

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2021-15

**AN ORDINANCE AMENDING TITLE 11, "ZONING
REGULATIONS," OF THE MAPLE PARK VILLAGE
CODE**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK**

Published in pamphlet form by authority of the Board of Trustees of the Village of Maple Park,
Kane and DeKalb Counties, Illinois, this 9th day of November, 2021.

ORDINANCE NO. 2021-15

AN ORDINANCE AMENDING TITLE 11, "ZONING REGULATIONS," CHAPTER 1, "TITLE; PURPOSE; DEFINITIONS," OF THE MAPLE PARK VILLAGE CODE

WHEREAS, the Village of Maple Park, DeKalb and Kane Counties, Illinois is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois; and,

WHEREAS, the President and Board of Trustees of the Village of Maple Park believe it is in the best interest of the health, safety, and welfare of its citizenry to amend the text of the Municipal Code of the Village to combine the Plan Commission and the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Maple Park as follows:

SECTION 1. That Title 11 of the Maple Park Village Code shall be deleted in its entirety and replaced with Exhibit A

SECTION 2. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

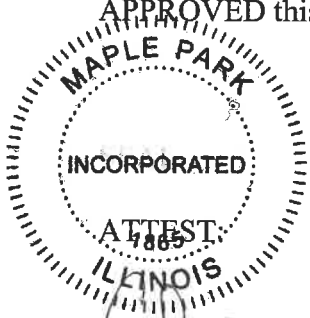
PASSED this 9th day of November, 2021, pursuant to roll call vote as follows:

AYES: Groezinger, Rebone, Speare, and Ward

NAYS: _____

ABSENT: Peloso and Simon

APPROVED this 9th day of November, 2021.



Suzanne Fahnestock
Suzanne Fahnestock, Village President

Cheryl Aldridge
Cheryl Aldridge, Deputy Village Clerk

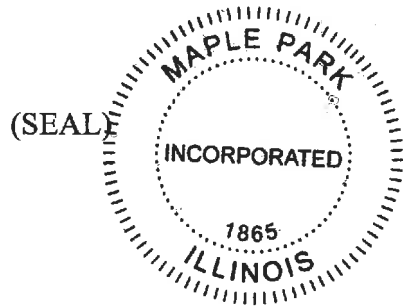
CLERK' S CERTIFICATE

STATE OF ILLINOIS)
)) SS
COUNTIES OF DEKALB AND KANE)

I, Cheryl Aldridge, certify that I am the duly appointed and acting municipal deputy clerk of Maple Park, DeKalb and Kane County, Illinois.

I further certify that on the 9th day of November, 2021, the Board of Trustees of the Village of Maple Park passed and approved **AN ORDINANCE AMENDING TITLE 11, "ZONING REGULATIONS," OF THE MAPLE PARK VILLAGE CODE.**

Dated at Maple Park, Illinois, this 9th day of November, 2021.



Cheryl Aldridge
Cheryl Aldridge, Deputy Village Clerk

EXHIBIT A
TITLE 11
ZONING REGULATIONS

CHAPTER 1
TITLE; PURPOSE; DEFINITIONS

SECTION:

11-1-1: Title

11-1-2: Intent and Purpose

11-1-3: Rules and Definitions

11-1-1: TITLE:

This Title shall be known and may be cited as the *ZONING ORDINANCE OF THE VILLAGE OF MAPLE PARK, ILLINOIS*.

11-1-2: INTENT AND PURPOSE:

A. Intent: The intent of this Title is to divide the Village into zoning districts for the purpose of classifying, regulating, and restricting the location of trades, industries, and commercial enterprises; to regulate the location of buildings arranged, intended, and designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected; to classify, regulate, and determine the area of front, rear, and side yards, courts, and other open spaces about buildings; to regulate and limit the intensity of the use of the land and lot areas within the village; to create a Planning and Zoning Commission, to define certain terms used in this Title; to provide penalties for its violation; and to designate the time when this Title shall take effect.

B. Purpose: The purpose of this Zoning Ordinance is to guide development in accordance with existing and future needs in order to protect, promote, and improve the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the citizens of the Village of Maple Park. More specifically, this Title is intended to assist in achieving the following objectives:

1. To encourage the development of buildings and uses on appropriate sites in order to maximize community wide social and economic benefits while accommodating the particular needs of all residents and to discourage development on inappropriate sites;
2. To protect and enhance the character and stability of existing residential, commercial, and industrial areas and to gradually eliminate nonconforming uses and structures;
3. To conserve and increase the value of taxable property throughout the Village;
4. To ensure the provisions of adequate light, air, and privacy for the occupants of all buildings;
5. To provide adequate and well-designed parking and loading space for all buildings and uses and to reduce vehicular congestion on the public streets and highways;
6. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters;

7. To provide for efficient administration and fair enforcement of all regulations set forth herein; and

8. To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments, and the like.

11-1-3: RULES AND DEFINITIONS:

A. Rules: In the construction of this Title, the rules and definitions contained in this Section shall be observed and applied except when the content clearly indicates otherwise.

1. The term "this municipality" shall mean the Village of Maple Park.

2. The word "shall" is mandatory and not discretionary; the word "may" is permissive.

3. Words used in the present tense include the future tense.

4. Words used in the singular number shall include the plural number; and words used in the plural shall include the singular.

5. The words "lot," "parcel," "piece," "plot," "site," and "tract" shall be synonymous. (See definition of Plot.)

6. The words "extend", "enlarge", and "expand" shall be synonymous. (See definition of Enlarge.)

7. The words "abutting," "adjacent," and "contiguous" shall be synonymous. (See definition of Abuts, Abutting.)

8. The word "building" includes all structures of every kind.

9. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

10. References to sections shall be deemed to include all subsections within that section, but a reference to a particular subsection designates only that subsection.

11. A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

12. Words and phrases shall have the meanings respectively ascribed to them unless the context clearly indicates otherwise; terms not defined shall have their meaning as defined in the latest edition of "Webster's Unabridged Dictionary."

B. Definitions: Terms shall have the following meanings. If a term is not defined below, the definition found in the latest edition of "Webster's Unabridged Dictionary" shall be the acceptable meaning of the term:

ABANDONED: To give up one's rights or interests in property.

ABUTS, ABUTTING: To have a common lot line or district line.

ACCESSORY BUILDING OR USE: Any structure or use that is:

1. Subordinate in size and serves a principal building or use;

2. Located on the same lot as the principal structure or use served; and

3. Necessary or contributing to the comfort or convenience of occupants of the principal structure or use served.

ACCESSWAY: A curb cut, ramp, driveway, or other means for providing vehicular access to an off street parking or loading area.

ACREAGE: Any tract or parcel of land that has not heretofore been subdivided or platted.

ADJACENT: To lie near or close to in the neighborhood or vicinity of.

ADJOINING: Touching or contiguous, as distinguished from lying near.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

AGRICULTURE: Land or land and structures, the principal uses of which are the growing of farm or truck garden crops and one or more of the following: dairying, pasturage, horticulture,

floriculture, viticulture, and animal and poultry husbandry, and accessory uses customarily incidental to agricultural activities, including farm dwellings.

AIRPORT, HELIPORT: Any area of land or water which is used or intended for the landing and taking off of aircraft, together with all structures, tie downs, storage, and parking located thereon.

AISLE: A vehicular trafficway within an off street parking area, used as a means of access/egress from parking spaces.

ALLEY: A right of way that gives a secondary means of vehicular access abutting properties whose principal frontage is on a street.

ALTERATION: A change in size, shape, occupancy, or use of a structure.

AMENDMENT: A change in the provisions of this Title (including those portions incorporated by reference) properly effected in accordance with state law and the procedures set forth herein.

ANIMAL/VETERINARY HOSPITAL: A structure or portion thereof designed or used for the care, observation, or treatment of domestic animals, birds, etc.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used, or intended to be used as a single housekeeping unit. Complete kitchen, bath, and toilet facilities permanently installed must always be included for each apartment.

ATTACHED: As applied to buildings, "attached" means having a common wall and/or common roof.

AUTOMOBILE AND TRAILER SALES LOT: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle, including trucks, or any type of trailer, provided the trailer is unoccupied, and where repair work as an accessory use is done to automobiles or trailers, principal use served.

AUTOMOBILE GASOLINE STATION: A place where gasoline or any other vehicular engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including minor accessories. Servicing of vehicles cannot be performed on the premises.

AUTOMOBILE SERVICE STATION: A place where gasoline stored only in underground tanks, diesel fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles. An automobile service station may include facilities for washing vehicles and the making of minor automotive repairs. Automobile service stations shall not include sale or storage of automobiles, trucks, trailers, trailer sales, or rental (new or used).

AUTOMOTIVE REPAIR, MAJOR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers, collision service, including body, frame, or fender straightening and repair, overall painting and undercoating of vehicles.

AUTOMOTIVE REPAIR, MINOR: Incidental repairs, replacement of parts, and motor service to automobiles, but not automobile repair; including any operation specified under the definition of Automotive Repair, Major.

AWNING: A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

BACKUP (EMERGENCY) GENERATOR: Permanently installed equipment for producing electricity in the event the normal power supply is interrupted. The equipment will be run periodically, per manufacturer's requirements to ensure readiness, and when needed due to power failure.

BOARDING HOUSE: A building other than a hotel or restaurant where meals are provided for compensation to three (3) or more persons who are not members of the keeper's family.

BUILDING: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, or property of any kind.

BUILDING, DETACHED: A building surrounded by open space on the same zoning lot.

BUILDING HEIGHT: The vertical distance from grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. Chimneys, towers, spires, elevator penthouses, cooling towers, and similar projections other than signs, shall not be included in calculating building height.

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

BUILDING SETBACK LINE: The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right of way line, regulated by the setback requirements established herein.

BUSINESS: An occupation, employment, or enterprise where merchandise is exhibited or sold, or which occupies time, attention, labor, and materials, or where services are offered for compensation.

CAR WASH: A building or portion thereof where automobiles are washed using automatic or hand operated mechanical devices.

CLINIC, MEDICAL, OR DENTAL: An establishment of three (3) or more physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

CLUB OR LODGE, PRIVATE: A nonprofit organization of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

CONDOMINIUM: A single dwelling unit in a multi-unit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CULTIVATION CENTER: Has the meaning set forth in section 10 of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 Illinois Compiled Statutes 130/10, as may be amended.

DAYCARE HOME: The accessory use of a dwelling unit licensed by the state as a daycare home and/or night care home in accordance with the Illinois Department of Children and Family Services licensing standards for day and night care homes, or the accessory use of a dwelling unit for the care of no more than three (3) children other than the resident family's natural, adopted or foster children.

DAYCARE OR CHILDCARE CENTER: A childcare facility which regularly provides childcare services for profit for less than twenty four (24) hours per day for:

1. More than eight (8) children in a family home; or
2. More than three (3) children in a facility, other than a family home, which complies with all licensing requirements of the Department of Children and Family Services (as defined in the Illinois Compiled Statutes).

DRIVE-THROUGH ESTABLISHMENT (DRIVE-IN OR DRIVE-UP): An establishment or part thereof in which are provided facilities where serving or consuming commodities or both are intended to occur in patron's automobiles parked on the premises, or where commodities are purchased by customers waiting in automobiles for consumption off the premises.

DWELLING: A building or portion thereof designed or used exclusively for residential purposes including single-family, two-family, and multiple-family dwellings, but not including mobile homes or other trailers and lodging rooms in hotels, motels, or lodging houses.

DWELLING, DETACHED: A dwelling surrounded on all sides by open spaces on the same lot.

DWELLING, MULTIPLE-FAMILY: A dwelling containing three (3) or more dwelling units including apartments (rental units) and condominiums (individual ownership of units).

DWELLING, MULTIPLE SINGLE-FAMILY (TOWNHOUSE): A dwelling joined to three (3) or more dwellings by party walls, or vertical cavity walls, and aboveground physically unifying horizontal structural elements.

DWELLING, SINGLE-FAMILY: A dwelling containing one dwelling unit only.

DWELLING, TWO-FAMILY (DUPLEX): Two (2) dwelling units joined together above grade. Both dwelling units to be located above ground level.

DWELLING UNIT: One or more rooms arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete single-family facilities, permanently installed to serve the entire family, shall always be included within each dwelling unit.

EFFICIENCY UNIT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

ENLARGE: To increase the size (floor area, height, etc.) of an existing principal structure or accessory structure or use, or to devote more land to an existing use.

FACADE: The face or wall of a building as it is viewed from streets, driveways, and parking lots.

FAMILY: One person or two (2) or more persons each related to the other by blood, marriage, or legal adoption (together with their domestic servants), or a group of not more than four (4) persons not so related, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two (2) roomers, boarders, or permanent guests, whether gratuitous or not.

FENCE: A structure used as a boundary, a screen, a means of containing persons or animals, a means of protection or for landscaping aesthetics and which is constructed of wood or metal parts and wood or metal fencing materials or of other similar materials.

FLOODPLAIN: Land areas subject to flooding.

FLOOR AREA (For Determining Floor Area Ratio): The sum of the gross horizontal area of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls, or from the centerlines of walls separating two (2) buildings or units. The "floor area" shall also include the horizontal areas on each floor devoted to:

1. Elevator shafts and stairwells;
2. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks, and cooling towers;
3. Habitable attic space as permitted by the Building Code of this municipality;
4. Interior balconies and mezzanines;
5. Enclosed porches; and
6. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one floor for each ten feet (10') of structure height and if such structures measure less than ten feet (10') but not less than five feet (5') over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off street parking and off street loading facilities and the horizontal area of a cellar floor shall not be included in the "floor area."

FLOOR AREA (For Determining Off Street Parking and Off Street Loading Requirements): Floor area when prescribed as the basis of measure for off street parking spaces and off street loading spaces for a use shall be the sum of the gross horizontal area of the several floors of the building, excluding the horizontal areas of basement and cellar floors that are devoted exclusively to areas accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

FLOOR AREA RATIO: The numeral value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio requirements as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

GARAGE, PRIVATE: An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the principal building, and in which no occupation or business for profit is carried on the lot. Only one of the motor vehicles may be a commercial vehicle that does not exceed one and one-fourth ($1\frac{1}{4}$) tons in capacity.

GARAGE, STORAGE: A commercial building or portion thereof designed or used exclusively for storage of motor vehicles and in which motor fuels and oils are not sold, except as herein regulated, and motor vehicles are not equipped, repaired, hired, or sold.

GRADE: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS DENSITY: The ratio between total number of dwelling units on a site and total site area in acres.

HOME OCCUPATION: In all residential districts, a gainful occupation or profession conducted entirely within the dwelling by a family member residing in the dwelling and when such occupation or profession is incidental and secondary to the use of the dwelling for dwelling purposes.

HOTEL, MOTEL, INN, OR AUTO COURT: An establishment containing lodging accommodations designed for use by transients, travelers, or temporary guests. Facilities provided may include a kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges, and other ancillary uses customarily incidental to such use.

KENNEL: Any lot or premises or portion thereof on which more than five (5) dogs, cats, or other household domestic animals over six (6) months of age are kept for sale, or on which more than two (2) such animals are boarded for compensation.

LOITERING: The act of remaining in a public place for a period of time without any specific reason.

LOT: A parcel of land that, at the time of building permit application, is designated by the owner or developer as the tract all of which is to be developed and used as one parcel under single ownership. A "lot" may consist of a single lot of record or a combination of contiguous lots of record. A lot shall have frontage on a public street or on an approved private street.

LOT AREA COVERAGE: The part of the percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT AREA, GROSS: The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the water of a duly recorded lake or river.

LOT, CORNER: A lot of which at least two (2) adjacent sides abut for a majority of their full-length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°). A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point 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 one hundred thirty-five degrees (135°). The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner shall be that point on the street lot line nearest to the point of intersection of the tangents above described.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT, INTERIOR: A lot other than a corner or reversed corner lot.

LOT LINE, FRONT: The boundary of a lot abutting an existing or dedicated public street, or where no public street exists, is along a public way. The lot line with the shortest dimension shall be considered the front lot line. If the front lot lines are equal, the owner of a corner lot may select either street lot line as the front lot line.

LOT LINE, REAR: The boundary of a lot that is most distant from, and is, or is most nearly, parallel to the front lot line and in case of an irregular lot, a line ten feet (10') in length, within the lot, which is parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot that is not a front lot line or a rear lot line.

LOT LINES: The property lines bounding a lot.

LOT OF RECORD: An area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to statute.

LOT, REVERSED CORNER: A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH: A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. On a "through lot" both street lines shall be deemed front lot lines.

LOT WIDTH: The minimum horizontal distance between the side lot lines of a lot measured at the front building setback line.

MEDICAL CANNABIS DISPENSING ORGANIZATION: Has the meaning set forth in section 10 of the Illinois compassionate use of medical cannabis pilot program act, 410 Illinois Compiled Statutes 130/10, as may be amended.

MOBILE HOME: A trailer designated and constructed for dwelling purposes that contains cooking, sanitary, and electrical facilities, and has a gross area of three hundred (300) square feet or more, and which conforms to ICC code requirements for residential uses.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure lawfully established that:

1. Does not comply with all the regulations of this title or any amendment hereto governing bulk or height requirements of the district in which the building or structure is located;
2. Is located on a lot that does not comply with the applicable lot or yard requirements; or
3. Is designed or intended for a nonconforming use.

NONCONFORMING LOT: A lot whose width, area, or other dimension did not conform to the regulations when this code became effective.

NONCONFORMING USE: Any building or structure and the use thereof, or the use of and that does not conform with the regulations of this title or any amendment hereto governing use in the district in which it is located but conformed with all of the codes, ordinances and other legal requirements applicable at the time such building or structure was erected, enlarged, or altered, and the use thereof or the use of land was established.

NURSERY: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale and includes any structure in which said activities are conducted.

NURSERY SCHOOL (Includes Preschool): A facility for the education of five (5) or more children of pre-elementary school age.

NURSING HOME: A licensed public or private home or institution which provides maintenance, personal care, and nursing for three (3) or more persons who by reason of physical illness or infirmity are incapable of maintaining a private, independent residence.

OFFICE: Any building or portion thereof in which business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

PARKING AREA/LOT, OFF STREET: Land that is improved in accordance with this Title and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may be either a principal use or an accessory use.

PERFORMANCE STANDARD: A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire, and explosion hazards generated by or inherent in uses of land or buildings.

PERMITTED USE: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to the district(s).

PERSON: Any individual, firm, association, organization, or corporate body.

PLANNED UNIT DEVELOPMENT (PUD): A special use of a tract of land that contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned unit development allows for flexibility not available under normal zoning district requirements.

PLOT: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

PUBLIC PLACE: Any place where a person could reasonably be expected to be observed by others, including all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government, but does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

RESIDENCE, PRINCIPAL: The dwelling unit used by the resident(s) thereof as his and/or her primary residence for sleeping hours and the dwelling unit used by the resident(s) thereof for voter's registration and personal income tax returns and as his or her personal credit cards, post office residence, automobile registration, and other purposes.

SETBACK: The minimum required distance between the property line and the building line.

SIGN: Any structure, vehicle, device, or any part thereof, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business and which shall display or is intended to display or include any letter, word, model, number, banner, flag, pennant, insignia, device or representation used as announcement, direction, or advertisement, and which is intended to be seen by persons in the public right of way. The definition of "sign" shall not, however, be interpreted as prohibiting any structure, vehicle, device or any part thereof used for the purpose of disseminating political, economic, social or philosophical ideas entitled to constitutional protection as noncommercial speech. In any instance where this code shall be interpreted as permitting the utilization of a sign to express such noncommercial speech said sign shall be subject to such other limitation as are included in this code.

STORY: That portion of a building, included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet (6') (1,829 mm) above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') (3,658 mm) above grade as defined herein at any point, such usable or unused underfloor space shall be considered as a story.

STREET: A public or private right of way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

TRAILER: A vehicle with or without motive power used or adaptable for living, sleeping, business, recreational 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. The term "trailer" includes "camper" and "motor home". A permanent foundation shall not change its character nor shall the erecting of additions to said trailer, unless the trailer and any additions conform to all municipal laws.

USE: The activity occurring on a lot for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, NONCONFORMING: A use that lawfully occupied a building or land at the time this code became effective, that has been lawfully continued, and that does not now conform with the use regulation.

USE, SPECIAL: A use that has operational, physical, and other characteristics that may be different from those of the permitted uses in a district, which is a use that upon compliance with special standards is compatible with the intended overall development within a district.

USE, TEMPORARY: A use authorized by this title to be conducted for thirty (30) days or less, and/or intermittent periods of time.

YARD: An open space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this title.

YARD, CORNER SIDE: A side yard adjoining a public street.

YARD, FRONT: An open area extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, INTERIOR SIDE: A side yard adjoining another lot or an alley separating such side yard from another lot.

YARD, REAR: An open, unoccupied space on the same lot with the building, extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, SIDE: An open, unoccupied space on the same lot with the building and between the building line and the side lot line.

YARD, TRANSITIONAL: That yard which must be provided on a lot in a business district that adjoins a lot in a residential district, or that yard which must be provided on a lot in an industrial district adjoining a lot in either a residential or business district.

PLANNING AND ZONING CODE OFFICIAL: The village of Maple Park building code official is also the Planning and Zoning code official with respect to the administration and enforcement of this title.

