

# *Zoning Ordinance*



THE VILLAGE OF  
**HOMewood**

1893

*Village of Homewood,  
Illinois*

*Revised:  
May 14, 2020*

# VILLAGE OF HOMEWOOD ZONING ORDINANCE

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# **SECTION 1 - TITLE, PURPOSE AND APPLICABILITY**

## **1.1 Title**

This ordinance shall be known, cited and referred to as the Village of Homewood Zoning Ordinance.

## **1.2 Purpose and Intent**

This ordinance is adopted to regulate and control the use and development of land within the Village of Homewood and for the following purposes:

- A. To protect and promote the public health, safety, comfort and welfare.
- B. To secure adequate natural light, pure air, clean water, privacy and safety from fire, explosion and noxious fumes and other dangers, and conserve and preserve open space land, which is a limited and valuable resource.
- C. To conserve the taxable value of land and improvements in the Village.
- D. To establish a sensible pattern of land uses and encourage the most appropriate use of individual parcels of land throughout the Village.
- E. To encourage compatibility between land uses and prevent the overcrowding of land and development that is out of scale or character with existing densities.
- F. To minimize traffic congestion on public streets, to ensure efficient traffic circulation, to provide adequate off-street parking and loading, and to allow for alternative transportation modes.
- G. To lessen or avoid the hazards to persons and damage to property resulting from the accumulation or runoff of stormwater.
- H. To facilitate efficient use of existing and planned public facilities and utilities.
- I. To ensure and facilitate the preservation of sites, areas and structures of historical, environmental, architectural and aesthetic importance.
- J. To provide for orderly and rational growth and development that is beneficial to the Village and consistent with the Comprehensive Plan.
- K. To divide the entire Village into districts of such number, shape, area, and different classifications (according to use of land and buildings, height and bulk of buildings, intensity of use, or other classification) as may be deemed best suited to carry out the purpose of this ordinance.
- L. To classify, regulate and restrict the location and intensity of use of land, structures and buildings designed for specified industrial, business, residential and other uses.

- M. To establish, regulate and limit building or setback lines on, or along, the street, highway, lot line or stormwater runoff channel or basin.
- N. To prohibit land uses incompatible with each district's character.
- O. To regulate and limit the intensity of use of lot areas and to regulate and determine the area of open spaces within, and surrounding, such buildings.
- P. To fix reasonable standards to which buildings or structures shall conform.
- Q. To provide for the gradual elimination of nonconforming uses that adversely affect the value of permitted development.
- R. To prevent additions to, and alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed.
- S. To prescribe penalties for violation, and methods for enforcement, of the provisions of this ordinance.
- T. To designate and define the powers and duties of the officials and bodies administering this ordinance.

### **1.3 Authority**

This ordinance is adopted pursuant to the authority granted to the Village by the Illinois Municipal Code. The Planning and Zoning Commission is empowered to give final administrative interpretations of any provisions of this ordinance as provided in Sections 2.2(C) and 2.2(D)(3).

### **1.4 Applicability**

#### **A. General Application**

This ordinance shall apply to all property in the Village of Homewood, including that owned by other municipal corporations and government bodies. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this ordinance was adopted.

#### **B. General Prohibition**

Except as otherwise provided by this ordinance, no lot of record which did not exist as of the effective date of this ordinance shall be created, by subdivision or otherwise, which does not conform to the requirements of this ordinance for the zoning district in which the land is located.

Except as otherwise provided by this ordinance, no building, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered, unless it conforms with the provisions of this ordinance governing the zoning district in which it is located.

C. Other Laws and Regulations

Where standards or requirements imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable requirements or standards imposed by any other provision of this ordinance or any other laws, ordinances, rules or regulations, the provisions which are more restrictive or which impose higher standards shall govern.

D. Private Agreements

This ordinance is not intended to abrogate any easement, covenant, or other private agreement except that where the regulations of this ordinance are more restrictive or impose higher standards than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

**1.5 Transition Rules**

A. Building Permits Issued Prior to Effective Date

When a building permit has been lawfully issued prior to the effective date of this ordinance and construction has begun within six (6) months of the date of issue and is being diligently pursued to completion, the building or structure may be complete and a certificate of occupancy may be issued in accordance with the plans for which the building permit was issued.

B. Pending Applications

Where an application for a special use, variation or PUD is pending on the effective date of this ordinance, or subsequently filed, the provisions of this ordinance shall govern such application.

C. Existing Special Uses, Variations and PUDs

All variations, PUDs and special uses granted by the Board of Trustees prior to the effective date of this ordinance shall remain in full force and effect. The recipient of the variation, PUD or special use may proceed to develop the property in accordance with the plans approved by the Board of Trustees and any conditions attached thereto. Property owners shall continue to be obligated to conform to all such conditions and requirements even if property is rezoned. However, if the recipient has failed to begin construction within six (6) months of the date of adoption of this ordinance, then the provisions of this ordinance shall govern.

D. Existing Permitted Uses

When a lot is used for a purpose that was classified as a permitted use prior to the effective date of this ordinance, and such use is classified as a special use by this ordinance, such use is hereby deemed a lawful special use. Any addition, enlargement or expansion of such use shall conform to the requirements of Section 2.16.

E. Uses, Structures, Buildings and Lots Rendered Nonconforming

Existing structures, buildings and uses that do not comply with the regulations of this ordinance shall be subject to Section 13 of this ordinance relating to nonconformities.

F. Existing Unlawful Uses, Structures and Buildings

No building, structure or use, which was unlawful at the time of the adoption of this ordinance, shall become or be made lawful solely due to adoption of this ordinance. To the extent, and in any manner, that said unlawful building structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful.

**1.6 Severability**

It is hereby declared the intention of the Homewood Village Board that the several provisions of this ordinance are severable, in accordance with the following:

- A. If any court of competent jurisdiction adjudges any provisions of this ordinance to be invalid, such judgment shall not affect the validity and continued enforcement of any other provisions of this ordinance.
- B. If any court of competent jurisdiction adjudges the application of any provision of this ordinance to any property, structure, building or use to be invalid, such judgment shall not affect the application of that provision to any other property, building, structure or use not specifically included in that judgment.

**1.7 Effective Date**

This ordinance shall take effect immediately upon, and its effective date shall be the date of, its passage, approval and publication by the Village Board of Trustees. The effective date of each amendment to this ordinance shall be the date of adoption of such amendment unless otherwise provided in the ordinance adopting such amendment. When any such amendment creates any new nonconformity, references in this ordinance to the effective date of this ordinance, for purpose of determining the legality of such new nonconformity, shall be deemed the effective date of such amendment.

**1.8 Repeal of Previous Ordinance**

After the effective date of this ordinance, all provisions of the Zoning Ordinance of the Village of Homewood adopted on August 24, 1976, and as amended from time to time, are expressly repealed in their entirety.

# **SECTION 2 - ADMINISTRATION**

## **PART ONE: ADMINISTRATION BODIES AND OFFICIALS**

### **2.1 Village Board of Trustees**

The Village Board shall have the following powers and duties, with respect to this Section, to be carried out in accordance with this Section:

- A. To make final decisions on applications for text and map amendments, with or without conditions.
- B. To make final decisions on applications for planned unit developments, with or without conditions.
- C. To make final decisions on special use applications, with or without conditions.
- D. To make final decisions on applications for those zoning variances, as set forth in Section 2.17(A) (1), with or without conditions.

### **2.2 Planning and Zoning Commission**

#### **A. Composition**

##### **1. Membership**

The Planning and Zoning Commission for the Village shall consist of seven (7) members. The term of appointment of each member shall be five (5) years. Neither the Village President nor any trustee on the Village Board may sit as a voting member on the Planning and Zoning Commission during their tenure of office.

##### **2. Secretary**

At the request of the Planning and Zoning Commission, the Village Manager shall assign to an appropriate member of the Village administration the duties of secretary of the Planning and Zoning Commission. The secretary shall not be a member of the Planning and Zoning Commission.

##### **3. Consultants**

At the request of the Planning and Zoning Commission, and with the approval of the Village Board, the Village Manager may retain the services of a person or a firm for special studies, reports or consultations.

##### **4. Vacancies**

Appointments shall be made, vacancies shall be filled and the Village President shall make the designation of a Chairman with the advice and consent of the Board of Trustees. Any vacancies shall be filled for the unexpired term of the member being replaced as soon as possible. In the event that the Office of Chairman is vacated for any

reason, the Village President, with the consent of the Village Board, shall appoint any member of the Planning and Zoning Commission to this position.

In the event of the temporary absence of the Chairman, prior to the meeting, the Chairman shall appoint an Acting Chairman.

#### 5. Removal of Members

The Village President and Village Board shall have the power to remove any member of the Planning and Zoning Commission for cause and only after a public hearing.

### B. Meetings

#### 1. Schedule

The Planning and Zoning Commission shall meet no less than twice per month, unless the Director of Economic and Community Development determines that there are no pending matters for the agenda. Additional meetings shall be held at the call of the Chairman and at such other times as any three (3) members of the Board may request a meeting. Four (4) members shall constitute a quorum. An application, petition or appeal shall be considered at the earliest possible meeting.

