PUBLIC HEARING

FOR THE PURPOSE OF PUBLIC DISCUSSION OF THE PROPOSED CHANGES TO VILLAGE OF MAPLE PARK VILLAGE CODE

PLANNING COMMISSION MEETING IMMEDIATELY FOLLOWING THE PUBLIC HEARING

Thursday, December 19, 2019
Maple Park Civic Center
302 Willow Street, Maple Park
7:00 P.M.

1. CALL TO ORDER PUBLIC HEARINGS

2. ROLL CALL

3. OPEN PUBLIC HEARING

Title 11, “Zoning Regulations,” Text Amendments for:
   i. 11-7-1B. B-1 Central Business Districts Permitted and 11-7-2C. Special Uses;” and,
   ii. 11-7-2B. B-2 General Commercial Permitted and 11-7-C. Special Uses

Title 9, “Utilities,” Text Amendments to Chapter 4, “Small Wireless Facilities”

4. CLOSE PUBLIC HEARING

5. CALL TO ORDER THE REGULAR MEETING OF THE PLANNING COMMISSION

6. ROLL CALL

7. APPROVAL OF MEETING MINUTES
8. **TITLE 11, “ZONING REGULATIONS,” TEXT AMENDMENTS FOR:**
   
   i. 11-7-1B. B-1 Central Business Districts Permitted and 11-7-2C. Special Uses;” and,
   
   ii. 11-7-2B B-2 General Commercial Permitted and 11-7-C. Special Uses

9. **TITLE 9, “UTILITIES,” TEXT AMENDMENTS TO CHAPTER 4, “SMALL WIRELESS FACILITIES”**

10. **DARK SKY**

    Text Amendments Associated with Outdoor Lighting – Proposed “Dark Sky” Language to be Added to the Municipal Code

11. **POOL**


12. **ADJOURNMENT**

Planning Commission Members:
Chuck Miller, Chair
Lorenzo Catanag
George (Nick) Davidson
Robert Rowlett
Jeff Ramirez
Kyle Foster
Kimberly Sutherland
Chris Higgins (ex-officio member)
MEMORANDUM

TO: Planning Commission
FROM: Village Administrator Dawn Wucki-Rossbach
DATE: December 16, 2019

SUBJECT: DISCUSSION OF TEXT AMENDMENT – OUTDOOR LIGHTING (DARK SKY STANDARDS)

BACKGROUND
At the September 24, 2019 Finance Committee Meeting, the topic of the introduction and possible use of the “Dark Sky” Lighting Standards, see Attachment A was discussed. “Dark Sky” refers to the initiative to protect the night sky from light pollution. Protection of the night sky is achieved through the use of fixtures that direct the light downward and to utilize the appropriate type of lighting and lumens based on the use in which the lighting resides.

At the October 17, 2019, Planning Commission Meeting, the Commission talked about the concept of implementing the use of a Dark Sky ordinance to control the amount of light pollution in Maple Park and the ability to utilize a text amendment to the ordinance to assist with standardize the types of streetlight poles that are located throughout Maple Park.

The International Dark Sky Association has created a Model Ordinance and the attached ordinance is a derivative of the ordinance. The Planning Commission shall consider the following:

1. Whether or not the Village would benefit from the application of a text amendment identified as the “Outdoor Lighting Ordinance;” and,
2. Whether or not residential lighting should also be included in the ordinance.

If the Planning Commission believes that pursuing the change in outdoor lighting standards would be of benefit to the Village, Staff will do the following:

1. Discuss with the Village Board if they feel this is something that the Village should pursue.
2. If the Board believes this is a concept that the Village should pursue the Village Administration and Public Works Director/Building Inspector will work with the Village Attorney to draft the text amendments to the Municipal Code to include the Outdoor Lighting text.
3. Once the text amendments have been drafted a Public Hearing will be scheduled with the Planning Commission. If the Village Attorney should advise that the Outdoor Lighting text
amendments are part of Title 12 Subdivision Regulations and not part of Title 11 Zoning Regulations, the Public Hearing will be scheduled before the Village Board.

**RECOMMENDATION**
That the Planning Commission determine whether or not they believe pursuing text amendments that change the Village’s Outdoor Lighting standards are in the Village’s best interests.

Attachments
Attachment A – IDA Promotional Brochure
Attachment B – Outdoor Lighting Ordinance
Light Pollution is destroying our night...

...but YOU can make a difference.

What is Light Pollution?
Most of us are familiar with air, water and land pollution, but did you know that light can also be a pollutant?

The inappropriate or excessive use of artificial light – known as light pollution – can have serious environmental consequences for humans, wildlife and our climate.

By joining IDA you help us protect our planet, save billions of dollars in wasted energy and connect future generations to starry skies.

Light Pollution is Reversible!

Take Action!
Light Pollution affects us all.
5 ways you can make a difference!

1. Install lighting only when and where it’s needed.
2. Use energy saving features such as timers, dimmers and motion sensors on outdoor lights.
3. Make sure your lighting is shielded so light shines down, not up. Encourage good lighting at your workplace, too.
4. Educate your friends and neighbors about the importance of good lighting for our health, economy and environment.
5. Join IDA and visit darksky.org for more information and free resources.

About IDA
The International Dark Sky Association, a 501(c)3 nonprofit organization based in Tucson, Ariz., is dedicated to preserving the natural nighttime environment by educating policymakers and the public about night sky conservation and promoting eco-friendly outdoor lighting.

Our Mission
To preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting.

Our Goals
- Advocate for the protection of the night sky
- Educate the public and policymakers about night sky conservation
- Promote environmentally responsible outdoor lighting
- Empower the public with tools and resources to help bring back the night
5 Ways Light Pollution Hurts our Planet

Artificial light not only prevents city dwellers from seeing the stars, it also harms the environment and human health.

Light Pollution Devastates Wildlife
Plants and animals depend on Earth's daily light and dark cycle to govern life-sustaining behaviors. Research shows that artificial light at night has negative and even deadly effects on many species.

Light Pollution May Harm Your Health
Studies suggest that artificial light at night negatively affects human health by increasing our risks for obesity, sleep disorders, depression, diabetes, breast cancer and more.

Light Pollution Can Make You Less Safe
There is no clear scientific evidence that increased outdoor lighting deters crime. In fact, poor outdoor lighting can decrease personal safety by making victims and property more visible to criminals.

Light Pollution Wastes Energy and Money
As much as 50 percent of outdoor lighting is wasted, which increases greenhouse gas emissions, contributes to climate change, and renders us all more energy dependent.

Light Pollution Robs Us of Our Heritage
Our ancestors experienced a night sky that inspired science, religion, philosophy, art and literature. Now, millions of children across the globe will never know the wonder of the Milky Way.

Join Us in Protecting the Night!
Your dues and donations help us...

- Protect Wildlife and Ecosystems
  We work with conservation experts and park officials to minimize the ecological impact of artificial lighting in natural areas, protecting habitats and wildlife.

- Promote Eco-Friendly Outdoor Lighting
  Our Fixture Seal of Approval program certifies outdoor lighting fixtures that protect the night sky.

- Recognize and Preserve Dark Sky Places
  The International Dark Sky Places conservation program recognizes and promotes excellent stewardship of the night sky. We have certified dozens of Places worldwide.

- Foster Education and Outreach
  We educate communities and public officials about light pollution and provide specific solutions for minimizing its negative effects through our public outreach programs.

- Assist Parks and Protected Areas
  IDA helps parks replace their bad lighting by providing eco-friendly options depending on need, and in some cases for free.

We need YOUR support!
IDA is working to preserve the night sky for future generations.

Join IDA

Insert membership levels and donation options here.

Your IDA membership is tax-exempt.
Outdoor Lighting Ordinance

Purpose

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

a. Permit the use of outdoor lighting that does not exceed the minimum levels specified in IES recommended practices for night-time safety, utility, security, productivity, enjoyment, and commerce.

b. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.

c. Curtail light pollution, reduce skyglow and maintain our rural community feel by preserving our dark skies.

d. Promote driving safety by reducing light pollution that causes visibility issues while driving.

e. Conserve energy and resources to the greatest extent possible.