ZONING LOT: 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, built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

CHAPTER 2
GENERAL PROVISIONS

SECTION:

11-2-1: Interpretation

11-2-2: Scope Of Regulations

11-2-3: Accessory Buildings and Uses

11-2-4: Additional Regulations For Unique Uses

11-2-5: Home Occupations

11-2-6: Access To Public Streets

11-2-7: Number Of Buildings On Zoning Lot

11-2-8: Performance Standards

11-2-9: Existing Special Uses

11-2-10: Design Variety For Residential Construction

11-2-11: Adult-Use Cannabis

11-2-1: INTERPRETATION:

A. Minimum Requirements: The provisions herein shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

B. Relationship With Other Laws: Where the conditions imposed by any provision herein upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than conditions imposed by any other provision herein or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

C. Effect Of Existing Agreements: This title is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this title are more restrictive (impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements herein shall govern.

11-2-2: SCOPE OF REGULATIONS:

A. Change Structures Or Use: Except as may otherwise be provided, all buildings erected hereafter, all uses of land or buildings established hereafter, all alterations or relocation of existing buildings occurring hereafter, and any enlargement of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning district in which such buildings, uses or land shall be located.

11-2-3: ACCESSORY BUILDINGS AND USES:

A. Permitted Obstruction: Accessory buildings, structures and uses as permitted in district regulations may be obstructions in required yards as follows:

TABLE 11-2-3A

PERMITTED OBSTRUCTION LOCATIONS

Obstruction	Front/Side Yards Adjoining Streets	Interior Side Yards	Rear Yards
Air conditioning equipment shelters	Not permitted	Permitted	Permitted
Arbors or trellises and trellises attached to principal building	Permitted	Permitted	Permitted
Architectural entrance structures on a lot not less than 2 acres in area or at entrance roadways into subdivisions containing 100 or more lots	Permitted	Permitted	Permitted
Awnings/canopies	Not more than 3 feet into required yard	Not more than 3 feet into required yard	Not more than 3 feet into required yard
Balconies	Permitted	Permitted	Permitted
Bay windows with maximum 3 foot penetration	Permitted	Permitted	Permitted
Chimneys with maximum 24 inch penetration	Permitted	Permitted	Permitted
Decks and unenclosed porches	Permitted ¹	Permitted	Permitted
Detached garages or carports	Not permitted	Permitted	Permitted
Eaves and gutters	Permitted	Permitted	Permitted
Fire escapes or fire towers with maximum penetration of 5 feet front/side yard and 3 ¹ / ₂ feet interior side yard or court	Permitted	Permitted	Permitted
Flagpoles	Permitted	Permitted	Permitted
Garden/household storage sheds/buildings and buildings/structures customarily incidental to agricultural pursuits provided such sheds/buildings shall have siding of the same style, materials, and color as the residence, unless the facade of the residence is primarily brick, in which case, the shed/building siding shall be the same style, materials, and color as the eaves of the residence	Not permitted	Permitted	Permitted
Generator	Not permitted	Permitted	Permitted
Growing farm/garden crops in open	Not permitted	Permitted	Permitted
Open off street loading spaces	Not permitted	Not permitted	Permitted

Open off street parking spaces at least 2 ¹ / ₂ feet from lot line/10 feet from building wall in court or as required ²	Not permitted	Permitted	Permitted
Playground and laundry drying equipment	Not permitted	Not permitted	Permitted
Satellite antenna: Diameter less than 2 feet Diameter 2 feet or greater	Permitted Not permitted	Permitted Permitted	Permitted Permitted
Sills, belt course, cornices, and ornamental features of principal buildings with maximum penetration of 18 inches	Permitted	Permitted	Permitted
Steps, open, maximum of 8 risers (principal or accessory building)	Permitted	Permitted	Permitted
Swimming pool, private (must meet all codes)	Not permitted	Not permitted	Permitted
Terraces, patios, and outdoor fireplaces	Not permitted	Permitted	Permitted

Notes:

1. 10 foot maximum penetration of front yard.

2. In the industrial and all business districts, open off street parking spaces may be in a required side yard adjoining a street as hereinafter regulated.

B. Location: No part of an accessory building shall be located closer than five feet (5') to the side lot line along a required side yard. When a rear yard is required, no part of an accessory building shall be located closer than five feet (5') to the rear lot line or to those portions of the side lot lines abutting such required rear yard, except where there is an accessory building with doors opening onto an alley such building shall not be located closer than ten feet (10') to the rear lot line. In a residential district, no detached accessory building shall be closer than ten feet (10') to the principal building nor shall it be located closer to the front lot line than the distance the principal building is located to the front lot line and in no instance should it be located within a required front yard setback. No structure is permitted to be located in any required easement.

C. Time Of Construction: No accessory building shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

D. Percentage Of Required Rear Yard Occupied: No accessory building or buildings shall occupy more than forty percent (40%) of the area of a required rear yard.

E. Height Of Accessory Buildings In Required Rear Yards: No accessory building or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height.

F. Prohibited Accessory Buildings: The requirements of subsection F1 of this section, do not apply to trailers, recreational vehicles, or other similar vehicles, parked on a permitted sales lot:

1. Not more than one trailer, recreational vehicle, or other similar vehicle shall be parked on any one lot.

2. No trailer, recreational vehicle, or other similar vehicle shall be used as a dwelling.

3. No trailer, recreational vehicle, or other similar vehicle shall be used as an office or for any other commercial purpose except for approved construction offices.

4. No trailer, recreational vehicle, or other similar vehicle shall be used for the storing of personal or business related materials.

5. The parking of a trailer, recreational vehicle, or similar vehicle is allowed. The parking area must be paved.

6. The parking of a trailer, recreational vehicle, or similar vehicle, shall comply with the yard requirements for accessory buildings of the district in which it is located. No vehicle shall be parked or stored in a manner that inhibits or impedes travel on public streets and sidewalks.

G. Foundation Requirements For Certain Accessory Buildings: In addition to all other Municipal Building Code requirements, any accessory building having a floor area greater than two hundred (200) square feet or a door wider than six feet (6') shall be placed on a permanent concrete slab foundation having specifications approved by the Planning and Zoning Code official.

H. Number Of Accessory Uses: Only one detached accessory structure shall be permitted per lot.

I. Generators: Generators are an allowed interior side and rear yard obstruction, provided they comply with the side and rear yard setback requirements.

11-2-4: ADDITIONAL REGULATIONS FOR UNIQUE USES:

A. Fences, Walls, And Hedges:

1. Except as provided elsewhere in this title, a fence or wall may be erected, placed or maintained along a lot line on residentially zoned property except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

A corner lot shall be considered to have two (2) front yards; example, the yards that face the public roadway. A fence installed on a corner lot may only be three feet (3') solid board or four feet (4') with fifty percent (50%) open slotting in the front yards.

A six foot (6') fence is not to exceed past the most exterior wall of the house on either yard.

Where such lot line is adjacent to non-residentially zoned property, there shall be an eight foot (8') limit on the height of a fence or wall along such lot lines, except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

2. No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially owned property, adjacent to residentially owned property, to a height exceeding eight feet (8') except that no such fence or wall which is located in a required front yard shall exceed a height of three feet (3').

3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to height exceeding three feet (3') above the street curb nearest thereto, within twenty five feet (25') of the intersection of any street lines or of street lines projected.

4. Unless a written agreement signed by the adjacent owner of record is filed with the Village Clerk, a fence or wall must be erected, placed, or maintained at least six inches (6") inside the lot line.

5. No fence equipped with or having barbed wire, spikes, or any similar device, or any electrically charged fence sufficient to cause shock, shall be erected, placed, or maintained within six feet (6') of ground level. However, no such fence shall be allowed in residentially zoned districts ¹.

6. Screening for daycare centers and nursery schools: The outdoor play area shall be completely screened from view from adjacent uses by solid wood fencing to a height of six feet (6') or by landscaping six feet (6') high by three feet (3') deep. All State regulations concerning outdoor play areas shall apply.

7. Fence poles and stakes shall be placed on the interior side of the fence so that the more attractive side of the fence faces the exterior of the yard.

8. Inground swimming pools/aboveground swimming pools and spas over twelve inches (12") deep, having a surface of at least two hundred fifty (250) square feet, or are permanently equipped with a water recirculating system:

a. Shall have any wall of a private swimming pool located at least ten feet (10') from the property line and from the principal structure.

b. Shall be located from septic tank/field or sewer line at least twenty five feet (25') for an inground pool; at least ten feet (10') for an aboveground pool.

c. Shall have erected and maintained an adequate enclosure either surrounding the property or pool/spa area. Such enclosure must not be less than four feet (4') high with latching gate.

Notes

- ¹ 1. See also section 8-1-13 of this Code.

11-2-5: HOME OCCUPATIONS:

A. Purpose: The purpose of home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood. Home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence.

B. Standards: A home occupation is permitted in any residence district provided that:

1. It is conducted entirely within the dwelling unit by a family member residing in the dwelling, and the dwelling unit must be the principal residence of the family member conducting the home occupation.

2. It is conducted only by a family member residing on the premises, plus only one additional person, whether or not a family member.

3. It is not conducted from an accessory building or other structure. It does not require internal or external alteration, or involve construction features or use of equipment not customary in a dwelling, and the entrance to the space devoted to such occupation shall be from within the dwelling and not more than one-fourth ($\frac{1}{4}$) of the floor area of a story including also a cellar of the dwelling is devoted to such home occupation.

4. There shall be no signs on the premises advertising the presence of a home occupation.

5. There shall be no outdoor storage or display of equipment or materials used in the home occupation.

11-2-6: ACCESS TO PUBLIC STREETS:

Except as otherwise provided herein for planned unit developments, every residential building shall be constructed or erected upon a lot or parcel of land, which abuts upon a public street to which ingress and egress is permitted, unless a permanent easement of access to a public street was of record prior to the adoption hereof.

11-2-7: NUMBER OF BUILDINGS ON ZONING LOT:

Except in the case of a planned unit development, not more than one principal detached residential building shall be located on a residential zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other principal building.

11-2-8: PERFORMANCE STANDARDS:

The performance standards for the I-1 District at section 11-8-2 of this title shall also apply to all residential and business districts.

11-2-9: EXISTING SPECIAL USES:

Where a use is classified as a special use and exists as a permitted use at the date of the adoption hereof, it shall be considered a legal use, without further action of the Board of Trustees, the Planning and Zoning Commission, or the Planning and Zoning Code official.

11-2-10: DESIGN VARIETY FOR RESIDENTIAL CONSTRUCTION:

A. Dwelling Similarity; Distance: No building permit shall be issued for any type of residential dwelling (i.e., one-, two-, or multiple-family) which is similar in appearance to any other existing residential dwelling on the same street (either side) that is within a distance of five (5) lots from the new residential dwelling.

B. Corner Lot: A residential dwelling on a corner lot may be considered not similar to one adjacent to it if the three (3) dwellings face different streets.

C. Similarity Standards: For purposes of this section, "similar in appearance" shall mean a residential dwelling which is identical to another in any three (3) or more of the following architectural characteristics:

1. Roof type (gable, hip, mansard, gambrel, flat, combination);
2. Roof height;
3. Approximate dimensions (height and length) of the front wall closest to the front lot line;
4. Shape of the front elevation;
5. Relative locations and sizes of the windows in the front elevation;
6. Relative location and dimensions of garage door or doors, if included on the front elevation;

7. Type of siding (brick veneer, lapped horizontal siding, half timber, board and batten, shakes, etc.) on the front elevation.

D. Exceptions: The regulations in this section shall not apply in the following instances:

1. If, on any combination of four (4) consecutive lots, there contains different housing styles, then the similarity standards identified in subsection C of this section shall not apply. For purposes of this subsection, "housing style" shall mean a dwelling unit with a ranch, bilevel, trilevel, one and one-half story, two-story, or three-story design.

2. If, on any combination of four (4) consecutive lots, there contains residential dwellings with a different number of dwelling units, then the similarity standards identified in subsection C of this section shall not apply.

3. Upon approval by the Board of Trustees, these regulations may be waived in cases where the applicant for a building permit could not be expected to anticipate the design of another dwelling unit for which a building permit has already been issued but has not yet been constructed.

4. These regulations may be waived for residential planned unit developments in which similarity of architectural form and style is an integral part of a unified plan and in which the high quality of building materials, building plans, site plans and land planning details overcome what is otherwise the negative effects of similarity. If the Board of Trustees is satisfied that such components exist, then it may grant an exception from these regulations as a condition of approval of the planned unit development.

11-2-11: ADULT-USE CANNABIS:

A. Purpose And Applicability: It is the intent and purpose of this section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village of Maple Park. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event the Act is amended, the more restrictive of the state or local regulations shall apply.

B. Conditional Use: Adult-use cannabis business establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with section 11-11-8: Special Uses: of this chapter and section 11-2-11-C: Adult-Use Cannabis Facility Components: as provided herein.

C. Adult-Use Cannabis Facility Components: In determining compliance with section 11-11-8: Special Uses: of this chapter, the following components of the adult-use cannabis facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

2. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

3. Hours of operation and anticipated number of customers/employees.

4. Anticipated parking demand based on section 11-9-3: and available private parking supply.

5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

6. Site design, including access points and internal site circulation.

7. Proposed signage plan.

8. Compliance with all requirements provided in section 11-2-11-D: Adult-Use Cannabis Craft Grower; section 11-2-11-E: Adult-Use Cannabis Cultivation Center; section 11-2-11-F: Adult-Use Cannabis Dispensing Organization); section 11-2-11-G (Adult-Use Cannabis Infuser Organization; section 11-2-11-H: Adult-Use Cannabis Processing Organization; or section 11-2-11-I: Adult-Use Cannabis Transporting Organization, as applicable.

9. Other criteria determined to be necessary to assess compliance with section 11-11-8: Special Uses of this chapter.

D. Adult-Use Cannabis Craft Grower: In those zoning districts in which an adult-use cannabis craft grower may be located, the proposed facility must comply with the following:

1. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility, residential care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing property zoned or used for residential purposes, religious institutions and parks.

3. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5. For purposes of determining required parking, adult-use cannabis craft grower shall comply with section 11-9-2: Off-Street Parking and Loading, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11- B: Conditional Use herein.

6. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

E. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an adult-use cannabis cultivation center may be located, the proposed facility must comply with the following:

1. Facility may not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility, residential care center or area zoned for residential use. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located within one thousand feet (1,000') of the property line of a preexisting cultivation center or medical cannabis dispensing organization, religious institutions and parks.

3. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5. For purposes of determining required parking, adult-use cannabis cultivation centers shall comply with section 11-9-2: Off-Street Parking and Loading, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11-B: Conditional Use herein.

6. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

F. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an adult-use cannabis dispensing organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing property zoned or used for residential purposes, religious institutions and parks.

3. Facility may not be located within one thousand five hundred (1,500') feet of another dispensary.

4. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. The requirements under this subsection shall not be subject to variance.

5. At least seventy five percent (75%) of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Subsection 5 below in the same tenant space.

6. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7. The facility shall comply with the following:

a. Alcohol: Facility shall not sell, distribute or otherwise allow the use of alcohol on the premises.

b. Sales/distribution: Facility shall not conduct any sales or distribution of cannabis other than as authorized by the act.

c. Exterior display: Facility shall not be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products, cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way, or any property other than the lot on which the dispensary is located. No portion of the exterior of the

dispensary shall utilize or contain any flashing lights, search lights, spot lights, or any similar lighting system.

d. Drug paraphernalia: Facility shall only display or sell drug paraphernalia in compliance with the Act.

e. Hours of operation: Facility shall operate only between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m.

f. Age and access limitations: Facility shall not allow any person who is not at least twenty one (21) years of age on the premises, nor employ anyone under the age of twenty one (21) years.

g. Residential co-location: No person shall reside in or permit any person to reside in facility or on the property of same.

h. Drive-through services: Drive-through services shall be prohibited.

i. Home delivery: Delivery services shall be prohibited.

j. Outdoor seating: Outdoor seating shall be prohibited.

k. Loitering: Loitering shall be prohibited at the facility or on the property of same.

l. Smoking and use of cannabis products: It shall be unlawful to smoke, inhale, or ingest cannabis products in the waiting room, limited access area, or restricted access area of the facility. A sign, at least eight and one-half (8.5") inches by eleven (11") inches, shall be posted inside the public waiting room, limited access area, and the restricted access area of the dispensary in a conspicuous place and visible to a client and shall include the following language: "Smoking, eating, drinking, or other forms of consumption of cannabis products is prohibited within this dispensary area."

8. For purposes of determining required parking, said facilities shall comply with section 11-9-2: Off-Street Parking and Loading of the Village of Maple Park Municipal Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11-B: Conditional Use herein.

9. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

G. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an adult-use cannabis infuser organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located in a dwelling unit or within one thousand (1,000') feet of the property line of a pre-existing property zoned or used for residential purposes, religious institutions and parks.

3. At least seventy five percent (75%) of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4. For purposes of determining required parking, said facilities shall comply with section 11-9-2: Off-Street Parking and Loading of the Village of Maple Park Municipal Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11-B: Conditional Use herein.

5. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

H. Adult-Use Cannabis Processing Organization: In those zoning districts in which an adult-use cannabis processing organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home, group daycare home, part day childcare facility or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

2. Facility may not be located in a dwelling unit or within one thousand (1,000') feet of the property line of a pre-existing property zoned or used for residential purposes, religious institutions and parks.

3. At least seventy five percent (75%) of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4. For purposes of determining required parking, said facilities shall comply with section 11-9-2: Off-Street Parking and Loading of the Village of Maple Park Municipal Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11-B: Conditional Use herein.

5. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

I. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an adult-use transporting organization may be located, the proposed facility must comply with the following:

1. Facility may not be located within one thousand (1,000') feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, daycare center, daycare home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

2. Facility may not be located in a dwelling unit or within one thousand (1,000') feet of the property line of a pre-existing property zoned or used for residential purposes, religious institutions and parks.

3. The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4. For purposes of determining required parking, said facilities shall comply with section 11-9-2: Off-Street Parking and Loading of the Village of Maple Park Municipal Code, provided, however, that the Village may require that additional parking be provided as a result of the analysis completed through section 11-2-11-B: Conditional Use herein.

5. Petitioner shall file an affidavit with the Village affirming compliance with section 11-2-11-C: as provided herein and all other requirements of the Act.

J. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located, consistent with the requirements of the Act.

1. Security and video surveillance:

a. The adult-use cannabis business establishment shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum eight feet (8') high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.

b. The adult-use cannabis business establishment parking area, cultivation, production, warehousing areas and shipping bays and the entire exterior of facility shall be monitored by video surveillance equipment whose live images can be viewed by facility staff, law enforcement, and continually recorded in a tamper proof format.

c. A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."

d. A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under twenty one (21) years of age not permitted on these premises."

e. The Building Inspector shall review the adequacy of lighting, security and video surveillance installations with assistance from the Maple Park Police Chief or designee.

f. The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

g. An adult-use cannabis business establishment shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

2. Exterior signage: Other than the signs as specified in this section, all exterior signage shall comply with the provisions of title 11, chapter 10 Signs of this code, further subject to the following:

a. Electronic message boards and temporary signs are prohibited.

b. Signs shall not include any realistic or stylized graphical representation of drug paraphernalia, or cartoonish imagery oriented toward youth.

3. Noxious odors: An adult-use cannabis business establishment shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the Village Building Inspector.

K. Co-Location of Cannabis Business Establishments: The Village may approve the co-location of an adult-use cannabis dispensing organization with an adult-use cannabis craft grower center or an adult-use cannabis infuser organization, or both, subject to the provisions of the Act and the conditional use criteria within the Village of Maple Park Municipal Code. In a co-location, the floor space requirements of sections 11-2-11-F-3 and 11-2-11-G-.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

CHAPTER 3

NONCONFORMING BUILDINGS, STRUCTURES, LOTS, AND USES

SECTION:

11-3-1: Purpose

11-3-2: Authority To Continue

11-3-3: Repairs, Alterations, And Enlargements

11-3-4: Damage And Destruction

11-3-5: Prohibited Use Of Land Or Buildings

11-3-1: PURPOSE:

A. This title establishes separate districts, each of which is an appropriate area for the location of the uses that are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, lots, and uses that substantially and adversely affect the orderly development and taxable value of other property in the district not be permitted to continue without restriction.

B. The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue. A nonconforming lot has less than the prescribed minimum lot area and/or lot width or depth or all three (3).

11-3-2: AUTHORITY TO CONTINUE:

A. The lawful use of buildings, structures or land existing on the effective date of this title or of amendments thereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued.

B. Any legal nonconforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, as otherwise permitted herein.

C. Any building, for which a permit has been lawfully granted prior to the effective date of this title or of amendments thereto, may be completed in accordance with the approved plans provided construction is started within ninety (90) days and diligently pursued to completion. Such building shall thereafter be deemed a lawfully established building.

11-3-3: REPAIRS, ALTERATIONS, AND ENLARGEMENTS:

A. Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

B. No structural alteration shall be made in a building or other structure containing a nonconforming use, except in the following situations:

1. When the alteration is required by law.

2. When the alteration will actually result in eliminating the nonconforming use.

3. When a building in a residential district containing residential nonconforming uses may be altered in any way to improve livability provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.

C. A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use and is made to conform to all the regulations of the district in which it is located.

D. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

E. No nonconforming use may be enlarged or extended in such a way as to occupy any required usable open space or any land beyond the boundaries of the zoning lot as it existed on the effective date hereof or to displace any conforming use in the same building or on the same parcel.