#### 2. Records

The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon every question or, if absent or failing to vote, indicating that fact. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the Planning and Zoning Commission shall immediately be filed in the Office of the Director of Economic and Community Development and shall be of public record, except for minutes of closed session discussions, held in accordance with law.

#### 3. Rules

The Planning and Zoning Commission has adopted detailed rules of conduct and procedures that have been approved by the Village Board. In the event of conflict between this ordinance and such rules, this ordinance shall control.

### C. Powers and Duties

The Planning and Zoning Commission is hereby invested with the powers granted by the Statutes of the State of Illinois and this ordinance including, but not limited to, the following:

1. To hear and decide appeals of any order, requirement, decision or determination made by authorized Village personnel under this ordinance.
2. To hear and decide all applications for outdoor itinerant merchants in the manner set forth in Section 74.99 of the Municipal Code.
3. To hear and decide administrative variations from the terms provided in this ordinance in the manner and subject to the standards set forth in Section 2.17.

4. To hear, consider, make a written report with findings of fact and recommendations to the Village Board on all applications for zoning variations as set forth in Section 2.17(A)(1), amendments, site plan review, special uses, subdivisions and planned unit developments or other matters referred to it upon which it is required to pass under this ordinance.
5. To assist in the development, review and amendment of the Comprehensive Plan, as requested by the Village Board.

#### D. Procedures

##### 1. Testimony

All testimony by witnesses shall be given under oath. The Chairman or, in his absence, the acting Chairman, may administer oaths. All meetings of the Planning and Zoning Commission shall be open to the public, in accordance with the State Open Meetings Law.

##### 2. Voting

All decisions arrived at by the Planning and Zoning Commission shall require a majority vote of all members for passage or approval of the matter being considered.

##### 3. Decisions

All final decisions of the Planning and Zoning Commission on administrative variations shall be subject to judicial review in accordance with 65 ILCS 5/11-13-13.

All decisions of the Planning and Zoning Commission on appeals from staff decisions, including but not limited to decisions listed in Sections 2.11, 2.12, 2.13 and 2.19 shall be final administrative determinations.

#### **2.3 RESERVED**

#### **2.4 Appearance Commission**

The Appearance Commission shall have the powers and duties enumerated in Chapter 78 of the Municipal Code.

#### **2.5 Director of Economic and Community Development**

The Director of Economic and Community Development shall have the following powers and duties:

- A. To receive, file and forward to the Planning and Zoning Commission, all applications for amendments, appeals, site plan review, special uses, variations, planned unit developments, and other matters, which these bodies are, required to consider under this ordinance.
- B. To forward to the Building Inspector and department heads copies of all applications for amendments, appeals, special uses, variations, planned unit developments and site plan

review, which they are required to pass under this ordinance. To review and approve plans submitted by applicants for development approval in conformity with the terms of this ordinance.

- C. To conduct inspections of the uses of land to determine compliance with the terms of this ordinance and other applicable ordinances.
- D. To propose new or revised zoning regulations, as may be required from time to time, based on changes in state law, case law, market conditions or technical standards.
- E. To maintain permanent and current records of all zoning related ordinances and documents including, but not limited to, all maps, amendments, special uses, variations, appeals, site plan review, interpretations and planned unit developments.
- F. To interpret the provisions of this ordinance.
- G. To enforce this ordinance and issue notices of violation.
- H. To provide technical assistance to the Planning and Zoning Commission, Village Board and other bodies with authority under this ordinance.
- I. To perform such other duties as may be required by the Village Board, including providing assistance to Village commissions, committees and agencies.

## **2.6 Building Inspector**

The Building Inspector shall have the following powers and duties:

- A. To review requests for, and issue, building permits and certificates of occupancy and maintain records thereof.
- B. To conduct inspections of buildings and structures to determine compliance with the terms of this ordinance and other applicable ordinances.
- C. To enforce the provisions of this ordinance and to issue notices of violations.
- D. To provide technical assistance to the Appearance Commission, Village Board and other bodies with authority under this ordinance and the Municipal Code.
- E. To perform such other duties as may be requested by the Village Board, including providing assistance and advice as may be required to various commissions, committees and agencies of the Village.

## **2.7 Village Manager**

The Village Manager shall appoint members of the Village administration to enforce this ordinance and to perform the following duty, among others: to provide such clerical and technical assistance as may be required by the Planning and Zoning Commission in the exercise of their duties.

## **PART TWO: ADMINISTRATIVE PROCEDURES**

### **2.8 Applications**

#### **A. Authorization**

An application for a variance, special use, site plan review, letter of interpretation, appeal or planned unit development may be filed only by the owner or lessee of the property, or by an agent or contract purchaser specifically authorized by the owner to file such application. An application for an amendment may be filed by an owner, lessee, agent or contract purchaser of property located in the Village or by the Village Board, the Director of Economic and Community Development, or the Planning and Zoning Commission.

#### **B. Filing**

An application for an appeal, interpretation, site plan review, variance, special use, amendment and planned unit development shall be filed with the Director of Economic and Community Development. The application shall be on forms provided by the Village and shall be filed in such number as the instructions provide. All plans shall be at a scale sufficient to permit a clear and precise understanding of the proposal. The application shall include information, plans and data, specified in Appendix A (Required Submittals) and sufficient to determine whether the application will conform to the requirements set forth in this ordinance.

#### **C. Completeness**

The Director of Economic and Community Development shall determine whether the application is complete. If the application is not complete, the Director shall notify the applicant of any deficiencies and shall take no steps to process the application until the deficiencies are remedied. Once the Director has determined that the application is complete, the application shall be scheduled for consideration at the appropriate meeting.

#### **D. Fees**

Every application shall be accompanied by the required filing fee as established and modified, from time to time, by the Village Board. The failure to pay such fee when due shall be grounds for refusing to process the application and for denying or revoking any permit or approval for the subject property. No fees shall be waived and no fees shall be refunded except those authorized by the Village Manager or his/her designee in his/her sole discretion. A current fee schedule is included in Appendix B (Fee Schedule).

#### **E. Withdrawal of Application**

An applicant shall have the right to withdraw an application at any time prior to the decision on the application by a Village official, Commission or Board. Such withdrawal shall be in writing.

## F. Successive Applications

Within one (1) year of the date of denial, a subsequent application shall not be reviewed or heard unless there is substantial new evidence available or if a significant mistake of law or of fact affected the prior denial. Such subsequent applicant shall include a detailed statement of the grounds justifying its consideration. The Director of Economic and Community Development shall make a determination as to whether the subsequent application is seeking essentially the same relief. If the Director of Economic and Community Development finds that there are no grounds for consideration of the subsequent application, he shall summarily and without hearing deny the request.

## 2.9 Public Hearings

### A. Evidence

All testimony and evidence shall be given under oath or by affirmation to the body conducting the hearing. Any person may appear at a hearing and submit evidence, upon receiving recognition from the Chairman of the body conducting the hearing. Each person who submits evidence shall identify themselves and their address. All testimony and evidence shall be provided in accordance with the adopted 'Rules of Conduct of Hearings'. Rules for Conduct of Hearings shall be available at public hearings of the Planning and Zoning Commission for public review and inspection.

### B. Continuances

The body conducting the hearing may continue the hearing to a future date, time and place. In order to reopen the hearing, no new notice shall be required if a hearing is continued to a date certain, provided that a public announcement of the future date, time and place of the continued hearing is made at the hearing and placed in the minutes. If the hearing is adjourned, rather than continued to a date certain, in order to reopen the hearing all notices must be given that would have been required for the initial public hearing.

### C. Records

During normal business hours, any person may examine or, at their expense, have copies made of the application and material submitted in support of or in opposition to the application, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person shall be entitled to copies of the application and related documents. The Director of Economic and Community Development shall make copies of such materials available at cost.

### D. Decisions

Written findings of fact clearly indicating the reasoning in granting or denying the request shall support all decisions by the Planning and Zoning Commission and the Village Board.

### E. Court Report Requirement

The cost of recording documents, including but not limited to plats, ordinances and memoranda of agreements shall be at the petitioner's expense. Notice of such fees shall be

furnished to the Petitioner by the Director of Economic and Community Development or his nominee and paid to the Village prior to the recording of documents. Upon receipt of such payment, document recording shall be completed by the Director of Economic and Community Development or his nominee in a timely manner.

## **2.10 Notices**

### **A. Mailed Notices**

Prior to the public hearing by the Planning and Zoning Commission, all occupants within two-hundred and fifty (250) feet of the proposed site's outermost property line, as determined by the Village's records, shall receive notification of requests for variances, special uses, planned unit developments and map amendments by first class mail.

### **B. Published Notices**

In addition to the mailed notice, the Village shall cause a notice to be published in a newspaper of general circulation within the Village. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant and the address of the subject property. Such notice shall be published not less than fifteen (15) days nor more than thirty (30) days in advance of the scheduled hearing date.

