.

(d) If recommended for approval by the Plan Commission, the Village Board shall approve or deny the preliminary plat within 30 days at a regular meeting following the action of the Plan Commission.

I. Approval of the preliminary plat by the Village Board is preliminary in nature, indicating only the general acceptability of the layout as submitted, and shall be effective for a maximum period of one year. The Village Board may grant an extension upon receipt of a written request from the developer. The request for the extension shall not require an additional filing fee or the submittal of additional copies of the approved preliminary plat.

II. If the preliminary plat is denied, the Village Board shall state in writing the reasons for the denial, which shall be filed in the office of the Village Clerk and a copy shall be sent to the developer.

(3) *Preliminary plat application; supporting data.* The application for preliminary plat approval shall include plans clearly drawn such that legible prints can be made therefrom. Plans shall be on 24 inch by 36 inch sheets and shall be drawn at a scale of one inch equals 100 feet or, if the area of the subdivision is more than 200 acres, one inch equals 200 feet. A digital submission of Adobe Acrobat (PDF) format files with to-scale sheet sizes of 24 inches by 36 inches shall also be provided. Those plans shall, at a minimum, include the following supporting data:

(a) *Preliminary plat.*

I. Identification and description. Name of the proposed subdivision or re-subdivision; location by section-township-range or by other legal description; names and addresses of the owner or developer; and the person or firm who prepared the plat;

II. North arrow and date, including any revisions;

III. Boundary line survey;

IV. Adjacent lots or parcels, and their owner of record;

V. Zoning districts, existing and proposed, including adjacent lots or parcels;

VI. Location and width of existing right-of-way;

VII. Location and width of proposed right-of-way for dedication;

VIII. Lot lines showing dimensions, lot size (square feet), and setback lines;

IX. Lots for school site(s), park site(s) or other public grounds to be dedicated, if any;

X. Lots to be used for storage of stormwater runoff;

XI. Easements, existing and proposed.

(b) Preliminary engineering improvement plans and drawings.

I. A boundary line survey prepared by a professional land surveyor licensed in Illinois shall be used as a basis for the plans. The plans shall either include the surveyor's seal and signature, or provide a separate plat of survey bearing the same.

II. A description and elevation of benchmark(s) used and set. All design elevations shall be based on the USGS National American Vertical Datum (NAVD) of 1988.

III. All horizontal coordinates shall reference the Illinois East State Plane Coordinate System North American Datum 1983.

IV. Location map, with the project site delineated thereon.

V. Existing right-of-way and easements, including recording number.

VI. Proposed right-of-way, lot configuration, and easements indicating the use of the easement.

VII. Existing pavement (ex. streets, parking lots, sidewalks, paths), structures (ex. buildings, retaining walls), and underground features (ex. septic tanks, wells), as well as vegetation that is to be retained in place, including all trees with a diameter at breast height of ten inches or greater.

VIII. Proposed streets, parking lots, sidewalks, multi-use paths and other substantial pavement areas.

IX. Location of existing and proposed water, sanitary sewer and storm sewer systems.

X. A topographical map of existing conditions at one foot contour intervals, including adjacent property ground surface and top of foundation elevations.

XI. Proposed elevations at key high and low points, plus tentative building footprint(s) and top of foundation elevation(s) adjacent to stormwater special management areas.

XII. Location of any existing and proposed site runoff storage facilities.

XIII. Boundaries of stormwater special management areas, including wetlands, wetland buffers, floodplain, riparian buffers, and floodway.

XIV. Location of existing and proposed parkway trees.

(c) Preliminary stormwater management report.

I. Site runoff storage calculations and supporting documentation.

II. Offsite tributary area and drainage pattern through the site.

(d) Additional documentation.

I. A statement that the proposed subdivision (where contiguous) is or is not to be annexed to the village;

II. Draft of protective covenants, whereby the developer proposes to regulate land use in the subdivision and otherwise protect the proposed development in accordance with §6-8-6;

III. For all proposed subdivisions larger than five acres in gross area, and for all planned developments, a written narrative describing the different land uses proposed to be developed on the subject property. If residential dwelling units are proposed, the total number of dwelling units, the distribution of these dwelling units, the number of dwelling units by building type distributed by bedroom count shall be quantified, as well as the projected number of people and the estimated number of students to reside within the dwelling units;

IV. For all proposed developments desiring new access onto DuPage County or IDOT highways, the developer shall concurrently submit such preliminary plan to the affected agency to coordinate access location and design. A commitment of the agency toward the viability of the proposed access shall be required as a condition of approval of the preliminary plat; and

V. The owner shall provide documentation that the site has been inspected by an individual qualified to determine whether or not a wetland is present on the site. If a wetland is present, then documentation shall be provided indicating that coordination with the United States Army Corps of Engineers and any other involved federal or state agency has been initiated.

(e) Traffic impact report (if required).

I. Required when directly impacting existing traffic signals or proposing new traffic signals.

II. Required when requested by the village or other affected agencies (ex. IDOT, DuDOT or township).

(4) *Final plat approval procedures.*

(a) Application. An application for final plat approval shall be made on forms furnished by the Community Development Director and include applicable copies of the supporting data required per § 16-8-4(N)(3). For applications that included a preliminary plat approval, the final plat shall conform substantially to the preliminary plat and its supporting documentation, as previously approved by the Village Board.

I. The developer may seek to have final approval of a geographic part or parts of the preliminary plat, and may delay application for approval of other parts until a later date or dates beyond one year with the approval of the Village Board. In such case only such part or parts of the plat as have received final approval shall be recorded.

(b) Upon the determination by the Community Development Director that the developer has supplied all drawings, maps and other documents required by this article to be furnished in support thereof, and if all such material meets all village requirements, the Community Development Director shall refer the application for final plat approval to the Plan Commission at their next regular meeting.

(c) The Plan Commission shall recommend approval or denial of the application for final plat approval. The recommendation of the Plan Commission, in the form of the meeting

minutes, shall be forwarded to the Village Board and to the developer.

(d) The Village Board shall take action within 60 days from the date the developer filed the last required document or other plan, or within 60 days from the date of filing application for final plat approval, whichever date is later. The applicant and the Village Board may mutually agree to extend the 60 day period.

(e) Upon approval by the Village Board, the developer shall provide the village with one Mylar reproducible print, three contact prints of the approved final plat, and three copies of the approved supporting documents. The Village Clerk shall then collect the necessary signatures and shall record the plat with the County Recorder. The cost of such prints, copies, and recording fees shall be paid by the developer.

(f) If the Village Board fails to act upon the final plat within the time prescribed, the developer may, after giving 14 days written notice to the Village Board, file a complaint in the circuit court seeking to compel the Village Board to take final action and approve or deny the final plat of subdivision.

(g) The provisions set forth in §§16-9-7 and 16-9-8 shall supersede in its entirety Section 11-12-8 of the Illinois Municipal Code.

(5) *Final plat application; supporting data.* The application for final plat approval shall, at a minimum, include the following:

(a) Final engineering improvement plans. The plans shall be in substantial conformance with the preliminary engineering improvement plans, if applicable, and shall generally follow the village's guidance provided in the "Manual of Design Standards and Construction Specifications".

- I. Title sheet.
- II. Index of sheets.
- III. Alignment, ties and benchmarks.
- IV. General notes and specifications.
- V. Summary of quantities.
- VI. Master utility plan.
- VII. Plan and profile sheets.
- VIII. Utility (i.e. water main, sanitary sewer, storm sewer) sheets.
- IX. Sanitary sewer profile sheets.
- X. Grading plan.
- XI. Soil erosion and sediment control plan.
- XII. Intersections.
- XIII. Traffic signals.
- XIV. Street lighting & wiring plan.
- XV. Pavement markings and signing.
- XVI. Traffic control.
- XVII. Typical sections.
- XVIII. Construction details.
- XIX. Cross sections (if required).

(b) Stormwater Management Certification. An application for a Stormwater Management Certification and all supporting documentation required by the DuPage County Stormwater and Flood Plain Ordinance, as adopted by § 16-5-7, in a format acceptable to the Engineering Services Director.