II. LIGHTING ZONES

The Lighting Zone shall determine the limitations for lighting as specified in this ordinance. The Lighting Zones shall be as follows:

LZ1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning: This shall include any parks, common areas or recreational areas

LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

Zoning: This shall include any parcel zoned Business (B) or Industrial (I) that is adjacent to any residential districts

LZ3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning: This shall include any parcel zoned Business (B) or Industrial (I) that is not adjacent to any residential districts
II. GENERAL REQUIREMENTS

A. Conformance with All Applicable Codes
All outdoor lighting shall be installed in conformance with the provisions of this Ordinance, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

B. Applicability
Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

Exemptions from III. (B.) The following are not regulated by this Ordinance:

a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement, unless regulated with a streetlighting ordinance.

b. Lighting for public monuments and statuary.

c. Lighting solely for signs (lighting for signs is regulated by the Sign Ordinance).

d. Repairs to existing luminaires not exceeding 25% of total installed luminaires.

e. Temporary lighting for theatrical, television, performance areas and construction sites;

f. Underwater lighting in swimming pools and other water features

g. Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.

h. Lighting that is only used under emergency conditions.

i. In lighting zones 2, 3 and 4, low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the authority.

Exceptions to III. (B.) All lighting shall follow provisions in this ordinance; however, any special requirements for lighting listed in a) and b) below shall take precedence.

a. Lighting specified or identified in a specific use permit.

b. Lighting required by federal, state, territorial, commonwealth or provincial laws or regulations.

C. Lighting Control Requirements

1. Automatic Switching Requirements
Controls shall be provided that automatically extinguish all outdoor lighting when sufficient
daylight is available using a control device or system such as a photoelectric switch, astronomic
time switch or equivalent functions from a programmable lighting controller, building automation
system or lighting energy management system, all with battery or similar backup power or device.

Exceptions to III.(C.) 1. Automatic lighting controls are not required for the following:

a. Lighting under canopies.

b. Lighting for tunnels, parking garages, garage entrances, and similar conditions.

2. Automatic Lighting Reduction Requirements
The Authority shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at
least 30% or extinguished.

Exceptions to III.(C.) 2. Lighting reductions are not required for any of the following:

a. With the exception of landscape lighting, lighting for residential properties including
   multiple residential properties not having common areas.

b. When the outdoor lighting consists of only one luminaire.

c. Code required lighting for steps, stairs, walkways, and building entrances.

d. When in the opinion of the Authority, lighting levels must be maintained.

e. Motion activated lighting.

f. Lighting governed by special use permit in which times of operation are specifically
   identified.

Businesses that operate on a 24-hour basis.

IV. NON-RESIDENTIAL LIGHTING -

For all non-residential properties, and for multiple residential properties of seven domiciles or more and having
common outdoor areas, all outdoor lighting shall comply either with Part A or Part B of this section

A. Prescriptive Method
An outdoor lighting installation complies with this section if it meets the requirements of subsections 1
and 2, below.

1. Total Site Lumen Limit

The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site
lumen limit. The total site lumen limit shall be determined using either the Parking Space Method
(Table A) or the Hardscape Area Method (Table B).
Only one method shall be used per permit application, and for sites with existing lighting,existing lighting shall be included in the calculation of total installed lumens.

The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens
for all luminaires.
2. Limits to Off Site Impacts

All luminaires shall be rated and installed according to Table C.

3. Light Shielding for Parking Lot Illumination
   All parking lot lighting shall have no light emitted above 90 degrees.

Exception:
   a) Ornamental parking lighting shall be permitted by special permit only, and shall meet the requirements of Table C-1 for Backlight, Table C-2 for Upplight, and Table C-3 for Glare, without the need for external field-added modifications.

B. Performance Method

1. Total Site Lumen Limit

   The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables D and E. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

   The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

Limits to Off Site Impacts
   All luminaires shall be rated and installed using either Option A or Option B. Only one option may be used per permit application.

   Option A: All luminaires shall be rated and installed according to Table C.
   Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:

   1) Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.

   2) Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (foot candles and/or lux) on the sides of the enclosure.

The design complies if:

   a) The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
   b) The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table F.

V. RESIDENTIAL LIGHTING

A. General Requirements
   For residential properties including multiple residential properties not having common areas, all
outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

B. Requirements for Residential Landscape Lighting

1. Shall comply with Table G.
2. Shall not be aimed onto adjacent properties.

<table>
<thead>
<tr>
<th>Output (Lumens)</th>
<th>Power (Watt)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Incan</td>
</tr>
<tr>
<td>500</td>
<td>40</td>
</tr>
<tr>
<td>850</td>
<td>60</td>
</tr>
<tr>
<td>1,200</td>
<td>75</td>
</tr>
<tr>
<td>1,700</td>
<td>100</td>
</tr>
</tbody>
</table>
VI. LIGHTING BY SPECIAL PERMIT ONLY

A. High Intensity and Special Purpose Lighting
The following lighting systems are prohibited from being installed or used except by special use permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial Lasers.
3. Searchlights.
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

B. Complex and Non-Conforming Uses
Upon special permit issued by the Authority, lighting not complying with the technical requirements of this ordinance but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:

1. Sports facilities, including but not limited to unconditioned rinks, open courts, fields, and stadiums.
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures.
5. Urban parks
7. Theme and amusement parks.
8. Correctional facilities.

To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:

a. Has sustained every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the Performance Method. Employs lighting controls to reduce lighting at a Project Specific Curfew (“Curfew”) time to be established in the Permit.

b. Complies with the Performance Method after Curfew.

The Authority shall review each such application. A permit may be granted if, upon review, the Authority believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

Lighting installed prior to the effective date of this ordinance shall comply with the following.

A. Amortization
   On or before [amortization date], all outdoor lighting shall comply with this Code.

B. New Uses or Structures, or Change of Use
   Whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences.

C. Additions or Alterations

1. Major Additions.
   If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

   Additions of 25 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

   Single or cumulative additions, modification or replacement of 25 percent or more of installed outdoor lighting luminaires existing as of the effective date of this Ordinance.

2. Minor Modifications, Additions, or New Lighting Fixtures for Non-residential and Multiple Dwellings
   For non-residential and multiple dwellings, all additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.

   Any new lighting shall meet the requirements of this Ordinance.

3. Resumption of Use after Abandonment
   If a property with non-conforming lighting is abandoned for a period of six months or more, then
all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

**VIII. ENFORCEMENT & PENALTIES**

(Reserved)

**IX. TABLES -**

**Table A - Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method** May only be applied to properties up to 10 parking spaces (including handicapped accessible spaces).

<table>
<thead>
<tr>
<th>LZ-1</th>
<th>LZ-2</th>
<th>LZ-3</th>
<th>LZ-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>490 lms/space</td>
<td>630 lms/space</td>
<td>840 lms/space</td>
<td>1,050 lms/space</td>
</tr>
</tbody>
</table>

**Table B - Allowed Total Initial Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method** May be used for any project. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

<table>
<thead>
<tr>
<th>LZ-1</th>
<th>LZ-2</th>
<th>LZ-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Allowance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- 1.25 lumens per SF of Hardscape
- 2.5 lumens per SF of Hardscape
- 5.0 lumens per SF of Hardscape

**Outdoor Sales Lots.** This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.

<table>
<thead>
<tr>
<th>LZ-1</th>
<th>LZ-2</th>
<th>LZ-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 lumens per square foot</td>
<td>8 lumens per square foot</td>
<td>16 lumens per square foot</td>
</tr>
</tbody>
</table>

**Outdoor Sales Frontage.** This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.

<table>
<thead>
<tr>
<th>LZ-1</th>
<th>LZ-2</th>
<th>LZ-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 per LF</td>
<td>1,500 per LF</td>
<td>2,000 per LF</td>
</tr>
</tbody>
</table>
Drive Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.

<table>
<thead>
<tr>
<th></th>
<th>2,000 lumens per drive up window</th>
<th>4,000 lumens per drive up window</th>
<th>6,000 lumens per drive up window</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Service Station. This allowance is lumens per installed fuel pump.</td>
<td>4,000 lumens per pump</td>
<td>8,000 lumens per pump</td>
<td>16,000 lumens per pump</td>
</tr>
</tbody>
</table>

**Table B - Lumen Allowances, in Addition to Base Allowance**

**Table C - Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings**
May be used for any project. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

**TABLE C-1**

<table>
<thead>
<tr>
<th>Allowed Backlight Rating*</th>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater than 2 mounting heights from property line</td>
<td>B3</td>
<td>B4</td>
<td>B5</td>
</tr>
<tr>
<td>1 to less than 2 mounting heights from property line and ideally oriented**</td>
<td>B2</td>
<td>B3</td>
<td>B4</td>
</tr>
<tr>
<td>0.5 to 1 mounting heights from property line and ideally oriented**</td>
<td>B1</td>
<td>B2</td>
<td>B3</td>
</tr>
<tr>
<td>Less than 0.5 mounting height to property line and properly oriented**</td>
<td>B0</td>
<td>B0</td>
<td>B1</td>
</tr>
</tbody>
</table>

*For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the center-line of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table C-1 and C-3 only and shall not be used to increase the lighting area of the site.