F. A building or structure which is nonconforming with respect to yards, floor area ratio or any other element of bulk regulated herein shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

11-3-4: DAMAGE AND DESTRUCTION:

A. Rebuilding:

1. If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction.

2. In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently completed within a period not to exceed eighteen (18) months.

B. Residential/Business Nonconforming Use: In the area bounded by Washington Street on the north, South Street on the south, County Line on the west and Palmer Drive on the east, any nonconforming residential or business use in any zoning district within this area can be rebuilt if damaged or destroyed, provided all other provisions of this title regarding nonconformance are met.

11-3-5: PROHIBITED USE OF LAND OR BUILDINGS:

A. No building or tract of land shall be devoted to any use other than the one which is specified as a permitted, special, or accessory use as identified in section 11-11-8, "Special Uses", of this title in the zoning district in which such building is located.

B. However, where a building permit for a building or structure has been issued in accordance with applicable laws prior to the effective date of this section, and where construction has begun within six (6) months of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with approved plans on the basis of which the building permit was issued; and further, may, upon completion, be occupied under the certificate of occupancy by use originally designed, subject to the provisions of this section.

CHAPTER 4

ZONING DISTRICTS; MAP

CHAPTER 4

ZONING DISTRICTS; MAPS

SECTION:

11-4-1: Districts Established

11-4-2: Zoning Map

11-4-3: Zoning Of Annexed Land

11-4-1: DISTRICTS ESTABLISHED:

For the purpose of this title, Maple Park, DeKalb and Kane Counties, Illinois, is hereby divided into the following zoning districts:

A-1	Agricultural district
R-E	Residential estate district
R-R	Rural residential district
R-1	Single-family residential district
R-2	General residential district
R-3	Multiple-family residential district
B-1	Central business district
B-2	General commercial district
I-1	Limited industrial district
I-2	General industrial district

11-4-2: ZONING MAP:

A. The location and boundaries of the districts established by this title are set forth on the zoning map entitled "zoning district map", which is attached as attachment A to the ordinance codified herein and incorporated herein and hereby made a part of this title. The said map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be a part of this title and shall have the same force and effect as though fully set forth and described herein.

B. The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning district map:

1. District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements, or the boundary lines of sections, tracts or lots, or such lines extended unless otherwise indicated.

2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimension shown on the map from section, quarter section, or highways or railroad lines, or centerlines of streets, highways or railroad rights of way unless otherwise indicated.

3. Where a district boundary line divides a lot in single ownership on the effective date hereof, the board of trustees, after due hearing before the Planning and Zoning Commission, may extend the regulations for the more intensively zoned land to include the less intensively zoned portion provided that the less intensively zoned portion is less than six thousand (6,000) square feet in area.

4. All streets, alleys, public ways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zoning use district as the property immediately abutting thereon or to the middle thereof where different zoning districts adjoin.

11-4-3: ZONING OF ANNEXED LAND:

Any additions to the incorporated area of the village shall be automatically zoned A-1 agricultural district upon annexation unless otherwise zoned by amendment. Upon application of such zoning amendment and prior to annexation, the board of trustees shall direct the Planning and Zoning Commission to hold a public hearing in accordance with the regulations of this title.

CHAPTER 5

A-1 AGRICULTURAL DISTRICT

SECTION:

11-5-1: Purpose

11-5-2: Uses

11-5-3: Lot Requirements

11-5-4: Yard And Setback Requirements

11-5-5: Height Limitations

11-5-1: PURPOSE:

The purpose of the A-1 agricultural district is to maintain open lands in a use that:

- A. Is consistent with the desired rural character identified in the Maple Park comprehensive land use plan;
- B. Fosters efficient land use patterns which can be effectively served by public services;
- C. Preserves agriculturally productive farmland for farming;
- D. Protects agricultural farmsteads from incompatible nonfarm uses;
- E. Provides a district for newly annexed lands.

11-5-2: USES:

A. Permitted uses:

1. Agriculture, including:
 - a. Beekeeping.
 - b. Dairying and grazing, but not commercial feedlots.
 - c. Field crops.
 - d. Forestry.
 - e. Greenhouses.
 - f. Horticulture.
 - g. Orchards.
 - h. Produce stand.
 - i. Truck farming.
 - j. Viticulture.
2. Nurseries, excluding retail sales.
3. Single-family dwellings.

B. Permitted accessory uses:

1. Buildings accessory to farm operations.
2. Guesthouse.
3. Private stables for use by residents and their guests, provided the total number of horses permitted on any given lot shall be determined by use of the following formula: One horse for the first forty thousand (40,000) square feet of land area, and one additional horse for each additional twenty thousand (20,000) square feet of land area.
4. Roadside stands for the sale of farm products grown and raised on or in the immediate area of the premises, provided:
 - a. The stand complies with the minimum setback requirements.
 - b. Adequate parking is provided for customers (see off street parking regulations of this title).
5. Servicing, repair and outdoor storage of farm machinery when accessory to the permitted uses listed above.
6. Swimming pools and tennis courts (lighted).
7. Those uses customarily accessory to the pursuit of agriculture.

C. Special uses:

1. Airports.
2. Agriculturally related research and facilities.

3. Animal and poultry husbandry.
4. Cemeteries, including crematoriums and mausoleums, provided any building is located at least one hundred feet (100') from side and rear property lines.
5. Commercial feedlots.
6. Fertilizer production, sales, storage, mixing and distribution.
7. Fishing, hunting and game preserves.
8. Grain elevators and storage, commercial.
9. Kennels.
10. Livestock depots, sales yards and auction barns.
11. Medical cannabis cultivation centers.
12. Milk depots.
13. Milk processing and distribution, including pasteurizing and manufacturing of ice cream and cheese.
14. Practice pistol and rifle ranges, skeet or trap shooting.
15. Radio and television towers, commercial.
16. Recreational areas or campgrounds.
17. Sales of feed and seed, provided these activities are accessory to the primary activity of farming, but not including sales of farm machinery.
18. Riding academies and commercial stables.
19. Sewage treatment facilities and other public utilities (i.e., electrical substations and distribution centers, transmission towers, etc.).
20. Other rural business uses not specifically listed above, when determined to be compatible with established uses on adjoining property.

11-5-3: LOT REQUIREMENTS:

- A. Minimum lot size: Fifteen (15) acres.
- B. Minimum lot width: At least one hundred twenty five feet (125') shall be maintained at the front property line.

11-5-4: YARD AND SETBACK REQUIREMENTS:

Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

- A. Set Back From Major Arterials/Highways: A minimum of sixty feet (60') from arterial roads and state highways, as measured from the street right of way.
- B. Minimum Front And Corner Side Yards: A minimum of forty feet (40') from a front and corner side lot line.
- C. Minimum Interior Side Yards: A minimum of fifteen feet (15') from an interior side lot line.

D. Minimum Rear Yards: A minimum of forty feet (40') from a rear lot line.

E. Special Provision: Notwithstanding the above, any animals or poultry shall be housed, stabled, kenneled or kept at least five hundred feet (500') from any lot line.

11-5-5: HEIGHT LIMITATIONS:

A. Single-family dwellings: A maximum of thirty five feet (35').

B. Other permitted structures: A maximum of fifty feet (50').

C. Agricultural silos: A maximum of ninety feet (90').

D. Special uses: As determined by the Planning and Zoning Commission and board of trustees as part of the special use permit.

CHAPTER 6

RESIDENTIAL DISTRICTS

SECTION:

11-6-1: General Provisions

11-6-2: R-E Residential Estate District

11-6-3: R-R Rural Residential District

11-6-4: R-1 Single-Family Residential District

11-6-5: R-2 General Residential District

11-6-6: R-3 Multiple-Family Residential District

11-6-1: GENERAL PROVISIONS:

A. Well And Septic; Lot Size:

1. Unless otherwise approved by the Planning and Zoning Commission and board of trustees, the minimum lot size for a single- or two-family dwelling without public sewer or water shall be at least forty thousand (40,000) square feet in area.

2. The Kane County and DeKalb County health departments may require building lots to be larger than the minimum specified above, depending upon soil suitability for such systems.

B. Planned Unit Developments: Lots may be reduced in area, width, and average lot depth required by the regulations in the residential districts which follow, when subdivisions include open space beyond that otherwise required, and are processed as planned unit developments.

C. Open Space/Greenbelts: Open space shall be provided for village residents in the form of parks and greenbelts, consistent with regulatory and policy directives of the village. Unless otherwise recommended by the Planning and Zoning Commission and approved by the board of trustees, land, in lieu of cash, shall be provided according to the adopted land/cash ordinance, as may be amended from time to time, where parks and greenbelts illustrated on the land use plan pass through a proposed residential subdivision. The village has determined that the dedication of land in these areas is essential for implementing the continuous greenbelt and open space system adopted as part of the village's comprehensive land use plan.

1. Purpose:

- a. To establish natural limits of growth around the village.
- b. To visually set Maple Park apart from adjacent communities and/or the rural environment.
- c. To preserve existing natural resources and protect critical stormwater drainage corridors.
- d. To provide conveniently located recreational amenities and facilities for residents of Maple Park.

2. Greenbelts:

a. Where a greenbelt illustrated on Maple Park's comprehensive land use plan passes through a proposed subdivision, a minimum width of at least fifty feet (50') shall be set aside for this amenity. This minimum width shall be increased to incorporate floodplain, steep slopes, wetlands, high quality native plant communities, major stands of trees, riparian zones, and/or other significant natural features that may exist within, or adjacent to these areas. The location and extent of a greenbelt shall be determined at the time of preliminary plan and/or plat. Greenbelts shall not be used to satisfy any park dedication requirements.

b. For the purpose of this title, these natural features shall be defined as follows:

FLOODPLAIN: 100-year floodplain, as defined by the federal emergency management agency (FEMA).

HIGH QUALITY NATIVE PLANT COMMUNITIES: Those areas (i.e., prairie, savanna, etc.) which have a natural area rating index (NARI) of 20 or greater, utilizing the "Natural Area Rating Index", by Swink and Wilhelm (latest published edition).

MAJOR STANDS OF TREES: Mature woodlands, such as stands of oak/hickory forest, and floodplain forest, such as mature cottonwood, silver maple, sycamore, hackberry, etc.

RIPARIAN ZONE: Natural vegetation along the edge of a stream that: modulates temperature; provides nutrient input into the stream system; provides a buffer that intercepts surface runoff, filtering out sediments and pollutants; provides erosion control through soil stabilization; and serves as habitat and mitigation corridors for wildlife who utilize the stream for food and drink.

STEEP SLOPES: Those land areas with slopes that equal or exceed thirty five percent (35%).

c. The greenbelt shall be recorded with the final plan and/or plat of subdivision as open space to be maintained as such in perpetuity.

d. At the time of final platting, an easement, not less than fifteen feet (15') wide, shall also be recorded to accommodate future development of a recreation path within the greenbelt. Said path shall be eight feet (8') wide, and installed at such time as the village determines appropriate. Unless otherwise approved by the board of trustees, the path shall consist of crushed limestone and shall be engineered to avoid erosion.

e. Two inch (2") caliper native trees shall be planted along the perimeter of the greenbelt to define its limits. Tree plantings may be waived by the Planning and Zoning Commission and

board of trustees during review of the final plan or plat if the greenbelt is wooded or includes natural features that may be inconsistent with required tree plantings. Where required:

(1) Not less than one native tree shall be planted on each side of the greenbelt for each fifty (50) linear feet that passes through the residential subdivision.

(2) Trees shall be planted in naturalistic groupings, and shall be worked into the existing landscape.

f. Native grasses, wildflowers, or other native vegetation shall be installed where necessary to stabilize slopes within the greenbelt, in lieu of lawn or other traditional ground cover.

3. Parks: The exact location of boundaries and park land shall be determined as part of the preliminary plan or plat.

4. Submittals: Unless otherwise waived by the Planning and Zoning Commission and board of trustees, the following shall be submitted for staff review at the time of preliminary plat or plan to determine the existence, location and extent of wetlands, floodplain, native prairie, major stands of trees, steep slopes and other natural features that may fall within the environmental corridor depicted on the land use plan:

a. Items listed below shall be included on a site plan, at a scale not less than one inch equals one hundred feet (1" = 100'), unless a larger scale is otherwise required by the village engineer:

(1) Location of FEMA floodplain.

(2) Existing contours at two foot (2') intervals.

(3) Existing and proposed drainage system, including all discharge points, collection, conveyance and storage facilities.

(4) Proposed contours, at two foot (2') intervals.

(5) Draining features, stormwater management facilities, floodplain and wetland boundaries.

(6) Boundaries of predominant soil types.

(7) Location, species and size of trees six inches (6") or greater in caliper, if any.

(8) Delineation of riparian zones, if any, and location, species and size of trees, six inches (6") or greater in caliper, that exist within the zone.

(9) Delineation of high quality native plant communities, if any, and a copy of the natural area rating index for the plant communities.

b. Where wetlands exist within, or adjacent to the greenbelt, a wetland delineation report shall be submitted which includes:

(1) A map showing the exact location of wetlands within the development boundaries.

(2) An aerial photograph delineating wetland, development and watershed boundaries.

(3) Army corps of engineers' data sheets with representative color photographs.

(4) Written description of the wetland(s) including a professional assessment of functional values.

c. Name, address and telephone number of the individual or group responsible for maintenance of the park or greenbelt.

d. Required maintenance provisions and responsibilities for these resources.

e. Terms and conditions associated with the use of the land.

D. **Setback From Major Arterials/Highways:** Unless otherwise approved as part of a special use permit, all structures hereinafter constructed in residential districts shall be set back at least sixty feet (60') from major arterials and state highways, as measured from the street right of way.

E. **Public Utilities:** Public utility and service uses shall only be allowed as a special use in the residential districts. For purpose of this title, public utilities and service uses shall include, but not be limited to, the following:

1. Essential services, including fully automated gas regulating stations, telephone exchanges, and electric substations.

2. Railroad passenger stations.

3. Towers and antennas, commercial, for radio, television and telephone transmitting, receiving or relay stations.

4. Wastewater treatment plant and pumping stations.

5. Waterworks, reservoirs, pumping stations, filtration plants and wells.

11-6-2: R-E RESIDENTIAL ESTATE DISTRICT:

A. **Purpose:** The purpose of this zone is to provide for a rural environment that allows for new single-family residential uses. It is designed for low density occupancy in areas with few or no public improvements.

B. **Permitted Uses:**

1. **Residential:**

a. Single-family detached dwellings.

b. Home occupations.

2. **Recreation/Open Space:**

a. Greenbelts.

b. Parks, forest preserves, playgrounds or play fields.

c. Private stables for use by residents and their guests, provided:

(1) That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One horse for the first forty thousand (40,000) square feet of land area, and one additional horse for each additional twenty thousand (20,000) square feet of land area.

(2) Stables shall be located at least one hundred fifty feet (150') from the front lot line, and at least fifty feet (50') from a side and/or rear lot line.

3. Agriculture: Agricultural uses in accordance with this title.

C. Permitted Accessory Uses:

1. Buildings accessory to the principal use, including private garages, provided they are located in the side or rear yard, and no closer than ten feet (10') to a side or rear property line.

2. Nonpaying guesthomes or rooms for guests within an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not for permanent occupancy by others as housekeeping units.

3. Private greenhouse, subject to setback regulations of this district.

4. Private swimming pools and tennis courts (either unlighted or lighted), in rear yards only, and subject to the setback regulations of this district.

5. Quarters comprising part of an accessory building and solely for occupancy by a household employee (and his or her family) of the occupants of the principal dwelling.

6. Sheds or buildings for domestic storage, provided they are located in a rear yard only, and no closer than ten feet (10') to a side or rear property line.

D. Special Uses:

1. Residential:

- a. Congregate care facilities.
- b. Convalescent centers and nursing homes.
- c. Group homes.
- d. Model homes.
- e. Planned developments, according to this title.

2. Institutional/governmental:

a. Cemeteries, provided:

(1) Lot area consists of one or more acres.

(2) Buildings are set back at least one hundred feet (100') from side and rear property lines.

- b. Churches, temples or synagogues.
- c. Civic buildings, including governmental, police and fire.
- d. Community center buildings.
- e. Hospitals and/or medical clinics.
- f. Museums and galleries.
- g. Public utility and service facilities, as defined in this title.

- h. Religious retreats.
- i. Schools: boarding and private.

3. Service:

- a. Bed and breakfast guesthouses.
- b. Daycare centers and nursery schools.
- c. Kennels.
- d. Inns.
- e. Veterinary or animal clinics.

4. Recreation:

- a. Airports.
- b. Club or lodge building.
- c. Golf courses.
- d. Stable, commercial.
- e. Swim and/or tennis clubs.

E. Lot Size Regulations:

1. Residential:

- a. Minimum lot size: At least four (4) acres.
- b. Minimum lot width: At least one hundred twenty five feet (125') shall be maintained at the building setback line.

2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district.

F. Yard And Setback Regulations: Every building hereafter erected or enlarged in this district shall provide and maintain a setback in accordance with the following:

- 1. Setback From Major Arterials/Highways: In accordance with this title.
- 2. Minimum Front And Corner Yards: At least forty feet (40') from the front or corner side lot line.
- 3. Minimum Interior Side Yards: At least fifteen feet (15') from an interior side lot line.
- 4. Minimum Rear Yards: At least forty feet (40') from a rear lot line.
- 5. Maximum Lot Coverage: A maximum of one-third ($\frac{1}{3}$) (33.33 percent) of a lot can be occupied with buildings, accessory structures and impervious surfaces.

G. Bulk Regulations:

1. Structure Height:

- a. Single-Family Detached Dwellings: A maximum of thirty five feet (35').

b. Special Uses: Maximum height limitations shall be specified with the granting of a special use permit.

2. Floor Area: Floor areas which follow are exclusive of garages, basements or porches:

a. Single-Family Detached Dwellings:

(1) One-story, single-family dwelling: A minimum of one thousand six hundred (1,600) square feet.

(2) Two-story, single-family dwelling: A minimum of one thousand eight hundred (1,800) square feet per floor.

b. Other Uses: No minimum floor area shall apply to other permitted and special uses within this district.

11-6-3: R-R RURAL RESIDENTIAL DISTRICT:

A. Purpose: The R-R rural residential district is hereby established to:

1. Encourage the orderly transition of land from agricultural to low density, single-family residential uses.

2. Meet the market demand for large lots in a rural environment.

B. Permitted Uses:

1. Residential:

a. Single-family dwellings.

b. Home occupations.

2. Recreational/open space:

a. Greenbelts.

b. Public parks, forest preserves, playgrounds or play fields.

3. Institutional:

a. Schools: private, nonboarding.

C. Permitted Accessory Uses:

1. Buildings accessory to the principal use, including private garages, provided they are located in the side or rear yard, and no closer than ten feet (10') to a side or rear property line.

2. Nonpaying guesthomes or rooms for guests within an accessory building; provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not for permanent occupancy by others as housekeeping units.

3. Private greenhouse, subject to setback regulations of this district.

4. Private swimming pools and tennis courts (unlighted), in rear yards only, and subject to the setback regulations of this district.

5. Sheds or buildings for domestic storage; provided they are located in a rear yard only, and no closer than ten feet (10') to a side or rear property line.

D. Special Uses:

1. Residential:

- a. Congregate care facilities.
- b. Convalescent centers and nursing homes.
- c. Group homes.
- d. Model homes.
- e. Planned unit developments.

2. Institutional/governmental:

- a. Churches, temples or synagogues.
- b. Civic buildings, including governmental, police and fire.
- c. Community center buildings.
- d. Hospitals and medical clinics.
- e. Libraries.
- f. Museums and galleries.
- g. Public utility and service facilities, as defined in subsection 11-6-1E of this chapter.
- h. Religious retreats.
- i. Schools: boarding.
- j. Schools: high school, college, university and trade, private.

3. Service:

- a. Bed and breakfast guesthouses.
- b. Daycare centers and nursery schools, public or private.
- c. Inns.

4. Recreation:

- a. Airports.
- b. Club or lodge building.
- c. Golf courses.
- d. Private stables for use by residents and their guests, provided:

(1) That the total number of horses permitted on any given lot shall be determined by use of the following formula:

One horse for the first forty thousand (40,000) square feet of land area, and one additional horse for each additional twenty thousand (20,000) square feet of land area.

(2) Stables shall be located at least one hundred fifty feet (150') from the front lot line, and at least one hundred feet (100') from a side and/or rear lot line.

e. Swim and/or tennis clubs.

E. Lot Size Regulations:

1. Residential:

a. Minimum lot size: At least forty three thousand five hundred sixty (43,560) square feet per dwelling unit. Actual lot size shall, however, depend upon:

(1) Soil suitability for well and septic; or

(2) Availability of sewer and water.

2. Special Uses: Lot sizes for special uses shall be as specified in the special use permit, unless otherwise noted for a particular use listed in this district.

F. Yard And Setback Regulations: Every building hereafter erected or enlarged in this district shall provide and maintain the following setbacks:

1. Setback From Major Arterials/Highways: In accordance with this title.

2. Minimum Front And Corner Yards: At least thirty feet (30') from a front or corner side lot line.

3. Minimum Interior Side Yards: At least fifteen feet (15') from an interior side lot line.

4. Maximum Lot Area Coverage: A maximum of thirty five percent (35%) of a lot can be occupied with buildings, accessory structures and impervious surfaces.