(c) Final plat. The final plat shall be accurately drawn in black waterproof drawing ink on sheets not to exceed 36 inches wide by 48 inches long and shall be at a scale of 100 feet equal to one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:

- I. Identification and description:
 - i. Name of subdivision or development.
 - ii. Location by section, township and range, or by other legal description.
 - iii. Names and addresses of the owner, subdivider or developer of the subdivision or development and the person or firm who prepared the plat.
 - iv. Graphic scale - not to exceed one inch equals 100 feet.
 - v. North point.
 - vi. Date.
- II. Delineation of final plat:
 - i. Boundary of plat, based on an accurate traverse, with angles and lineal dimensions.
 - ii. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all crosswalks easements for right-of-way provided for public services and utilities.
 - iii. True angles and distances to the nearest established street lines or official monuments (not less than three), which shall be accurately described in the plat by location, size and elevation.
 - iv. Municipal, township, county or section lines accurately correlated to the lines of the subdivision or development by distances and angles.
 - v. Radii, internal angles, curvature points, tangent bearings, and lengths of all acres.
 - vi. All lot lines, with accurate dimensions in feet and hundredths, and identification number of each lot and block.
 - vii. Accurate location, elevation and description of permanent monuments.
 - viii. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.
 - ix. Proposed building setback lines on all lots and other sites accurately shown with dimension.
 - x. Proposed street address numbers, according to village numbering system for each subdivided lot or parcel.
- III. Certificates. The certificates listed below shall appear on the final plat. The content of each certificate is detailed in Engineering Services' "Manual of Design Standards and Construction Specifications".
 - i. Plan Commission.
 - ii. Engineering Services Director.
 - iii. Village Finance Director.
 - iv. Village Clerk.
 - v. DuPage County Highway Department. (Only for developments with access onto county highways.)
 - vi. Illinois Department of Transportation. (Only for developments adjacent to or having access onto state highways.)
 - vii. County certificates and plats. For areas within one and one-half miles of the village.
 - viii. Owner's certificate.
 - ix. Notary certificate.
 - x. Professional land surveyor's certificate.

xi. Certification concerning drainage.

IV. Accompanying documents.

i. Protective covenants in accordance with § 16-8-6 which meet the approval of the Village Board shall be lettered on the final plat or attached thereto as an accompanying document.

ii. Certification by a registered Illinois Land Surveyor or Engineer certifying to accuracy of the survey and plat.

iii. Certification showing that all taxes and special assessments due on the property to be subdivided have been paid in full.

iv. Statement by owner dedicating streets, rights-of-way and any sites for public use, plus any conveyances running with the land.

v. Such other certificates, affidavits, endorsements, or other dedication as may be required by the Plan Commission or Village Board or otherwise by law in the enforcement of these regulations and recordation of plats.

(6) *Compliance required for issuance of building permit.* No building permit shall be issued for construction on any lot created through the final plat approval process until such final plat has been recorded.

(7) *Security for public improvements.*

(a) No work shall be started upon any development until the developer has posted security to ensure proper completion of the public improvements. The security shall be in an amount equal to not less than 110% of the estimated cost of the public improvements as approved by the Engineering Services Director and conditioned on the completion and acceptance by the Engineering Services Director of all public improvements within two years from the date that the security has been posted with the village. The village may also require separate security sufficient to ensure completion of all lot improvements on individual lots as required herein.

(b) The security required herein shall be secured by either:

I. A cash escrow account at a federally insured financial institution with resources of at least \$35,000,000 under the provisions of an escrow agreement approved in form by the Village Attorney, in the amount required herein and subject to draw by the village to install the public improvements or pay such costs as are necessary to properly complete the public improvements as required herein; or

II. A non-declining, irrevocable letter of credit in such form as provided by the Village Attorney, issued by a federally insured financial institution with resources of at least \$35,000,000 in the amount required herein and subject to draw by the village to install the public improvements or pay such costs as are necessary to properly complete the improvements as required herein. This letter shall provide that funds can be drawn only by the village; or

III. A surety bond provided in form by the Village Attorney from an insurance company licensed to do business in the state, in the amount required herein and subject to draw by the village to install the public improvements or pay such costs as are necessary to properly complete the public improvements as required herein.

(c) An underestimation of the costs to complete any public improvement or a failure to provide an estimate for any individual public improvement shall not relieve the developer of its responsibility to install the public improvements or prohibit the village from requiring the completion of the public improvements from the posted security. The estimate shall solely be a method for determining the amount of the security to be provided.

(d) Security posted with the village may, upon completion of specific public improvements but prior to final acceptance of all public improvements, be reduced, from time to time, upon recommendation of the Engineering Services Director and approval of the Village Board, so long as the security remaining shall be in an amount equal to 110% of the estimated value of the uncompleted work plus 10% of the estimated cost of the completed work, as determined by the Engineering Services Director. Upon final acceptance of such public improvements as provided herein and the posting of a maintenance security for the completed and accepted public improvements, such completion security shall be fully released.

(e) In the event that any time prior to the final acceptance of the public improvements, the amount of the security remaining unused by the village as cash or not drawn down under the irrevocable letter of credit, or no longer available through the surety, should not be adequate to cause the completion of the uncompleted public improvements, the village may upon seven days' written notice require the developer, or the owner of the property which benefits from the improvements, or their respective successors and/or assigns, to post additional security in an amount sufficient to cause the completion of the public improvements. The village may take this action on more than one occasion if the amount of the security at any time should be inadequate to permit the completion of public improvements. In the event that there is inadequate security to complete public improvements, the village shall not issue any building or occupancy permits.

(f) Where the required public improvements have not been installed within the terms of the performance security, the village may then declare the developer to be in default and may use the security amount on matters related to insuring the satisfactory completion of the public improvements.

(g) Where the village has caused the completion of public improvements which have not been adequately completed by the developer or the owner of the property or their respective successors and assigns, or where the village accepts maintenance responsibilities for public improvements which have not been completed or where bills of sale or other documentation has not been furnished to the village for public improvements associated with the subdivision, which will be owned by the village, the developer, the owner and their respective successors or assigns shall remain responsible for the full obligations contained within the village ordinances associated with the dedication and improvement of property until all provisions of this code associated with completion of the public improvements, the transfer of ownership and maintenance responsibility to the village have been properly completed.

(h) The Engineering Services Director is authorized to waive the surety requirements of this section for the installation of any public improvements by a governmental agency, provided that the installation of the public improvements is for a governmental purpose. The Engineering Services Director may require the governmental agency to execute an agreement binding the governmental agency to construct and install the public improvements in full accordance with village ordinances and all applicable laws, rules and regulations and to correct any deficiencies in such public improvements, as determined by the village.

(8) *Inspection of public improvements.* All public land improvements required under the provisions of this article shall be inspected during the course of construction by the Engineering Services Director or a duly designated deputy. During the course of construction of the improvements, the developer shall notify the Engineering Services Director 24 hours before any required inspection of said improvements.

(9) *Acceptance of public improvements.*

(a) Upon written notification that the developer believes the public improvements ready for acceptance, the Engineering Services Director, the design engineer and the contractor shall make an inspection of the completed work. The Engineering Services Director shall prepare a list of all items not meeting the requirements of this article (i.e. "punchlist").

(b) The developer shall cause all items not meeting the requirements of this article to be corrected within 60 days of the receipt of such items.

(c) Following the completion of all work required by the inspection, the developer shall submit the following materials (the acceptance documents):

I. A certificate of completion, signed by the design engineer, inspecting engineer and by the developer in the form approved by the village, certifying that the public improvements have been completed in accordance with the requirements of this title;

II. A title insurance policy, indicating that the public improvements have been completed, are ready for acceptance by the village, and are free and clear of any and all liens and encumbrances;

III. A bill of sale, including an Inventory of public improvements and an exhibit of public improvements, transferring title to all public improvements to the village; and

IV. Maintenance security as required by division (O)(10) of this section.

V. One set of as-built plans bearing the signature and seal of the Illinois registered professional engineer or licensed land surveyor who prepared it.

(d) Acceptance by the Village Board. The acceptance of the required public improvements shall be made only by the adoption of a resolution by the Village Board after all the provisions of this section have been met.

(10) *Maintenance security.*

(a) At the time of the acceptance of the required public improvements by the Village Board as provided herein, the developer, or its successors and/or assigns shall file a maintenance guarantee with the Village Board in the amount of 10% of the estimated cost of the required public improvements and in a form satisfactory to the Village Attorney. The guarantee may be held by the village for a period of 18 months after acceptance of the public improvements for the purpose of:

I. Guaranteeing and securing the correction of any defect in material or workmanship furnished for any public improvements; and

II. Guaranteeing against any damage to the public improvements by reason of the settling of ground, base or foundation thereof.

(b) The maintenance guarantee shall provide that, if the defects have so developed and have not been corrected by developer or its successors or assigns, then the guarantee may be applied by the village to correct such defects.