**To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

**TABLE C-2**

<table>
<thead>
<tr>
<th>Allowed Uplight Rating</th>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed % light emission above 90º for street or Area lighting</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Table C - 3 Maximum Allowable Glare (BUG) Ratings - Continued**

**TABLE C-3**

<table>
<thead>
<tr>
<th>Allowed Glare Rating</th>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern</td>
<td>G0</td>
<td>G1</td>
<td>G1</td>
</tr>
<tr>
<td>Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern</td>
<td>G0</td>
<td>G0</td>
<td>G1</td>
</tr>
</tbody>
</table>
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern

### Table D Performance Method Allowed Total Initial Site Lumens

*May be used on any project.*

<table>
<thead>
<tr>
<th>Lighting Zone</th>
<th>LZ 1</th>
<th>LZ 2</th>
<th>LZ 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Lumens Per SF</td>
<td>1.25</td>
<td>2.5</td>
<td>5.0</td>
</tr>
<tr>
<td>Allowed Base Lumens Per Site</td>
<td>3,500</td>
<td>7,000</td>
<td>14,000</td>
</tr>
</tbody>
</table>

### Table E Performance Method Additional Initial Luminaire Lumen Allowances. All of the following are “use it or lose it” allowances.

All area and distance measurements in plan view unless otherwise noted.

<table>
<thead>
<tr>
<th>Lighting Application</th>
<th>LZ 1</th>
<th>LZ 2</th>
<th>LZ 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Entrances or Exits.</strong> This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.</td>
<td>1,000</td>
<td>2,000</td>
<td>4,000</td>
</tr>
<tr>
<td><strong>Building Facades.</strong> This allowance is lumens per unit area of building façade that are illuminated. To use this allowance, luminaires must be aimed at the façade and capable of illuminating it without obstruction.</td>
<td>0</td>
<td>8/SF</td>
<td>16/SF</td>
</tr>
<tr>
<td>Lighting Application</td>
<td>LZ 1</td>
<td>LZ 2</td>
<td>LZ 3</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td><strong>Vehicle Service Station Canopies.</strong> This allowance is lumens per unit area for</td>
<td>8/SF</td>
<td>16/SF</td>
<td>32/SF</td>
</tr>
<tr>
<td>the total area within the drip line of the canopy. In order to use this allowance,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>luminaires must be located under the canopy.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Additional Lumens Allowances for Outdoor Sales facilities only.</strong> Outdoor Sales</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>facilities may not use any other additional allowances. <strong>NOTICE:</strong> lighting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>permitted by these allowances shall employ controls extinguishing this lighting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>after a curfew time to be determined by the Authority.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Sales Lots.</strong> This allowance is lumens per square foot of uncovered</td>
<td>4/SF</td>
<td>8/SF</td>
<td>12/SF</td>
</tr>
<tr>
<td>sales lots used exclusively for the display of vehicles or other merchandise for</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sale, and may not include driveways, parking or other non-sales areas and shall</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>not exceed 25% of the total hardscape area. To use this allowance, Luminaires</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>must be within 2 mounting heights of the sales lot area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Outdoor Sales Frontage.</strong> This allowance is for lineal feet of sales frontage</td>
<td>0</td>
<td>1,000/LF</td>
<td>1,500/LF</td>
</tr>
<tr>
<td>immediately adjacent to the principal viewing location(s) and unobstructed for its</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>viewing length. A corner sales lot may include two adjacent sides provided that a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>different principal viewing location exists for each side. In order to use this</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>allowance, luminaires must be located between the principal viewing location and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the frontage outdoor sales area.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table F Maximum Vertical Illuminance at any point in the plane of the property line

<table>
<thead>
<tr>
<th>Lighting Zone 1</th>
<th>Lighting Zone 2</th>
<th>Lighting Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1 FC or 1.0 LUX</td>
<td>0.3 FC or 3.0 LUX</td>
<td>0.8 FC or 8.0 LUX</td>
</tr>
</tbody>
</table>

Table G - Residential Lighting Limits

<table>
<thead>
<tr>
<th>Lighting Application</th>
<th>LZ 1</th>
<th>LZ 2</th>
<th>LZ 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Row 1 Maximum Allowed Luminaire Lumens* for Unshielded Luminaires at one entry only</td>
<td>420 lumens</td>
<td>630 lumens</td>
<td>630 lumens</td>
</tr>
<tr>
<td>Row 2 Maximum Allowed Luminaire Lumens* for each Fully Shielded Luminaire</td>
<td>1,260 lumens</td>
<td>1,260 lumens</td>
<td>1,260 lumens</td>
</tr>
<tr>
<td>Row 3 Maximum Allowed Luminaire Lumens* for each Unshielded Luminaire excluding main entry</td>
<td>315 lumens</td>
<td>315 lumens</td>
<td>315 lumens</td>
</tr>
<tr>
<td>Row 4 Maximum Allowed Luminaire Lumens* for each Landscape Lighting</td>
<td>Not allowed</td>
<td>1,050 lumens</td>
<td>2,100 lumens</td>
</tr>
<tr>
<td>Row 5 Maximum Allowed Luminaire Lumens* for each Shielded Directional Flood Lighting</td>
<td>Not allowed</td>
<td>1,260 lumens</td>
<td>2,100 lumens</td>
</tr>
<tr>
<td>Row 6 Maximum Allowed Luminaire Lumens* for each Low Voltage Landscape Lighting</td>
<td>Not allowed</td>
<td>525 lumens</td>
<td>525 lumens</td>
</tr>
</tbody>
</table>

X. DEFINITIONS

**Absolute Photometry**
Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire. Reference Standard IES LM-79

**Architectural Lighting**
Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.

**Authority**
The adopting municipality, agency or other governing body.

**Astronomic Time Switch**
An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
| **Backlight** | For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light. |
| **BUG** | A luminaire classification system that classifies backlight (B), uplight (U) and glare (G). |
| **Canopy** | A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.) |
| **Common Outdoor Areas** | One or more of the following: a parking lot; a parking structure or covered vehicular entrance; a common entrance or public space shared by all occupants of the domiciles. |
| **Curfew** | A time defined by the authority when outdoor lighting is reduced or extinguished. |