## **2.11 Building Permit**

Where Chapter 22 of the Municipal Code requires a building permit, no development shall occur until and unless the Building Inspector has issued a building permit in accordance with the terms of this ordinance and Chapter 22 of the Municipal Code. No building permit shall be issued for a building or a structure that does not comply with the terms of this ordinance. The building permit shall not be issued until all approvals required by this ordinance are obtained. The Building Inspector shall be responsible for determining compliance with this and all other applicable ordinances prior to the issuance of the building permit. All building permits shall be kept on file in the Office of the Building Inspector and, subject to the exceptions in the Freedom of Information Act; copies shall be available on request to any person.

## **2.12 Certificate of Occupancy**

### **A. Requirement**

No land shall be occupied or used and no building shall be erected or substantially altered, in whole or in part, for any purpose whatsoever, until the Director of Economic and Community Development has issued a certificate of occupancy. In addition, no change of use shall be made in a building, or part thereof, without issuance of a certificate of occupancy. The certificate of occupancy shall state that the building complies with all the building and health laws and ordinances and with the provisions of this ordinance.

The certificate of occupancy shall not be issued until a building permit and any other approvals required by this ordinance are obtained. The Director of Economic and Community Development shall be responsible for determining compliance with this and all other applicable ordinances before the issuance of the certificate of occupancy.

B. Continuance of Present Occupancy of Existing Building

Nothing in this Section 2.12 shall prevent the continuance of the present occupancy or use of any existing building, except as may be necessary for safety of life and property.

C. Temporary and Conditional Certificate of Occupancy

The Director of Economic and Community Development may issue a temporary or conditional certificate of occupancy to allow the premises to be occupied for the proposed use. Such certificate shall become final only upon full compliance with this ordinance and the Municipal Code.

D. Posting

The certificate of occupancy shall be dated and signed by the Director of Economic and Community Development and shall identify the approved use or occupancy of the building or structure. The certificate shall state that the use or occupancy complies with the terms of this ordinance and the Municipal Code. Every certificate of occupancy for a non-residential use shall be permanently posted in a prominent place on the premises at all times.

E. Procedure

If approved, the certificate of occupancy shall be issued within five (5) days after the erection or alteration of such building has been completed. If denied, written notice to the applicant specifying the reasons why the request is denied, will be issued no later than five (5) days after the Village has been notified in writing that the building or structure is ready for occupancy.

F. Records

A record of all certificates of occupancy shall be kept on file in the Office of the Director of Economic and Community Development and one (1) copy shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected.

**2.13 Site Plan Review**

A. Procedure

There is hereby created a Site Plan Review Committee consisting of the Director of Economic and Community Development, Director of Public Works, Village Engineer, Building Inspector, Fire Chief, Police Chief, Village Planner and Village Manager. Members of the Committee may delegate a member of their department to act for the Committee member. The Village Planner is the Chairman. Meetings will be called by the Chairman as needed. Whenever possible, site plan review shall be completed within fifteen (15) days of receipt by the Village of the complete application.

B. Jurisdiction

Every application for a building permit, including new construction and additions equal to or greater than 20% of the existing floor area of the building, shall be subject to site plan review and approval. This requirement shall not apply to those building permits for construction that

are limited to interior remodeling, exterior modifications or additions less than 20% of the existing floor area of the building. This Section 2.13 shall not apply to any request for building permits for detached single-family dwellings or accessory structures to detached single-family dwellings. No building permit shall be issued unless and until site plan approval has been granted.

### C. Scope

The scope of site plan review includes the location of principal and accessory structures, infrastructure, open space, landscaping, exterior lighting, traffic movement, traffic flow, number of parking spaces and design of parking lots. In reviewing site plans, the Committee shall evaluate the relationship of the site plan to adopted land use policies and the goals and objectives of the Comprehensive Plan. In addition, the Committee shall evaluate the following characteristics:

1. The arrangement of the structures and buildings on the site with respect to how well it:
  - a. Allows for the effective use of the proposed development.
  - b. Allows for the efficient use of the land.
  - c. Is compatible with development on adjacent property.
  - d. Considers off-site utilities and services and minimizes potential impacts on existing or planned municipal services, utilities, and infrastructure.
  - e. Protects the public health, safety and general welfare.
  - f. Conforms to the requirements of this ordinance and other applicable regulations.
2. The arrangement of open space or natural features on the site with respect to how well it:
  - a. Creates a desirable and functional environment for patrons, pedestrians, and occupants.
  - b. Preserves unique natural resources, where possible.
  - c. Provides adequate measures to preserve existing healthy, mature trees, wherever practically feasible.
  - d. Respects desirable natural resources on adjacent sites.
  - e. Designs drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
  - f. Avoids unnecessary or unreasonable alterations to existing topography.
3. Circulation systems with respect to how well they:
  - a. Provide adequate and safe access to the site.

- b. Minimize potentially dangerous traffic movements
  - c. Separate pedestrian and auto circulation and provide for bicycle parking or storage insofar as practical.
  - d. Minimize curb cuts.
4. Parking lots or garages with respect to how well they:
- a. Are located, designed, and screened to minimize adverse visual impacts to adjacent properties.
  - b. Promote logical and safe parking and internal circulation.
  - c. Provide perimeter parking lot screening and internal landscaped islands.
  - d. Include site illumination that has been designed, located and installed to minimize adverse impacts to adjacent properties.
5. Landscaping design with respect to how well it:
- a. Creates a logical transition to adjoining lots and developments.
  - b. Screens incompatible uses.
  - c. Minimizes the visual impact of the development to adjacent sites and roadways.
  - d. Utilizes native plant materials selected to withstand the microclimate of the Village and individual site microclimates.
6. For Developments located within the B-1 Central Business District and DO Downtown Overlay District; site plan review shall adhere to the Design Guidelines as specified in the Downtown Master Plan (2005).

#### D. Approval

The site plan, together with the Site Plan Review Committee's report, shall be submitted to the Planning and Zoning Commission for consideration at the earliest available meeting. When the Planning and Zoning Commission approves the site plan, a building permit may be issued, provided that the requirements of all other applicable codes and ordinances are satisfied. If the Planning and Zoning Commission does not approve the site plan, the applicant may revise it and submit it for further review in accordance with this section.

#### E. Denial

If the Planning and Zoning Commission fails to approve the site plan, the Director of Economic and Community Development shall notify the applicant in writing, by certified mail return receipt requested, within fifteen (15) days of the Planning and Zoning Commission's decision. The applicant may appeal the Planning and Zoning Commission's decision to the Village Board. The applicant's failure to submit a revised site plan or to file an appeal shall be deemed to constitute a withdrawal of the application for a building permit.

The written notice of appeal shall be filed with the Director of Economic and Community Development no later than fifteen (15) days after the date of the letter from the Director of Economic and Community Development. The Village Board shall act on the appeal no later than thirty (30) days after the date of receipt of the written appeal. The Village Board shall vote to sustain or deny the appeal. A majority vote is required to sustain the appeal. If the Village Board sustains the appeal, the building permit may be issued, provided that the requirements of all other applicable codes and ordinances are satisfied.

## **2.14 Appearance Commission Review**

Where Chapter 78 or 86 of the Municipal Code require review by the Appearance Commission, no building permit or certificate of occupancy shall be issued until the Appearance Commission has approved the drawings unless waived by the Village Manager.

## **2.15 Zoning Text Amendments and Zoning Map Amendments**

### **A. Authority**

The regulations imposed and the districts created under the authority of this ordinance may be amended, from time to time, by ordinance, in accordance with the Statutes of the State of Illinois. No such amendment shall be made without public hearings before the Planning and Zoning Commission, which shall report their findings and recommendations to the Village Board.

The amendment process is intended to adjust this ordinance in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

The Director of Economic and Community Development is authorized to make minor, non-substantive additions, corrections, and/or deletions to verbiage and punctuation as necessary to correct typographical and editing errors incurred during the comprehensive amendment of April 2002, and any subsequent amendment to this Ordinance.

### **B. Initiation of Amendment**

The Village Board, Planning and Zoning Commission, the Director of Economic and Community Development or any person having a right of ownership in any property in the Village may propose amendments. All petitions for a proposed amendment shall be filed with the Director of Economic and Community Development in accordance with the requirements in Section 2.8.

### **C. Processing**

All amendments are heard initially by the Planning and Zoning Commission, which shall hold a public hearing with notice given. The Planning and Zoning Commission shall forward its Findings of Fact and its recommendation to approve or deny the proposed amendment to the Village Board.

All hearings on amendments shall be in accordance with the requirements of Section 2.9. Notice for amendments shall be given in accordance with Section 2.10, except in the case of a comprehensive zoning text or map amendment. In those cases, notice shall be in accordance

with the statutes of the State of Illinois. In the case of two (2) consecutive unexcused absences by the applicant, the request for the amendment shall be dismissed without prejudice.