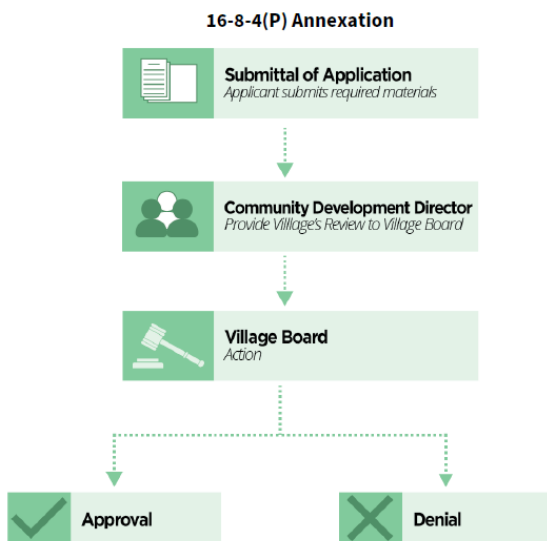
(c) If the date of acceptance of the public improvements results in the 18 month maintenance period ending between November 1st and April 30th, the maintenance guarantee shall be extended to the following May 1st.

(11) *Design standards and construction specifications.* The Engineering Services Director maintains and may amend from time to time, standards and specifications for the design, installation, and construction of public and private improvements. Such standards and specifications shall be compiled into a manual titled "Manual of Design Standards and Construction Specifications" (DSCS). The design and construction of all required land improvements, whether intended to remain privately-owned or dedicated to the village (i.e. public), shall comply with the requirements established in the version of the DSCS Manual in effect at the time of the developer's application for the final plat of subdivision.

(P) *Annexation* (See Figure 16-8-4(P)).

- (1) *Applicability.* Annexation of unincorporated land to the village shall require review and approval by the Village Board. The following procedure is established to ensure the public health, safety, and welfare through the provision of further growth and expansion of the community through sound annexation and good planning practices.
- (2) *Application.* An application for annexation shall be submitted to the Community Development Director, along with the following information:
 - (a) Plat of survey with legal description for all parcels within the land proposed to be annexed, depicting the location of all structures and setbacks from property lines.
 - (b) Plat of annexation depicting the boundary of all parcels proposed to be annexed, including adjacent street rights-of-way when appropriate.
 - (c) An executed petition for annexation.
 - (d) Cover letter addressed to the Village Board, explaining the applicant's interest in the property and details of the annexation request including a description of the future plans for the development and use of the property.
 - (e) Proof of property ownership or consent letter from the property owner.
 - (f) Annexation agreement, if required.
- (3) *Annexation review criteria.* The Village Board shall have the sole discretion to approve or disapprove applications seeking the annexation of land to the village.
- (4) *Annexation fees.* In addition to the fees for processing an application for annexation and, if applicable, an annexation agreement, as set forth in Chapter 6, Article 13 of the Village Code of Ordinances, a per acre annexation fee established by the Village Fee Schedule shall be due and paid to the village prior to the recordation of the ordinance annexing the property.
- (5) *Annexation ordinance.*
 - (a) Each annexation ordinance shall contain a clause making the payment of annexation fees a binding obligation upon the successors in title of the person requesting the annexation.
 - (b) The annexation ordinance shall be recorded by the Village Clerk in the office of the DuPage County Recorder of Deeds, thereby making the obligations under the ordinance a matter of public record to any successors in title of the owner at the time the property is annexed.
 - (c) The Village Clerk shall also file a certified copy of the annexation ordinance with the following:
 - I. DuPage County Clerk;
 - II. DuPage County Board of Election Commissioners;
 - III. Northern Illinois Gas Company;
 - IV. Commonwealth Edison Company;
 - V. AT&T;
 - VI. United States Post Office; and
 - VII. Illinois Department of Revenue.
- (6) No construction or improvements shall be made on any property annexed until payment in full shall be made of all annexation fees. Nothing herein contained shall be construed as compelling the village to make any extension or improvements or to expend any monies for such purpose in relation to the annexation.
- (7) *Extension of annexation agreements.* Where land has been annexed to the village pursuant to an annexation agreement, and at least five years of that agreement have expired, and the village and the owner have concluded that it is desirable to extend the terms of that agreement beyond the period established by statute, the village and the owner may, utilizing the procedures established by state law for the extension of an annexation agreement, extend the terms of the agreement for up to an additional period of 20 years. The village intends to fully exercise its home rule powers through the passage of this division and finds that it will benefit the citizens of the community and will assist in the appropriate planning and development of the village to provide an option for property owners and the corporate authorities of the village to mutually benefit from the terms of an extended annexation agreement.

16-8-4(P) Annexation



(Ord. 2021-05-15, passed 5-3-2021; Ord. 2021-08-33, passed 8- 2-2021; Ord. 2023-03-08, passed 3-20-2023)

§ 16-8-5 ENFORCEMENT.

- (A) *Responsibility of enforcement.* The Community Development Director or his or her designee shall enforce the provisions of this UDO.
- (B) *Types of violations.* Violations of this UDO will be subject to the remedies and penalties provided in this UDO, the Village Code, and state law. Violations of this UDO include but are not limited to:
 - (1) *Work without required permits or approvals.* It is a violation of this UDO to engage in any subdividing, development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates and other forms of authorization required by this UDO.
 - (2) *Work inconsistent with permit.* It is a violation of this UDO to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
 - (3) *Work inconsistent with conditions.* It is a violation of this UDO to violate, by act or omission, any term, condition, or qualification imposed by a decision-making body upon a required permit, certificate, or other form of authorization.
 - (4) *Work inconsistent with UDO.* It is a violation of this UDO to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or other regulation of this UDO.
 - (5) *Making lots or setbacks nonconforming.* It is a violation of this UDO to reduce or diminish any lot area so that the setbacks or open spaces are smaller than prescribed by this UDO, except in accordance with the procedural and substantive requirements of this UDO.
 - (6) *Increasing intensity of use.* It is a violation of this UDO to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this UDO.

(7) *Continuing violations.* It is a violation of this UDO to continue any of the violations specified in this article. Each day that a violation continues shall be considered a separate offense.

(C) *Responsibility for violations.* In addition to any person violating the provisions of this UDO, each person having an ownership interest in the land upon which the violation exists shall be jointly and severally liable for any violation of this UDO existing upon such land, regardless of whether such person created the violation.

(D) *Remedies and enforcement powers.* The village shall have the following remedies and enforcement powers:

(1) *Withhold permits.*

(a) The village may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of this UDO or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by a decision-making body.

(b) Instead of withholding or denying an authorization, the village may grant a permit when the work to be completed includes correction of the violation.

(2) *Revoke permits.* A permit may be revoked when the Community Development Director determines that:

(a) There is a departure from the plans, specifications, or conditions as required under the terms of the permit;

(b) The plans, specifications, or conditions were obtained by false representation or were issued in error; or

(c) Any provision of this UDO is being violated.

(3) *Stop work.* The village may stop work on any building or structure on any land on which there is an uncorrected violation of this UDO or of a permit or other form of authorization issued hereunder.

(4) *Revoke plan or other approval.* When a violation of this UDO involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Village Board may, upon notice to the applicant and property owner(s) (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Village Board may reasonably impose.

(5) *Injunctive relief.* The village may seek an injunction or other equitable relief to stop any violation of this UDO or of a permit, certificate or other form of authorization granted hereunder.

(6) *Abatement.* The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(7) *Penalties.* The penalty for a violation of this UDO shall be governed by the penalty provisions of the Village Code.

(8) *Other remedies.* The village shall have such other remedies as are and as may be from time to time provided by Illinois law and other village codes for the violation of zoning, subdivision or related UDO provisions.

(9) *Remedies cumulative.* The remedies and enforcement powers established in this chapter are cumulative.

(E) *Enforcement procedures.*

(1) *Non-emergency matters.*

(a) In the case of violations of this UDO that do not constitute an emergency, the Community Development Director shall give notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have ten days, or such longer period as the Community Development Director allows, to correct the violation.

(b) If the violation is not corrected within the required timeframe, the Community Development Director and Village Prosecutor or Village Attorney shall use all penalties, remedies and enforcement powers available under this UDO.

(c) Notice must be given in-person, by United States Mail, or by posting notice on the premises. Notices of violation must state the nature of the violation, the time period allowed for achieving compliance, the corrective steps necessary, the nature of subsequent penalties and enforcement actions should the situation not be corrected, and the appeal procedures for the notice of violation.

(2) *Emergency matters.* In the case of violations of this UDO that constitute an emergency, the village shall use all remedies, penalties and enforcement powers available under this article without prior notice, but the Community Development Director must send notice simultaneously with beginning enforcement action to the property owner and to applicants for any relevant permit.