* Luminaire lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the luminaire*
<table>
<thead>
<tr>
<th><strong>Hardscape Perimeter</strong></th>
<th>The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IDA</strong></td>
<td>International Dark-Sky Association.</td>
</tr>
<tr>
<td><strong>IESNA</strong></td>
<td>Illuminating Engineering Society of North America.</td>
</tr>
<tr>
<td><strong>Impervious Material</strong></td>
<td>Sealed to severely restrict water entry and movement</td>
</tr>
<tr>
<td><strong>Industry Standard Lighting Software</strong></td>
<td>Lighting software that calculates point-by-point illuminance that includes reflected light using either ray-tracing or radiosity methods.</td>
</tr>
<tr>
<td><strong>Lamp</strong></td>
<td>A generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.</td>
</tr>
<tr>
<td><strong>Landscape Lighting</strong></td>
<td>Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.</td>
</tr>
<tr>
<td><strong>LED</strong></td>
<td>Light Emitting Diode.</td>
</tr>
<tr>
<td><strong>Light Pollution</strong></td>
<td>Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky-glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.</td>
</tr>
<tr>
<td><strong>Light Trespass</strong></td>
<td>Light that falls beyond the property it is intended to illuminate.</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td>“Electric” or “man-made” or “artificial” lighting. See “lighting equipment”.</td>
</tr>
<tr>
<td><strong>Lighting Equipment</strong></td>
<td>Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.</td>
</tr>
<tr>
<td><strong>Lighting Zone</strong></td>
<td>An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.</td>
</tr>
<tr>
<td><strong>Lighting Equipment</strong></td>
<td>Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.</td>
</tr>
<tr>
<td><strong>Low Voltage Landscape Lighting</strong></td>
<td>Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.</td>
</tr>
<tr>
<td><strong>Lumen</strong></td>
<td>The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Luminaire</strong></td>
<td>The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.</td>
</tr>
<tr>
<td><strong>Luminaire Lumens</strong></td>
<td>For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.</td>
</tr>
<tr>
<td><strong>Lux</strong></td>
<td>The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10-foot candle.</td>
</tr>
<tr>
<td><strong>Mounting height</strong></td>
<td>The height of the photometric center of a luminaire above grade level.</td>
</tr>
<tr>
<td><strong>New lighting</strong></td>
<td>Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.</td>
</tr>
<tr>
<td><strong>Object</strong></td>
<td>A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.</td>
</tr>
<tr>
<td><strong>Object Height</strong></td>
<td>The highest point of an entity, but shall not include antennas or similar structures.</td>
</tr>
<tr>
<td><strong>Ornamental lighting</strong></td>
<td>Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or landscaping, and installed for aesthetic effect.</td>
</tr>
<tr>
<td><strong>Ornamental Street Lighting</strong></td>
<td>A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics: · designed to mount on a pole using an arm, pendant, or vertical tenon; · opaque or translucent top and/or sides; · an optical aperture that is either open or enclosed with a flat, sag or drop lens; · mounted in a fixed position; and · with its photometric output measured using Type C photometry per IESNA LM-75-01.</td>
</tr>
<tr>
<td><strong>Outdoor Lighting</strong></td>
<td>Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Relative photometry</td>
<td>Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.</td>
</tr>
<tr>
<td>Repair(s)</td>
<td>The reconstruction or renewal of any part of an existing luminaire for the purpose of its ongoing operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. “Repair” does not include normal relamping or replacement of components including capacitor, ballast or photocell.</td>
</tr>
<tr>
<td>Replacement Lighting</td>
<td>Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.</td>
</tr>
<tr>
<td>Sales area</td>
<td>Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.</td>
</tr>
<tr>
<td>Seasonal lighting</td>
<td>Temporary lighting installed and operated in connection with holidays or traditions.</td>
</tr>
<tr>
<td>Shielded Directional Luminaire</td>
<td>A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.</td>
</tr>
<tr>
<td>Sign</td>
<td>Advertising, directional or other outdoor promotional display of art, words and/or pictures.</td>
</tr>
<tr>
<td>Partly shielded luminaire</td>
<td>A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.</td>
</tr>
<tr>
<td>Pedestrian Hardscape</td>
<td>Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.</td>
</tr>
<tr>
<td>Photoelectric Switch</td>
<td>A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.</td>
</tr>
<tr>
<td>Property line</td>
<td>The edges of the legally defined extent of privately owned property.</td>
</tr>
<tr>
<td>Sky Glow</td>
<td>The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.</td>
</tr>
<tr>
<td>Temporary lighting</td>
<td>Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.</td>
</tr>
<tr>
<td>Third Party</td>
<td>A party contracted to provide lighting, such as a utility company.</td>
</tr>
<tr>
<td>Time Switch</td>
<td>An automatic lighting control device that switches lights according to time of day.</td>
</tr>
<tr>
<td>Translucent</td>
<td>Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).</td>
</tr>
</tbody>
</table>
XI. STREETLIGHT

A. Preamble
The purpose of this Ordinance is to control the light pollution of street lighting, including all collectors, local streets, alleys, sidewalks and bike- ways, as defined by ANSI/IES RP-8 Standard Practice for Roadway and Street Lighting and in a manner consistent with the Lighting Ordinance.

B. Definitions

Roadway or Highway lighting is defined as lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street lighting is defined as lighting provided for major, collector, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting is defined as a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:
- designed to mount on a pole using an arm, pendant, or vertical tenon;
- opaque or translucent top and/or sides;
- an optical aperture that is either open or enclosed with a flat, sag or drop lens;
- mounted in a fixed position; and
- with its photometric output measured using Type C photometry per IESNA LM-75-01.

C. Scope

All street lighting not governed by regulations of federal, state or other superseding jurisdiction

D. Street Light Design Requirements

1. All streetlights must be black powder coated finish
2. All street lights must have an ornamental base and luminary
3. All streetlights must be LED and have a color temperature of 4200 kelvin or less
4. All treat lights must comply with all codes and village ordinances

<table>
<thead>
<tr>
<th>Unshielded Luminaire</th>
<th>A luminaire capable of emitting light in any direction including downwards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uplight</td>
<td>For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.</td>
</tr>
<tr>
<td>Vertical Illuminance</td>
<td>Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.</td>
</tr>
</tbody>
</table>
**E. Warranting**

The Authority shall establish a warranting process to determine whether lighting is required. Such warranting process shall not assume the need for any lighting nor for continuous lighting unless conditions warrant the need. Lighting shall only be installed where warranted.

**F. Light Shielding and Distribution**

All street lighting shall have no light emitted above 90 degrees.

Exception: Ornamental street lighting for specific districts or projects shall be permitted by special permit only, and shall meet the requirements of Table H below without the need for external field-added modifications.

**Table H - Upplight Control Requirements for Ornamental Street Lights - by Special Permit Only**

<table>
<thead>
<tr>
<th>Lighting Zone</th>
<th>Maximum Upplight Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>LZ-1</td>
<td>U-1</td>
</tr>
<tr>
<td>LZ-2</td>
<td>U-2</td>
</tr>
<tr>
<td>LZ-3</td>
<td>U-3</td>
</tr>
</tbody>
</table>

**Table I – Examples of Fully Shielded Lighting**
MEMORANDUM

TO: Planning Commission

FROM: Village Administrator Dawn Wucki-Rossbach

DATE: December 16, 2019

SUBJECT: TEXT AMENDMENTS TO THE FOLLOW SECTIONS OF MUNICIPAL CODE - 11-2-3 ACCESSORY BUILDINGS AND USES; AND 11-2-4 ADDITIONAL REGULATIONS FOR UNIQUE USES; AND A DISCUSSION ON 10-1A-3 BUILDING PERMIT AND PLAN REVIEW FEES FOR SWIMMING POOLS

BACKGROUND
Currently, there are a number of different pool types that are available on the market for use by homeowners. Pool types include inground, above ground and most recently temporary pools. Temporary pools are usually constructed at the beginning of the summer season and removed at the end of the season. Temporary pools may be constructed of vinyl that make up the sides, walls and bottom and have an inflatable ring at the top that assist the structure in maintaining its shape or is constructed with a vinyl make up the sides, walls and bottom that is held up by a PVC pipe frame. Temporary pools should also be subject to the same building permit review process as an above ground and inground pool.

<table>
<thead>
<tr>
<th>Year</th>
<th>Above Ground Pool</th>
<th>Inground Pool</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>1</td>
<td>2*</td>
</tr>
<tr>
<td>2018</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5</td>
<td>2</td>
</tr>
</tbody>
</table>

*One (1) pool application was submitted, but was withdrawn.

The Public Works Director/Building inspector spends the same amount of time with the homeowner and an electrical contractor or a pool installation company for an inground and above ground pool as he does with a homeowner and an electrical contractor for a temporary pool for permit review; however, an inground pool requires additional inspections.

Most recently, homeowners have expressed frustration over understanding the permit requirements associated with installing a pool in their yard. In order increase transparency and homeowner awareness, a suggestion was made to move all pool related ordinances into one section of the Municipal Code.
There are two (2) sections of Municipal Code where Planning Commission has the ability to issue a Findings of Fact on, they include:

1. 11-2-3: Accessory Buildings and Uses, Table 11-2-3A – The text has been highlighted in yellow, Attachment A.
2. 11-2-4: Additional Regulations for Unique Uses, A8 – The text has been highlighted in yellow, Attachment B.

There is a third section of language associated with pools in the Municipal Code, but the Planning Commission does not have the ability to issue Findings of Fact on; but, may make a recommendation to the Village Board on, and that is a change to the permit and plan review fee language to include the addition of temporary pools in the Accessory Use/Swimming Pool Fee. The section is:

1. 10-1A-3: Building Permit and Plan Review Fees, A1 One-Family, Two-Family, and Multiple Single-Family (Townhouses) Residential Use Group, Attachment C.

The text amendments that are being proposed will be reviewed by the Village Attorney and may be slightly modified should it be deemed necessary. The proposed text amendments that the Planning Commission may issue Findings of Fact are as follows:

1. The first text amendment is for 11-2-3 Accessory Buildings and Uses, Table 11-2-3A, the text in green is the proposed language to be added to the code. We are adding to Accessory Uses, in the Swimming Pool Obstruction Locations table, the words “temporary pools.”
2. The second text amendment is for the removal and addition of language creating 11-2-4B Pools. The text that is to be removed is highlighted in yellow and is struck through. The new language has been underlined, Attachment B.