#### D. Standards

In making their recommendations on the map or text amendment, the Planning and Zoning Commission shall review the proposed amendment, any oral and written comments received at the respective public hearings, and the standards set forth below:

##### Map Amendments

1. Does the current zoning or the proposed zoning more closely conform to the stated goals in the Comprehensive Plan?
2. Have major land uses, conditions or circumstances changed since the original zoning was established?
3. Do sites exist for the proposed use in existing districts permitting such use?
4. Is the requested change compatible with the existing uses, development patterns and zoning of nearby properties?
5. Does the present development of the area comply with existing ordinances?
6. Does the existing zoning impose an unreasonable hardship or can a reasonable economic benefit be realized from uses permitted by the existing zoning?
7. What is the extent of the diminishment of property values, if any, resulting from the current zoning?
8. How long has the property been vacant as compared to development occurring in the vicinity?
9. Is the property physically suitable for the zoned uses or for the proposed use?
10. Does the proposed use satisfy a public need?
11. Will the proposed change conflict with existing or planned public improvements or adversely impact schools, parks or other public facilities?
12. In the vicinity, will the environment or traffic patterns be adversely affected?
13. To what extent will the proposed change diminish property values of the surrounding properties?
14. Will the proposed change deter the use of properties in the area or contribute to redevelopment?
15. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the Village as a whole?

### Text Amendments

1. Is the proposed text amendment consistent with the stated goals in the Comprehensive Plan?
2. Does the proposed text amendment address a particular issue or concern for the Village of Homewood?
3. Will the proposed text amendment impose an unreasonable hardship on existing uses?
4. Have major land uses, conditions or circumstances changed since the original zoning ordinance text was established?
5. Is the requested change compatible with the existing uses and development patterns of the community?
6. Will the proposed change be detrimental to the health, safety and welfare of the neighborhood or of the Village as a whole?

No one of the above standards is controlling.

#### E. Decision

The Village Board shall make the final decision on all amendments. Upon receiving the report from the Planning and Zoning Commission, the Village Board may adopt the proposed amendment by ordinance, reject the proposed amendment or refer the matter back to the Planning and Zoning Commission for further consideration.

#### F. Records

A record of all requests for amendments and Village action taken shall be kept on file in the Office of the Director of Economic and Community Development. Subject to the exceptions in the Freedom of Information Act, copies shall be available on request to any person for a fee.

#### G. Written Protest

In the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged either by the owners of 20% of the frontage proposed to be altered, or 20% of the frontage immediately adjacent to or across an alley therefrom, or by the owners of 20% of the frontage abutting or directly opposite the frontage proposed to be altered, the amendment shall not be passed except by a favorable vote of two-thirds of the members of the Village Board then holding office. In such cases, a copy of the written protest shall be served, by the protestor, to both the applicant for the proposed amendment and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

## 2.16 Special Uses

### A. Purpose

The Zoning Ordinance is based upon the division of the Village into districts, within which the use of land and buildings and the bulk and location of buildings or structures are essentially uniform. However, there are special uses, which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use at the particular location. The special use process addresses these unique circumstances and regulates such uses to protect the public health, safety and welfare. Such special uses fall into two categories:

1. Uses operated by a public agency or publicly related utilities or uses traditionally maintained for the public interest.
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

### B. Initiation of Application

Any owner of or any person having a right of ownership in, any property in the Village of Homewood may petition for a special use. A petition for a special use shall be filed initially with the Director of Economic and Community Development. The application shall be filed in accordance with the requirements in Section 2.8.

### C. Processing

Petitions for special uses are heard by the Planning and Zoning Commission, which shall hold a public hearing in accordance with the requirements of Section 2.9, with notice given in accordance with Section 2.10. In the case of two (2) unexcused absences by the applicant, the request shall be dismissed without prejudice. Within thirty (30) days of the hearing, the Planning and Zoning Commission shall forward its findings of fact and its recommendation to approve, to approve with conditions, or to deny the special use to the Village Board.

The Village Board shall make the final decision on all special uses. Upon receiving the report from the Planning and Zoning Commission, the Village Board may approve the special use, approve it with conditions, deny the special use or refer the special use back to the Planning and Zoning Commission for further consideration.

### D. Records

A record of all requests for special uses and Village action taken shall be kept on file in the Office of Director of Economic and Community Development. Subject to the exceptions in the Freedom of Information Act, copies shall be available on request to any person for a fee.

#### E. Standards

No special use shall be granted by the Village Board unless the special use:

1. Is deemed necessary for the public convenience at that location.
2. Is not detrimental to the economic welfare of the community.
3. Will be consistent with the goals and policies of the Comprehensive Plan.
4. Is so designed, located, and proposed to be operated, that the public health, safety, and welfare will be protected.
5. Is a suitable use of the property and, without the special use, the property will be substantially diminished in value.
6. Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
7. Will be consistent with the uses and community character of the neighborhood surrounding the parcel.
8. Will not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the zoning district.
9. Will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
10. Provides adequate measures of ingress and egress in a manner that minimizes traffic congestion in the public streets.
11. Is served by adequate utilities, drainage, road access, public safety and other necessary facilities.
12. Will not substantially adversely affect one (1) or more historical, archeological, cultural, natural or scenic resources located on the parcel or surrounding properties.

No one of the above standards is controlling.

#### F. Conditions

The Planning and Zoning Commission may recommend and the Village Board may impose such conditions and restrictions upon the construction, location and operation of a special use. Such conditions must be deemed necessary to comply with the standards set forth in this section, to promote the general objectives of this ordinance, and to minimize or reduce the injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the special use. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such special use approval.

#### G. No Presumption of Approval

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather each proposed special use shall be evaluated on an individual basis, in relation to the standards in this section, the standards in Section 9 and the standards for the district in which it is located. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

#### H. Limitation on Special Uses

1. Special use approval may become null and void unless a building permit is issued within one (1) year of the date of adoption of the ordinance granting special use approval and a certificate of occupancy is issued within two (2) years of the date of adoption of such ordinance. After notice to the property owner and an opportunity for a hearing, the Village Board may terminate the special use. However, the Village Board may extend these periods, upon written request from the applicant showing good cause.
2. Special use approval is granted to a specific property and authorizes the conduct of the special use only on the property represented on the application and is not transferable to other properties.
3. The approval of a special use authorizes the use on the property in the manner proposed, but does not in itself authorize the establishment of such use without first obtaining any other required approvals, including a building permit and certificate of occupancy.
4. Any modification or intensification of a special use that alters the essential character or operation of the use in a way not approved at the time the special use was granted, as evidenced by the record or by the text of this ordinance, shall require new special use approval in accordance with this section.

#### I. Findings of Fact

Every special use decision shall be accompanied by findings of fact specifying the reason or reasons for granting or denying the special use.

### **2.17 Variances**

#### A. Purpose

The variance process is designed to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create practical difficulties or particular hardships. The three types of variances are:

##### 1. Zoning Variance

The development and execution of the zoning ordinance is based upon the division of the Village into districts with regulations for the location and bulk of buildings and structures. It is recognized that some variations from such district regulations may be found reasonable and desirable and that such specific variances must be considered based

on individual circumstances and conditions. Variances, except those administrative variances enumerated in Section 2.17(A) (2) and minor variances enumerated in Section 2.17(A) (3), shall be granted by the Village Board and shall be subject to such controls as are deemed reasonable and necessary by the Village Board.

## 2. Administrative Variance

Practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations imposed by this ordinance may, as hereinafter provided, be administratively varied by the Planning and Zoning Commission. The Planning and Zoning Commission shall decide such petitions in harmony with the general purpose and intent of this ordinance and in accordance with the procedures set forth by the Statutes of the State of Illinois and this ordinance. The Planning and Zoning Commission shall grant an administrative variance without further action by the Village Board only in accordance with the standards set forth in this section, and only in the following instances:

- a. To permit a yard less than the yard required by the applicable regulations.
- b. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than 90% of the required lot area.
- c. To permit the same off-street parking spaces to qualify as required spaces for two (2) or more uses, provided that the maximum use of each facility by each user does not take place during the same hours or on the same days of the week.
- d. To modify the applicable off-street parking or loading requirements to the extent of not more than one (1) parking space or loading berth, or 20% of the spaces required by applicable regulations, whichever number is greater.
- e. To increase, by not more than 25%, the maximum distance that required parking spaces are permitted to be located from the use served.
- f. To allow any permitted non-residential use in a residential district to exceed the floor area ratio imposed by the applicable regulations by no more than 10% of that area limit imposed by applicable regulations.
- g. To allow a private garage in a residence district to exceed the limitations of Section 8, provided that the applicant testifies and the Planning and Zoning Commission finds that the proposed garage will be used only for lawful purposes.
- h. To allow a reduction of not more than five (5) feet in the required setback provisions for outdoor private residential swimming pools in accordance with Chapter 22-62 of the Municipal Code.
- i. To allow the modification of height restrictions for fences in accordance with Section 22-95E of the Municipal Code.