(F) *Other enforcement matters.*

(1) *Other powers.* In addition to the enforcement powers specified in this chapter, the village may exercise any and all enforcement powers granted to them by Illinois law.

(2) *Continuation.* Nothing in this UDO shall prohibit the continuation of previous enforcement actions, undertaken by the village pursuant to previous and valid ordinances and laws.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-8-6 DECLARATIONS AND ASSOCIATIONS FOR COMMON AREAS AND SHARED FACILITIES.

(A) *Applicability.* For any subdivision, planned development, or other development of property comprised of individually owned units that results in common areas or shared facilities, a declaration in accordance with 765 ILCS 160 or 765 ILCS 605 containing all applicable covenants, conditions, restrictions, or easements shall be required.

(B) *Application.* The declaration and all other applicable instruments shall be in a form approved by the Village Attorney and suitable for recording with the DuPage County Recorder's Office. They shall be reviewed by the Village Attorney and revised as needed prior to approval of the subdivision, planned development, or other development.

(C) *Declaration.* The declaration shall ensure the use, maintenance, control, and continued protection of common areas and shared facilities, including but not limited to:

(1) Sanitary sewers and water distribution systems;

(2) Minor and major stormwater systems;

(3) Post-construction best management practices;

(4) Vehicular and/or pedestrian ingress and egress, including cross-access drives or roads;

(5) Parking facilities; and

(6) Open space and recreational facilities.

(D) *Association point of contact required.* For all associations, a point of contact for the board, or management company, if applicable, shall be provided to the Community Development Director within 30 calendar days of any election or change.

(E) *Right of village to maintain.* In the event that the developer, owner(s), or association fails or is unable to maintain, repair, protect, or control any of the common areas or shared facilities, the village, upon reasonable written notice, except in an emergency, shall have the right, but not the obligation, to perform reasonable repair and maintenance, to correct material deficiencies, and to take such other actions as are deemed necessary by the village to maintain and protect the common areas or shared facilities, and charge the reasonable costs and expenses thereof. Under no circumstances shall the village have any responsibility or duty to perform said actions.

(F) *Special service area.* The owner(s) of the property comprising the subdivision, planned development, or other development of property containing common area or shared facilities, or the village, shall take all actions as necessary to establish a special service area over the property comprising the subdivision, planned development, or other development containing common areas or shared facilities, for the purpose of ensuring that:

(1) The common areas and shared facilities may be maintained, repaired, or replaced in the event the developer, any subsequent property owner, or the homeowners association refuses, fails, or is unable to perform maintenance, repairs, or replacement work on such common areas or shared facilities; and

(2) The payment of the actual costs, expenses, administrative costs, consultant fees, and legal fees incurred by the village including, but not limited to, insurance premiums for liability insurance coverage, in connection with maintaining, repairing, or replacing the common areas or shared facilities.

(G) *Declaration amendments.* No amendment materially changing the terms and conditions of the declaration shall be made alleviating the developer, owner(s), or association from its responsibility for the continued use, maintenance, control, and continued protection of all common areas and shared facilities.

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 9: SUBDIVISION STANDARDS

Section

16-9-1 Purpose

16-9-2 General provisions

- 16-9-3 Design standards, generally
- 16-9-4 Street standards
- 16-9-5 Easements
- 16-9-6 Blocks
- 16-9-7 Lots
- 16-9-8 Required land improvements
- 16-9-9 Utilities; broadband telecommunications, electric, and gas
- 16-9-10 Monuments and markers
- 16-9-11 Soil investigations
- 16-9-12 Land and cash donations

§ 16-9-1 PURPOSE.

The purpose of these regulations is:

- (A) To establish reasonable rules and regulations governing the subdivision, development and platting of land, the preparation of plats, the location and extension of streets and highways, the installation of utilities and the provision of necessary public grounds for schools, parks, playgrounds and public open space;
- (B) To promote and protect the public health, safety and general welfare, to conserve, protect and enhance property values and to secure the efficient use of land;
- (C) To discourage scattered development beyond existing public utilities and to facilitate the adequate provision of public improvements;
- (D) To assure the development of land for optimum use with necessary protection against deterioration and obsolescence;
- (E) To limit and control the pollution of the environment that can be caused by inadequate or incomplete urban development;
- (F) To provide common grounds of understanding and a sound working relationship between the village and the developer; and
- (G) To implement the goals and objectives of the comprehensive plan.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-2 GENERAL PROVISIONS.

No subdivision of land, as set forth below, shall be conducted or occur within the village or in any unincorporated area that is within one and one-half miles of the corporate limits and covered by the village's comprehensive plan until the provisions of this Unified Development Ordinance have been met.

- (A) The following acts shall constitute the subdivision of land:
 - (1) The division of land (for any purpose) into two or more lots or parcels of record.
 - (2) The changing or rearranging of the boundary, division, or lot lines of any parcel of land.
 - (3) The consolidation of two or more lots or parcels of record for the purpose of development.
 - (4) Development that involves the construction of any public improvements that are to be dedicated to the village, or private roads that intersect or connect with public roadways.
 - (5) The development of multiple-unit structures with the intent of dividing them into individual condominium units, to be sold and owned separately, with or without common areas.
 - (6) The creation of a planned development of single entities or contiguous land, according to a single plan as provided in Article 16-7 of this UDO.
- (B) No plat of subdivision shall be entitled to be recorded in the county recorder's office or have any validity until it has been approved in the manner provided in this UDO.
- (C) No development shall be entitled to the issuance of a building permit until such development meets the requirements, terms and conditions of this UDO.
- (D) No person, firm or corporation required to make or having made a subdivision within the village or any area within the extra-territorial plat approval jurisdiction of the village shall proceed with any construction work, including grading, unless Stormwater Certification and a land improvement permit have been previously issued, until the final plat of subdivision has been properly recorded.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-3 DESIGN STANDARDS, GENERALLY.

The Engineering Services Director is authorized to develop, adopt and amend from time to time, engineering and design standards for the design, installation and construction of public and private improvements. All subdivisions and the installation of all public and private improvements within any development shall comply with the requirements established in the Manual of Design Standards and Construction Specifications, as amended from time to time.

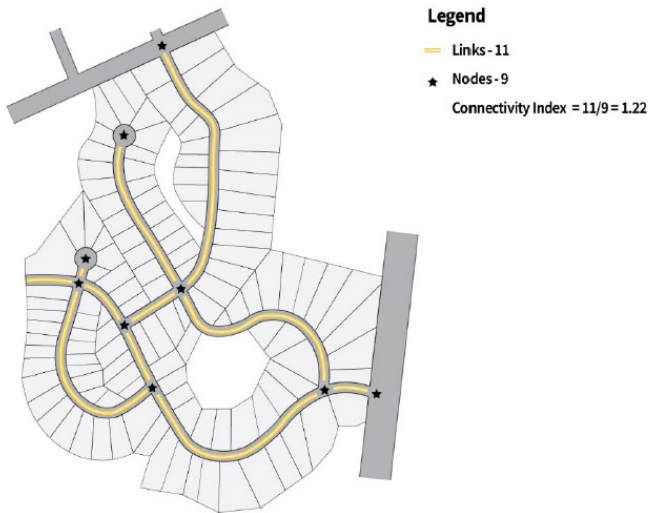
(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-4 STREET STANDARDS.

- (A) Where not shown on the comprehensive plan, the arrangement of streets within a subdivision shall either:
 - (1) Provide for the continuation or projection of existing principal streets in adjacent areas; or
 - (2) Conform to a plan for the area or neighborhood approved or adopted by the Village Board to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
- (B) All street right-of-way widths shall be designed in accordance with the minimum dimensions set forth below.
 - (1) Residential local/cul-de-sac - 66 feet;
 - (2) Residential collector - 80 feet;
 - (3) Commercial or industrial - 80 feet.
- (C) All required pavement widths, curves, gradients and sight distances shall be as shown in the Manual of Design Standards and Construction Specifications maintained by the Engineering Services Department.
- (D) Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (E) All street intersections and confluences shall encourage safe and efficient traffic flow and, in general, be at or near right angles and in no case shall a street intersect any other street at less than 80 degrees. An intersection of more than two streets shall not be permitted.
- (F) Cul-de-sac streets may be utilized in residential subdivisions, however in no instance shall cul-de-sac streets reduce the connectivity index of a subdivision below 1.2 (See Figure 16-9-4(G)). A cul-de-sac street in residential subdivisions shall be not more than 600 feet in length, measured along its centerline from the street centerline to the center of the turnaround. Each cul-de-sac street shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 120 feet (See Figure 16-9-4(G)).
- (G) Half-streets shall be prohibited.
- (H) Provisions shall be made for vehicular access to residential property abutting a major street by backing lots to the thoroughfare with a planting strip at least ten feet wide along the line adjacent and parallel to the major street. These standards are established for the purpose of providing protection for the residential properties and to provide for traffic safety and the efficient use of the major street for its intended function of accommodating through traffic.
- (I) Reserve strips controlling access to public utilities, streets or alleys shall be prohibited.
- (J) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (K) Street grades shall provide proper relation between the street and the first floor elevation of the houses or buildings and permit convenient and economical access to and drainage of the lots.