The text and fee amendment recommendation that the Planning Commission will make to the Village Board is as follows:

1. 10-1A-3A.1: Building Permit and Plan Review Fees, One-Family, Two-Family, and Multiple Single-Family (Townhouses) Residential Use Group, the words “temporary pools” has been added to the Above ground swimming pools language. The text to be added is highlighted in green and underlined, Attachment C.

**RECOMMENDATION**

If the Planning Commission is in support of the following text amendments to the following:

1. 11-2-3 Accessory Buildings and Uses, Table 11-2-3A, adding the words “temporary Pools; and, the

Staff will prepare a Public Hearing Notice for the Planning Commission meeting on January 16, 2019.

The recommendation to the Village Board on including the words “temporary pools,” in 10-1A-3A.1: Building Permit and Plan Review Fees, One-Family, Two-Family, and Multiple Single-Family (Townhouses) Residential Use Group will be forwarded to the Board meeting following the Public Hearing when and if the pool related text amendments are approved.
Attachments
Attachment A – 11-2-3 Accessory Buildings and Uses
Attachment B – 11-2-4 Additional Regulations for Unique Uses
Attachment C – 10-1A-3 Building Permit and Plan Review Fees
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

<table>
<thead>
<tr>
<th>Obstruction</th>
<th>Front/Side Yards</th>
<th>Interior Side Yards</th>
<th>Rear Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air conditioning equipment shelters</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Arbors or trellises and trellises attached to principal building</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Architectural entrance structures on a lot not less than 2 acres in area or at entrance roadways into subdivisions containing 100 or more lots</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Awnings/canopies</td>
<td>Not more than 3 feet into required yard</td>
<td>Not more than 3 feet into required yard</td>
<td>Not more than 3 feet into required yard</td>
</tr>
<tr>
<td>Balconies</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Bay windows with maximum 3 foot penetration</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Chimneys with maximum 24 inch penetration</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Decks and unenclosed porches</td>
<td>Permitted¹</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Detached garages or carports</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Eaves and gutters</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Fire escapes or fire towers with maximum penetration of 5 feet</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Activity</td>
<td>Front/Backyard</td>
<td>Side Yard or Court</td>
<td>Front/Backyard</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Flagpoles</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Garden/household storage sheds/buildings and buildings/structures</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>incidental to agricultural pursuits provided such sheds/buildings shall</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Generator</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Growing farm/garden crops in open</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Open off street loading spaces</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Open off street parking spaces at least 2 1/2 feet from lot line/10 feet</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>from building wall in court or as required²</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Playground and laundry drying equipment</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Satellite antenna: Diameter less than 2 feet</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Diameter 2 feet or greater</td>
<td>Not permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>Sills, belt course, cornices, and ornamental features of principal</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
<tr>
<td>buildings with maximum penetration of 18 inches</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steps, open, maximum of 8 risers (principal or accessory building)</td>
<td>Permitted</td>
<td>Permitted</td>
<td>Permitted</td>
</tr>
</tbody>
</table>
Swimming pool, including temporary pools, 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 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. (Ord. 2014-13, 7-1-2014)
ATTACHMENT B

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.

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. (Ord. 2017-15, 8-1-2017)

B. Pools

1. Definitions

Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep.

Temporary Pool - A swimming pool constructed to be disassembled and reassembled to its original integrity on a seasonal basis (6 months or less)

Spa – an above ground self-contained heated or jetted pool. Also known as Jacuzzi or hot tub.

Barrier – Barriers include a fence or wall, pool mounted systems and or a power safety cover over the pool. Barriers are not childproof but can provide one layer of protection from entry to pool while unattended.

2. Location

Swimming pools, temporary pools or spas, are not allowed in the front or side yard. If you are on a corner lot both street sides are considered front yards, see Interior and Corner Lot diagrams.)
1. Swimming pools and temporary pools shall be located a minimum of 10 feet from the primary structure, measured from the wall of the swimming pool. Spa shall be located a minimum of 5 feet from the primary building.

2. Swimming pools, temporary pools and spas shall be located a minimum of 10 feet from any property line, including any decking or platform.

3. Swimming pools, temporary pools and spas shall not be located under any overhead utility wires.

4. Swimming pools, temporary pools and spas 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 above ground pool.

5. Swimming pools, temporary pools and spas may not be installed in any easement.

3. Barrier

i. Pools that have a depth of 24” or less and left up for no more than 30 days do not require an enclosure or barrier. Pools of 24” or greater that are up for 30 days or more shall comply with all requirements of a temporary pool.

ii. Above ground swimming pools with the top of the wall less than 48 inches above the surrounding grade must be enclosed with an approved barrier at least 48 inches in height and have a gate as an entry point with a latch that either locks or latch is over 42 inches above the ground, this is per International Code Council Outdoor Swimming Pool Barrier Requirements.

iii. Above ground swimming pools, which have walls or a wall mounted barrier system that meet the height requirement, shall have steps or a ladder capable of being secured, locked or removed to prevent access.
iv. In ground pools must have a barrier around the pool area that is a minimum of 48 inches.
v. Spa – may have a locking cover in lieu of a 48” tall barrier
vi. If the barrier connects to the primary structure

a. Above ground ladder capable of being secured, locked or removed to prevent access and secured when not in use.
b. In ground pools may either have an additional fixed or movable barrier around the pool and or an audible alarm on the door exiting out to the pool area.

4. Electrical – all pools with electronic pump or filter must be protected by ground fault circuit interrupters, which shall be GFCI receptacle outlets or GFCI circuit breakers

i. Temporary Pools – Temporary pools may have a pump/filter with GFCI integrated or plugged into a GFCI outlet and follow manufacturer’s specifications for the pump.
ii. Swimming Pool or spa – must have underground outdoor electrical outlet.

a. All electric shall be in approved conduit and barred underground that meets all electrical code requirements.
b. All underground electric shall be inspected prior to burial.
c. All receptacles shall have a weatherproof enclosure whether or not the receptacle is being used.
d. All swimming pool equipment shall be properly grounded
e. Underground wiring shall be a minimum of 5 feet from the swimming pool walls.
f. For in-ground swimming pools all metal parts on or in the ground within 5 feet of the swimming pool walls shall be bonded.
g. Receptacles, not serving swimming pool equipment, shall be located a minimum of 10 feet from the swimming pool wall.
h. All electrical work must be installed per the National Electric Code (NEC) and installed by a licensed electrician.

5. Permit
   i. Permit application must include:
      a. Plat of Survey indicating the location of the pool and barrier, with setbacks marked for each.
      b. Location of electrical if required.
      c. Pool permit of any kind does not include the permit for the barrier. If you require a fence (barrier) permit a separate permit application must completed.
   
   ii. Temporary pool permit
      a. Any pool that is either greater than 24” deep and/or left up more than 30 days requires a Temporary Pool permit.
      c. Electrical work must be inspected prior to filling pool.
      d. Pool location must be inspected prior to filling pool.
### 10-1A-3: BUILDING PERMIT AND PLAN REVIEW FEES:

**A. Building Permit Fees**

1. One-Family, Two-Family, And Multiple Single-Family (Townhouses) Residential Use Groups:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>New construction (per unit for two-family and multiple single-family dwellings)</td>
<td>$635.00 plus $0.20 per square foot, $0.198 per square foot over 3,200 square feet</td>
</tr>
<tr>
<td>Additions (per unit for two-family and multiple single-family dwellings)</td>
<td>$0.198 per square foot, minimum $200.00 fee</td>
</tr>
<tr>
<td>Alteration (replacing remodeling)</td>
<td>$35.00 per required inspection</td>
</tr>
<tr>
<td>Temporary to start construction</td>
<td>10 percent of full permit fee, not to be applied to the full permit fee</td>
</tr>
<tr>
<td>Moving of existing one- or two-family structure</td>
<td>$650.00</td>
</tr>
<tr>
<td>Inground swimming pools</td>
<td>$140.00</td>
</tr>
<tr>
<td>Detached garage up to 600 square feet with electrical</td>
<td>$140.00</td>
</tr>
<tr>
<td>Detached garage over 600 square feet with electrical</td>
<td>$175.00</td>
</tr>
<tr>
<td>Demolition</td>
<td>$60.00</td>
</tr>
<tr>
<td>Aboveground swimming pools including temporary pools with electric</td>
<td>$70.00</td>
</tr>
<tr>
<td>Conditional certificate of occupancy when requested by the builder when circumstances do not warrant</td>
<td>$95.00 (nonrefundable)</td>
</tr>
</tbody>
</table>
PLANNING COMMISSION MEETING
MINUTES
Thursday, October 17, 2019
Maple Park Civic Center
302 Willow Street, Maple Park
7:00 P.M.