G. Bulk Regulations:

1. Structure Height:

a. Single-Family Detached Residences: A maximum of thirty five feet (35').

b. Special Uses: Maximum height limitations shall be specified with the granting of a special use permit.

2. Floor Area: Floor areas which follow are exclusive of garages, basements or porches:

a. Single-Family Detached Residences:

(1) One-story, single-family dwelling: A minimum of one thousand four hundred fifty (1,450) square feet.

(2) Two-story, single-family dwelling: A minimum of two thousand one hundred (2,100) square feet.

b. Other Uses: No minimum floor area shall apply to other permitted and special uses within this district.

11-6-4: R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A. Permitted Uses:

1. Single-family detached dwellings.

2. Parks, forest preserves and recreational areas, when publicly owned and operated.
3. Schools: private, elementary and/or secondary.
4. Accessory uses in accordance with this title.

B. Special Uses:

1. Churches, chapels, temples, synagogues, and other related religious facilities.
2. Daycare centers and nursery schools, public or private, for preschool age children, provided there is adequate outdoor play area for each child to be cared for and that the play area is fenced and screened with planting from all adjoining lots in any residential district.
3. Golf course, regulation size, but not including commercially operated driving ranges or miniature golf courses.
4. Health and medical institutions as follows:
 - a. Convalescent, nursing and rest homes.
 - b. Hospices.
 - c. Hospitals and sanatoriums.
 - d. Institutional establishments providing care, or care and residence for children and adults.
5. Public utility and civic buildings.
6. Cemeteries.
7. Animal related businesses.

C. Lot Size:

1. Residential: Minimum lot area is twelve thousand (12,000) square feet and no less than seventy five feet (75') wide at the front setback line.
2. All other permitted uses: Minimum lot area is twelve thousand (12,000) square feet and not less than ninety feet (90') wide at the front setback line.
3. Special uses: As specified by Planning and Zoning Commission.

D. Yard Requirements:

	Front	Interior Side	Corner Side	Rear
Single-family dwellings	30 ft.	10 ft. or 10% whichever is greater	30 ft.	30 ft.
All other uses and special uses	30 ft.	10 ft. or 10% whichever is greater	30 ft.	30 ft.
Plus 1 foot for each 2 feet by which the building height exceeds 24 feet				

E. Building Height:

1. Permitted uses: A maximum of thirty five feet (35').

2. Special uses: As specified by Planning and Zoning Commission.

F. Lot Area Coverage: A maximum of forty percent (40%) of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.

G. Dwelling Standards: Every one-story dwelling hereafter erected in any R-1 District shall have a total ground floor area of not less than one thousand six hundred (1,600) square feet. Every dwelling of more than one story hereafter erected in any R-1 District shall have a total single floor area of not less than one thousand eight hundred (1,800) square feet.

H. Off Street Parking: Off street parking and loading as required by this title.

I. Density: Density in the R-1 District shall not exceed 3.5 dwelling units per gross acre.

J. Condition Of Use: Except in a planned unit development, not more than one principal building shall be located on a zoning lot.

11-6-5: R-2 GENERAL RESIDENTIAL DISTRICT:

A. Permitted Uses:

1. Any use permitted in the R-1 District.
2. Two-family dwellings (duplexes).

B. Special Uses:

1. Bed and breakfast guest homes.
2. Special uses allowed in the R-1 District.
3. Animal related businesses.

C. Lot Size:

1. Single-family detached dwelling: Lot area at least ten thousand (10,000) square feet and a minimum of seventy five feet (75') at the front setback line.
2. Two-family dwelling: Lot area at least twelve thousand (12,000) square feet and a minimum of seventy five feet (75') at the front setback line.
3. All other permitted uses: Lot area at least ten thousand (10,000) square feet and a minimum of eighty feet (80') at the front setback line.
4. Special uses: As specified by Planning and Zoning Commission.

D. Yard Requirements:

	Front	Interior Side	Corner Side	Rear
Residential uses	30 ft.	10 ft. or 10% whichever is greater	30 ft.	40 ft.
Nonresidential uses and special uses	30 ft.	10 ft. or 10% whichever is greater	25 ft.	40 ft.

For buildings thirty five feet (35') or more in height, each yard, front, side and rear as required shall be increased in width or depth by two feet (2') for each additional one foot (1') of building height over thirty five feet (35').

E. Building Height:

1. Single-family dwellings and two-family dwellings: A maximum of thirty five feet (35').
2. Special uses: As specified by Planning and Zoning Commission.

F. Lot Area Coverage: A maximum of forty percent (40%) of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.

G. Dwelling Standards: Each dwelling unit hereafter erected in any R-2 District shall have a total ground floor area of not less than nine hundred fifty (950) square feet. Every dwelling of more than one story hereafter erected in any R-2 District shall have a total floor area of not less than nine hundred fifty (950) square feet.

H. Off Street Parking: Off street parking and loading as required or permitted in chapter 9 of this title.

I. Density: Density in the R-2 District shall not exceed six (6) dwelling units per gross acre.

J. Conditions Of Use: Except in a planned unit development, not more than one principal building shall be located on a zoning lot.

11-6-6: R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT:

A. Permitted Uses:

1. Any use permitted in the R-2 District.
2. Multiple-family dwellings: apartments, no more than four (4) dwelling units per building.
3. Multiple single-family dwellings or townhouses with a limit of four (4) units per building.
4. Nursery schools.

B. Special Uses:

1. Any use allowed as special use in the R-2 District.
2. Boarding and lodging houses.
3. Multiple-family dwellings: apartments, no more than eight (8) dwelling units per building.
4. Multiple single-family dwellings or townhouses with a limit of eight (8) units per building.
5. Mobile home parks, in accordance with this title and all other provisions of this Code.
6. Animal related businesses.

C. Lot Size:

1. One- and two-family dwellings: Same as R-2 District.
2. All townhouses and multiple-family dwellings shall be located on a lot having an area as follows:
 - a. For multiple single-family dwellings and multiple-family dwellings allowed as a permitted use, the lot area shall be a minimum of five thousand (5,000) square feet per dwelling unit.

b. For multiple single-family dwellings and multiple-family dwellings allowed as a special use, the lot area shall be a minimum of three thousand five hundred (3,500) square feet per dwelling unit.

3. All other lots for permitted uses and special uses shall be a minimum of seventy five feet (75') wide at the front setback line and contain a minimum of ten thousand (10,000) square feet.

D. Yard Requirements:

	Front	Interior Side	Corner Side	Rear
Single-family dwellings and nursery schools	30 ft.	10 ft. or 10% of total lot width, whichever is greater	30 ft.	40 ft.
Two-family, townhouse, multiple-family dwellings and lodging houses	30 ft.	10 ft. or 10% of total lot width, whichever is greater	30 ft.	40 ft.
Plus 1 foot for each 2 feet by which the building height exceeds 35 feet				

E. Building Height:

1. Single-family dwellings, two-family, and multiple-family dwellings: Not to exceed thirty five feet (35').

2. Special uses: As specified by Planning and Zoning Commission.

F. Lot Area Coverage: A maximum of forty percent (40%) of the area of a zoning lot may be covered by buildings or structures, including accessory buildings.

G. Density: Density in the R-3 district shall not exceed seven (7) dwelling units per gross acre for permitted uses and ten (10) dwelling units per gross acre for special uses and planned unit developments.

H. Dwelling Standards: As required in the R-2 district.

I. Off Street Parking: Off street parking and loading as required or permitted in chapter 9 of this title.

J. Conditions Of Use:

1. Except in planned unit developments, not more than one principal building shall be located on a zoning lot.

2. Minimum setbacks shall be as set forth in this title, except that in instances where a one- or two-story townhouse is constructed, the front yard setback for each dwelling unit constructed at grade shall have a difference of at least three feet (3') when compared to the front yard setback of the dwelling unit immediately adjacent thereto.

3. In instances where a building is constructed having three (3) or more dwelling units, at least one-half ($1/2$) of the front elevation of the first (ground) floor, as measured vertically, shall have a facade or siding consisting of brick or brick veneer.

CHAPTER 7
BUSINESS DISTRICTS

SECTION:

11-7-1: B-1 Central Business District

11-7-2: B-2 General Commercial District

11-7-1: B-1 CENTRAL BUSINESS DISTRICT:

A. General Conditions: The B-1 central business district is designed to accommodate those retail uses that are characteristic of the "Main Street" commercial center.

B. Permitted Uses:

1. Antique shops.
2. Automobile parts and accessory stores.
3. Bait shops
4. Bakeries.
5. Banks and financial institutions.
6. Barber and beauty shops.
7. Bicycle sales, rental and repair shops.
8. Bookstores.
9. Candy, ice cream and confectionery.
10. Camera and photography supply shops.
11. Card and stationery shops.
12. Catering establishments, including pizza delivery.
13. Clothing stores.
14. Custom dressmaking, tailoring or shoe repair shops, when conducted for retail sale on the premises only.
15. Drugstores.
16. Dry cleaning and laundries, receiving stations only, no processing on-site;
17. Dry goods stores.
18. Florists.
19. Furniture stores, with repair and reupholstery only as an accessory use.
20. Gift shops.
21. Hardware stores.
22. Hobby shops.

23. Household appliance stores and repair.
24. Jewelry and watch repair shops.
25. Libraries.
26. Locksmiths.
27. Medical, chiropractic and dental offices.
28. Museums.
29. Musical instrument sales and service.
30. Offices, including the following: accounting and bookkeeping, advertising agency, broadcast studios, business machine services, consulting agency, employment agency, engineering, planner, architect or designer office, informational technology (IT)/computer support services, insurance agency, investment agency, legal services, public and private utility companies, real estate services, securities and commodities broker services.
31. Optical sales and service.
32. Package liquor stores.
33. Parking lots, as a principal use.
34. Parks.
35. Pet stores.
36. Photography and art studios, including the development of film and pictures when done as part of the retail business on the premises.
37. Post office.
38. Printing, photocopying and blueprinting establishments.
39. Private or fraternal clubs or lodges.
40. Public buildings.
41. Record stores.
42. Residential uses as regulated in chapter 6 of this title.
43. Restaurants and taverns, including carry-out establishments, fast food, quick-service, fast-casual, full-service, sit-down, cafeterias, delis, diners, coffee shops and uses of similar nature when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.
44. Retail business uses not otherwise regulated by this Code including, but not limited to: books, cell phone sales/service, newspapers, stationary, bicycles, baked goods, dairy products, gifts, groceries, flowers, and countertops and other uses of similar nature.
45. Secondhand stores.
46. Shoe stores.
47. Sporting goods stores.

48. Television, radio and recording studios.
49. Television and radio stores, sales and service.
50. Toy stores.
51. Travel agencies.

52. Accessory uses in accordance with chapter 2 of this title, except the following accessory uses identified in section 11-2-3 table 11-2-3A of this title: air conditioning equipment shelters, architectural entrance structures, balconies, decks and unenclosed porches, detached garages or carports, farm and garden crops, lawn furniture, open off street loading spaces, open off street parking spaces, playground and laundry drying equipment, satellite antennas, sheds and storage buildings, swimming pools, terraces, patios and outdoor fireplaces.

C. Special Uses:

1. Automobile gasoline stations, but not repair garages.
2. Banquet halls.
3. Car washes.
4. Clinics - Medical and veterinary.
5. Convalescent and nursing homes.
6. Drive-in and drive through window service facilities.
7. Food stores.
8. Funeral homes, mortuaries, and crematoriums.
9. Hospitals and clinics.
10. Churches, rectories and parish houses.
11. Planned unit developments.
12. Public utility and service uses.
13. Schools for business, professional and technical training.
14. Theaters, indoor other than adult business use.

D. Yard Requirements:

1. Front Yard: Not less than ten feet (10') in depth.
2. Side Yard: If a side yard is provided it shall not be less than five feet (5') wide; except, where a side lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such lot line in accordance with transitional requirements. A side yard adjoining a street shall be not less than ten feet (10') in width.

3. Transitional Yards: In the B-1 district the minimum transitional yard requirements shall not be less than those specified below:

a. Where a side lot line coincides with a side or rear lot line in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard required under this title for a residential use on the adjacent residential lot.

b. Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard required under this title for a residential use on the adjacent residential lot.

c. Where a rear lot line coincides with a rear lot line in an adjacent lot located in a residential district, a yard equal in depth to the minimum yard required by this title on such adjacent residential lot shall be provided along such rear lot.

d. Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum yard required by this title on such adjacent residential lot shall be provided along such front or side lot lines.

e. All side and rear yards adjacent to an existing residentially zoned lot shall be screened by placing at the lot line a solid, sightproof fence or wall having a height not less than six feet (6'). Within this yard, there shall be a landscaped area planted with one 2¹/₂-inch caliper tree for every thirty (30) linear feet of common property line, and shall be a minimum height of six feet (6') at the time of planting. The use of earthen berms may be allowed in place of fencing provided they are designed to provide the same screening effect.

E. Lot Requirements: The zoning lot for each structure shall be a minimum of five thousand (5,000) square feet.

F. Maximum Building Height: The maximum height for any structure is thirty five feet (35').

G. Off Street Parking And Loading Facilities: Off street parking and loading facilities shall be provided as permitted or required in this title, except for that area of Main Street bounded by County Line Road on the west and Liberty Street on the east.

H. Residential Dwelling Units Sharing Zoning Lot With Permitted B-1 Use:

1. Dwelling Standards:

a. Any dwelling unit hereafter established within the B-1 district must be located within the principal structure on the B-1 zoning lot.

b. No dwelling unit hereafter established shall be permitted to occupy the basement or ground floor of the principal structure within the B-1 district.

c. Any dwelling unit hereafter established in any B-1 district shall have a minimum single-story floor area of nine hundred (900) square feet. Every dwelling of more than one story shall have a total floor area of not less than one thousand fifty (1,050) square feet.

2. Off Street Parking: Additional parking spaces shall be required for any dwelling unit hereafter established in any B-1 district in accordance with chapter 9 of this title. The required number of spaces for dwelling units shall be separately identified and shall be in addition to the required spaces for all other uses on the zoning lot. Setbacks for spaces identified for residential use shall conform to the regulations of chapter 9 of this title.

I. Conditions Of Use: Outdoor display of items intended for direct sale to the public shall be permitted as an accessory use only. Outdoor storage of items not intended for direct sale to the public shall not be permitted.

11-7-2: B-2 GENERAL COMMERCIAL DISTRICT:

A. General Conditions: The B-2 general commercial district is designed to accommodate both retail and service businesses required for the day to day needs of persons in the village and other uses that serve a larger market area. This district should be located along major traffic corridors.

B. Permitted Uses:

1. Any use permitted in the B-1 district.
2. Amusement establishments, including: bowling alleys, pool halls, skating rinks, and video amusement (non-gambling) game rooms.
3. Automobile car washes.
4. Automobile gasoline stations, with repair garages.
5. Banquet halls.
6. Churches.
7. Convalescent and nursing homes.
8. Drive-in window service facilities.
9. Department stores.
10. Feed and seed stores.
11. Food stores.
12. Funeral homes, mortuaries, and crematoriums.
13. Hospitals and clinics.
14. Hotels and motels.
15. Motorized vehicle sales with service departments.
16. Newspaper distribution agencies for home deliveries and retail trade.
17. Nursery, pre-kindergarten, play, day care, special and other private school.
18. Physical culture and health services.
19. Restaurants with drive-through facilities.
20. Schools for business, professional or technical training.
21. Theaters, indoor other than an adult business use.
22. Tire stores, sales and service.
23. Trailer, camper or recreational vehicle sales and rental.
24. Trailer or automobile or other equipment rental.

25. Accessory uses in accordance with chapter 2 of this title, except the following accessory uses identified in section 11-2-3 table 11-2-3A of this title: air conditioning equipment shelters, architectural entrance structures, balconies, decks and unenclosed porches, detached garages or carports, farm and garden crops, lawn furniture, open off street loading spaces, open off street parking spaces, playground and laundry drying equipment, satellite antennas, sheds and storage buildings, terraces, patios and outdoor fireplaces.

C. Special Uses:

1. Animal hospitals and kennels.
2. Blacksmith and welding shops.
3. Building materials sales yards and storage.
4. Building contractor's office and material storage.
5. Clinics - Medical and veterinarian.
6. Farm equipment sales and service.
7. Golf driving ranges.
8. Plant nurseries or greenhouses.
9. Plumbing and heating service and equipment stores.
10. Outdoor sales areas.
11. Residential hotels or motels.
12. Self-service storage facilities.
13. Vehicle repair and service facilities.

D. Yard Requirements:

Front	Side	Transitional	Rear
30 ft.	10 ft. or 10% whichever is greater	Where a B-2 district property adjoins a residential district, as required in B-1 district	20 ft.

E. Lot Requirements: The zoning lot for each structure shall be a minimum of five thousand (5,000) square feet.

F. Maximum Building Height: The maximum height for any structure is thirty five feet (35').

G. Off Street Parking And Loading Facilities: Off street parking and loading facilities shall be provided as permitted or required in chapter 9 of this title.

H. Conditions Of Use: Outdoor display of items intended for direct sale to the public shall be permitted as an accessory use only. Outdoor storage of items not intended for direct sale to the public shall also be permitted as an accessory use as long as the storage area is completely screened from the public view and located behind the front building line of the principal building, except that automobiles and other vehicles that have been serviced, or are awaiting service, may be temporarily stored for a period of forty eight (48) hours in front of the building line of the principal building.

CHAPTER 8

INDUSTRIAL DISTRICTS

CHAPTER 8

INDUSTRIAL DISTRICTS

SECTION:

11-8-1: General Requirements

11-8-2: I-1 Limited Industrial District

11-8-3: I-2 General Industrial District

11-8-1: GENERAL REQUIREMENTS:

A. Permitted Uses: Permitted uses include uses permitted in the B-2 district, except residential uses.

B. Compliance With Performance Standards: Any industrial district zoning lot may be used for the production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products subject to compliance with the performance standards set forth in this title except for those uses listed herein as prohibited.

C. Vehicle Related Businesses; Enclosures: All business, production, servicing and processing, except for open off street loading facilities and open off street parking of motor vehicles under one and one-half ($1\frac{1}{2}$) tons' capacity shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a residential district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage.

D. Prohibited Uses: The following uses and activities are prohibited in the I-1 and I-2 industrial districts:

1. Acid manufacture.
2. Arsenals.
3. Explosives manufacturer and storage.
4. Fat rendering.
5. Fertilizing manufacturers.
6. Fireworks manufacturers.
7. Garbage, offal or dead animal reduction or dumping.
8. Gas manufacturing.
9. Glue manufacturing.
10. Petroleum refining.

11. Stockyards or slaughter of animals.
12. Wrecking and salvage yards.

11-8-2: I-1 LIMITED INDUSTRIAL DISTRICT:

A. General Conditions: The I-1 limited industrial district is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards.

B. Permitted Uses:

1. Accessory uses, incidental to, and on the same lot as the principal use.
2. Bakeries, wholesale.
3. Bedding manufacturing.
4. Blacksmith, welding and sheet metal shops.
5. Building materials sales and storage.
6. Business, professional and technical training schools.
7. Carpet manufacturing.
8. Cartage and express facilities.
9. Cloth products manufacturing.
10. Contractors', architects', and engineers' offices, shops and yards.
11. Cosmetics productions.
12. Dairy products.
13. Electronic and scientific precision instruments manufacturing.
14. Farm equipment sales, service and storage.
15. Feed and seed sales.
16. Fuel and ice sales.
17. Glass products production and sales.
18. Greenhouses: wholesale.
19. Laboratories: scientific, research, and testing.
20. Laundries.
21. Light machinery production: appliances, business machines, etc.
22. Lithographing.
23. Lodges and offices of labor organizations.
24. Machinery sales, service and storage.
25. Mail order houses.

26. Musical instruments manufacture.
27. Offices.
28. Outdoor storage as a principal use, except wrecking and salvage yards.
29. Orthopedic and medical appliance manufacture.
30. Parking lots, other than accessory.
31. Plumbing and heating service and equipment stores.
32. Pottery and ceramics manufacture.
33. Printing, publishing, and binding establishments.
34. Public utility and service uses.
35. Public buildings.
36. Rope, cord and twine manufacture.
37. Self-service storage.
38. Signs, as regulated hereunder.
39. Sporting goods manufacture.
40. Temporary buildings for construction purposes, for a period not to exceed construction.
41. Upholstery shops.
42. Warehousing, storage, and distribution facilities.
43. Wearing apparel manufacture.
44. Trucking hub: indoor parking, storage, and repair of business owner equipment.
45. Trades businesses (concrete, plumber, electrician, contractor, etc.): equipment and equipment repair of business owner equipment.
46. Warehouse: general warehouse storage space.

C. Special Uses:

1. Adult-Use Cannabis Craft Grower Organization.
2. Adult-Use Cannabis Cultivation Center
3. Adult-Use Cannabis Dispensing Organization.
4. Adult-Use Cannabis Infuser Organization.
5. Adult-Use Cannabis Processing Organization.
6. Adult-Use Cannabis Transporting Organization.
7. Air, motor, and railroad freight terminals.
8. Airports.
9. Automobile service stations.