### 3. Minor Variance

In certain limited circumstances, practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations imposed by this ordinance may, as hereinafter provided, be administratively varied by the Director of Economic and Community Development. He shall decide such petitions in harmony with the general purpose and intent of this ordinance and in accordance with the procedures set forth by the Statutes of the State of Illinois and this ordinance. He shall grant a minor variance without further action by the Village Board only in accordance with the standards set forth in this section, and only in the following instances:

- a. To permit a yard up to 5% less than the yard required by the applicable regulations.
- b. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than 95% of the required lot area.
- c. To modify the applicable off-street parking or loading requirements to the extent of not more than one (1) parking space or loading berth, or 5% of the spaces required by applicable regulations, whichever number is greater.
- d. To allow any permitted non-residential use in a residential district to exceed the floor area ratio imposed by the applicable regulations by no more than 5% of that area limit imposed by applicable regulations.
- e. To permit the direct replacement of a concrete stoop and stairs that encroaches into the required front or side yard with a wood structure of the same dimensions.
- f. To permit an accessory structure to be located less than ten (10) feet but not less than five (5) feet from the principal structure, provided the accessory structure is constructed with no less than a one (1)-hour fire resistance rating.

The Director of Economic and Community Development may decide the above type of cases, but may refer any such case to the Planning and Zoning Commission for a hearing and a decision. The granting of the variance by the Director of Economic and Community Development confers the same rights and responsibilities on the owner as the granting of a variance by the Planning and Zoning Commission. If the Director of Economic and Community Development denies the variance, the applicant may request that the Planning and Zoning Commission hear and decide the case.

### B. Initiation of Application

Any owner of, or any person having a right of ownership in, any property in the Village of Homewood may request a variation. A petition for a variation shall be filed initially with the Director of Economic and Community Development. The application shall be filed in accordance with the requirements of Section 2.21.

### C. Processing

All petitions for a variation, except those enumerated in Section 2.17(A)(3), are heard by the Planning and Zoning Commission, which shall hold a public hearing in accordance with the requirements of Section 2.9, with notice given in accordance with Section 2.10. The Planning and Zoning Commission shall make the final decision on all administrative variances, except certain garage variances specified in Section 2.17(J). In the case of two (2) unexcused absences by the applicant, the request for the variance shall be dismissed without prejudice. Within thirty (30) days of the conclusion of the hearing for a zoning variance and certain garage variances specified in Section 2.17(J), the Planning and Zoning Commission shall forward its findings of fact and its recommendation to approve, to approve with conditions, or to deny the variation to the Village Board. The Village Board shall make the final decision on all zoning variances and certain garage variances specified in Section 2.17(J). Upon receiving the report from the Planning and Zoning Commission, the Village Board may approve the variation, with or without conditions, by adoption of an ordinance or may deny the variation. All ordinances granting variations, with or without conditions, shall be recorded in the Office of the Recorder of Deeds of Cook County, Illinois.

### D. Records

A record of requests for variations and action taken, whether by the Director of Economic and Community Development, the Planning and Zoning Commission or by the Village Board shall be kept on file in the Office of Economic and Community Development. Subject to exceptions in the Freedom of Information Act, copies shall be available on request to any person for a fee.

### E. Standards

No zoning variance shall be granted as authorized in this section unless findings based upon the evidence presented in each specific case establish that the standards 1, 2, and 3 enumerated below are met:

1. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.
2. That the plight of the owner is due to unique circumstances.
3. That the variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the Planning and Zoning Commission, in making this determination, whenever there are practical difficulties or particular hardships, shall also take into consideration the extent to which items 4 through 9 below have been established by the evidence:

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

5. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.
6. That the alleged difficulty or hardship and/or the alleged unique circumstance, has not been created by any person presently having an interest in the property.
7. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
8. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
9. That the proposed variation will help to achieve the purposes enumerated for planned unit developments in Section 10, if the variation is requested as part of an application for planned unit development approval.

No one of the above standards is controlling.

#### F. Conditions

The Director of Economic and Community Development, in the case of minor variances listed in Section 2.17(A) (3), the Planning and Zoning Commission, in the case of administrative variances listed in Section 2.17(A) (2), and the Village Board, in the case of zoning variances as in Section 2.17(A) (1), may require such conditions and limitations upon the use, construction, location, and character on any lot benefited by a variation. Such conditions must be deemed necessary to comply with the standards set forth in this section, to promote the general objectives of this ordinance, and to minimize or reduce the injurious effect on other property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the zoning variation or in the minutes of the hearing when the Planning and Zoning Commission granted the administrative variation. Violation of any such conditions or limitations as may have been imposed shall constitute grounds for revocation of the variation.

#### G. Variation Less than Requested

The Director of Economic and Community Development, in the case of minor variations listed in Section 2.17(A)(3), the Planning and Zoning Commission, in the case of administrative variances listed in 2.17(A)(2), and the Village Board, in the case of zoning variances as in Section 2.17(A)(1), may grant variations less than or different from the relief requested when the record supports the applicant's right to some relief but not to the entire relief as requested.

#### H. Limitations on Variations

1. An approved variation may become null and void unless a building permit is issued within six (6) months of the date the variation was granted and a certificate of occupancy is issued within one (1) year of the date the variation was granted. After notice giving the property owner an opportunity for a hearing, the Village Board may terminate the variation or the Village Board may extend these periods, upon written request from the applicant showing good cause.

2. An approved variation is granted to a specific property, authorizes the variation only on the property represented on the application, and is not transferable to other properties.
3. An approved variation shall be deemed to authorize only the particular construction or development for which it was issued. The approval of a variation does not in itself authorize the establishment of any use, nor construction, alteration or development, without first obtaining any other required approvals, including a building permit and certificate of occupancy.
4. Any construction, alteration or development that is beyond the scope so authorized shall require approval of a new variation in accordance with this section.

#### I. Findings of Fact

Every decision on a variation, made by the Village Board, the Planning and Zoning Commission or the Director of Economic and Community Development shall be accompanied by findings of fact specifying the reason or reasons for granting or denying the variation.

#### J. Garage Variances

An application for an oversized garage variance or variance to construct a second garage on a residential lot shall be filed and processed in the manner prescribed for administrative variances. However, in the case of garage variances, after a public hearing, the Planning and Zoning Commission shall make a recommendation to the Village Board and the Village Board shall either grant or deny such application. The property owner and all future owners of property, which is the site of an approved oversized garage or second garage, shall comply with all of the terms and conditions of the ordinance granting such approval. The fee for an oversized garage application or a second garage application shall be the same as required for an administrative variance application. Petitioners shall file a copy of their title insurance policy with each such application.

1. Where there is an existing garage on a residential lot, a property owner may petition for a variation to allow the construction of a second garage on such lot. The Planning and Zoning Commission shall hear such petitions and shall make a recommendation to the Village Board. No such petition shall be granted unless findings, based upon the evidence presented in each specific case, establish that the standards in Section 2.17(E) have been met and establish:
  - a. That either the existing garage or the proposed second garage shall be attached to the residential building on a lot containing a minimum of ten-thousand and four-hundred (10,400) square feet
  - b. That the proposed garage conforms to the Village Building Code and all zoning ordinance requirements, including yard setbacks, height and size.
  - c. That the proposed garage and the existing garage will be used only for purposes incidental to a lawful residential use.

2. Where there is an existing carport on a residential lot, a property owner may petition for a variation to allow the construction of a separate garage on such lot. The Planning and Zoning Commission shall hear the petition and shall make a recommendation to the Village Board. No such petition shall be granted unless findings, based upon the evidence presented in each specific case, establish that the standards in Section 2.17(E) have been met and establish:
  - a. That the existing carport cannot be removed because it is part of the roofline of the existing single-family residence.
  - b. That the proposed garage conforms to the Village Building Code and all other zoning ordinance requirements including yard setbacks, height and size.
  - c. That the proposed garage and the existing carport will be used only for lawful purposes incidental to a residential use.
3. A request for a variance to replace a nonconforming fence existing prior to December 9, 1997 must meet the variance standards. In addition, the Planning and Zoning Commission shall consider the following factors:
  - a. The extent to which fences of the same type sought by the applicant already exist in the immediate area.
  - b. The type of street, to which the fence will be oriented, and the volume and speed of traffic using the street.
  - c. The extent to which the fence will use landscaping to minimize the visual impact of the fence.

## **2.18 Appeals**

### **A. Scope of Appeals**

An appeal may be taken to the Planning and Zoning Commission by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by a decision of the Building Inspector, Director of Economic and Community Development or other authorized officials. The appeal process provides checks and balances on administrative authority.

### **B. Petition for Appeal**

A petition for an appeal before the Planning and Zoning Commission shall be filed initially with the Director of Economic and Community Development. The appeal must be filed in writing within thirty (30) days after the date of the contested decision.

The filing of the appeal shall stay any proceedings and any development permitted by the contested action, until a final decision has been rendered by the Planning and Zoning Commission, unless the stay would cause imminent peril to life or property.