1. CALL TO ORDER

Chairman Chuck Miller called the meeting to order at 7:05 p.m.

2. ROLL CALL

Village Clerk Liz Peerboom called the roll call and the following Commissioners were present: Commissioner Kimberly Sutherland, Commissioner Nick Davidson, Commissioner Jeff Ramirez, Commissioner Lorenzo Catanag, and Commissioner Kyle Foster. Absent: Chairman Chuck Miller* (arrived late), and Commissioner Bob Rowlett.

Others present: Trustee Chris Higgins, Village Administrator Dawn Wucki-Rossbach, and Village Clerk Liz Peerboom.

3. PUBLIC COMMENTS - Any resident wishing to address the Board may do so according to the guidelines set forth in the “Rules for Public Comments at Public Meetings” handout. Please complete a speaker request form and submit it to the Village Clerk.

Tracy Spillman and Chris Simon from Neighborhood Watch spoke about putting up signs for Neighborhood Watch.

Ronald Blum spoke about parking, driveways, RVs, and street parking.

Chairman Chuck Miller arrive at 7:10 p.m.

4. APPROVAL OF MEETING MINUTES

- October 3, 2019

Commissioner Davidson made a motion to approve the minutes from the October 3, 2019, seconded by Commissioner Sutherland. Motion carried by voice vote.
5. DISCUSSION OF LIGHTING REGULATIONS

Chairman Miller advised that this discussion would cover lighting designs, and lumens. He added that, in previous meetings, Trustee Higgins had discussed this item. Trustee Higgins then recapped the “Dark Sky” program and pole design for street lights.

Chairman Miller asked if there is a benefit to be Dark Sky certified. Trustee Higgins advised that he hasn’t heard of any benefits. Trustee Higgins said that he would like the Planning Commission to discuss whether or not this regulation would be added to residential. Commissioner Davidson asked about the expectation from the Commission. Trustee Higgins advised that step one would be to go over the sample ordinance, have the Commission give suggestions, then have a public hearing and send the ordinance to the Board for approval.

6. DISCUSSION OF SIGN REGULATIONS

Chairman Miller advised that there is information in the packet about changing the sign code.

Trustee Higgins distributed Cortland’s sign code. Trustee Higgins advised that the village does not define most of the sign types. He also discussed several types of signs that are not allowed in Maple Park, but are allowed in other communities. Chairman Miller said that the goal is to take the existing code and incorporate items that we like from other communities. Village Administrator Wucki-Rossbach discussed doing a sign inventory before this item is discussed. Trustee Higgins advised that this is meant to be more of a clean-up, then adding more restrictions.

Commissioner Ramirez advised that chairman that, before he arrived, the neighborhood watch asked to be able to add signs to their yard. Village Administrator Wucki-Rossbach advised that currently, they could apply for a temporary sign permit, but they would only be able to be left up for 30 days.

Chairman Miller advised that this item will carry forward to future meetings.

7. DISCUSSION OF POOLS

Chairman Miller advised that when the code was originally written, there was no consideration given to inflatable pools. Chairman Miller asked Trustee Higgins and the Commissioners to look for examples from other communities. Trustee Higgins advised that he would like to clarify what is required on pools.

8. DISCUSSION OF PARKING REGULATIONS

Chairman Miller advised that this comes from the public comment from tonight. He asked Trustee Higgins what he would like to focus on. Trustee Higgins advised that this is becoming an issue because it is starting to be enforced. He added that he would like to tweak this regulation to be clearer for residents. The Commission then discussed flyers for the most popular building permits applied for. Chairman Miller asked the Village
Clerk to ask the Police Chief to provide the different types of citations/warnings that are being issued. The Commission then discussed Home Owners Associations (HOA) and the requires and liability on the village. Village Clerk Peerboom advised that the village does not enforce covenants from a subdivision’s HOA. Trustee Higgins discussed possible changes in the zoning code for parking spot size, and number of parking spots required. The Commission also discussed the width of streets requirement.

9. DISCUSSION OF MISC ZONING REGULATIONS

Trustee Higgins advised that originally, he had pools in this item, but pools need their own section. He also said that he would like to clean up the section of the code that talks about dumpster enclosures.

10. OTHER ITEMS

None.

11. NEXT MEETING NOVEMBER 21, 2019

Chairman Miller advised that the next meeting is scheduled for Thursday, November 21, 2019. Commissioner Davidson asked if that was Thanksgiving. Chairman Miller advised that it is the week before Thanksgiving.

12. ADJOURNMENT

Commissioner Sutherland made a motion to adjourn the meeting, seconded by Commissioner Davidson. Motion carried by voice vote.

Meeting adjourned at 8:01 p.m.

Liz Peerboom, CMC
Village Clerk
PLANNING COMMISSION MEETING MINUTES
Thursday, November 21, 2019
Maple Park Civic Center
302 Willow Street, Maple Park
7:00 P.M.

The Planning Commission meeting that was scheduled for Thursday, November 21, 2019, was not held because there was not a quorum.

The next meeting was scheduled for Thursday, December 19, 2019 at 7:00pm.

__________________________________________________________
Terri D’Amato
Acting Village Clerk

Planning Commission Members:
Chuck Miller, Chair
Lorenzo Catanag
George (Nick) Davidson
Robert Rowlett
Jeff Ramirez
Kimberly Sutherland
Chris Higgins (ex-officio member)
MEMORANDUM

TO: Planning Commission

FROM: Village Administrator Dawn Wucki-Rossbach

DATE: November 13, 2019

SUBJECT: AN ORDINANCE AMENDING CHAPTER 7, SECTIONS 11-7-1 B., “PERMITTED USES,” AND, 11-7-1 C. “SPECIAL USES,” AND 11-7-2 B., “PERMITTED USES” AND 11-7-2 C., “SPECIAL USES”

BACKGROUND
The Village’s Zoning chapter of the Municipal Code is a permissive one, meaning if the business use was not listed in the code that use would not be permitted. The business owner and/or Staff would then have to recommend a text amendment to allow that use in the Village. At present, the list of permitted and special uses permitted in the B-1 Central Business District and the B-2 General Commercial Districts had not been updated in a number of years, see Attachment A for the Existing Ordinance.

At the August 27, 2019 Finance Committee Meeting, Committee members examined the existing permitted and special uses for the B-1 Central Business District and the B-2 General Commercial Business District and:

1. Determined that additional permitted and special uses be added; and,
2. Old and outdated uses should be removed; and,
3. That qualifications be made regarding the certain type of permitted and special uses.

Attached is a copy of the proposed amendments to the B-1 Central Business District Permitted and Special Uses and the B-2 General Commercial District Permitted and Special Uses. Staff concurs with the proposed permitted and the special uses for these districts. The Village Attorney has reviewed the proposed and concurs with the proposed text amendments.

FINDINGS
The commissioners shall arrive at findings relevant to the proposed text amendments, including:

1. These text amendments shall only be approved if they are consistent with the intent to classify, regulate, restrict the location of trades, industries, and commercial enterprises:

   The proposed text amendments are consistent with Zoning Regulations of the Village.
2. These text amendments shall only be approved if they are consistent with the intent to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the citizens of Maple Park, whereas, four (4) of eight (8) code objectives are applicable to these text amendments:

   a. Encourage the development of buildings and uses on appropriate sites in order to maximum community wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development in inappropriate sites; and,
   b. Seek to protect and enhance the character and stability of existing commercial areas, and to gradually eliminate non-conforming uses and structures; and,
   c. Seek to conserve and increase the value of taxable property throughout this municipality; and,
   d. Seek to provide for efficient administration and fair enforcement of all regulations set forth herein; and,

The four (4) of eight (8) code objectives are not applicable to these text amendments:
   a. To ensure the provisions of adequate light, air and privacy for the occupants of all buildings; and,
   b. 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; and,
   c. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
   d. Clearly and concisely explain the procedures for obtaining special uses, amendments, and the like.

The proposed text amendments are consistent with the Zoning Regulations of the Village.