10. Daycare centers.
11. Drug and pharmaceutical supplies manufacturing.
12. Food manufacture, packaging and processing.
13. Medical cannabis dispensing organization.
14. Parks and playgrounds.
15. Planned unit development.
16. Plating establishments.
17. Vegetable and grain processing, drying, packaging, storage and sales.
18. Vehicle repair and service facilities.
19. Adult uses: adult bookstores, body piercing, modeling studios, massage parlors, tattoo parlors, etc.
20. Dry cleaning establishments, with no limitation on number of employees.

D. Yard Requirements:

Front	Side	Transitional ¹	Rear
30 ft.	15 ft., or if adjoining a street, 25 ft.	Where an I-1 district property adjoins a residential district, 50 ft.	20 ft., except inner 10 ft. may be used for off street parking

Note:

1. Where adjoining a residential district it shall be screened by placing at the lot line a solid sightproof fence or wall having height not less than 6 feet. Within this yard, there shall be a landscaped area planted with one 2¹/₂-inch caliper tree for every 30 linear feet of common property line, and shall have a height of not less than 6 feet at the time of planting. The use of earthen berms may be allowed in place of fencing provided they are designed to provide the same screening effect.

E. Maximum Floor Area Ratio: The maximum floor area ratio shall not exceed 1.5.

F. Adult Use Requirements: The adult uses provided for as special uses shall be located a minimum of one thousand five hundred feet (1,500') from any school, daycare center/facility, church, civic facility, playground, park, liquor establishment, or residentially zoned district.

11-8-3: I-2 GENERAL INDUSTRIAL DISTRICT:

A. General Conditions: The I-2 general industrial district is designed to accommodate those industrial activities that may produce moderate nuisances or hazards in areas that are relatively removed from residential and business development.

B. Permitted Uses:

1. Any use permitted in the I-1 district.
2. Abrasive products and manufacture.
3. Bottling companies.

4. Chemical processing and manufacturing.
5. Foundries.
6. Heavy machinery production.
7. Insulating materials manufacture.
8. Machine shop.
9. Metal stamping.
10. Paint products manufacture.
11. Paper products manufacture.
12. Petroleum products storage or processing.
13. Plastics manufacture.
14. Sewage treatment plant, municipal.
15. Steel fabricating.
16. Stone products manufacture.
17. Woodworking and wood products.

C. Special Uses:

1. Any use allowed as a special use in the I-1 district unless already permitted in subsection B of this section.
2. Asphalt and concrete batch plant.
3. Mining.
4. Other manufacturing, processing or storage uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted above, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare of heat.
5. Cell towers.
6. Radio, radar, telephone and television stations and towers.

D. Yard Requirements: All yard requirements shall be the same as required or permitted in the I-1 districts.

E. Maximum Floor Area Ratio: The maximum floor area ratio shall not exceed 2.0.

CHAPTER 9
SPECIAL REGULATIONS

SECTION:

11-9-1: Performance Standards

11-9-2: Off Street Parking And Loading

11-9-3: Additional Parking Regulations

11-9-4: Additional Off Street Loading Regulations

11-9-5: Supplemental Review Standards

11-9-1: PERFORMANCE STANDARDS:

A. General Provisions:

1. The following regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such regulations shall be made by the Planning and Zoning code official. In addition, all manufacturing uses listed in the conditional use classification shall give evidence of ability to comply with the following standards before the issuance of a land use permit or certificate of compliance. Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date hereof shall be so altered or modified as to conflict with or further conflict with the performance standards established thereafter.

2. No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to endanger the public health, welfare, comfort and safety or cause injury to property or business beyond the lot on which the activity or operation is located.

B. Noise Limitations: At no point on or beyond the boundary of any zoning lot shall the sound pressure level resulting from any use or activity not hereafter specifically exempted, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth by this section.

1. Sound Level Measurement: Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. The flat network "slow" meter response of the sound meter shall be used. Impulsive type noises shall be measured with an impact noise analyzer, and the peak values so measured shall not exceed the maximum permitted sound pressure levels by more than three (3) decibels. The reference level for the decibel is 0.0002 microbar. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent property owners.

2. Maximum Sound Levels: No industrial activity shall be responsible for the transmission of noise across any residential or business zoning district boundary line in excess of the levels established below:

SOUND LEVEL REQUIREMENTS

Octave Band Center Frequency (Hertz) Preferred Center Frequency	Maximum Permitted Sound Level Pressure In Decibels	
	8:00 A.M. To 9:59 P.M.	10:00 P.M. To 7:59 A.M.
31.5	79	73
63	74	68
125	68	62
250	60	54
500	55	49
1,000	50	44
2,000	46	40
4,000	43	37
8,000	40	34

3. Exemptions From Noise Level Regulations: The following uses and activities shall be exempt from the noise level regulations:

a. Noises not directly under the control of the property user.

b. Between the hours of seven o'clock (7:00) A.M. and sunset or eight o'clock (8:00) P.M., whichever is earlier, the noises customarily resulting from construction and the maintenance of grounds.

c. The noise of safety signals, warning devices, aircraft and railroads, snowplowing, and mosquito abatement.

d. Backup (emergency) generators.

e. Church bells, chimes, and carillons.

C. Vibration Limitation: No operation or activity under the control of the property user other than railroad train operations shall cause or create vibration in excess of the limits provided below:

1. Vibration Levels: Vibration levels may not exceed those shown in either column of the following table when measured at the lot line, or at any point in a residential or business district:

VIBRATION LEVELS

	Maximum Particle Velocity At Lot Line	Maximum Particle Velocity In District
Steady vibrations	0.015	0.003
Impulse vibrations	0.03	0.006
Intermittent vibrations	0.075	0.015

2. Vibration Measurement: Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. Particle velocity is to be determined by the formula $(8.28) \times (F) \times (A)$, where "F" equals frequency or the vibration in cycles per second and "A" equals the maximum single amplitude displacement of the vibrations in inches. For the purposes of this title:

a. Steady vibrations: Vibrations in discrete impulses more frequent than one hundred (100) per minute.

b. Impulsive vibrations: Vibrations in discrete impulses that do not exceed one hundred (100) per minute, but exceed eight (8) per twenty four (24) hours.

c. Intermittent vibrations: Vibrations in discrete impulses that do not exceed eight (8) per twenty four (24) hours.

D. Odor: The emission of odorous matter in such concentrations as to be readily detectable at any point along the boundaries of the property or in such concentrations as to create a nuisance or hazard beyond such boundaries is prohibited.

E. Smoke And Particulate Matter Limitations:

1. The emission, from all sources in an industrial zoning lot, of particulate matter containing more than five percent (5%) by weight, or particles having a particle diameter larger than forty four (44) microns is prohibited.

2. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one-half ($1/2$) pound per acre of lot size during any one hour.

3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting, or other acceptable means.

4. The emission of smoke or particulate matter of a density greater than number 1 on the Ringelmann chart, as published by the U.S. bureau of mines, is prohibited, except that Ringelmann number 2 will be permitted for five (5) minutes or Ringelmann number 3 for three (3) minutes, during any eight (8) hour period, for the purpose of building fires or soot blowing.

F. Toxic And Noxious Matter: Notwithstanding the foregoing, no use shall for any period of time discharge across the boundaries of the lot wherein it is located toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, welfare or cause injury or damage to property or business.

Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered standard for safe operation in the industry involved shall be taken. This shall not be construed to prohibit lawful spraying of pesticides on public or private property.

G. Glare: Any lighting used to illuminate an off street parking area, yard, or sign, shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property.

H. Radiation: Airborne radioactive materials shall not exceed at any point on or beyond the lot line the lowest concentration permitted for the general population by applicable federal and state laws and regulations in effect. No activity involving radiation hazards shall be permitted which cause to any individual who may be continuously at any point on or beyond the lot line radiation in excess of the smallest amount permitted in the applicable federal and state laws and regulations.

I. Explosives: No activities involving the storage, utilization, or manufacture of materials, goods, or products which could decompose by detonation shall be permitted except such as are specifically licensed by the governing body. Any use of any building with regard to explosive materials is subject to all requirements of the latest adopted edition of the international building code (IBC) and the international fire code (IFC).

J. Activity Within Enclosed Buildings: All fabrication, manufacturing, processing or production shall be undertaken substantially within enclosed buildings except in the heavy industrial district.

K. Screening:

1. Where a proposed residential subdivision abuts a more intensive land use, landscape screening shall be provided or where outdoor storage of materials, goods, and products exists within the I-1 district, such storage shall be effectively screened from adjacent residential districts and public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall be placed along property lines or, in the case of screening along a street, fifteen feet (15') from the street right of way or adjacent property line with landscaping between the screening and pavement. A louvered fence shall be considered "solid" if it blocks direct vision.

2. The requirements are as follows:

- a. Required screening shall be a minimum of five feet (5') in height, at installation. (See additional requirements of subsection L of this section.)
- b. The placement of a screen shall not impair the safety of pedestrian or vehicular traffic.
- c. Screening shall maintain a year round opacity not less than seventy five percent (75%).

d. Where screening is required, a landscape plan, prepared by a qualified landscape architect, shall be submitted with the preliminary and final plan and/or plat of subdivision, and shall show:

- (1) Location, design, and dimensions of proposed fencing, if any.
- (2) Location, species, size and quantity, of proposed trees and shrub plantings.
- (3) Contours of proposed berms, if any.
- (4) Limits of seed or sod, and identification of other ground cover, if any.

e. Screening where required along roadways shall not include fences or walls.

3. Except in the case of junkyards, sanitary landfills and similar operations dealing in waste materials on a commercial basis as a principal part of business operations, all waste materials, debris, refuse, or garbage not disposed of through a public sanitary sewerage system shall be kept in an enclosed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

L. Landscaping: In B-1, B-2, I-1, and I-2 districts, all developed uses which abut any residential districts shall provide a landscaped yard along such abutting lot lines. Such yard shall be kept clear of all structures and storage. Such yard shall be at least ten feet (10') in depth and shall provide plantings of fast growing material capable of reaching a height of fifteen feet (15') or more, the individual trees to be such in number and so arranged so that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall.

M. Drainage: No land shall be developed and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facilities.

11-9-2: OFF STREET PARKING AND LOADING:

A. Procedure: An application for a building permit for a new or enlarged building, structure or use shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with the requirements of these standards.

B. Scope Of Regulations: The off street parking and loading provisions herein shall apply as follows:

1. When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity (18 inches per seat). However, no owner of a building or structure lawfully established prior to the effective date hereof shall be required to provide such additional parking or loading facilities unless and until the uses established increase the parking requirements existing on the effective date hereof, in which event parking or loading facilities as required herein shall be provided for the total increase.

2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided for such new use.

C. Existing Parking And Loading Facilities: Accessory off street parking or loading facilities that are located on the same lot as the building or use served, and that were in existence on the effective date hereof or were provided voluntarily after such effective date shall not thereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this title for a similar new building or use.

D. 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 shall remain available for the use of the occupant of the zoning lot for as long as the use is maintained on said zoning lot. No such off site parking facilities shall be authorized and no occupancy certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Trustees has reviewed the plans and heard the applicant and made findings that the availability of the parking facilities are reasonably certain to continue and that the off street parking facilities will be maintained at all times during the life of the proposed use or buildings on the zoning lot.

E. Handicapped Parking: All uses except single-family dwellings, shall be required to provide off street parking spaces for handicapped persons in accordance with the standards established by the State of Illinois.

11-9-3: ADDITIONAL PARKING REGULATIONS:

A. Use Of Parking Facilities:

1. Off street parking facilities accessory to residential uses and developed in any residential district in accordance with requirements of this title shall be used solely for the parking of passenger vehicles (vehicles designated as Class B - 8,000 pounds' gross vehicle weight, and vehicles designated as Class D - 8,001 pounds' to 12,000 pounds' gross vehicle weight) according to Illinois vehicle registration, and passenger vehicle/trailer combination with length not to exceed twenty five feet (25'). Such parking facilities shall be used for the parking of permitted vehicles by the occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants.

2. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

3. Parking of recreational vehicles and trailers as defined in section 7-4-3 of this Code:

a. For the purposes of this section, recreational vehicles shall include snowmobiles as defined in 625 Illinois Compiled Statutes 40/1-2.15, boats and other watercraft as defined in 625 Illinois Compiled Statutes 45/1-2 and all-terrain vehicles as defined in 625 Illinois Compiled Statutes 5/1-101.8.

b. No recreational vehicle or trailer shall be parked or stored on property in any zoning district if that recreational vehicle or trailer is not located in a fully enclosed permanent structure, except that any recreational vehicle not located in a fully enclosed structure may be parked in the side or rear of a residential lot provided they are located at least five feet (5') from the property line.

c. Recreational vehicles and trailers may only be parked or stored upon an approved surface as identified herein.

(1) Terms: "Approved surface" is defined as follows:

(A) Approved Surface: Approved surfaces include:

(i) Concrete - four inches (4") minimum of concrete over a four inch (4") compacted gravel base.

(ii) Asphalt - two inches (2") minimum over six inch (6") compacted base.

(iii) Paving bricks, cobblestone, or bricks designed for motor vehicle traffic, installed in accordance with manufacturer's installation instructions for the expected load.

(B) Non-Approved Surfaces: Non-approved surfaces include: stone, crushed stone, gravel, or any other stone product, tar and chip, mulch or any other such loose material.

(2) With Special Use Permit: When parking surface is over two thousand (2,000) square feet, property owner may use semi-permeable pavers designed for motor vehicle traffic. Property owner must submit manufacturer's installation instructions, as well as drainage plans. Property owner must further obtain a special use permit in accordance with section 11-11-8 of this title.

d. Parking of recreational vehicles or trailers for the purpose of loading and unloading shall be permitted in the front driveway. Any recreational vehicle or trailer shall not be parked for more than seven (7) consecutive days in a driveway in any zoning district.

e. All recreational vehicles and trailers which require proper licensing, must have current registration displayed on the recreational vehicle or trailer.

f. No recreational vehicle or trailer shall be parked on private property in a manner which impairs the safety of pedestrian or vehicular traffic such as by obstructing visibility impairing the safe entry and exit from a vehicle impacting adjacent properties, or threatening the safety of pedestrians or vehicles in the public rights-of-way or on private property.

g. No recreational vehicles or trailers exceeding thirty feet (30') in length may be parked in a driveway and no recreational vehicle or trailer may impede traffic on the sidewalk.

h. Notwithstanding the regulations imposed by this section, the following existing storage location areas for recreational vehicles shall be permitted to continue in their existing form:

572 Elizabeth Street

Discontinuation of use for the purpose of storing recreational vehicles in these locations for a period of six (6) months shall extinguish any further right to use such location for storage of recreational vehicles as defined by this section.

4. Vehicles which are no longer in use or operational shall not be parked in any yards accessory to a residential use and must be stored in closed garages.

5. No motor vehicle repair work or sale of gasoline and motor oil of any kind shall be permitted in parking lots.

B. Joint Parking Facilities: Off street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of

spaces so located together shall not be less than the sum of the separate requirements for each.

C. Access: Each required off street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Residential lots shall have a minimum driveway width of nine feet (9') except in the case of lots having two (2) car garages in which case the driveway shall have a minimum width of eighteen feet (18'). All driveways shall extend to the curb cut and shall not exceed a width of twenty four feet (24') for residential areas.

D. Location In Yards: Off street parking spaces may be located in any yard except required front yards, and required corner side yards, but shall not be closer than five feet (5') to the lot line except that for a single-family dwelling if one of the required parking spaces is provided within a garage, the other required parking space may be located in the garage access driveway and may intrude onto a required front yard, provided further, that if no garage exists on the lot and if rear or side yard parking is unavailable or inaccessible, no more than two (2) parking spaces located side by side in a paved area not exceeding sixteen feet (16') in width are permitted in a required front yard or corner side yard.

E. Wheel Guards: Parking spaces shall be provided with wheel guards or bumper guards where necessary so that no part of parked vehicles will extend beyond the property line or encroach upon an adjacent sidewalk.

F. Lighting: Any lighting used to illuminate off street parking areas shall be directed away from the residential properties in such a way as not to create a nuisance.

G. Striping: Striping of the pavement surface to define each parking space is required for lots having three (3) or more spaces and shall be a minimum of four inches (4") in width for the length of each space.

H. Screening And Landscaping: Parking lots of four (4) parking spaces or more shall be screened and/or landscaped in accordance with the following requirements:

1. Setback Areas: Landscaping in required front yards and the ten foot (10') corner side yard setback shall consist of a minimum of a three foot (3') high barrier using berms, shrubs and trees distributed across at least eighty percent (80%) of the entire front yard and setback areas excluding driveways, provided that no trees, berms or shrubs over thirty inches (30") in height shall be located within the sight distance triangle at street intersections as required for fences in chapter 2 of this title or within ten feet (10') of the corner formed by the intersection of the edge of a driveway and a right of way line.

2. Buffer Yards: Parking areas shall be effectively screened on each side or rear yard adjoining any property in a residential district or any institutional premises by a wall, solid fence or densely planted compact hedge not less than five feet (5') nor more than seven feet (7') in height.

3. Interior Landscape Areas: In all parking facilities open to the sky having a paved area greater than ten thousand (10,000) square feet, a minimum of five percent (5%) of such area shall be landscaped to create visual relief. This landscaping shall be required in addition to any other landscaping required under this title. Interior landscaped areas shall be a minimum of one hundred fifty (150) square feet each distributed throughout the parking lot in a design satisfactory to the Planning and Zoning commission. Each area must contain at least fifty percent (50%) live ground cover and at least one tree with a minimum diameter of two inches (2") or shrub cluster as approved by the Planning and Zoning code official.

I. Schedule Of Parking Requirements: For the following uses, accessory off street parking spaces shall be provided as required hereinafter. Parking spaces required on a per employee basis shall be based on the maximum number of employees on duty on the premises at any one time.

SCHEDULE OF PARKING REQUIREMENTS

Use	Number Of Parking Spaces Required
Assembly	1 per 300 gross square feet
Dwelling units	4 per dwelling unit (2 covered and 2 uncovered), more than 10 adjoining dwellings shall require 5 parking spaces per dwelling unit
Hotels/motels	1 per guestroom plus 1 per 500 square feet of common area
Industrial	1 per 500 gross square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
Schools	1 per 3.5 seats in assembly rooms plus 1 per 500 square feet of common area
Warehouse	1 per 1,000 gross square feet

11-9-4: ADDITIONAL OFF STREET LOADING REGULATIONS:

A. Location: All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons' capacity shall be closer than fifty feet (50') 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 (6') in height. No permitted or required loading berth shall be located in any required front or side yard. No permitted or required loading berth shall be located within twenty five feet (25') of nearest point of intersection of any two (2) streets.

B. Size: Unless otherwise specified, the minimum horizontal dimensions of a required loading berth shall be in accordance with this title and shall have a vertical clearance of at least fourteen feet (14'). No portion of any loading berth shall extend within any right of way.

C. Access: Each required off street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which least interferes with traffic movement.

D. Repair And Service: No motor vehicle work or service of any kind shall be permitted in conjunction with loading facilities provided in any residential or business district.

E. Space For Loading Only: Space allocated to any off street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off street parking facilities or portions thereof.

F. Other Uses: For uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses, as determined by the Planning and Zoning code official, shall be provided.

G. Smaller Building Area: Uses for which off street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate facilities off any adjacent alley, service drive, or open space on the same lot which is accessible by motor vehicle.

H. Schedule Of Loading Requirements: For the uses listed in the following table, off street loading berths shall be provided on the basis of gross floor area of buildings or portions thereto devoted to such uses in the amounts shown herein:

SCHEDULE OF LOADING REQUIREMENTS

Use	Number Of Loading Berths
Hotels/motels	1 - 10 x 35 for each 10,000 square feet
Industrial	1 - 10 x 35 for each 10,000 to 100,000 square feet
Office	1 - 10 x 35 for each 10,000 to 100,000 square feet
Restaurant	1 - 10 x 35 for each 10,000 to 100,000 square feet
Retail	1 - 10 x 35 for each 10,000 to 100,000 square feet
Retail foods	1 - 10 x 72 for each 10,000 square feet
Warehouse	1 - 10 x 55 for each 10,000 up to 40,000 + 1 for each 100,000 square feet

11-9-5: SUPPLEMENTAL REVIEW STANDARDS:

A. Supplemental Standards For Cultivation Centers:

1. A cultivation center may not be located within two thousand five hundred feet (2,500') of the property line of a preexisting public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, part day childcare facility, or area zoned for residential use.

2. A cultivation center may not be located within one thousand feet (1,000') of the property line of a preexisting cultivation center or medical cannabis dispensing organization.

3. In accordance with state statutes and regulations, cultivation centers are prohibited from advertising through any public medium. Therefore, a cultivation center may not install, construct, erect, alter, enlarge, replace, or move any signs other than site relevant incidental signs, building memorial markers, and nameplates.

4. Cultivation centers must be constructed, maintained, and operated in strict compliance with all applicable state statutes and regulations.

B. Supplemental Standards For Medical Cannabis Dispensing Organizations:

1. A medical cannabis dispensing organization may not be located within one thousand feet (1,000') of the property line of a preexisting public or private preschool or elementary or secondary school or daycare center, daycare home, group daycare home, or part day childcare facility.

2. A medical cannabis dispensing organization may not be located in a house, apartment, or condominium.

3. A medical cannabis dispensing organization may not permit any person to consume cannabis on the property of a medical cannabis dispensing organization.

4. A medical cannabis dispensing organization may not share office space with or refer patients to a physician.

5. No drive-through facility may be constructed or operated in conjunction with any medical cannabis dispensing organization.