### C. Procedure

Upon filing of an administrative appeal, the Director of Economic and Community Development shall transmit to the Planning and Zoning Commission all the papers constituting the record of the decision. The Director of Economic and Community Development shall place the appeal on the agenda of the Planning and Zoning Commission for consideration at the earliest available meeting. The Director of Economic and Community Development shall provide the person who filed the appeal with written notice of the date, time and place of the scheduled meeting.

### D. Meeting

By motion, the Planning and Zoning Commission shall reverse, affirm or modify the contested decision. In reversing, modifying or affirming the contested decision, the Planning and Zoning Commission shall have all the related powers of the administrative officer whose decision is being appealed.

### E. Decision

The contested decision shall not be modified unless the Planning and Zoning Commission finds that an error has been made in the application or interpretation of the terms of this Ordinance, any other related codes, ordinances or policies adopted by the Village. The contested action shall not be reversed or modified except by the concurring vote of four (4) Planning and Zoning Commission members.

### F. Further Appeal

In the event that the contested action is reversed or modified, all subsequent administrative actions concerning the subject matter shall be in accordance with the reversal or modification by the Planning and Zoning Commission. All decisions of the Planning and Zoning Commission made pursuant to this part shall be final administrative decisions. Any appeal from such decisions shall be made to the Circuit Court.

### G. Records

A record of all requests for appeals, including Village action taken, shall be kept on file in the Office of Economic and Community Development. Subject to the exception in the Freedom of Information Act, copies shall be made available on request to any person for a fee.

## **2.19 Interpretations**

### A. Purpose

The interpretation authority established by this section is intended to recognize that the provisions of this ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. The Director of Economic and Community Development may issue interpretations of the provisions of this ordinance to clarify the standards or requirements as they relate to a particular type of development on a particular property. The interpretation authority established herein is not intended to add or change the essential content of the Zoning Ordinance, but is intended only to allow authoritative application of that content to specific cases.

## B. Request

The Director of Economic and Community Development may issue an interpretation at the written request of a petitioner who is proposing to take action requiring the issuance of a permit or certificate. The request for an interpretation shall set forth the facts and circumstances, a description of the proposed development, and the precise interpretation claimed by the applicant to be correct.

## C. Content of Letter

The interpretation does not itself authorize the establishment of a use but provides guidance for any approvals or permits required by this ordinance, and the interpretation shall be advisory in nature and shall not be binding upon the Planning and Zoning Commission or the Village Board in their functions under this ordinance. The interpretation shall specify the facts, reasons, analysis and standards upon which the interpretation is based.

## D. Records

A record of all zoning interpretations shall be kept on file in the Director of Economic and Community Development's office.

### **2.20 Historic Preservation**

When any building or structure has been designated an official landmark, no building permit or certificate of occupancy shall be issued unless, and until, the applicant has complied with all the requirements in Chapter 54 of the Municipal Code.

### **2.21 Recording of Documents**

Recording of documents as required by the Village in instances of subdivision, consolidation, amendment, and/or Planned Unit Development (PUD) or otherwise required by state statutes, shall be completed by the Director of Economic and Community Development or his nominee in a timely manner and at the expense of the petitioner. Notice of all fees shall be furnished to the petitioner by the Director of Economic and Community Development or his nominee and paid prior to the recording of documents.

**TABLE 2.1: ADMINISTRATION MATRIX**

REVIEW PROCESS	ZONING PROCEDURES								
	APPEARANCE PROCESS	BUILDING PERMIT/OCCUPANCY PERMIT	PUD/ Major PUD Amendment	ZONING MAP OR TEXT AMENDMENTS	SPECIAL USE PERMIT	VARIATION	ADMIN. APPEALS	INTERPRETATIONS	SITE PLAN REVIEW
<b>Application Initiation</b>	Owner	Owner	Owner	Owner, Planning and Zoning Commission, Director of Economic and Community Development, Village Board	Owner	Owner	Any person, department or commission	Owner	Owner
<b>Completeness Determination</b>	Building Inspector	Building Inspector	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development
<b>Application Review</b>	Building Inspector	Building Inspector	Site Plan Review Committee	Director of Economic and Community Development	Site Plan Review Committee	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Site Plan Review Committee
<b>Public Notice</b>	None	None	15-30 day published newspaper notice; first class letters to occupants within 250 feet	15-30 day published newspaper notice; first class letters to occupants within 250 feet	15-30 day published newspaper notice; first class letters to occupants within 250 feet	15-30 day published newspaper notice; first class letters to occupants within 250 feet	None	None	None
<b>Public Hearing</b>	Appearance Commission	None	Planning and Zoning Commission	Planning and Zoning Commission	Planning and Zoning Commission	Planning and Zoning Commission	Planning and Zoning Commission	None	None
<b>Final Decision</b>	Appearance Commission	Building Inspector	Village Board	Village Board	Village Board	1	Planning and Zoning Commission	Director of Economic and Community Development	Planning and Zoning Commission
<b>Record Keeping</b>	Building Inspector	Building Inspector	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development	Director of Economic and Community Development

<sup>1</sup> Planning and Zoning Commission for administrative variations and outdoor itinerant merchants; Village Board for zoning variances and home-based businesses; Director of Economic and Community Development for minor variances.

## **SECTION 3 - ZONING DISTRICTS**

### **3.1 Establishment of Zoning Districts**

In order to carry out the purposes and intent of this Section, the Village shall be divided into the following districts:

#### Residential Districts

- R-1 Single-Family Residence District
- R-2 Single-Family Residence District
- R-3 Townhouse/Transition District
- R-4 Multiple Family Residence District

#### Business Districts

- B-1 Central Business District
- B-2 Community Business District
- B-3 Service Business District
- B-4 Shopping Center District
- DO Downtown Overlay District

#### Manufacturing Districts

- M-1 Limited Manufacturing District
- M-2 Heavy Manufacturing District

#### Special District

- PL Public Land and Open Space District

### **3.2 Interpretation of District Sequence**

#### A. General Rule

This ordinance rejects as outdated and inappropriate the concept of hierarchical and cumulative zoning districts. Except as noted below, this ordinance is based on the concept that each district should be designed to accomplish a specific purpose, to encourage a particular type of development and to protect that development from being encroached upon by incompatible types of development.

#### B. Special Rule

Within the foregoing philosophy, however, it is recognized that when different districts are adjoining, their differing characters may require special treatment to ameliorate incompatibilities that might otherwise result. For this limited purpose, this ordinance recognizes the concept of “more restrictive” and “less restrictive” districts. The districts established by this ordinance shall be considered “more restrictive” or “less restrictive” in accordance with the following rules:

1. The residential districts shall be deemed more restrictive than any non-residential district.
2. The R1 Single Family Residence District shall be deemed the most restrictive residential district and the R4 Multiple Family Residence District shall be deemed the least restrictive residential district.
3. The Public Lands District shall be deemed to be more restrictive than any business district but less restrictive than any residential district.
4. The M Manufacturing Districts shall be deemed less restrictive than any other zoning district. The M-1 Limited Manufacturing shall be deemed the most restrictive manufacturing district.

### **3.3 Interpretation of Boundaries**

The Zoning Map shall be drawn to scale so that close approximations to dimensions of zoning districts can be ascertained. When uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

- A. Unless otherwise indicated, district boundary lines are either the centerlines of railroads, highways, streets, alleys, tract or lot lines, or such lines extended.
- B. When a district boundary line divides a lot of record in single ownership, the use authorized on, and the district requirements applying to, the most restricted portion of the lot shall be considered as applying to the entire lot.
- C. When the district boundary lines do not coincide with a right-of-way line or lot line, the district boundary shall be determined by applying the map scale and measuring the boundary line.

The Director of Economic and Community Development shall hear and decide all interpretations of any district boundary lines as shown on the Zoning Map. The Director Economic and Community Development shall have the authority to interpret such boundary lines, but does not have the authority to amend those lines, which shall be done in accordance with the procedures in Section 2.15.

### **3.4 Zoning Map**

#### **A. Map Incorporated**

The location and boundaries of the districts established by this ordinance are set forth in the Zoning Map, which is incorporated into, and made an integral part of, this ordinance. All notations, references and amendments thereto shall be as much a part of this ordinance as if specifically set forth and literally described herein.

#### **B. Omitted Land**

It is the intent of this ordinance that the entire area of the Village, including all land and water areas, be included in the districts established by this ordinance. Any land lying within the Village, but not shown on the Zoning Map as being included within a district, shall be deemed to be classified as within the R1 Single Family Residence District

C. Maintenance of Official Zoning Map

The Zoning Map shall be prepared by, and filed with, the Director of Economic and Community Development and shall be available for public reference during normal business hours. The Zoning Map shall be updated annually as is required by state law. Any amendment to zoning district boundaries shall be indicated on the Zoning Map.

D. Availability of Zoning Map

A revised, current copy of the Zoning Map, certified as being inclusive of all amendments and drawn to a convenient scale, shall be published from time to time and made available for sale. However, it shall be the responsibility of those obtaining zoning maps to verify the current status of the map with the Director of Community Development.