MOTION
The Planning Commission approves the Text Amendments for Chapter 7, Sections 11-7-1 B., “Permitted Uses,” and, 11-7-1 C. “Special Uses,” and 11-7-2 B., “Permitted Uses” and 11-7-2 c., “Special Uses” as presented.

Attachments:
1. Attachment A – Existing Ordinance for 11-7-1: B-1 Central Business District and 11-7-2: General Commercial District
2. Attachment B – Proposed Amendments to 11-7-1: B-1 Central Business District and 11-7-2: General Commercial District
Chapter 7
BUSINESS DISTRICTS

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.
4. Banks and financial institutions.
5. Barber and beauty shops.
6. Bicycle sales, rental and repair shops.
7. Bookstores.
8. Candy, ice cream and confectionery.
9. Camera and photography supply shops.
10. Card and stationery shops.
11. Catering establishments, including pizza delivery.
12. Clothing stores.
13. Custom dressmaking, tailoring or shoe repair shops, when conducted for retail sale on the premises only.
15. Dry cleaning and laundries.
16. Dry goods stores.
17. Florists.

18. Furniture stores, with repair and reupholstery only as an accessory use.

19. Gift shops.

20. Hardware stores.

21. Hobby shops.


23. Jewelry and watch repair shops.


25. Locksmiths.


27. Musical instrument sales and service.

28. Offices.

29. Optical sales and service.

30. Package liquor stores.

31. Parking lots, as a principal use.

32. Parks.

33. Pet stores.

34. Photography and art studios, including the development of film and pictures when done as part of the retail business on the premises.

35. Post office.

36. Printing, photocopying and blueprinting establishments.

37. Private or fraternal clubs or lodges.

38. Public buildings.

39. Record stores.

40. Residential uses as regulated in chapter 6 of this title.
41. Restaurants and taverns, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles.

42. Retail sale of cabinets and countertops.

43. Secondhand stores.

44. Shoe stores.

45. Sporting goods stores.

46. Television, radio and recording studios.

47. Television and radio stores, sales and service.

48. Toy stores.

49. Travel agencies.

50. Videotape sales and rental stores.

51. 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. Convalescent and nursing homes.

5. Drive-in window service facilities.

6. Food stores.

7. Funeral homes, mortuaries, and crematoriums.

8. Hospitals and clinics.


10. Planned unit developments.
EXISTING ORDINANCE

11. Public utility and service uses.

12. Schools for business, professional and technical training.

13. 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 2 1/2-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').
EXISTING ORDINANCE

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. (Ord. 2014-13, 7-1-2014)

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 game rooms.

3. Automobile car washes.

4. Automobile gasoline stations, with repair garages.

5. Banquet halls.

6. Churches.
EXISTING ORDINANCE

7. Convalescent and nursing homes.

8. Drive-in window service facilities.


10. Feed and seed stores.

11. Food stores.

12. Funeral homes, mortuaries, and crematoriums.

13. Hospitals and clinics.


15. Motorized vehicle sales with service departments.

16. Newspaper distribution agencies for home deliveries and retail trade.

17. Physical culture and health services.

18. Restaurants with drive-through facilities.

19. Schools for business, professional or technical training.

20. Theaters, indoor other than an adult business use.

21. Tire stores, sales and service.

22. Trailer, camper or recreational vehicle sales and rental.

23. Trailer or automobile or other equipment rental.

24. 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. Farm equipment sales and service.
6. Golf driving ranges.
7. Plant nurseries or greenhouses.
8. Plumbing and heating service and equipment stores.
9. Outdoor sales areas.
10. Residential hotels or motels.
11. Self-service storage facilities.
12. Vehicle repair and service facilities.

D. Yard Requirements:

<table>
<thead>
<tr>
<th>Front</th>
<th>Side</th>
<th>Transitional</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 ft.</td>
<td>10 ft. or 10% whichever is greater</td>
<td>Where a B-2 district property adjoins a residential district, as required in B-1 district</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

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. (Ord. 2014-13, 7-1-2014)
Chapter 7
BUSINESS DISTRICTS

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


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.
PROPOSED AMENDMENTS

17. Florists.

18. Furniture stores, with repair and reupholstery only as an accessory use.

19. Gift shops.

20. Hardware stores.

21. Hobby shops.


23. Jewelry and watch repair shops.


25. Locksmiths.

26. Medical, chiropractic and dental offices.

27. Museums.

28. Musical instrument sales and service.

29. 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.

30. Optical sales and service.

31. Package liquor stores.

32. Parking lots, as a principal use.

33. Parks.

34. Pet stores.

35. Photography and art studios, including the development of film and pictures when done as part of the retail business on the premises.

36. Post office.

37. Printing, photocopying and blueprinting establishments.

38. Private or fraternal clubs or lodges.


40. Record stores.

41. Residential uses as regulated in chapter 6 of this title.
PROPOSED AMENDMENTS

40. 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.

41. Retail sale 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, cabinets and countertops and other uses of similar nature.

42. Secondhand stores.

43. Shoe stores.

44. Sporting goods stores.

45. Television, radio and recording studios.

46. Television and radio stores, sales and service.

47. Toy stores.

48. Travel agencies.

49. Videotape sales and rental stores.

50. 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.

4-5. Clinics – Medical and veterinary.

4-5. Convalescent and nursing homes.

5-6. Drive-in and drive through window service facilities.

6-7. Food stores.

7-8. Funeral homes, mortuaries, and crematoriums.

8-9. Hospitals and clinics.

10. Churches, rectories and parish houses.
PROPOSED AMENDMENTS

11. Planned unit developments.


10.13. Schools for business, professional and technical training.

14. Theaters, indoor other than adult business use.

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.


10. Feed and seed stores.

11. Food stores.

12. Funeral homes, mortuaries, and crematoriums.

13. Hospitals and clinics.


15. Motorized vehicle sales with service departments.

16. Newspaper distribution agencies for home deliveries and retail trade.

16.17. Nursery, pre-kindergarten, play, day care, special and other private school.
PROPOSED AMENDMENTS

17. 18. Physical culture and health services.
18. 19. Restaurants with drive-through facilities.
19. 20. Schools for business, professional or technical training.
20. 21. Theaters, indoor other than an adult business use.
21. 22. Tire stores, sales and service.
22. 23. Trailer, camper or recreational vehicle sales and rental.
23. 24. Trailer or automobile or other equipment rental.
24. 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.
4. 5. Clinics – Medical and veterinarian.
5. 6. Farm equipment sales and service.
6. 7. Golf driving ranges.
7. 8. Plant nurseries or greenhouses.
8. 9. Plumbing and heating service and equipment stores.
9. 10. Outdoor sales areas.
10. 11. Residential hotels or motels.
MEMORANDUM

TO: Planning Commission

FROM: Village Administrator Dawn Wucki-Rossbach

DATE: November 13, 2019

SUBJECT: AN ORDINANCE AMENDING TITLE 9, “UTILITIES,” BY AMENDING THE TEXT TO CHAPTER 4, “SMALL WIRELESS FACILITIES.”

BACKGROUND
On April 12, 2018, Senate Bill 1451 (Public Act 100-0585), the Small Wireless Facilities Deployment Act was signed by the Governor. The Act provides the regulations and the process for permitting and deploying small cell wireless facilities throughout Illinois. The Village Attorney recommended that the Village adopt the Small Cell Wireless Facilities Ordinance. The Act’s intent is to streamline the process for wireless carriers to deploy 5G through the State by establishing a common set of rules for installation of the antennas in the public rights-of-way. At the July 3, 2018 Village Board Meeting, Ordinance 2018-15, adding Chapter 4, Small Cell Wireless Facilities to the Village Code. Attachment A is the existing ordinance.

At the April 18, 2019 Planning Commission Meeting, the Commission began reviewing the newly added Chapter to Title 9. The discussion focused on aesthetics of the proposed small cell facility installations on existing light and wooden poles and for stand-alone poles. Further, the discussion focused on establishing the type of metal pole that should be installed in the rights-of-way and that any wiring be hidden.

At the October 3, 2019, after all the comments from Commissioners had been received, the Planning Commission recommended that the proposed text amendment be approved. The text amendment replaces the existing Title 9, Chapter 4 in its entirety. A copy of the Planning Commission’s version of the text amendment is Attachment B.