Connectivity Standards (16-9-4(G))

Connectivity Standards 16-9-4(G)



(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-5 EASEMENTS.

Easements shall be provided for the following, when applicable, and illustrated on the plat of subdivision along with the easement provision language as provided by the Engineering Services Director.

(A) *Utility easements.* Easements shall be provided to accommodate the infrastructure of the village and holders of a franchise agreement with the village. The width of utility easements within each lot shall not be less than ten feet wide along each rear lot line and five feet along each side lot line. Easements shall be designed to provide access to public right-of-way, as well as continuity between blocks. Additional easements at other locations or a greater width for specific conditions shall be provided when deemed necessary by the Engineering Services Director.

(B) *Stormwater management & conveyance easements.* When required by the DuPage County Stormwater and Flood Plain Ordinance, easements shall be provided over site runoff storage facilities, compensatory storage facilities, and major stormwater systems.

(C) *Cross-access easements.* When access is contemplated through one lot or parcel to another lot or parcel, and no public right-of-way will be dedicated for such purpose, an easement shall be provided from the nearest public right-of-way to its logical terminus. The width of the easement shall be based on the proposed land use and traffic pattern, but no less than 20 feet.

(D) *Recreational access easement.* Easements shall be provided for any sidewalks or shared-use paths that will be dedicated to the village, but are not otherwise within dedicated right-of-way, covering the full width of the paved area or additional width when deemed necessary by the Engineering Services Director.

(E) *Other easements.* Other easements shall be provided whenever required land improvements, not otherwise covered herein, cannot be located within the dedicated public right-of-way. The provision language shall specifically cover said improvements, the language of which shall be provided by the Engineering Services Director.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-6 BLOCKS.

(A) The lengths, widths and shapes of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the special needs of the types of use contemplated,
- (2) Zoning requirements as to lot sizes and dimensions within the corporate limits of the village, and
- (3) Needs of convenient access, circulation, control, and safety of street traffic.

(B) In residential subdivisions, the maximum length of blocks shall be 1,000 lineal feet for neighborhood collector or less intense roadways, and 1,800 lineal feet for all other roadways. No blocks shall be less than 600 lineal feet in length, unless recommended by the Plan Commission and approved by the Village Board.

(C) In industrial and business subdivisions, maximum length of blocks shall be as recommended by the Plan Commission and approved by the Village Board.

(D) The shape of blocks shall be determined by topographical features, the basic street system and traffic pattern, lot depths and areas designated for public and other non-residential land uses.

(E) Blocks or portions thereof intended for commercial or industrial use shall be designated as such, and the plan shall show adequate off-street areas to provide for parking, loading docks and other facilities.

(F) Pedestrian crosswalks shall be required where deemed necessary by the Plan Commission and required by the Village Board, to provide for pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-7 LOTS.

(A) The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(B) Width and area of lots shall conform with lot width and area requirements set forth in the UDO of the village or that of DuPage County in the unincorporated areas beyond the village limits.

(C) Depth of lots shall be not less than 100 feet in any residential district; except that, where residential lots abut arterial streets, the lot depth shall be a minimum of 135 feet.

(D) All residential lots shall abut on a publicly dedicated street or as provided for in Article 16-7 (Planned Development) of this code.

(E) Width, area, and depth of lots in an industrial or business subdivision shall be as recommended by the Plan Commission and approved by the Village Board.

(F) Side lot lines of lots shall be at right angles or radial to the street line, or substantially so.

(G) Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from major streets or highways or to overcome specific disadvantages of topography and orientation. A landscape easement of at least ten feet, and across which there shall be no right of vehicular access, shall be provided along the rear lot lines of lots abutting such highways and major thoroughfares.

(H) Lots abutting upon a watercourse, drainage way, channel or stream shall have an additional depth or width as recommended by the Plan Commission and approved by the Village Board in order to provide acceptable building sites.

(I) In the subdividing of any land, due regard shall be given to the preservation of natural features, such as trees, watercourses, historical land marks and similar community assets, which, if preserved, would add to the attractiveness and value of the subdivision, neighborhood or the community as a whole. The Plan Commission shall include in its report its conclusions as to compliance herewith.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-8 REQUIRED LAND IMPROVEMENTS.

The developer shall be responsible for the design and construction of both public land improvements and private land improvements that will serve the future development. The land

improvements shall be in accordance with Article 16-5 of this UDO, the village's Manual of Design Standards and Construction Specifications, and the requirements hereinafter, which shall at a minimum consist of the following:

(A) Streets, including curb and gutters, street lighting, parkway landscaping and trees, traffic signs and striping, sidewalks, shared use paths, and any other safety-related appurtenances.

(B) *Street name signs, traffic control signs, and pavement striping and markings.*

(1) *Street name signs.* The developer shall provide and install street name signs at each intersection, preferably at the northwest corner, whose street names shall be as shown on the approved plat of subdivision.

(2) *Traffic control signs.* The developer shall provide traffic control signs including, but not limited to, stop, yield and speed limit signs.

(3) *Pavement striping and markings.* The developer shall provide pavement striping and intersection pavement marking on new streets, as well as revising any existing striping and marking impacted by the subject subdivision.

(C) *Sidewalks and/or shared use paths, ADA ramps, and crosswalks.*

(1) *Sidewalk.* Sidewalks shall be provided throughout the subdivision on both sides of the street within the dedicated right-of-way.

(2) *Shared-use paths.* Shared-use paths shall be provided when shown in the comprehensive plan and considered when an existing path is within a quarter-mile of the subdivision boundary. Shared-use paths may be used in lieu of sidewalks on collector or arterial streets.

(D) *Sanitary sewer system, including service lines to each lot, manholes, lift stations and force main and other related appurtenances.*

(1) When a sanitary sewer is required in a residential rear or side yard to connect to an existing system or to provide for a future extension, a minimum easement of 20 feet shall be provided.

(2) Sanitary service lines shall be installed prior to the construction of any pavement within dedicated right-of-way or shall be installed via a trenchless method. The service shall be installed at least to the property line, its end sealed to prevent infiltration, and its location marked and recorded.

(E) *Water distribution system, including service lines to each lot, fire hydrants, valves, and other related appurtenances.*

(1) When a watermain is required in a residential rear or side yard to connect to an existing system or to provide for a future extension, a minimum easement of 20 feet shall be provided.

(F) Water service lines shall be installed prior to the construction any pavement within dedicated right-of-way or shall be installed via a trenchless method. The service shall be installed to the property line and terminated with a shut-off valve and enclosure.

(G) Stormwater management facilities, including site runoff storage, post-construction best management practices, and major and minor stormwater systems, as well as earthwork to ensure proper drainage throughout the development.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-9 UTILITIES; BROADBAND TELECOMMUNICATIONS, ELECTRIC, AND GAS.

(A) All utility distribution lines for broadband telecommunications, electric and gas service in the subdivision shall be placed underground entirely throughout a subdivided area.

(B) Underground broadband tele-communications, electric and gas service facilities shall be placed within rights-of-way or easements in a manner that will not conflict with other existing or future underground services.

(C) All above-ground service facilities shall be located to minimize the adverse aesthetic impact on the environment and create no hazard to the public.

(D) Utility lines shall be parallel to and not less than 12 inches from property lines.

(E) Monuments and markers disturbed by the installation of utility lines shall be reset by a professional land surveyor licensed in the State of Illinois.

(F) Subject to the foregoing requirement to place utility distribution line underground, installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the Illinois Commerce Commission now or hereafter effective, and the developer shall be responsible for compliance with rules and regulations now and hereafter effective and filed with the Commission pursuant to the State Public Utilities Act, being 220 ILCS 5/1-101 et seq., or any public utility whose service will be required for the subdivision with respect to the provision of such facilities.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-10 MONUMENTS AND MARKERS.