**3.5 Annexed Land**

All territory, which may be annexed to the Village after the effective date of this ordinance, shall be classified into the R-1 Single-Family Residence District, unless otherwise provided in the annexation agreement or until changed in accordance with the procedures established in Section 2.15.

**3.6 Exemptions for Public Utilities**

Subject to compliance with the Municipal Code and all other regulations, the following essential services are permitted to be erected, constructed, altered or maintained in any district:

- A. Traffic signals, fire hydrants and similar equipment and accessories.
- B. Gas, electric, communication, water supply, and transmission/distribution systems.
- C. Elevated, grade level, or underground water storage tanks and water towers.
- D. Storm and sanitary sewer collection and disposal systems.

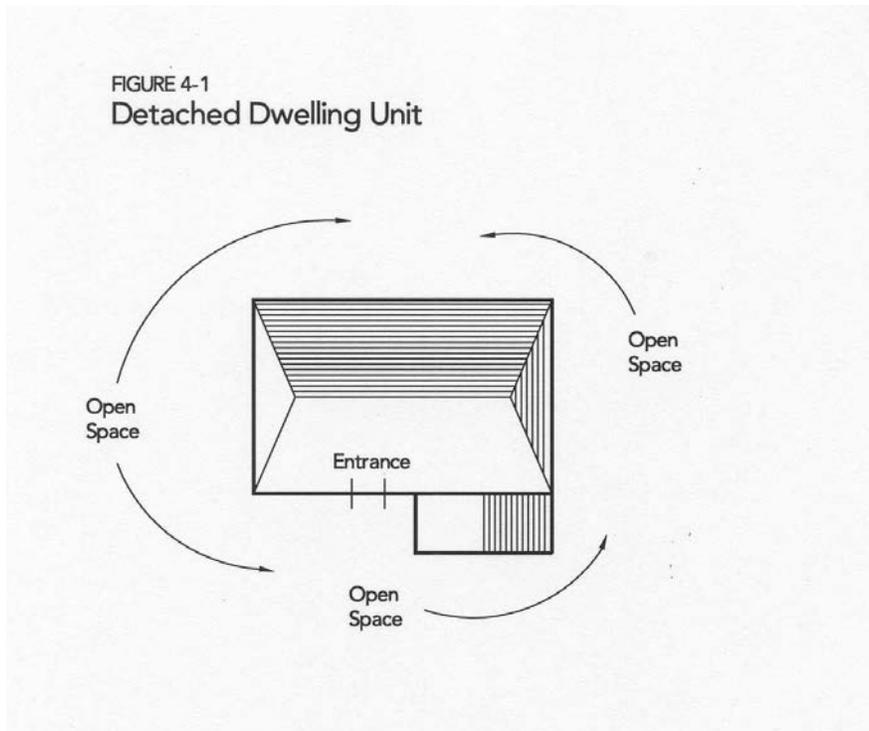
Poles, wires, mains, drains, pipes, conduits and cables reasonably necessary for the furnishing of adequate service by public utilities, municipal or other governmental agencies or for the public health, safety and welfare.

However, the exemption in this Section shall not apply to any buildings or to any services regulated in Section 9.

## SECTION 4 - RESIDENTIAL DISTRICTS

### 4.1 Purposes of the Residential Districts

The purpose of the R1 Single-Family Residence District is to protect and maintain single-family detached residential development and limited other public and institutional uses compatible with the surrounding residential neighborhoods. The standards are intended to preserve the low-density characteristic of the current development pattern, which consists of relatively large lots.

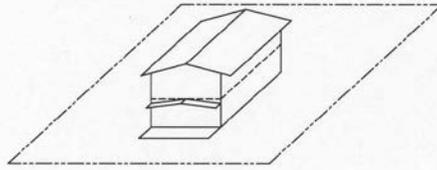


The purpose of the R2 Single-Family Residence District is to protect and maintain detached single-family residential development and limited other public and institutional uses compatible with the surrounding residential neighborhoods. The standards are intended to maintain the relatively low-density characteristic of the current development pattern.

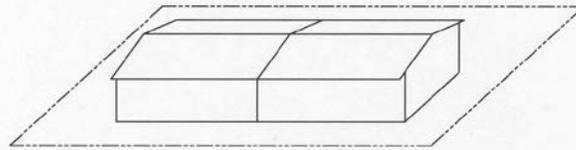
The purpose of the R3 Townhouse/Transition District is to promote and maintain the development of single-family attached residential development and to allow limited commercial uses appropriate to the residential context of the area. The standards are intended to provide a mix of uses and to encourage alternative forms of housing at low-rise densities that buffer the surrounding single-family neighborhoods from the more intense land uses in the Central Business District.

The purpose of the R4 Multiple Family Residence District is to promote and maintain the development of multiple-family dwelling units, attached single-family dwelling units, and limited other public and institutional uses that are compatible with the surrounding residential neighborhoods. The standards are intended to provide for convenient living at higher densities characteristic of mid-rise buildings.

FIGURE 4-2  
Two Family Dwelling Units

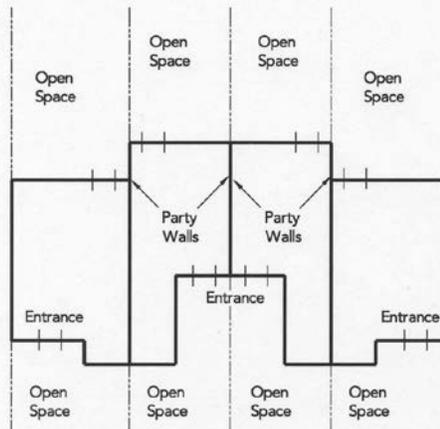


ATTACHED HORIZONTALLY



ATTACHED VERTICALLY

FIGURE 4-3  
Townhouse Dwelling Units



## 4.2 Permitted and Special Uses

Table 4.1 lists permitted and special uses for the Residential Districts.

## 4.3 Yard and Bulk Regulations

Table 4.2 lists yard and bulk regulations for the Residential Districts.

#### 4.4 General Standards of Applicability

A. Accessory Buildings, Structures, and Uses

See Sections 9.2 and 8.2 for standards governing detached garages, recreational equipment, accessibility ramps and other accessory buildings, structures, and uses.

B. Permitted Encroachments

See Section 8.3 for standards governing encroachments.

C. Off-Street Parking

See Section 11 for standards governing off-street parking.

D. Landscaping

See Section 12 for standards governing landscaping.

E. Environmental Performance Standards

See Section 8.4 for environmental performance standards.

F. Temporary Uses

See Section 9.3 for standards governing temporary uses.

G. Signs

See Chapter 86 of the Municipal Code for standards governing signs.