STAFF RECOMMENDATIONS
At this time, the Planning Commission is holding a public hearing so that people have an opportunity to comment on the proposed text amendments to this chapter. The document is currently being revised by the Village Attorney in order to reorganize the text, ensure there are no conflicts with the State Statute and to provide the code references made to the other chapters and titles within the existing Municipal Code; a copy of the revised documentation will be sent to you as soon as it is available.
The Planning Commission may/will recommend the proposed text amendment associated with the following concepts be approved by the Village Board:

- The aesthetics associated with the poles, including:
  - Concealment of wiring and hardware within the pole
  - The poles be constructed of metal or composite material
  - The poles be of the same color and design
- Notice of sale or transfer of ownership or control of small wireless facilities located in the right-of-way
- Provide the Village with a mechanism to enforce maintenance of small wireless facilities and if maintenance violations occur and are not corrected a penalty may be applied
Chapter 4
SMALL WIRELESS FACILITIES

9-4-1: PURPOSE AND SCOPE:

A. Purpose: The purpose of this chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

B. Conflicts With Other Ordinances: This chapter supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

C. Conflicts With State And Federal Laws: In the event that applicable Federal or State laws or regulations conflict with the requirements of this chapter, the wireless provider shall comply with the requirements of this chapter to the maximum extent possible without violating Federal or State laws or regulations. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)

9-4-2: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the following meanings:

ANTENNA: Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES: Uniform Building, Fire, Electrical, Plumbing, or Mechanical Codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

APPLICANT: Any person who submits an application and is a wireless provider.

APPLICATION: A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

COLLOCATE OR COLLOCATION: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

COMMUNICATIONS SERVICE: Cable service, as defined in 47 USC 522(6), as amended;
information service, as defined in 47 USC 153(24), as amended; telecommunications service, as defined in 47 USC 153(53), as amended; mobile service, as defined in 47 USC 153(53), as amended; or wireless service other than mobile service.

COMMUNICATIONS SERVICE PROVIDER: A cable operator, as defined in 47 USC 522(5), as amended; a provider of information service, as defined in 47 USC 153(24), as amended; a telecommunications carrier, as defined in 47 USC 153(51), as amended; or a wireless provider.


FEE: A one-time charge.

HISTORIC DISTRICT OR HISTORIC LANDMARK: A building, property, or site, or group of buildings, properties, or sites that are either: a) listed in the National Register of Historic Places or formally determined eligible for listing by the keeper of the National Register, the individual who has been delegated the authority by the Federal agency to list properties and determine their eligibility for the National Register, in accordance with section VI.D.1.a.i through section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR part 1, appendix C; or b) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

LAW: A Federal or State Statute, common law, code, rule, regulation, order, or local ordinance or resolution.

MICRO WIRELESS FACILITY: A small wireless facility that is not larger in dimension than twenty four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height and that has an exterior antenna, if any, no longer than eleven inches (11").

MUNICIPAL UTILITY POLE: A utility pole owned or operated by the Village in public rights-of-way.

PERMIT: A written authorization required by the Village to perform an action or initiate, continue, or complete a project.

PERSON: An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

PUBLIC SAFETY AGENCY: The functional division of the Federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

RATE: A recurring charge.

RIGHT-OF-WAY: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

SMALL WIRELESS FACILITY: A wireless facility that meets both of the following qualifications: a) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and b) all other wireless equipment
attached directly to a utility pole associated with the facility is cumulatively no more than twenty five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

UTILITY POLE: A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

WIRELESS FACILITY: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: a) equipment associated with wireless communications; and b) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: a) the structure or improvements on, under, or within which the equipment is collocated; or b) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

WIRELESS INFRASTRUCTURE PROVIDER: Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

WIRELESS PROVIDER: A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES: Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

WIRELESS SERVICES PROVIDER: A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE: A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)

9-4-3: REGULATION OF SMALL WIRELESS FACILITIES:

A. Permitted Use: Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in subsection C9 of this section regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated: 1) in rights-of-way in any zoning district, or 2) outside rights-of-way in property zoned exclusively for commercial or industrial use.

B. Permit Required: An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:
ATTACHMENT A
EXISTING ORDINANCE

1. Application Requirements: A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

a. Site specific structural integrity and, for a Municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989;

b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

c. Specifications and drawings prepared by a structural engineer, as that term is defined in section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

f. Certification that the collocation complies with the collocation requirements and conditions contained herein, to the best of the applicant's knowledge.

g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process: The Village shall process applications as follows:

a. Priority Applications: The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

b. Collocation On Existing Pole Or Structure: An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within ninety (90) days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than seventy five (75) days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this chapter.
c. Collocation On New Pole: An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within one hundred twenty (120) days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than one hundred five (105) days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this chapter.

d. Denial Of Application: The Village shall deny an application which does not meet the requirements of this chapter.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the collocation requirements and conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within thirty (30) days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within thirty (30) days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within thirty (30) days of denial shall require the application to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

e. Pole Attachment Agreement: Within thirty (30) days after an approved permit to collocate a small wireless facility on a Municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a Municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a Municipal utility pole, the Village and the applicant shall enter into a license supplement of the Master Pole Attachment Agreement.

3. Completeness Of Application: Within thirty (30) days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within thirty (30) days after
all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

4. Tolling: The time period for applications may be further tolled by:

a. An express written agreement by both the applicant and the Village; or

b. A local, State or Federal disaster declaration or similar emergency that causes the delay.

5. Consolidated Applications: An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. Duration Of Permits: The duration of a permit shall be for a period of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village Codes or any provision, condition or requirement contained in this chapter.

If the Act is repealed as provided in section 90 therein, renewals of permits shall be subject to the applicable Village Code provisions or regulations in effect at the time of renewal.

7. Means Of Submitting Applications: Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

C. Collocation Requirements And Conditions:

1. Public Safety Space Reservation: The Village may reserve space on Municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the Municipal utility pole cannot accommodate both uses.

2. Installation And Maintenance: The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No Interference With Public Safety Communication Frequencies: The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for
public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous section. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. Collocation With Electric Distribution Or Transmission Systems: The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subsection, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. Compliance With Codes: The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

6. Compliance With Design Standards: The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. Alternate Placements: Except as provided in this collocation requirements and conditions section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within one hundred feet (100') of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written
8. Height Limitations: The maximum height of a small wireless facility shall be no more than ten feet (10') above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

a. Ten feet (10') in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within three hundred feet (300') of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within three hundred feet (300') of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. Forty five feet (45') above ground level.

9. Height Exceptions Or Variances: If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions set forth in this Code.

10. Contractual Design Requirements: The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

11. Ground-Mounted Equipment Spacing: The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

12. Undergrounding Regulations: The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

13. Collocation Completion Deadline: Collocation for which a permit is granted shall be completed within one hundred eighty (180) days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a Municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty (60) days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three hundred sixty (360) days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.
D. Application Fees: Application fees are imposed as follows:

1. Applicant shall pay an application fee of six hundred fifty dollars ($650.00) for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and three hundred fifty dollars ($350.00) for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

2. Applicant shall pay an application fee of one thousand dollars ($1,000.00) for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this section shall be accompanied by the required application fee. Application fees shall be non-refundable.

4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
   a. Routine maintenance;
   b. The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least ten (10) days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection B1d of this section; or
   c. The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable Safety Codes.

5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

E. Exceptions To Applicability: Nothing in this chapter authorizes a person to collocate small wireless facilities on:

1. Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;

2. Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. Property owned by a rail carrier registered under section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this chapter do not apply to an electric or gas public utility or such
utility’s wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in section 3-105 of the Public Utilities Act. Nothing in this chapter shall be construed to relieve any person from any requirement: a) to obtain a franchise or a State-issued authorization to offer cable service or video service or b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this chapter.

F. Pre-Existing Agreements: Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village’s utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two (2) or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village’s utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this section.

G. Annual Recurring Rate: A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals: 1) two hundred dollars ($200.00) per year or 2) the actual, direct and reasonable costs related to the wireless provider’s use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be two hundred dollars ($200.00) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

H. Abandonment: A small wireless facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within ninety (90) days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within ninety (90) days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for Municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless
facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)

9-4-4: DISPUTE RESOLUTION:

The Circuit Court of Kane or DeKalb County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on Municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than two hundred dollars ($200.00) per year per Municipal utility pole, with rates to be determined upon final resolution of the dispute. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)

9-4-5: INDEMNIFICATION:

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this chapter and the Act.

A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)

9-4-6: INSURANCE:

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

A. Property insurance for its property's replacement cost against all risks;

B. Workers' compensation insurance, as required by law; or

C. Commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village. (Ord. 2018-15, 7-3-2018, eff. 7-13-2018)