6. No medical cannabis dispensing organization may be open for business before six o'clock (6:00) A.M. or after eight o'clock (8:00) P.M. on any day.

7. A sufficient number of parking spaces for the medical cannabis dispensing organization must be provided in compliance with this code. Additionally, the parking provided for a medical cannabis dispensing organization must be reserved for the exclusive use of dispensing organization employees and patrons, and may not be shared with other businesses.

8. Cultivation centers must be constructed, maintained, and operated in strict compliance with all applicable state statutes and regulations.

CHAPTER 10

SIGNS

SECTION:

11-10-1: Purpose

11-10-2: Scope

11-10-3: Rules

11-10-4: Limit On Number Of Signs

11-10-5: Permits For Permanent Signs

11-10-6: Permits For Temporary Signs

11-10-7: Prohibited Signs

11-10-8: Placement Of Signs On Corner Lots

11-10-9: Placement Of Signs On Lots

11-10-10: Signs Permitted In All Zoning Districts

11-10-11: Signs Permitted In Residential Districts

11-10-12: Signs In Business Districts

11-10-13: Signs In Industrial Districts

11-10-14: Nonconforming Signs

11-10-15: Signs Affecting Pedestrians And Motorists

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11-10-1: PURPOSE:

The purpose of these sign regulations is to achieve the following objectives:

- A. To enhance the physical appearance of the village by preserving the scenic and natural beauty of the area.
- B. To assure compatibility of signs with surrounding land uses.
- C. To permit the full on site and off site expressions of noncommercial advertising and spreading of information.
- D. To promote and protect the public health, safety, comfort, morals, convenience, and general welfare of the residents of the village.

11-10-2: SCOPE:

From and after the effective date of this chapter, 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 conformance with the regulations herein prescribed.

11-10-3: RULES:

- A. Signs not specifically permitted herein are hereby expressly prohibited. If it is determined by the zoning officer that a proposed sign is similar to and not more objectionable than signs listed, such signs may then be permitted.
- B. All measured distances or standards shall be to the nearest integer; if a fraction is one-half ($1/2$) or less, the integer below shall be taken.
- C. Height of signs shall be measured to the highest point thereon, from the crown of the highest adjacent street or from the grade level directly below the sign, whichever is higher.

11-10-4: LIMIT ON NUMBER OF SIGNS:

As specifically provided in this chapter, the number of signs which may be erected or maintained on any premises is limited according to which zoning district the property is in. A double faced sign shall count as a single sign. Where a building has both a front and rear public entrance, one additional sign may be erected. Signs enumerated in section 11-10-6 of this chapter shall not be counted in calculating the total number of signs.

11-10-5: PERMITS FOR PERMANENT SIGNS:

Permits to build new permanent signs or to alter or to move existing permanent signs:

A. Permit Required; Fees: No permanent sign shall hereafter be erected, altered or moved until the person proposing to erect, alter, or move such sign shall have obtained a permit from the zoning officer. Such permit shall be fifty dollars (\$50.00).

B. Application For Permit: Any person desiring such a permit shall file application upon a form which shall contain or have attached thereto the following information:

1. Name, address, and telephone number of the applicant.
2. A map 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.
3. A plan drawn to scale showing the design of the sign, materials used, and method of construction, and means of attachment to the building or ground.
4. The name of the person, firm, corporation, or association erecting, altering or moving said sign.
5. Written consent of the owner of the land on which the sign is to be erected, altered, or relocated.
6. Any other information as the zoning officer shall require in order to show full compliance with this and all other applicable ordinances of the village.

C. Awnings: Permit shall be required for any new awning of any type.

11-10-6: PERMITS FOR TEMPORARY SIGNS:

A. Requirement: All temporary signs, except those enumerated in section 11-10-10 of this chapter, shall have a permit. Possession of a valid permit for a temporary sign shall entitle the owner to display such sign for the time period specified thereon.

B. Duration: Duration of temporary signs shall be as follows:

1. Residential marketing signs or residential for sale signs, on and off site: Twelve (12) months, renewable on a six (6) month basis thereafter.
2. Commercial or industrial real estate signs: Six (6) months, renewable on a six (6) month basis. They shall not exceed two feet by three feet (2' x 3').
3. Temporary mobile signs: Advertising a special sale or event not to exceed thirty (30) days nonconsecutively and only three (3) times a year.

C. Application For Permit: Application for permit for a temporary sign shall be made on a form provided by the village. Permits for temporary signs must be kept on the premises where signs are displayed.

D. Fee: Every applicant for a temporary sign shall pay a fee of fifty dollars (\$50.00).

11-10-7: PROHIBITED SIGNS:

A. Prohibited Signs Enumerated: The following signs are expressly prohibited:

1. Advertising signs or billboards. (Note: This prohibition relates to residential and commercial zoning districts only and commercial signs only.)

2. Moving, rotating or animated signs; except traditional barber's poles not exceeding two feet (2') in height and projecting not more than twelve inches (12") from the building, utilized only to identify a haircutting establishment. In authorizing the latter exemption, the corporate authorities find it in the public interest to retain this historic symbol of American commerce.

3. Illumination that is not steady and constant; except that portion of a sign which displays time and temperature.

4. Illuminated canopy signs.

5. Windows painted or posted in excess of fifty percent (50%).

6. Freestanding panels, flags or banners used to advertise products, prices and services or attract attention.

7. Roof signs.

8. Vehicle signs.

9. Signs painted directly on any surface of a building.

10. Overhanging signs.

B. Signs Not Listed: Signs not expressly permitted elsewhere in this chapter shall be deemed to be prohibited, even though such a sign is not specifically listed in the subsection above.

11-10-8: PLACEMENT OF SIGNS ON CORNER LOTS:

Within that part of the yard or open area of a corner lot included within a triangular area of twenty five feet (25') from the point of intersection of two (2) street right of way lines forming such corner lot, no sign shall be constructed having a height of more than thirty inches (30") above the crown of the streets adjacent thereto.

11-10-9: PLACEMENT OF SIGNS ON LOTS:

Signs shall be placed no closer than five feet (5') to any lot line. Gasoline price signs, one per street frontage, not to exceed twenty four (24) square feet, may be placed within one foot (1') of the lot line where it does not obstruct the view of traffic nor exceed fifteen feet (15') in height when mounted on light standards. Temporary mobile signs shall be located no less than one foot (1') from the property, provided they do not obstruct the view of traffic.

11-10-10: SIGNS PERMITTED IN ALL ZONING DISTRICTS:

Unless otherwise stated, signs listed in this section are permitted in all districts and shall not require a sign permit, and they shall not be counted when calculating the number of signs or square footage on a premises. However, such signs must conform to the general regulations, e.g., height, area, setback, clearance, etc., for signs enumerated in the remainder of this chapter.

A. Name and address plates which give only the name and address of the resident of the building, and which is not more than one square foot in sign area.

B. Memorial signs or tablets and signs denoting the date of erection of buildings, no larger than five (5) square feet.

C. No trespassing signs or other such signs regulating the use of a property, not more than two (2) square feet in sign area in the general residential zone and six (6) square feet in all business and industrial and agricultural zones.

D. Real estate signs, not exceeding six (6) square feet per side in sign area in the residential zone. Such real estate signs shall be removed within ten (10) days after the premises or lot has been sold.

E. Signs regulating on premises traffic and parking, and signs denoting sections of a building such as lavatory facilities and public telephone areas, when less than six (6) square feet in area and containing no commercial advertising.

F. Signs erected by a governmental body, or under the direction of such a body, and containing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, and signs identifying public schools and playgrounds.

G. Signs identifying places of worship when located on the premises thereof.

H. Bulletin boards for public, charitable, or religious institutions, when it has a sign area of no more than thirty two (32) square feet, if used exclusively for noncommercial announcements.

I. The flag, pennant or insignia of any government, or of any religious, charitable or fraternal organization.

J. One logo flag of a company shall be allowed; provided, that it is flown with the American flag, provided it is not larger or higher than the American flag.

K. Garage sales signs, not exceeding six (6) square feet in area, may be placed at the curb in residential areas on the day(s) of the sale and must be removed upon close of the sale.

L. Temporary signs no larger than thirty two (32) square feet in area advertising the sale of edible farm products produced on the premises, advertising auctions, political candidates, or special events of charitable or public service groups. Such signs may remain for thirty (30) days and must be removed upon close of the event.

11-10-11: SIGNS PERMITTED IN RESIDENTIAL DISTRICTS:

Unless otherwise stated, signs listed in this section are permitted in all residential districts and shall not require a sign permit, and they shall not be counted when calculating the number of signs or square footage on a premise. However, such signs must conform to the general regulations, e.g., height, area, setback, clearance, etc., for signs enumerated in the remainder of this chapter.

A. Name and address plates for buildings containing more than two (2) dwelling units, provided that such signs shall not be more than three (3) square feet in area.

B. Identification signs for nonresidential uses, e.g., churches, cemeteries, golf course, private nonprofit recreational areas, provided that such signs are limited to one sign per building entrance, and provided that each such sign be limited to thirty two (32) square feet in area and six feet (6') in height if a ground sign.

C. Community purpose signs (containing a message for noncommercial purposes) for dwelling units, provided that such signs shall not be more than 10 square feet in area.

D. Permanent residential development signs at the entrances to residential development or a residential planned unit development and containing no commercial advertising, constructed of material which is the same or of a more permanent nature than the material used in the buildings and as approved by the Planning and Zoning Commission.

E. Temporary residential marketing signs at major entrances to planned unit development of residential subdivisions; not to exceed sixty-four (64) square feet in area, ten feet (10') in height, containing the name of the overall development and the names of builders or units therein. The number and location of these signs shall be approved by the Planning and Zoning Commission.

F. Temporary residential marketing signs, off site, shall not be allowed at not more than four (4) off site locations within the village to call attention and give directions to the development. Each such sign shall not exceed thirty-two (32) square feet in area and shall have a total height of not more than ten feet (10'). Such may be located in any zoning district, provided that there is one-fourth (1/4) mile separation between each sign, and that no such sign shall be closer to an existing residence than one hundred feet (100'). Location and construction shall be approved by the Planning and Zoning Commission.

11-10-12: SIGNS IN BUSINESS DISTRICTS:

Unless otherwise stated, signs listed in this section are permitted in all business districts and shall not require a sign permit, and they shall not be counted when calculating the number of signs or square footage on a premises. However, such signs must conform to the general regulations, e.g., height, area, setback, clearance, etc., for signs enumerated in the remainder of this chapter.

A. Ground or pole signs as follows:

1. Single or combined use building and lot: One per street frontage, not to exceed one hundred (100) square feet in area and not to exceed six feet (6') in height for a ground sign or twenty feet (20') in height for a pole sign.

2. Shopping plaza: One per street frontage, not to exceed one hundred (100) square feet in area and not to exceed six feet (6') in height for a ground sign and twenty four feet (24') in height for a pole sign. No individual business or use within a shopping plaza may erect or maintain a ground sign or pole sign.

3. No more than one gasoline price sign per street abutted by automobile gasoline station with a maximum sign size of twenty four (24) square feet and a maximum height of fifteen feet (15').

B. Awning signs not extending more than eight feet (8') from building and set back at least three feet (3') from the curb.

C. Real estate signs: One per street frontage; not to exceed ten (10) square feet of sign area per face for each one acre of land area up to a maximum of one hundred twenty (120) square feet of sign area per face; not to exceed eight feet (8') in height. Any such real estate sign exceeding six feet (6') in height shall require a permit.

D. Wall signs as follows:

1. Single use building and lot: Two (2) signs per facade, but not to exceed a total of four (4) such signs.

2. Combined use building and lot: Three (3) signs per facade, but not to exceed a total of six (6) signs.

3. Shopping plaza: One sign per individual business or other enterprise, two (2) signs per corner unit - one on each facade. A wall sign may be placed on any face of a building oriented to a public street, the main parking lot of the parcel, or a major access road.

4. The above signs are limited to an area equal to ten percent (10%) of the facade upon which the sign is to be mounted.

E. Total sign area per lot: Each premises shall be allowed an aggregate total of two (2) square feet of signage per foot of building face for all signs located on the property. Premises having frontage on more than one dedicated street will be allowed signage for frontage on each street in accordance with the above formula.

11-10-13: SIGNS IN INDUSTRIAL DISTRICTS:

Unless otherwise stated, signs listed in this section are permitted in all industrial districts and shall not require a sign permit, and they shall not be counted when calculating the number of signs or square footage on a premises. However, such signs must conform to the general regulations, e.g., height, area, setback, clearance, etc., for signs enumerated in the remainder of this chapter.

A. Wall Signs: Wall signs are limited to an area equal to twelve percent (12%) of the facade upon which the sign is to be mounted.

B. Ground Signs And Pole Signs: One per street frontage; provided that the maximum size of signs in the industrial zone shall be two hundred twenty five (225) square feet, with such measurement being determined by measuring the entire structural perimeter of the sign, rather than merely its face area.

C. Real Estate Signs: Real estate signs as follows: One per street frontage, not to exceed twenty (20) square feet of sign area per face for each one acre of continuous land area, but not to exceed a maximum of four hundred (400) square feet of area per sign and not to exceed ten feet (10') in height. Any such real estate sign exceeding six feet (6') in height shall require a permit.

D. Billboards, Advertising Signs, Poster Panels: Billboards, advertising signs, and poster panels, provided the total area of all such billboards, advertising signs and poster panels does not exceed three hundred (300) square feet or project higher than twenty feet (20') from the ground level beneath it.

E. Sign Projections: No sign shall project higher than forty five feet (45') above the ground level beneath it; provided, however, that a corporate name or logo may be affixed to a permanent structure at a height in excess of forty five feet (45').

F. Advertising Sign: No advertising sign shall be located within five hundred feet (500') of any public park of more than five (5) acres in area, or within five hundred feet (500') of any property located in a residential district.

11-10-14: NONCONFORMING SIGNS:

A. Permanent Signs: All permanent signs which were in existence on the date of the approval of this chapter, but which do not conform to one or more provisions of this chapter shall be deemed to be a legal nonconforming use and may be continued only as provided in this chapter.

B. Discontinuance: Whenever a nonconforming sign has been discontinued for a period of six (6) consecutive months or whenever there is evidence of 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 chapter.

C. Maintenance: Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs or incidental alterations which do not extend or intensify the nonconforming features of the sign.

D. Alterations: 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.

2. When the alteration will actually result in eliminating the nonconforming use.

3. If a nonconforming sign is damaged or destroyed by any means to the extent of fifty percent (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 this chapter. In the event the damage or destruction is less than fifty percent (50%) of its replacement value, based upon prevailing costs, the sign may then be restored to its original conditions 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 chapter. In either event, restoration or repair must be started within a period of six (6) months from the date of damage or destruction, and diligently prosecuted to completion.

4. The building inspector shall notify each owner of a nonconforming sign and the manner in which such sign is not in compliance with this chapter. He shall further notify each owner of a nonconforming sign that such sign must either be brought into compliance with this chapter or removed prior to its required abatement date.

11-10-15: SIGNS AFFECTING PEDESTRIANS AND MOTORISTS:

A. All signs, or other advertising structures, canopies or awnings shall be erected or maintained in such a manner as to maintain free and clear vision of motorists.

B. No sign or other advertising structures, canopies or awnings shall be permitted which distract the attention of the driver of the vehicle by reason of the position, shape or color thereof.

C. Signs shall not project from the wall on which they are mounted, in such a manner as to pose an obstruction or hazard to pedestrians or vehicles.

11-10-16: VARIANCES:

A. Variances to this sign code may be granted by the village board after an application has been filed in writing with the village clerk in a manner as prescribed herein for amendments. The application shall contain such information as the village board may require including sketches, drawings or photographs as shall be necessary to indicate the present condition of the property or sign and the condition of the property or sign after the variation is granted.

B. In considering the application for variance, the village board shall consider any unique physical characteristics of the land involved, the available locations for adequate signage on the property, the detriments, if any, to the public from the granting of the variance, and the general intent of the sign code.

CHAPTER 11
ADMINISTRATION AND ENFORCEMENT

SECTION:

11-11-1: Planning and Zoning Code Official

11-11-2: Planning and Zoning Commission

11-11-3: Notice Requirements

11-11-4: Appeals

11-11-5: Variations

11-11-6: Amendments

11-11-7: Special Uses

11-11-8: Time Limitations

11-11-9: Planned Unit Development

11-11-11: Enforcement, Legal Procedures, And Penalties

11-11-1: PLANNING AND ZONING CODE OFFICIAL:

The Planning and Zoning code official shall be in charge of the administration and enforcement of this title. The Planning and Zoning code official shall:

- A. Receive applications required, issue permits and furnish certificates, all in his judgment and discretion as authorized.
- B. Examine premises for which permits have been issued, and make necessary inspections to determine compliance.
- C. Issue permits for signs and fences.
- D. Discharge such other duties as may be placed upon him by this title.
- E. Make appropriate notation on the official zoning map of all special use permits and zoning map amendments.

11-11-2: PLANNING AND ZONING COMMISSION:

- A. Creation: There is hereby created a Planning and Zoning Commission to serve as a commission on zoning matters as provided by statute. Said commission shall consist of seven (7) members to be appointed by the board of trustees.
- B. Term: The members of the Planning and Zoning Commission shall serve for a term of five (5) years, provided that the terms shall be staggered as provided by statute.
- C. Duties; Meetings:
 - 1. It shall be the duty of the Planning and Zoning Commission to hear and decide any appeal of any decision, order or interpretation by the officer whose duty it is to enforce this zoning ordinance, and it shall have such other powers and duties as may be delegated to it by statute or ordinance. Provided that it shall have the power to reverse any decision of such officer on a concurring vote of four (4) members.

2. All meetings of the Planning and Zoning Commission shall be held at the call of the chairman and at such other times as the Planning and Zoning Commission may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Planning and Zoning Commission shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the commission shall immediately be filed in the office of the Planning and Zoning Commission and shall be a public record.

3. An appeal to the Planning and Zoning Commission may be brought by any person, firm or corporation, or by an officer, department, board or bureau of the village of Maple Park affected by a decision of the Planning and Zoning code official. Such appeal shall be taken within such time as shall be prescribed by the Planning and Zoning Commission by general rule, by filing with the Planning and Zoning Commission a notice of appeal, and specifying the grounds thereof. The board of trustees shall forthwith transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.

4. An appeal stays all proceedings in furtherance of the action appealed from, unless the board of trustees certifies to the Planning and Zoning Commission after the notice of appeal has been filed with them that by reason of facts stated in the certificate a stay would in their opinion cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Planning and Zoning Commission, or by a court of record on application upon notice to the Planning and Zoning code official and on due cause shown.

The Planning and Zoning Commission shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

D. Jurisdiction: The Planning and Zoning Commission shall not have the power to change the classification of property as shown on the "zoning district map", nor to make any changes in the regulations of this title, but shall have the following powers only:

1. To accept from time to time such rules and regulations as may be deemed necessary to carry into effect the powers given the Planning and Zoning Commission pursuant to the provisions of this title.

2. To interpret the provisions of this title and to hear appeals and make recommendations where it is alleged there is an error in any order, requirement, decision or determination made by the Planning and Zoning code official in the enforcement of this title.

3. To recommend varying the provisions of this title in specific cases in such a way as to carry out the intent and purpose of the plan as shown upon the map fixing the several districts accompanying and made a part of this title when the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

4. To recommend upon appeal, whenever a property owner can show that a strict application of the terms of this title relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this title as are in harmony with its general purposes and intent, but only when the Planning and Zoning Commission is satisfied

that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the regulations and criteria as established by this title, and at the same time the surrounding property will be properly protected.

5. To recommend permitting public utility and public service uses and structures in any district when found to be necessary for the public health, convenience or welfare.

11-11-3: NOTICE REQUIREMENTS:

A. Publication Of Notice: No public hearing before the Planning and Zoning Commission on any appeal, or request or petition for variation, amendment, planned development or special use shall be held unless the notice of time and place of the hearing is published at least once, in one or more newspapers published in the village, or if none, then in one or more newspapers with a general circulation within the village.

1. The notice shall be prepared by the petitioner, and submitted to the village clerk at least twenty (20) days before the scheduled hearing.

2. Once received, the village clerk shall cause said notice to be published at least fifteen (15) but not more than thirty (30) days before the hearing.

B. Notice To Adjacent Owners:

1. Each petition or application for an appeal, variation, amendment, planned development, or special use shall be prepared by the petitioner.

2. Said petition or application shall include a list of all owners, as disclosed by the records of the Kane County recorder of deeds and DeKalb County recorder of deeds, or as appears from the authentic tax records of Kane and DeKalb Counties, of all property within two hundred fifty feet (250') in each direction of the parcel, exclusive of road rights of way.

3. Once received, the village clerk shall cause notice of the public hearing to be mailed to property owners at the addresses identified on the list, not less than fifteen (15), nor more than thirty (30) days before the hearing. Said notice shall include, at a minimum, information set forth in subsection C of this section.

4. Said mailing shall be by certified mail, return receipt requested, and shall be accomplished at the expense of the petitioner or applicant.

5. The village clerk shall file a copy of the notice, and the certified mail receipts, with the Planning and Zoning Commission. The Planning and Zoning Commission shall only hear a petition for variation, appeal, special use, or amendment if the applicant furnishes the list and certificate herein described.