Monuments shall be placed at all corners and angle points of the outside boundary, but no further than one-fourth mile apart. The monuments shall be of concrete, not less than six inches in diameter and 36 inches deep, with a center copper dowel three inches long cast in place. Iron pipe or steel bars not less than one-half inch in diameter and 24 inches long shall be set at all lot corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line that are not otherwise marked by monuments. The monuments and markers shall be set level with the finished grade. The developer shall verify the existence of the monuments and markers after the completion of all construction and replace any that are damaged or missing before final acceptance of the subdivision by the Village Board.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-11 SOIL INVESTIGATIONS.

If the subdivision contains soils with limitations for urban development and, in the opinion of the Engineering Services Director, soil investigations, borings or other soil tests are necessary to determine the nature and extent of such questionable material, a competent testing laboratory shall investigate and provide a report to the Engineering Services Director. The Engineering Services Director shall have no liability for costs connected with the tests, borings, or interpretations of results of such work.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-9-12 LAND AND CASH DONATIONS.

(A) *Donations required.* Unless otherwise provided for in an annexation agreement with the village, as a condition of approval of a final plat of subdivision or of a final plat of a planned development, each subdivider or developer shall be required to dedicate land and/or make cash contributions in lieu of land for acquisition of park and school sites; and cash donations for school construction, fire protection, village services, books and library services, and recreation to serve the immediate and future needs of the residents of the subdivision or planned development as herein-after set forth.

(B) *Donations required from properties outside village corporate limits.*

(1) In the event that land which is subject to subdivision approval by the village is not within the corporate limits of the village at the time of approval of a final plat of subdivision for the land, the provisions of this article shall not apply to such land with respect to contributions for village library services or in any other instance where the land is not within the jurisdiction of the governmental entity to which the contribution or donation is to be made.

(2) However, in the event that land which is subject to subdivision approval by the village is not within the corporate limits of the village at the time of approval of a final plat of subdivision for the land, the governing body of any governmental entity which would be entitled to land and/or cash donations pursuant to this article may request that the village vary the terms of this article by allowing such governmental entity to make its own agreement and/or waiver as to any or all of the donations and amounts thereof required in this article with the subdivider, developer and/or owner of such land. The request shall be made in writing by a resolution adopted by the governing board of such governmental entity. In such an event, the village may, by motion, condition subdivision approval upon compliance with the provisions of this article as the provisions of this article have been modified by the variation and/or waiver.

(C) *Donations computed on projected population.*

(1) For purposes of computing the amount of land donations or cash contributions in lieu of land for park and school sites, and cash donations for school construction, fire protection, village services, books and library services and recreation that will be required of each subdivision or planned development to enable the village to provide facilities and services to meet the needs of such subdivision or planned development, its projected population density shall be computed in accordance with Table 16-9-13(F) set forth at the end of this article, which is generally indicative of current and short range projected trends in family size by age groups.

(2) Table 16-9-13(F) shall be used for all population estimates unless a subdivider or developer files a written objection to the village data, together with his or her own demographic study showing the estimated population to be generated by his or her subdivision or planned development. In that event, the final determination of the density formula to be used in such calculations shall be made by the corporate authorities on the basis of the foregoing village data, data submitted by the subdivider or developer, and from other sources which may be submitted to the corporate authorities by the park district, school districts, fire protection district, public library or others. It is recognized that population density, age distribution and local conditions change over the years and that Table 16-9-13(F) is subject to periodic review and amendment, if necessary.

(D) *Land contribution to school districts.* School sites shall be donated and conveyed to the village in accordance with the following criteria.

(1) *Number of students.* The ultimate number of students that will be generated by the proposed subdivision or planned development shall be determined in accordance with the current (at the time of plan review) edition of Table 16-9-13(D)(3): School Site Dedication Requirements.

(2) *Land donation to school.* The amount of land required to be dedicated shall be determined by dividing the estimated number of children in each of the school age brackets hereinafter set forth that will be generated by the proposed subdivision or planned development by the maximum recommended number of students that can be served in the type of school assigned to

patrol. Provisions for major use of a pathway/driveway for bike riding, walkway, jogging trail and pedestrian traffic shall be made.

(3) *Environmental quality.*

(a) Land to be dedicated for park sites shall be approved by the village according to its environmental quality, as well as its suitability for active and passive recreational activities. The land is to be dry and usable at all times and not subject to flooding or used as detention. Should a donation include a detention/retention area over and above the five and one-half acres required per 1,000 of ultimate population estimated to be generated by the development, the park district may accept such additional land. No bogs or swamps shall be acceptable as required park sites. Lakes and native prairie wetlands shall not normally be acceptable, but may be approved by the village where the area offers an exceptional amenity or the chance to protect a significant natural resource. No site that has been part of an unlicensed landfill or a toxic waste dump shall be acceptable as required park acreage.

(b) Every effort shall be made to conserve for public use and enjoyment those areas of significant natural and environmental value. Except in those specific areas designated by the village for development as playfields or other active areas, all trees, other plant materials, streams and other natural features shall be retained on land to be dedicated for park site use, unless specifically cited by the village for removal by the developer.

(c) Shape. Dedicated park sites shall be regularly configured to permit efficient park programming, security and maintenance. Sites shall be rectangular, or nearly rectangular, in shape with no interior angle of the boundary line less than 60 degrees, unless specifically approved by the village. Narrow strips of land, small parcels that intrude into adjacent orderly development, or left over parcels that are oddly shaped or located shall be avoided.

(4) *Improvements.*

(a) Prior to conveyance, all sites shall be prepared in accordance with the village's Subdivision Code and water retention/detention requirements, except as varied by the specific terms of this article. In addition, in the event that a park site includes retention/detention areas, slopes must be mowable and shall not exceed a five to one (5:1) slope. Those areas, where by necessity and subject to the approval of the Village Engineer, the grade exceeds five to one (5:1), must have a covering of flagstone or crown vetch which eliminates the need to mow. All areas must be final graded and seeded to meet park district specifications as to seed mixture.

(b) All sites shall be conveyed in a condition ready for full service of electrical, water, sewer, and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. In addition, location of hydrants shall be made in conformance with village requirements. Provision for water for watering vegetation and flooding for ice skating shall be made where appropriate. Sewers for possible installation of restrooms or shelters at a later date shall be provided. Electricity for street lights for future lighting for shelters and security shall be provided. Security lighting along pathway shall be provided.

(G) *Credit for private open spaces and recreation areas.*

(1) When subdividers or developers provide their own open space for recreation areas and facilities, it has the effect of reducing the demand for local public recreational services. Depending on the size of the development, a portion of the park and recreational area in subdivisions or planned developments may, at the option of the Village Board, be provided in the form of "private" open space in lieu of dedicated "public" open space. The extent of same shall be determined by the Village Board, based upon the needs of the projected residents and in conformance to the total park and recreation land for the general area.

(2) In general, a substitution of private open space for dedicated parks will imply a substantially higher degree of improvement and the installation of recreational facilities, including equipment by the developer as part of his or her obligation. Detailed plans of such areas, including specifications of facilities to be installed, must be approved by the village, and before any credit is given for private recreation areas, the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents.

(H) *Reservation of additional land.* Where the comprehensive plan of the village calls for a larger amount of park and recreational land or school sites in a particular proposed subdivision or planned development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the Village Board, be reserved for subsequent purchase by the village or other public body designated by the village; provided that, such acquisition is made within one year from the date of approval of the final plat.

(I) *Combining with adjoining developments.* Where the subdivision or planned development is less than 40 acres, public open space or a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer.

(J) *Combined school/park sites.* The developer and the village may agree that the developer shall dedicate and convey land (or contribute cash in lieu of land pursuant to §6-9-13(O)) for combined school/park sites in lieu of land donations otherwise required under § 16-9-13(D) and 16-9-13(F) in accordance with the following standards.

(1) The amount and quality of land required to be dedicated for park purposes shall first be determined pursuant to §6-9-13(F).

(2) The amount of land required to be dedicated for school purposes shall be determined by dividing the estimated number of children in each of the school age brackets hereinafter set forth that will be generated by the proposed subdivision or planned development, by the maximum recommended number of students that can be served in the type of school assigned to such age bracket, set forth in the following table, and multiplying the quotient times the minimum number of acres recommended for a school site, within a combined school/park site, for each school classification hereinafter set forth:*

School Classification by Grades	Maximum Number of Students for Each Such School Classification	Minimum Number of Acres of Land for Each School Site Within a Combined School/Park Site of Such Classification
Elementary Schools, Grades K - 5	600 students	6-1/2 acres
Middle Schools, Grades 6 - 8	900 students	8-1/2 acres
High Schools, Grades 9 - 12	2,300 students	22-1/2 acres

*The residents of the village are served by seven different school districts. In the event that an affected school district has a different school classification than as shown in the table above, such school classifications, size of school sites and minimum acres of land set forth in the table above shall be modified to meet the requirements of the affected district.