C. Content Of Notice: The notice of public hearing shall include at least the following information:

1. The address and/or location of the property for which the appeal, variation, amendment or special use is requested.

2. A brief statement of the nature of the request.

3. Existing zoning classification.

4. Proposed zoning, special use or variation, if applicable.

5. Requested exceptions from applicable regulations of this zoning ordinance, if applicable.
6. The name and address of the legal and beneficial owner of the property for which action is requested.
7. A legal description of the subject property.
8. The time, date and location of the public hearing.

D. Posting Of Sign, Application Fee, Deposit:

1. **Posting Of Sign:** Each petitioner or applicant, other than the village, shall post and maintain on the subject property for a period of not less than fifteen (15) days prior to the hearing, the sign that identifies the property as being the subject of a public hearing, using only a sign which will be provided by the village of Maple Park. The sign shall be placed and installed not more than fifteen feet (15') from the lot line.

2. **Fees For The Cost Of Public Hearings And Sign:** The petitioner shall pay an application fee of one thousand five hundred dollars (\$1,500.00), along with a deposit of one thousand dollars (\$1,000.00). The application fee shall cover the cost of postage to send the required certified letters, publishing fees for publishing the required notice of public hearing, village attorney fees, and Planning and Zoning official fees. The deposit shall cover the cost of any additional fees and the balance will be refunded to the petitioner within thirty (30) days after the required sign is returned to the village of Maple Park.

3. **Public Hearings:** The jurisdiction of the Planning and Zoning Commission to hold public hearings shall not be affected by the absence of a posted notice, if such absence is not the result of the applicant's or petitioner's act or omission.

E. Continuation Of Public Hearings: The Planning and Zoning Commission shall hold at least one public hearing on the proposed variation, amendment, planned development, or special use. However, public hearings may be continued by either the Planning and Zoning Commission, from time to time, without further notices being published, subject to compliance with the Illinois open meetings act.

11-11-4: APPEALS:

A. Authority: The Planning and Zoning Commission shall hear and recommend appropriate action to the board of trustees upon all appeals from administrative decisions or actions related to this zoning ordinance, or other codes and ordinances of the village of Maple Park, pursuant to procedures set forth herein.

B. Initiation:

1. An appeal from a final order, requirement, decision or determination to issue, not to issue, revoke, rescind or extend a permit or certificate requiring compliance with the provisions of this zoning ordinance may be taken to the Planning and Zoning Commission by any person aggrieved, or by any officer or department of the village of Maple Park.

2. Such an appeal shall be taken within forty five (45) days after the decisions complained of, by filing with the village clerk, and with the Planning and Zoning Commission, a written notice of appeal specifying the grounds thereof.

3. The village clerk shall transmit to the Planning and Zoning Commission all papers related to the decision that led to the appeal.

C. Notice Of Appeal:

1. The notice of appeal shall, at a minimum, contain the following information:
 - a. Name, address, and phone number of the individual filing the appeal.
 - b. Location of the property involved in the decision complained of.
 - c. Identification of the section or provision of this title that is this zoning ordinance in dispute.
 - d. Written decision of the Planning and Zoning code official, or the reason given by said official, in support of the decision from which the appeal is taken.
 - e. Description of the proposed use of the property, including a plat or plat diagram.
 - f. Brief narrative, argument, and summary of the factual evidence upon which the appeal is based.
2. An appeal shall stay all proceedings related to the action on which the appeal is based, including, but not limited to, plan review, processing of permits, or construction, unless it is demonstrated to the Planning and Zoning code official or the Planning and Zoning Commission that a stay would cause imminent peril to life and/or property.

D. Hearing:

1. The village clerk shall transmit the application of the appeal to the Planning and Zoning Commission, which shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice is provided.
2. The hearing shall be conducted, and a record of such proceedings shall be preserved in such a manner as the Planning and Zoning Commission shall prescribe.
3. Notice requirements for public hearings on appeals are set forth in section 11-11-3 of this chapter.

E. Decision: The Planning and Zoning Commission shall make a recommendation to the board of trustees within a reasonable period of time after the conclusion of the hearing of the appeal:

1. The Planning and Zoning Commission may recommend affirming or reversing, wholly or in part, or modifying the order, requirement, decision, or determination as, in its opinion, ought to be made in the premises.
2. Records of all actions of the Planning and Zoning Commission, relative to appeals, shall be maintained by the village.
3. A concurring vote of four (4) members of the Planning and Zoning Commission shall be required to recommend reversal of or modification of the order, requirement, decision or determination of the Planning and Zoning code official.
4. The board of trustees' decision shall be final regarding all appeals.

11-11-5: VARIATIONS:

A. Authority: The board of trustees shall decide variations from the provisions of this title that are in harmony with its general purpose and intent, and shall vary them only in the specific instances where findings of fact, based on the standards hereinafter prescribed, find that there are practical difficulties or particular hardships if the strict letter of any regulation of this title is required to be followed.

B. Initiation: An application for a variation may be made by any individual, office, department, board, bureau or commission.

C. Processing: An application for a variation shall be filed with the village clerk, who shall forward such application to the Planning and Zoning Commission for processing in accordance with applicable statutes of the state of Illinois and provisions of this title. The application shall be accompanied by:

1. The name, address and phone number of the applicant.
2. The legal description, common address and permanent index number of the property to be benefited by the variation.
3. Identification of the provisions of this title, from which the variation is sought.
4. A description of the proposed use and/or variation, including a dimensioned site plan or plat, unless specifically waived by the Planning and Zoning code official. The Planning and Zoning Commission may, however, overrule such waiver and require the submission of a dimensioned site plan before making their findings and recommendations.
5. A brief summary of the factual evidence upon which the applicant will rely to show that the standards for variation will be met.

D. Hearing:

1. The village clerk shall transmit the application to the Planning and Zoning Commission, which shall hold a public hearing at such time and place as shall be established by the Planning and Zoning Commission, after due notice is provided.
2. The hearing shall be conducted and a record of such proceedings shall be preserved, in such a manner as the Planning and Zoning Commission shall prescribe.
3. Notice requirements for public hearings on variations are set forth in section 11-11-3 of this chapter.

E. Standards:

1. The Planning and Zoning Commission shall not recommend, and the board of trustees shall not vary, the provisions of this title, unless it shall find that the:
 - a. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district;
 - b. Plight of the owner is due to unique circumstances; and
 - c. Variation, if granted, will not alter the essential character of the locality.

2. For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making a recommendation that there are practical difficulties or particular hardships, shall also take into consideration the extent to which the evidence establishes, or fails to establish, the following:

a. That the particular physical surroundings, shape or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out.

b. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district.

c. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

d. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant.

e. That the proposed variation will not:

(1) Impair an adequate supply of light and air to adjacent properties.

(2) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.

(3) Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of Maple Park.

(4) Diminish or impair property values in the neighborhood.

(5) Unduly increase traffic congestion in the public streets and highways.

(6) Create a nuisance.

(7) Result in an increase in public expenditures.

f. That the variation is the minimum variation necessary to make possible the reasonable use of the land, building or structure.

F. Decisions:

1. Within forty five (45) days after the close of the hearing on a proposed variation, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations, and shall submit this statement to the board of trustees. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed variation, and shall address how the variation does, or does not, comply with standards set forth.

2. The Planning and Zoning Commission is not required to recommend for approval the full variation requested. The Planning and Zoning Commission may recommend, and the board of trustees may approve, a variation of less extent than that contained in the request.

3. The Planning and Zoning Commission may recommend, and the board of trustees may require, such conditions and restrictions upon the premises benefited by variation as may be necessary in their opinion to comply with the standards set forth in this section, to reduce or minimize injurious effect of such variation upon other property in the neighborhood and/or to implement the general purpose and intent of this zoning ordinance.

4. A concurring vote of a majority of those Planning and Zoning Commission present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for variation.

5. The decision of the board of trustees shall be final, and subject to judicial review only in accordance with applicable state statutes. This decision shall be placed in the building/property record.

6. No variation shall be granted, except by ordinance duly passed and approved by the president and board of trustees, after public hearing and written findings of fact and recommendation from the Planning and Zoning Commission. The terms of relief granted shall be specifically addressed in said ordinance.

11-11-6: AMENDMENTS:

A. Purpose:

1. Amendments may be granted to:

a. Promote the public health, safety, morals, comfort, and general welfare of the village of Maple Park.

b. Conserve the value of property throughout the village.

c. Lessen or avoid congestion in the public streets and highways.

2. Amendments shall be classified as follows:

a. Text amendments, which are amendments to the text of this zoning ordinance.

b. Map amendments, which are amendments to zoning district map, adopted pursuant to this zoning ordinance.

B. Authority: The board of trustees may, after receiving a recommendation from the Planning and Zoning Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a text or a map amendment, pursuant to the procedures set forth herein.

C. Initiation: Amendments may be proposed by the board of trustees, Planning and Zoning Commission, or any property owner or interested person or organization.

D. Processing: A petition or application for an amendment shall be filed with the Planning and Zoning code official, and shall include at least the following information:

1. Text Amendments:

a. Name, address and telephone number of the petitioner or applicant.

b. The proposed text amendment.

c. A statement of how the proposed amendment relates to the comprehensive land use plan, as may be amended from time to time, or otherwise promotes the public health, safety and general welfare of the village of Maple Park.

2. Map Amendments:

- a. Name, address and telephone number of the petitioner or applicant.
- b. The proposed map amendment, including:
 - (1) Legal description of the property to be affected.
 - (2) Common address and permanent index number.
 - (3) Identification of existing zoning.
 - (4) Identification of proposed zoning.
 - (5) Existing use of the property.
 - (6) Proposed use of the property.
 - (7) Location map showing:
 - (A) Property lines and streets.
 - (B) Such other items as the Planning and Zoning code official may require.
 - (8) A written statement of how the proposed amendment:
 - (A) Relates to the comprehensive land use plan.
 - (B) Promotes the public health, safety and general welfare.
 - (C) Fulfills the standards set forth in subsection F, "Standards", of this section.

E. Hearing:

1. The village clerk shall transmit the application to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the commission, after due notice is provided.

2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the commission shall prescribe.

3. Notice requirements for public hearings on amendments are set forth in section 11-11-3 of this chapter.

F. Standards: The Planning and Zoning Commission shall not recommend, nor the board of trustees grant an amendment to alter the zoning district boundary lines, unless it shall determine, based upon the evidence presented in each specific case, that:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare of the village, and complies with the policies and comprehensive land use plan and other official plans of the village of Maple Park.

2. The trend of development in the area of the subject property is consistent with the requested amendment.

3. The requested zoning permit uses which are more suitable than the uses permitted under the existing zoning classification.

4. The amendment, if granted, will not alter the essential character of the neighborhood, and will not be a substantial detriment to adjacent property.

G. Decision:

1. Within forty five (45) days after the close of the hearing on a proposed amendment, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the board of trustees. The findings of fact shall specify the reason or reasons for recommending approval, approval with conditions, or denial of the proposed text or map amendment.

2. The board of trustees may, by ordinance, grant or grant with modification, a text or map amendment. If an application is not acted upon by the board of trustees within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.

3. The Planning and Zoning Commission may recommend, and the board of trustees may approve, conditions and restrictions upon the premises benefited by an amendment as may be necessary to comply with the standards set forth above. Changes in restrictions or conditions shall be processed in the manner established by this title for amendments.

4. A concurring vote of a majority of those members of the Planning and Zoning Commission present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for an amendment.

5. In those instances where the board of trustees does not concur with a recommendation of the Planning and Zoning Commission to deny a map or text amendment, the favorable vote of two-thirds ($\frac{2}{3}$) of the members of the board of trustees shall be necessary to pass an ordinance granting the amendment.

6. No amendment shall be granted except by ordinance duly passed and adopted by the board of trustees, after public hearing and written recommendation from the Planning and Zoning Commission.

H. Written Protest:

1. A map or text amendment shall not be passed except by a favorable vote of two-thirds ($\frac{2}{3}$) of the members of the board of trustees in the case of a written protest against any proposed text amendment or map amendment when said protest is signed and acknowledged by the owners of twenty percent (20%) of the:

- a. Frontage proposed to be altered.
- b. Frontage adjoining or across an alley from the property.
- c. Frontage directly opposite the frontage proposed to be altered.

2. The written protest shall be served by the protester or protesters on the applicant for the proposed amendment, and a copy served on the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed amendment.

11-11-7: SPECIAL USES:

A. Purpose:

1. The development and execution of this title is based upon the division of the village of Maple Park into districts, within any one of which the use of land and buildings, and the bulk and location of buildings or structures, as related to the land, are essentially uniform.

2. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the potential impact of those uses upon neighboring lands and upon the public needs for the particular use or particular location.

3. Such special uses fall into two (2) categories:

a. Uses operated by a public agency or publicly regulated utilities, which are uses traditionally associated with a public interest, such as parks, recreation areas, public administration buildings, or the private use of existing public buildings.

(1) It is stressed that public uses are associated with the public interest.

(2) In the case of a request for a special use by a unit of local government, for a public use within its statutory mandate, the review shall not be based on determining the need for the publicly mandated use on the specific site but rather for assessing the impact of the proposed public use upon neighboring lands and upon the village's streets or utilities.

b. Uses entirely private in character, but of such nature that the operation may give rise to unique problems or benefits with respect to their impact upon neighboring property, public facilities, the village as a whole, or the natural environment or resources.

B. Authority: The board of trustees may, after receiving a recommendation from the Planning and Zoning Commission in the manner hereinafter set forth, approve, approve with conditions, or deny a special use, pursuant to the procedures set forth herein.

C. Initiation: Requests for special uses may be made by any person, or by an office, department, board, bureau or commission.

D. Processing: A petition or application for a special use permit shall be filed with the Planning and Zoning code official, and shall include at least the following information:

1. Name, address and telephone number of the applicant.
2. Legal description of the property for which the special use is requested.
3. Description of the existing use of the affected property.
4. The present zoning classification for the affected property.
5. Description of the proposed special use.
6. A dimensional site plan or plat, showing the location of:
 - a. All buildings.
 - b. Parking areas.
 - c. Traffic access and circulation.
 - d. Open spaces and yards.
 - e. Landscaping.
 - f. Refuse and service areas.
 - g. Utilities.
 - h. Signs.

i. Other information as determined by the Planning and Zoning Commission as necessary for determining if the proposed special use meets the intent and requirements of this zoning ordinance.

7. A grading plan, showing existing and proposed contours and proposed routing and storage of stormwater, when new construction or site development is proposed.

8. A written statement that addresses the:

a. Economic effects on adjoining properties.

b. Effects of such elements as noise, glare, odor, fumes and vibration on adjoining properties.

c. General compatibility with adjacent and other properties in the district.

d. Effects of traffic generated by the proposed use.

e. Relationship to the comprehensive land use plan.

f. How the proposed special use fulfills requirements of subsection F, "Standards", of this section.

E. Hearing:

1. The village clerk shall transmit the application for a special use to the Planning and Zoning Commission, who shall hold a public hearing at such time and place as shall be established by the commission, after due notice is provided.

2. The hearing shall be conducted, and a record of such proceedings shall be preserved, in such a manner as the commission shall prescribe.

3. Notice requirements for public hearings on amendments are set forth in section 11-11-3 of this chapter.

F. Standards:

1. The Planning and Zoning Commission shall not recommend, nor the board of trustees approve, a special use, unless it shall find, based upon the evidence presented in each specific case, that the special use:

a. Will be harmonious with and in accordance with the general objectives of the comprehensive land use plan and/or this title.

b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not alter the essential character of the same area.

c. Will not be hazardous or disturbing to existing or future neighborhood uses.

d. Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

e. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the village of Maple Park.

f. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

g. Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.

h. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.

i. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the village of Maple Park.

2. The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the board of trustees, pursuant to the recommendation of the Planning and Zoning Commission.

G. Decision:

1. Within forty five (45) days after the close of the hearing on a proposed special use, the Planning and Zoning Commission shall prepare a written statement of findings of fact and recommendations and submit this statement to the board of trustees. Said findings of fact shall address how the proposed special use does, or does not, comply with the standards set forth above.

2. The board of trustees may, by ordinance, grant, or grant with modification, a requested special use. If an application is not acted upon by the board of trustees within six (6) months of the date upon which such application is filed, it shall be deemed to have been denied.

3. The Planning and Zoning Commission may recommend, and the board of trustees may approve, conditions and restrictions upon the premises benefited by a special use as may be necessary in their opinion to:

a. Comply with the standards set forth above.

b. Reduce or minimize injurious effect of such special use on other property in the neighborhood.

c. Implement the general purpose and intent of this zoning ordinance.

4. No special use shall be granted except by ordinance duly passed and adopted by the board of trustees after public hearing and written recommendation from the Planning and Zoning Commission:

a. Without further public hearing, the board of trustees may grant, deny or amend the recommendation for special use.

b. Every special use granted by ordinance of the board of trustees shall be accompanied by findings of fact, and shall refer to any exhibits containing plans and specifications of the proposed special use, which shall remain a part of the permanent records of the Planning and Zoning Commission and the building/property record.

c. The findings shall specify the reason or reasons for approving or denying the special use.

d. Any terms of relief granted as part of a special use shall be specifically set forth in the findings and ordinance.

5. A concurring vote of a majority of those members of the Planning and Zoning Commission present at the meeting, with a minimum of four (4) concurring votes, shall be required to recommend granting or denying an application for a special use.

6. Changes in restrictions or conditions shall be processed in the manner established by this chapter for special uses.

H. Written Protest:

1. A special use shall not be passed except by a favorable vote of two-thirds ($\frac{2}{3}$) of the members of the board of trustees in the case of a written protest against any proposed special use when said protest is signed and acknowledged by the owners of twenty percent (20%) of the:

- a. Frontage proposed to be altered.
- b. Frontage immediately adjoining or across an alley from the property.
- c. Frontage directly opposite the frontage proposed to be altered.

2. The written protest shall be served by the protester or protesters on the applicant for the proposed special use, and a copy served on the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application or petition for the proposed special use.

11-11-8: TIME LIMITATIONS:

A. Variations Or Special Uses: An approval pursuant to the provisions of this title of a variation, special use, or special use for a planned development shall become null and void should a building permit to begin construction not be applied for within eighteen (18) months of the approval of the ordinance, unless this time limit is expressly extended by ordinance, by the board of trustees.

B. Map Amendments:

1. In any case where a map amendment has been granted, and no building permit for development has been applied for within eighteen (18) months, the Planning and Zoning Commission may initiate a public hearing, after due notice according to section 11-11-3 of this chapter has been given, and written notice sent to the applicant at the address contained in the application.

2. Within forty five (45) days of the close of the hearing, the Planning and Zoning Commission shall prepare and submit findings of fact and recommendations to the board of trustees that such map amendment shall be permanently affirmed or repealed, or that the property subject to said map amendment be reclassified by another map amendment to a more appropriate district classification.

11-11-9: PLANNED UNIT DEVELOPMENT:

A. Purpose And Objectives:

1. To encourage the orderly development of properties through advance planning.
2. Provide regulations to encourage a wide variety of dwelling types.
3. Assure adequate open space.

4. To promote a creative approach to the use of land and related physical facilities that results in better design and development with the inclusion of aesthetic amenities.

5. To promote the most efficient use of the land and economical installation and maintenance of utilities, street improvements, structures and other facilities.

B. Standards And Criteria:

1. The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the comprehensive land use plan of the village.

2. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.

3. The entire tract or parcel of land to be occupied by the proposed development shall be in a single ownership, or if there are two (2) or more owners, the application for such proposed development shall be filed jointly by all such owners.

4. The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary or desirable for the welfare of the planned unit development and are not inconsistent with the best interest of the village.

5. In order to avoid overloading village facilities beyond designed capacity, the development shall be permitted only if:

a. Sanitary sewers, storm sewers and water supply to service the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing uses and village public services;

b. Such sanitary sewer, a storm sewer or water supply services are provided by a municipality other than the village.

6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways, shall be landscaped.

7. There is no minimum project area for planned unit developments.

8. The minimum project area shall be adaptable to unified development and shall have within or through the area no physical features that will tend to destroy the neighborhood or community cohesiveness.

9. The dominant land use of the proposed planned unit development shall be consistent with the recommendations of the comprehensive plan of the village for the area containing the project.

10. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

11. Exceptional landscaping features such as large caliper trees of varied species and reduced spacing of trees and additional sodding above minimum requirements specified shall be provided if called for in the final development plan.

C. Modification Of District Regulations: Planned unit developments shall be constructed in each zoning district as a special use subject to the standards and procedures set forth in this title:

1. Except as modified and approved in the ordinance granting the special use as a planned unit development, a planned unit development shall be governed by the regulations of the district or districts in which the development is located.

2. The ordinance granting the special use as a planned unit development may provide for such exceptions from the district regulations governing use, density, area, bulk parking and off street loading requirements, and the subdivision design standards and approval procedures as are compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas or accessways shall be landscaped.

3. There is no minimum project area for planned unit developments.

4. The minimum project area shall be adaptable to unified development and shall have within or through the area no physical features which will tend to destroy the neighborhood or community cohesiveness.

5. The dominant land use of the proposed planned unit development shall be consistent with the comprehensive plan of the village for the area containing the project.

6. Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.

7. Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above minimum requirements specified shall be provided if called for in the final development plan.

8. No modification of the district requirements or the subdivision design standards may be allowed when such proposed modification would result in:

- a. Inconvenient or unsafe access to the planned unit development;
- b. Traffic congestion in the streets which adjoin the planned unit development;
- c. An undue or disproportionate burden on public parks, recreational areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned unit development; and
- d. A development which will be incompatible with the purpose of this title.

D. Procedures: The detailed review procedures, submittal requirements and approval process for a planned unit development shall be as provided for preliminary and final plans and plats of subdivision in the subdivision control ordinance and for special use applications in this zoning ordinance. The planned unit development process includes the following stages:

1. Preapplication conference;
2. Sketch plan;
3. Petition for special use as a PUD and development plan;
4. Final plat.

E. Preapplication Conference:

1. Purpose: The purpose of the preapplication conference is to make advice and assistance available to the applicant before preparation of the sketch plan so as to determine compliance with applicable village ordinances; whether any zoning amendment, variation or special use is required in connection with the proposed planned unit development; and whether the proposed planned unit development conforms to the comprehensive plan and goals and policies of the village.

2. Procedure: A preapplication conference shall be held with the Planning and Zoning Commission . At such a conference, the applicant shall provide:

- a. Information as to the location of the proposed planned development,
- b. The uses,
- c. Approximate area of use for each use category,
- d. A list of any and all exceptions to the subdivision regulations and zoning ordinance of Maple Park,
- e. Any other information necessary to clearly explain the planned development to the Planning and Zoning Commission.

The Planning and Zoning Commission shall review and consider the proposed plan as to its compatibility with the comprehensive plan and the goals and policies for planning, and advise the applicant on the information, documents, exhibits, drawings and any limitations on the proposed plan that should be included in the application for special use permit for planned unit development.

F. Sketch Plan:

1. Purpose: A sketch plan may be submitted at the option of the applicant. The purpose of the sketch plan is to enable the applicant to obtain the opinions and recommendations of the Planning and Zoning Commission prior to spending considerable time and expense in the preparation of detailed preliminary plans and architectural drawings.

2. Procedure: A sketch plan for a planned unit development shall be filed with the village clerk at least ten (10) days prior to the Planning and Zoning Commission meeting.

3. Required Information: A drawing of the planned unit development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The plan shall indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This section does not require a detailed site plan of buildings, roads, walks, etc. The plan must include, at a minimum, the following information:

- a. Boundary lines; approximate distances;
- b. Streets on and adjacent to the tract (circulation system);
- c. Land use patterns proposed;
- d. Map data: name of development, name of site planner, name of applicant, north point, scale, date of preparation, and acreage of site;

e. Aerial photograph of site and surrounding property at a scale of not less than one inch equals four hundred feet (1" = 400');

f. Site data: A written explanation of the graphic elements of the plan, including:

- (1) Description and quantity of land uses;
- (2) Description of residential units by type;
- (3) Number of dwelling units;
- (4) Estimated population;
- (5) Description of the development standards and design criteria;
- (6) Floor area ratio;

g. Objectives: A statement of planning objectives to be achieved by the planned unit development;

h. Ownership: A statement of present and proposed ownership of all land within the project;

i. Utilities: Preliminary information on existing and proposed sanitary sewer, storm sewer, water and other utilities necessary to service the development;

j. List of exceptions or variations to the zoning or subdivision requirement being requested as part of the planned unit development application;

k. Cover letter listing all items submitted;

l. Any other information that may be requested by the Planning and Zoning code official.

G. Special Use Petition And Preliminary Plan Procedures:

1. Purpose: The purpose of the preliminary plan submission is to obtain tentative approval and/or commitments from the village that the plans, design, and program that the applicant intends to build and follow are acceptable, and that the applicant can reasonably proceed into final detailed architecture, engineering, surveying, and landscape architecture in anticipation of final plat approval and subsequent construction. Approval of the preliminary plan shall not constitute authority to proceed with construction of any improvement, but rather an approval of the general features of the plan as a basis for preparing the final development plans.

2. Procedures: Application for approval of a preliminary plan as a special use as a planned unit development shall be as described in this section.

3. Required Information: The special use petition for a preliminary plan shall include the information required of preliminary plans in the subdivision ordinance. Additional required information shall include:

a. All areas to be dedicated as common open space and all sites to be conveyed, dedicated or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi- public uses.

b. The pedestrian circulation system, any parkway belt system, or bicycle circulation system.

c. All other information necessary to clearly show the proposed elements of the planned unit development.

d. A landscape planting plan, indicating the height, size, location, quantities and variety of stock to be planted.

e. A written statement which shall be included as part of the application for approval of the preliminary plan shall contain the following information:

(1) A statistical tabulation of the acreage amounts of all the land uses proposed in the preliminary plan.

(2) The type and number of dwelling units for any proposed residential land uses.

(3) The stages in which the project will be built and the approximate dates when construction of each stage can be expected to begin and to end.

f. Other information may be requested if the Planning and Zoning Commission finds that the planned unit development may create special problems for traffic, parking, landscaping and/or economic feasibility.

H. Final Plat:

1. Procedures:

a. The final development plan, or if the development is to be phased, the first phase final plan shall be filed with the village clerk within one year of the approval of the preliminary plan. The final plan and, if the development is to be phased, all phased final plans shall conform substantially to the preliminary plan as approved.

b. The Planning and Zoning Commission shall review the final development plan within thirty (30) days of its submission and shall recommend approval if it is in substantial compliance with the preliminary development plan. The Planning and Zoning Commission shall certify to the board of trustees that the final development plan is in conformity with the previously filed preliminary development plan.

c. If the final plan is substantially changed from the approved preliminary plan, the Planning and Zoning Commission shall recommend to the board of trustees that a new public hearing be held in conformity with the procedures for approval of the preliminary plan.

d. The board of trustees, within sixty (60) days after receipt of the recommendations of the Planning and Zoning Commission, shall approve or deny the final plan. If the final development plan is held not to be in conformity with the preliminary development plan, the board of trustees shall inform the applicant with regard to the specific areas found to be not in compliance.

e. The final plat shall be filed with the appropriate recorder of deeds and all recording costs shall be paid by the applicant. No permit allowing construction of a building or any other improvement shall be issued until the final plat is recorded.

2. Required Information: The final development plan shall contain in final form the information required in the preliminary plan and the following:

a. A final land use plan, suitable for recording with the county recorder of deeds. The purpose of the final development plan is to designate the land subdivided into lots, as well as the division of other lands not so treated, into common open areas and building areas and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

b. An accurate legal description of the entire area under immediate development within the planned development.

c. If subdivided lands are included in the planned development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, to the extent that compliance with the subdivision plat, and to the extent that compliance with the subdivision regulations of the village shall be required.

d. An accurate legal description of each separate unsubdivided use area, including common open space.

e. Designation of the location of all buildings to be constructed, and a designation of the uses which each building is designated.

f. Certificates, seals and signatures required for the dedication of land and the recording of the document.

g. Tabulations of each separate unsubdivided area, including land area and number of dwelling units per gross area.

h. Landscaping plan.

i. Utilities and drainage plan.

j. Final agreements, bylaws, provisions or covenants which govern the use, maintenance, and continued protection of the planned development and any of its common open areas or other common facilities.

k. Final development and construction schedule.

l. Final architectural plans.

m. Final engineering drawings in accordance with the requirements for engineering plans in the subdivision ordinance of the village.

I. Changes And Modifications After Approval Of Final Plat:

1. After the approval of the final plat, the use of land and construction, modifications, or alteration of any buildings or structures within the planned unit development will be governed by the approved final plat where inconsistent with the provisions of this title.

2. All changes in the final plat must be made by the board of trustees, under the procedure authorized by this title for the amendment of the zoning map. No changes may be made in the final plat unless:

a. They are required for the continued successful functioning of the planned unit development;

b. They are required by changes in conditions that have occurred since the final plat was approved;

c. They are required by changes in the development policy of the village.

11-11-10: ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES:

A. It shall be the duty of the Planning and Zoning code official to enforce this title.

B. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this title shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

C. In case any building or structure is erected, reconstructed, enlarged, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this title, the proper authorities of the village of Maple Park, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct of business, or use in or about such premises.

CHAPTER 12

ANNEXATION AGREEMENTS

SECTION:

11-12-1: Procedure

11-12-2: Role Of Planning and Zoning Commission

11-12-3: Role Of Board Of Trustees

11-12-4: Permit And Application Denial

11-12-1: PROCEDURE:

The procedure for and provisions applicable to annexation agreements shall be set forth in the Illinois municipal code ¹ and any other applicable statutes.

Notes

¹ 1. 65 ILCS 5/11-15.1 et seq.

11-12-2: ROLE OF Planning and Zoning Commission:

A petition for approval of an annexation agreement and petitions for annexation shall be referred by the board of trustees to the Planning and Zoning Commission, which shall consider such proposed annexation agreement and the proposed zoning and planning thereof, hold the required statutory hearing for an annexation agreement, and upon making findings thereon, recommend approval, disapproval, or approval with specified objections of the annexation agreement to the board of trustees.

11-12-3: ROLE OF BOARD OF TRUSTEES:

Upon receiving the recommendation(s) of the Planning and Zoning Commission, the board of trustees shall approve the annexation agreement, revise the terms of the agreement, reject the agreement, or refer the proposed agreement back to the Planning and Zoning Commission for further discussion and findings.

11-12-4: PERMIT AND APPLICATION DENIAL:

Application for any permits or other applications required by the village shall be denied if the applicant or owner of the property has any outstanding financial obligations to the village, such as past due water bills, past due fines, or any other past due payment.

CHAPTER 13

FEES

SECTION:

11-13-1: Schedule Of Fees

11-13-2: Consulting Fees

11-13-3: Payment Required

11-13-4: Deposit In Escrow

11-13-1: SCHEDULE OF FEES:

The board of trustees shall establish a schedule of fees, charges and expense for appeals, applications for variations, amendments, or special uses, and other matters pertaining to this title. The schedule of fees shall be posted in the village clerk's office and may be altered or amended only by the board of trustees.

11-13-2: CONSULTING FEES:

All consulting fees incurred by the village, including, but not limited to, engineering, planning and legal fees in consideration of the petition for appeals, variances, amendments, special use permits, and site plan review, pursuant to the terms of this title, shall be paid by the petitioner or applicant.

11-13-3: PAYMENT REQUIRED:

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

11-13-4: DEPOSIT IN ESCROW:

A. Concurrently with the submission of request for zoning amendment, variance, special use permit, approval of annexation agreement, or any other relief as provided for herein, the applicant shall deposit in escrow with the village treasurer, as escrowee, a sum of money that shall be used by the village to defray the cost and expense billed to it by the village staff and such other consultants as are consulted by the village during the review process. Said escrow shall also be used to pay the costs of all processes. Said escrow shall also be used to pay the costs of all special board of trustees' meetings.

B. The amount to be deposited by the applicant shall not be less than five thousand dollars (\$5,000.00), unless otherwise provided by the board of trustees. Said escrowed funds shall be deposited and held by the village in an interest payable account with the interest payable to the

village of Maple Park. Disbursements from the escrowed fund for professional review and legal service expenses shall be made upon the receipt of billing statement from the consultants; provided the billing statements have been reviewed and approved by the board of trustees. Notice to the applicant shall not be a prerequisite to the making of said disbursements.

C. If, at any time after commencement of the review process, the amount deposited has been reduced to a balance of three thousand dollars (\$3,000.00) or less, the applicant shall be required to deposit an additional amount with the village so that the escrow balance is not less than the amount the applicant was originally required to deposit. Said additional amount shall be deposited with the village treasurer within fifteen (15) days after the applicant has been so notified.

D. Notice shall be deemed given as of the date a written notice requesting an additional amount is deposited in the U.S. mail addressed to the applicant. Provided all disbursements have been made, any funds on deposit at the conclusion of the staff's involvement with the development shall be returned to the applicant. However, notwithstanding anything herein to the contrary, no final board of trustees' approval shall be granted until all of the aforesaid costs have been paid.

CHAPTER 14 SOLAR ENERGY SYSTEMS

SECTION:

11-14-1: Scope

11-14-2: Purpose

11-14-3: Definitions

11-14-4: Building Permit Requirements and Fees

11-14-5: Permitted/Special Use

11-14-6: Set Back Requirements

11-14-7: Height Requirements

11-14-8: Other Requirements

11-14-9: Design Standards

11-14-10: Coverage

11-14-11: Compliance

11-14-12: Principal Uses

11-14-13: Liability Insurance and Indemnification

11-14-14: Decommissioning

11-14-1: SCOPE:

This article applies to all solar energy installations in the Village of Maple Park.

11-14-2: PURPOSE:

The purpose of this ordinance is to promote and encourage economic development, while maintaining order in the construction, installation and operation of Solar Energy Systems (SES) in Village of Maple Park while ensuring protection of the health, safety and welfare of the residents of Village of Maple Park by promoting the safe, effective, and efficient use of solar energy to reduce on-site consumption of fossil fuels or utility-supplied electric energy. Also, to avoid adverse impact to important areas such as agricultural land, endangered species habitats, conservation land, and other sensitive lands. This ordinance shall not be deemed to nullify any provisions of local, state or federal law.

11-14-3: DEFINITIONS:

ACTIVE SOLAR ENERGY SYSTEM: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GRID-INTERTIE SOLAR ENERGY SYSTEM: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROUND MOUNT: A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

OFF-GRID SOLAR ENERGY SYSTEM: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

PASSIVE SOLAR ENERGY SYSTEM: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM: An active solar energy system that converts solar energy directly into electricity.

RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

ROOF MOUNT: A solar energy system that is mounted on a rack that is fastened onto a building roof.

SOLAR ACCESS: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR: An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

SOLAR ENERGY SYSTEM ADDITION: A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

SOLAR ENERGY SYSTEM, PRIVATE: A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

SOLAR FARM: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the permitted special use for the parcel on which it is located.

SOLAR GARDEN: A commercial solar-electric (photovoltaic) array, of no more than 5 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system. A solar garden may a permitted special use, when it is a primary use or accessory use.

SOLAR HEAT EXCHANGER: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM: An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air.

SOLAR HOT WATER SYSTEM: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

11-14-4: BUILDING PERMIT REQUIREMENTS AND FEES:

All Solar Energy Systems (SES) will be required to have a Village of Maple Park Building Permit before any work can be started. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the Village of Maple Park Zoning Department as follows:

0-10 kilowatts (kW)	\$150.00
11-50 kilowatts (kW)	\$300.00
51-100 kilowatts (kW)	\$600.00
101-500 kilowatts (kW)	\$1,200.00
501-1,000 kilowatts (kW)	\$2,750.00
1,001-2,000 kilowatts (kW)	\$6,000.00
Over 2,000 kilowatts (kW)	\$6,000.00 + 200.00 for each additional 0-100 kilowatts

Any SES that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee.

11-14-5: PERMITTED/SPECIAL USE:

A. A single ground mount, roof mount or building integrated private solar energy system for residential/business use is permitted as an accessory use in ALL Zoning Districts where there is a principal structure and shall be subject to the regulations for accessory uses.

B. Solar Farms shall be a permitted special use in Zone A-1. Solar Gardens are permitted special use in General Commercial Districts B2 and new residential development. However, unless otherwise noted in this ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.

C. Solar Farms in the A-1 Zoning Districts are a permitted special use. Solar Farms are not a permitted use in business or residential districts. Unless otherwise noted in this ordinance, solar farms must comply with all required standards for structures in the district in which the system is located.

11-14-6: SET BACK REQUIREMENTS:

A. Set back requirements for all Solar Energy Systems (SES) shall meet the structure minimum set back requirements when the SES is oriented at any & all positions.

B. The solar array and all components of the solar collector system in a Solar Farm and Solar Gardens shall be kept at least one hundred (100) feet from a property line or right-of-way.

C. No solar energy system shall be allowed to be placed in the front yard of any residentially used or commercial zoned property.

D. Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building or above the ridge line on the roof on which the system is mounted.

E. On attached homes no part of the solar system shall be within 3 ft of the adjoining wall.

11-14-7: HEIGHT REQUIREMENTS:

A. Building or roof mounted solar energy systems shall not exceed the maximum allowed height in any Zoning District, as stated in Section 11-5-5 of the Zoning Ordinance of the Village of Maple Park.

B. Round or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located.

11-14-8: OTHER REQUIREMENTS:

A. Upon request from the Village of Maple Park an owner of a commercial Solar Energy System must provide documentation, within thirty days, that the Solar Energy System is still in use. If it is not, the owner of the System will have 180 days, after notification from the Zoning Department, to remove the Solar Energy System from the property.

B. Upon request from the Village of Maple Park Planning and Zoning Official, the owner or operator of a Solar Farm or a Solar Garden must submit, within 14 days, a current operation and maintenance report to the Department.

C. In all undeveloped areas, the Solar Energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be at the developer's expense. The final certificate from EcoCat shall be provided to the Village of Maple Park Zoning Department before a permit or Special Use Permit will be issued.

D. No fencing is required however if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.

E. Any lighting for Solar Farms/Gardens shall be installed for security and safety purposes only. Except for lightening that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

F. Any exterior lighting must be installed to have zero lumens at the property line of any adjacent residential properties.

G. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

H. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

I. Solar Energy Systems must be in compliance with ALL State of Illinois Building, Electric, Plumbing and Energy Codes.

11-14-9: DESIGN STANDARDS:

Active solar energy systems shall be designed to conform to Maple Park's Land Use Plan and to blend into the architecture of the building or may be required to be screened from routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

A. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public rightsof-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

B. Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public rights-of-way or immediately adjacent to a residential structure.

C. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

D. Aviation Protection. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

11-14-10: COVERAGE:

Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.

Plan Approval Required: All solar energy systems shall require administrative plan approval by the Village of Maple Park Planning and Zoning official via the review of the application for a building permit.

A. Plan Applications. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

1. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

B. Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the Maple Park Planning and Zoning Official and shall not require Planning and Zoning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

11-14-11: COMPLIANCE:

A. Approved Solar Components. Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

B. Compliance with Building Code. All active solar energy systems shall meet approval of village Planning and Zoning code officials, consistent with the State of Illinois Building Code and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Any village adopted building codes will apply and take precedence where applicable.

C. Compliance with National Electric Code. All photovoltaic systems shall comply with the National Electric Code.

D. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

E. Compliance with State Energy Code. All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code.

F. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

11-14-12: PRINCIPAL USES:

Village of Maple Park encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the zoning lot or lots are special uses in selected districts.

A. Solar gardens: Village of Maple Park permits the development of solar gardens, subject to the following standards and requirements:

1. Rooftop Gardens Permitted. Rooftop systems are permitted in all zoning districts where buildings are permitted

2. Ground-Mount Gardens. Ground-mount solar energy gardens must be less than twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms.

3. Stormwater and National Pollutant Discharge Elimination System NPDES. Solar gardens are subject to Village of Maple Park's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

4. Interconnection. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

5. If water and sewer are required they must be connected to municipal water and sewer system.

6. Aviation Protection. For solar gardens located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

7. Other Standards. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

8. Solar Garden shall be screened by placing in the set back a solid, sight proof fence or wall having a height not less than six feet (6'). Within this yard, there shall be a landscaped area planted with one 2 1/2-inch caliper tree for every thirty (30) linear feet of any common property line and shall be a minimum height of six feet (6') at the time of planting. The use of earthen berms may be allowed in place of fencing provided they are designed to provide the same screening effect.

B. Solar farms: Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

1. Stormwater and NPDES. Solar farms are subject to Village of Maple Park's Stormwater Management regulations, erosion and sediment control provisions and NPDES permit requirements.

2. Ground Cover and Buffer Areas. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the village building inspector and village engineer and paid for by the developer. Due to potential village liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)) it is required that any crops planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually, and paid for by the developer.

3. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

4. Other Standards and Codes. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Illinois Uniform Building Code, as amended; and the National Electric Code, as amended.

5. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Village of Maple Park IL in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Maple Park Planning and Zoning Official. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.

6. If water and sewer are required they must be connected to municipal water and sewer system.

7. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Village of Maple Park. The site plan should also show all zoning districts, and overlay districts.

8. Approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

9. Endangered Species and Wetlands. Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer.

10. Solar Farm shall be screened by placing in the set back a solid, sight proof fence or wall having a height not less than six feet (6'). Within this yard, there shall be a landscaped area planted with one 2 1/2-inch caliper tree for every thirty (30) linear feet.

11-14-13: LIABILITY INSURANCE AND INDEMNIFICATION:

A. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$3 million per occurrence and \$5 million in the aggregate. Such insurance may be provided pursuant to a plan of self-insurance, by a party with a net worth of \$20 million or more. The Village of Maple Park shall be named as an individual insured on the policy to the extent the village is entitled to indemnification.

B. For Private/Individual SES(s), commencing with the issuance of building permits, the Applicant or Owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Maple Park Planning and Zoning Official.

C. Any SES(s), Applicant, Owner, or Operator, whether individual or commercial, shall defend, indemnify, and hold harmless the village and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the SES(S) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the villages other indemnification rights available under the law.

11-14-14: DECOMMISSIONING:

A. A decommissioning plan shall be required to be submitted when applying for all Solar Farms and Solar Gardens, to ensure that facilities are properly removed after their useful life.

B. Decommissioning of solar panels must occur in the event they are not in use for 90 consecutive days.

C. The owner or operator will have 6 months to complete the decommissioning plan after operation of a Solar Farm or Solar Garden stops being operational.

D. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.

E. The Village of Maple Park Board of Trustees may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.

F. In the event that the State of Illinois enacts a law with regards to the decommissioning of a Solar Farm, the strictest requirements shall prevail.