(3) A combined elementary school/park site shall be at least 13 acres in area, of which six and one-half acres shall be conveyed to the park district and the remaining six and one-half acres shall be held by the village for transfer to the affected school district or other entity.

(4) A combined middle school/park site shall be at least 17 acres in area, of which eight and one-half acres shall be conveyed to the park district and the remaining eight and one-half acres shall be held by the village for transfer to the affected school district or other entity.

(5) A combined high school/park site shall be at least 55 acres in area, of which 22-1/2 acres shall be conveyed to the park district and the remaining 22- 1/2 acres shall be held by the village for transfer to the affected school district or other entity.

(6) The standards set forth in §16-9-13(D), 16-9-13(F), and 16-9-13(N) as to location, improvements and topography shall be applicable to combined school/park sites.

(K) *Distribution of plans and plats.* Copies of each subdivision plat or planned development plan shall be transmitted to the park district and the affected school districts for their written recommendations at the same time that they are transmitted to the Plan Commission, but nothing herein contained shall be construed as requiring receipt of a recommendation prior to action by the corporate authorities of the village.

(L) *Time of conveyance of donations.* All land donations required pursuant to this article shall be conveyed no later than the earlier of the following to occur:

- (1) Within 180 days after a written demand by the village; and
- (2) The fourth anniversary of the approval of the plat of subdivision or planned development by the village.

(M) *Title insurance, survey, assessment plats.* Each deed or other instrument conveying land to the village or the Park District shall be accompanied by the following:

(1) A written commitment issued by a title insurer licensed to do business in this state to insure that grantee has good merchantable title to such real estate in an amount equal to its value computed pursuant to § 16-9-13(O)(5), subject only to then current general real estate taxes as of the date of transfer; covenants, conditions and restrictions which do not prohibit the use of the subject real estate for school or park use; utility easements located within 20 feet of the boundary lines of the subject real estate; drainage ditches, feeders, laterals and underground pipe or other conduit;

(2) A current boundary line survey, certified to the grantee by a licensed state land surveyor to be in compliance with the state's Land Survey Standards; and

(3) Except in instances where the real estate to be conveyed is a lot in a recorded subdivision, an assessment plat and tax division petition in a form acceptable to the appropriate county authorities so that the land to be conveyed can be assigned its own permanent real estate index number for exemption purposes.

(N) *Topography and grading.* The slope, topography and geology of the dedicated site, as well as its surroundings, must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land.

(O) *Cash contributions in lieu of land.* Criteria for requiring cash contributions in lieu of land donations.

(1) Whenever, in the determination of the village, any subdivision or planned development is so small that the school or park sites required under the provisions of §6-9-13(D), 16-9-13(F) and/or 16-9-13(J) will not be large enough for practical development and maintenance as school or park sites, or when the available land cannot meet the standards set forth in § 16-9-13(D) and 16-9-13(F), or is otherwise inappropriate for park or recreational purposes or for a school site, the village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required.

(a) The cash contribution to be paid in lieu of land donations for school sites shall be held in trust by the village or other public body designated by the village, solely for use in the acquisition of a school site to serve the immediate or future needs of children from that subdivision or planned unit development, or for reimbursement to the school district for prior acquisition of a school site(s) for which bonds or other financing obligations are outstanding which will serve immediate or future needs of children from that subdivision or planned unit development, or for the improvement of any existing school site which predominantly serves such needs, but not for the construction, repair or rehabilitation of any school building(s) or addition(s) thereto.

(b) All cash donations shall be apportioned among the affected school districts on a pro rata basis determined by the estimated population to be generated in the subdivision or planned development as set forth in Table 16-9-13(F), set forth at the end of this article.

(2) The cash contribution to be paid in lieu of land donations for park and recreational purposes shall be held in trust by the village or other public body designated by the village solely for the acquisition of park and recreational land which will be available to serve the immediate or future needs of the residents of that subdivision or planned unit development or for the improvement of existing park and recreational lands which predominantly serve such needs.

(3) If any portion of a cash contribution in lieu of park or recreational land donations, or school site donations made pursuant to this article is not expended for the purposes above set forth within 20 years from the date of its receipt, it shall be refunded to the subdivider or developer who made such contribution.

(4) Fair market value: The amount of cash contributions in lieu of land shall be based on the "fair market value" of land in the proposed subdivision or planned unit development improved as specified in § 16-9-13(D), 16-9-13(F) that otherwise would have been donated for park, recreational and school sites. The corporate authorities have determined that the present "fair market value" of such improved land in and surrounding village is \$150,000 per acre. Such figure shall be regularly updated pursuant to § 16-7-8-21, and shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of any such written objection, the developer shall submit an appraisal showing the "fair market value" of such improved land in the area of his or her development or other evidence thereof and final determination of such "fair market value" per acre of such improved land shall be made by the corporate authorities based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the corporate authorities by the park district, school districts or others.

(5) There will be situations in subdivisions or planned developments when, in the determination of the village, a combination of land donation and cash contribution in lieu of land is appropriate. These occasions will arise when:

(a) Only a portion of the land to be developed is proposed as the location for a park or school site. That portion of the land within the subdivision or planned development falling within the park or school site shall be conveyed as aforesaid, and cash shall be donated by the developer, and cash shall be donated in an amount equal to the difference between the fair market value of the land donated and the fair market value of the land required to be donated under § 16-9-13(D) and 16-9-13(F);

(b) A major part of a local park or recreation site or school site has already been acquired and only a small amount of land is needed from the proposed subdivision or planned development to complete the site. The remaining amount of land shall be donated by the developer, and cash shall be donated in an amount equal to the difference between the fair market value of the land donated and the fair market value of the land required to be donated under § 16-9-13(D) and 16-9-13(F); or

(c) Because of the large number of school districts serving the village, there may be instances where a combination of land donation and cash contributions in lieu of land will be appropriate, and will be decided on a case by case basis in accordance with the criteria set forth in this article. For example, a portion of the land to be developed is proposed as one type of school site, for example elementary, but that there is no site which is suitable for a high school site in accordance with the criteria set forth in this section. In that event, a land donation will be made to the elementary school district and a cash donation will be made to the high school district.

(6) A cash contribution in lieu of land is a requirement of the village's Subdivision Code. However, in order not to make this requirement overly onerous and to assist developers in meeting this financial responsibility, the cash contributions required in this section shall be prorated and payable upon the issuance of the building permit for each dwelling unit.

(P) *Contributions; village services.*

(1) In order to provide the village with funds to defray the increased cost of providing village services to developers during the construction process and residents of new subdivisions before tax revenues are generated by such new subdivisions or planned developments in the process of construction, a cash contribution in the amount of \$360 per person or fraction thereof shall be made to the village on the basis of the estimated ultimate population per dwelling unit determined as set forth in Table 16-9-13(F), set forth at the end of this article. The contribution required for village services shall be regularly updated pursuant to § 16-9-13(T).

(2) This cash contribution is a requirement of the village's Subdivision Code. However, in order not to make this requirement overly onerous and to assist developers in meeting this financial responsibility, the cash contributions required in this section shall be payable upon the issuance of the building permit for each dwelling unit.

(Q) *Contributions; additional school services.*

(1) In the event that an affected school district decides by resolution at anytime within five years after approval of a plat of subdivision of planned development that a land donation or cash in lieu of a land donation will not be required by that particular district within the next five years to accommodate the number of students projected to be generated by a proposed subdivision or planned development, but that such projected number of students shall require the hiring of additional teachers and expansion and creation of new programs, in order to provide the affected school district with funds to provide such services before tax revenues are generated by such new subdivision or planned development, a cash contribution in the amount of \$333 per student shall be made to the village on the basis of the estimated ultimate population per dwelling unit determined pursuant to the table set forth at the end of this article in Table 16-9-13(F), and all such funds shall be paid over by the village to the affected school district. The contribution required for school services shall be regularly updated pursuant to § 16-9-13(T).

(2) All such donations shall be apportioned among the affected school districts on a pro rata basis determined by the estimated population in the subdivision or planned development as set forth at the end of this article in Table 16-9-13(F).

(3) This cash contribution is a requirement of the village's Subdivision Code. However, in order not to make this requirement overly onerous and to assist developers in meeting this financial responsibility, the cash contributions required in this section shall be payable upon the issuance of the building permit for each dwelling unit.

(R) *Contributions; Fire Protection District.* In order to help defray the cost of providing fire protection for residents of new subdivisions or planned developments during the construction process, and before tax revenues are generated by such subdivisions and planned developments in the process of construction, a cash contribution in the amount of \$600 per acre shall be paid to the village, prior to the recordation of the ordinance annexing the property. The contribution required for fire services shall be regularly updated pursuant to § 16-9-13(T).

(S) *Contributions; public library.* In order to help defray the cost of providing library services for residents of new subdivisions or planned developments during the construction process and before tax revenues are generated by subdivisions and planned developments in the process of construction, a cash contribution in the amount of \$65 per person or fraction thereof shall be made to the village on the basis of the estimated ultimate population per dwelling unit determined pursuant to Table 16-9-13(F), and all such funds shall be paid over by the village to the Carol Stream Board of Library Trustees. The contribution required for library services shall be regularly updated pursuant to § 16-9-13(T).

(T) *Updating of required contributions and fair market value.* It is recognized that population density, age distribution, land values, the cost of providing park, school and village services, construction costs and other local conditions change over the years. Therefore, the specific formula for the dedication of land, or the payment of fees in lieu thereof, the required contribution for school construction, police, fire, library and administrative services, and the fair market value of land in and around the village shall be reviewed at least every two years and amended if necessary.

(U) *Severability.* The various provisions of this article are to be considered as severable and if any part or portion of this article shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this article.

(Ord. 2021-05-15, passed 5-3-2021)

ARTICLE 10: NONCONFORMING LOTS, BUILDINGS, STRUCTURES, AND USES

Section

- 16-10-1 General
- 16-10-2 Nonconforming lots, parcels, or land of record
- 16-10-3 Nonconforming buildings or structures
- 16-10-4 Nonconforming uses
- 16-10-5 Nonconforming parking lots
- 16-10-6 Certification of occupancy for nonconforming uses

§ 16-10-1 GENERAL.

(A) *Purpose and scope of regulations.*

(1) Any use of land classified as either a permitted use or special use prior to the effective date of this article or any subsequent amendment to this article, which is no longer allowed by this article or any subsequent amendment to this article as either a permitted or special use in the zoning district in which it is located, is classified as a nonconforming use.

(2) It is the intent of this section to permit nonconforming lots, buildings, structures, and uses to continue until they are removed, but not to encourage their continued use. Nonconforming uses are declared to be incompatible with permitted uses in the districts involved.

(3) It is further the intent of this section that nonconformities shall not be enlarged upon, expanded, added to, or increased in intensity.

(4) Any use of land or structure which was in violation of a provision of the Zoning Code, Sign Code, Subdivision Code, or Fence Code of the Village of Carol Stream in effect at the time of the adoption of this UDO, or amendments thereto, and which does not conform to the provisions of this UDO, and/or amendments thereto, shall be considered unlawful and in violation of

this UDO.

(B) *Authority to continue.* Nonconforming buildings, structures, and uses shall be allowed to continue only in accordance with the regulations of this article.

(C) *Determination of nonconforming status.* The burden of establishing the legality of a nonconforming building, structure, or use is the owner's burden, not the village's.

(D) *Repairs and maintenance.* Repairs and normal maintenance required to keep nonconforming buildings or structures in a safe condition are permitted, provided that no alterations may be made except those allowed by this UDO or required by law or ordinance.

(E) *Change of tenancy or ownership.* Changes of tenancy, ownership or management of an existing nonconforming building or structure are permitted, provided that no changes in the nature or character, extent or intensity of such nonconforming building or structure may occur except those allowed by this UDO.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-10-2 NONCONFORMING LOTS, PARCELS, OR LAND OF RECORD.

In any district in which a legal lot, parcel, or land of record exists on the effective date of adoption of this UDO that does not conform in size or area to the provisions of this UDO, buildings for the uses permitted in such district may be erected, as permitted in this UDO, on such lot, provided that such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

(A) Lots, parcels or land of record, or portions of planned developments which do not meet the requirements of minimum lot width and area or minimum size of required yards which conformed to the provisions of this code, but were reduced in size as the result of the exercise of eminent domain or the threat of the exercise of eminent domain by a governmental body and which have not lost required off-street parking or loading facilities shall not be found to be nonconforming with the provisions of this UDO as a result of the loss of such territory.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-10-3 NONCONFORMING BUILDINGS OR STRUCTURES.

Where a building or structure was lawful on the effective date of adoption of this UDO, but could not be built under the terms of this UDO by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the building or structure or its location on the lot, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No nonconforming building or structure may be enlarged or altered in a way which will create a new nonconformity or increase the degree of the existing nonconformity.

(B) Should a nonconforming building or structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this UDO. Replacement cost shall be based upon the assessed value or an appraisal completed within the last two years or the amount for which the structure was insured prior to the date of the damage or destruction. No nonconforming building or structure shall be moved in whole or in part to any other location unless every portion of such building or structure and the use thereof is made to conform to all regulations of the district into which it is moved.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-10-4 NONCONFORMING USES.

(A) *Nonconforming uses.* Where a use was lawful on the effective date of the adoption of this UDO but is no longer permissible under the terms of this UDO as enacted or amended, such use may be continued so long as it otherwise remains lawful and subject to the following provisions:

(1) No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this UDO.

(2) No nonconforming use shall be enlarged, increased, or expanded to occupy a greater area of land than was occupied on the effective date of adoption or an amendment of this UDO.

(a) If a nonconforming use is discontinued for the time periods in this section, such discontinuance constitutes prima facie evidence that the nonconforming use has been abandoned and the nonconforming use must be terminated. Any subsequent use or occupancy of such land or structure must comply with all regulations of the zoning district in which the structure or land is located. A period of discontinuance caused by acts of god are not included in calculating the length of discontinuance or abandonment for this section.

(b) When a nonconforming use is offered for sale, such sale period is not included in calculating the length of discontinuance for this section so long as all equipment, building design, and similar use infrastructure is maintained in working condition during the sale period. However, when land upon which a nonconforming use is located is offered for sale, but the nonconforming use is not also offered for sale, such sale constitutes prima facie evidence of abandonment of the nonconforming use and the period will be included in calculating the length of discontinuance.

(c) The following periods of discontinuance constitute abandonment:

I. Nonconforming use within an enclosed structure: Discontinued or abandoned for 24 months.

II. Nonconforming use on a lot, no structures: Six months.

(3) Nonconforming use of structure. If a lawful use of a building or structure, or of building or structure and premises in combination, existed on the effective date of adoption of this UDO that would not be allowed in the district under the terms of this UDO, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions: No existing building or structure devoted to a use not permitted by this UDO in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(4) Any nonconforming use may be extended throughout any parts of a building or structure that were manifestly arranged or designed for such use at the time of adoption or amendment of this UDO, but no such use shall be extended to occupy any land outside such building.

(5) Any building or structure, or building or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(6) When a nonconforming use of a building or structure, or building or structure and premises in combination, is discontinued or abandoned for six consecutive months, the building or structure, or building or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(7) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-10-5 NONCONFORMING PARKING LOTS.

If a parking lot lawfully existed on the effective date of adoption of this UDO, but does not comply with the provisions of this UDO, such parking lot shall be considered a legal nonconforming parking lot and may be continued so long as it remains otherwise lawful, and subject to the following provisions:

(A) No existing use of the land or structure on the same property as the nonconforming parking lot shall be enlarged, increased or extended to occupy an area of the land or structure greater than 50% of the original land or structure area without constructing a parking lot in conformance with the requirements specified in this UDO, including parking lot perimeter and parking lot interior landscape requirements as detailed in § 16-5-5.

(B) No building or structure shall be enlarged, erected, constructed or reconstructed with such an addition having a floor area greater than 50% of the original floor area of all buildings and structures on the site, and no major repairs or renovations shall be made exceeding 50% of the value of the structure located on the same property as the nonconforming parking lot without constructing a parking lot in conformance with the requirements specified in this UDO, including parking lot perimeter and parking lot interior landscape requirements as detailed in § 16-5-5.

(Ord. 2021-05-15, passed 5-3-2021)

§ 16-10-6 CERTIFICATION OF OCCUPANCY FOR NONCONFORMING USES.

A certificate of occupancy shall be required for the continuation of all nonconforming uses of land, buildings, or structures created by the passage of this UDO. Application for such certificate of occupancy for nonconforming uses shall be filed with the Community Development Director by the owner or lessee of the land or building occupied by such nonconforming use within one year from the effective date of adoption of this UDO. It shall be the duty of the Community Development Director to issue a certificate of occupancy for a nonconforming use.

(Ord. 2021-05-15, passed 5-3-2021)