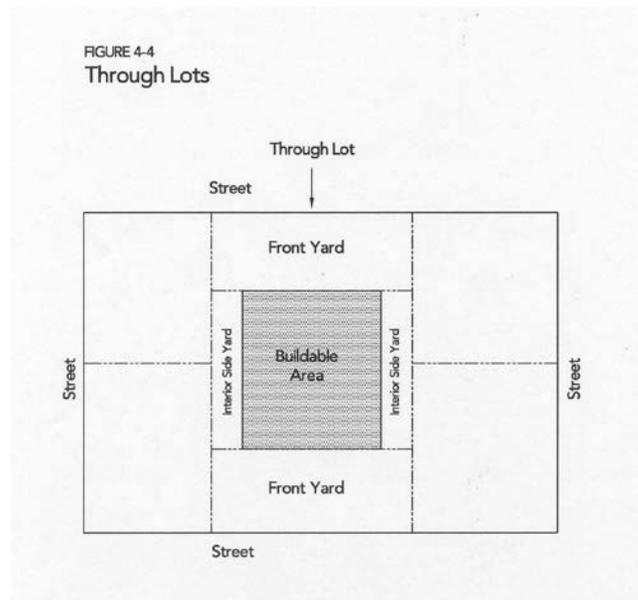
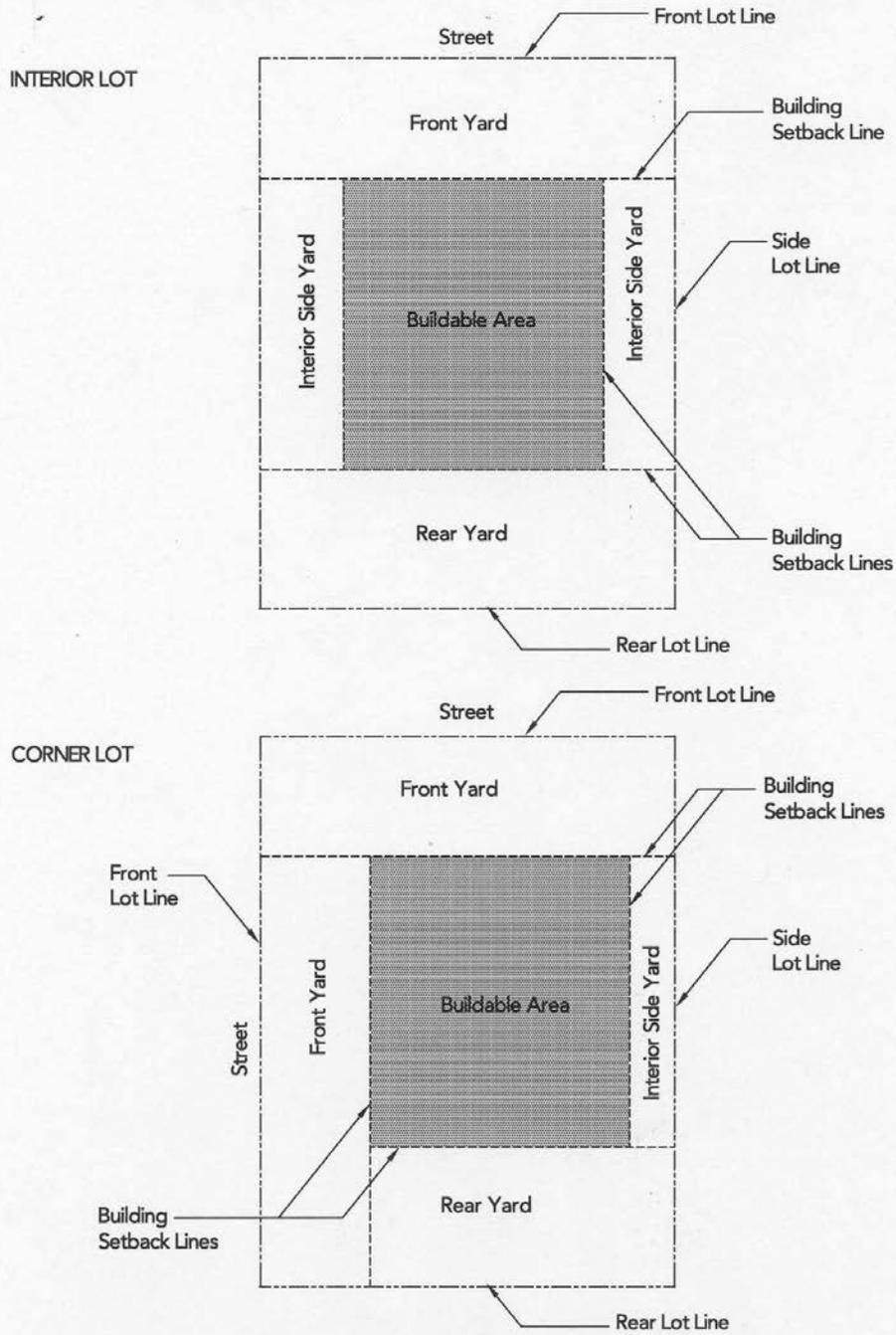


FIGURE 4-5  
**Building Setback Lines**



**TABLE 4.1: SUMMARY TABLE OF PERMITTED AND SPECIAL USES**

**P= Permitted Use S= Special Use**

VILLAGE OF HOMEWOOD, ILLINOIS TABLE 4.1: RESIDENTIAL DISTRICT USE TABLE					
Use	Zoning District				Specific Use Standards
	R1	R2	R3	R4	
<b>Agricultural Uses</b>					
Agriculture, Growing of Crops	S	S			
<b>Residential Uses</b>					
Congregate Housing, Assisted Living			S	S	See Section 9.2(H)
Convent/Monastery/Seminary	S	S	S	S	
Dwellings, Multiple-Family			S	P	
Dwellings, Single-Family	P	P			
Dwellings, Two-Family			P	P	
Dwellings, Townhouse (5 units/building, 10 feet separation between buildings)			P	P	
Elderly Housing, Independent			S	S	
Group Home	P,S	P,S	P,S	P,S	See Section 9.2(E)
Home-Based Business	P,S	P,S	P,S	P,S	See Section 9.2(D)
Nursing Homes, Sanitariums			S	S	See Section 9.2(H)
Specialty Residential Uses					See Section 9.4
<b>Cultural, Religious, Recreational Uses</b>					
Art Galleries and Museums	S	S	S	S	
Indoor Recreation, Community Center, Health Club, YMCA/YWCA	S	S	S	S	
Outdoor Recreation, Golf/Country Club, Playing Field, Tennis Court, Swimming Pool	S	S	S	S	See Section 9.2(F)

**VILLAGE OF HOMEWOOD, ILLINOIS  
TABLE 4.1: RESIDENTIAL DISTRICT USE TABLE**

Use	Zoning District				Specific Use Standards
	R1	R2	R3	R4	
Parks, Playgrounds	P	P	P	P	
Places of Worship	S	S	S	S	See Section 9.2(J)
<b>Governmental and Educational Uses</b>					
Government Office, Police, Fire Stations	S	S	S	S	
Municipally-Operated Health Center				S	
Public Libraries, Post Offices	S	S	S	S	
Schools, Boarding or Preschools	S	S	S	S	
Schools, Elementary, Junior High, High School	P	P	P	P	
Utilities, Local	S	S	S	S	See Section 9.2(I)
Utilities, Community	S	S	S	S	See Section 9.2(I)
<b>Retail, Service, Transportation Uses</b>					
Adult Day Care	S	S	S	S	See Section 9.2(H)
Bed and Breakfast	S		S	S	See Section 9.2(O)
Child Care Centers	S	S	S	S	See Section 9.2(C)
Hospitals				S	
Hotels, Motels				S	
Office or Personal Service-Accessory to Multi-Family				P	
Retail Uses, Accessory to Multi-Family				S	See Section 9.2(M)
Transit Terminals, Transportation Stations	S	S	S	S	
<b>Other Uses</b>					
Planned Unit Developments	S	S	S	S	Subject to Section 10
Satellite Dishes	P,S	P,S	P,S	P,S	
Wireless Communication Facilities					See Section 9.2(P)
<b>Temporary Uses</b>					See Section 9.3

**TABLE 4.2: SUMMARY TABLE OF YARD AND BULK REGULATIONS**

VILLAGE OF HOMEWOOD, ILLINOIS				
TABLE 4.2: RESIDENTIAL DISTRICT YARD AND BULK REGULATIONS				
Yard and Bulk Regulations	Zoning District			
	R1 <sup>1</sup>	R2 <sup>1</sup>	R3	R4
Minimum Lot Area (square feet)				
Single-Family Detached Dwelling, Two-Family Dwelling	10,400 sq. ft.	8,100 sq. ft.	n/a	n/a
Townhouse Dwelling (per unit)	n/a	n/a	4,300 sq. ft.	4,300 sq. ft.
Multiple-Family Dwelling (per unit)	n/a	n/a	n/a	3,100 sq. ft.
Planned Development	1 acre	1 acre	1 acre	1 acre
Minimum Lot Width (feet)	80 feet	60 feet	60 feet	60 feet
Maximum Building Coverage	30%	50%	60%	60%
Maximum Impervious Surface	.40	.60	.70	.80
Front Yard Impervious Surface Coverage	.40	.50	.50	.60
Rear Yard Lot Coverage	30%	30%	n/a	n/a
Maximum Floor Area	.40	.50	.50	.60
Front (see Section 15 for established front yards)	30 feet <sup>4</sup>	25 feet	25 feet	25 feet
Interior Side, Except Townhouses	8 feet	the lesser of 6 feet or 10% of the lot width, but in no case less than 5 feet	6 feet	6 feet
Interior Side, Townhouses	n/a	n/a	6 feet if units front the street; 25 feet for all others	6 feet if units front the street; 25 feet for all others
Combined Side <sup>2</sup>	20 feet	16 feet	16 feet	16 feet
Rear	40 feet	30 feet	25 feet	30 feet
Minimum Ground Floor Area per Dwelling Unit, Excluding Garage	1,500 for one-story; 1,000 for all others	1,140 sq. ft. for one-story; 850 sq. ft. for all others	n/a	n/a
Maximum Height for Accessory Buildings	14 feet except garages, which may be 17 feet	14 feet, except garages which may be 17 feet	14 feet, except garages which may be 17 feet	14 feet, except garages which may be 17 feet
Maximum Building Height, Principal Buildings (feet) <sup>3</sup>	30 feet or 2½ stories, whichever is lower	30 feet or 2½ stories, whichever is lower	35 feet or 3 stories, whichever is lower	50 feet or 5 stories, whichever is lower

Notes:

<sup>1</sup> Please see Section 13.4 for conforming additions to single-family detached housing.

<sup>2</sup> Combined side yards for detached single-family dwellings with attached garages are reduced to 16 feet in R1 and 12 feet in R2.

<sup>3</sup> Buildings other than single-family detached dwellings may be up to 35 feet.

<sup>4</sup> To provide buildable width of 32 feet, one front yard of a corner lot may be reduced to 30% of lot width.

## **SECTION 5 - BUSINESS DISTRICTS**

### **5.1 Purposes of the Business Districts**

The purpose of the B1 Central Business District is to allow commercial uses that provide goods and services to the Village as a whole. The district provides for a mix of commercial, residential and entertainment uses. The standards are designed to maintain the pedestrian-oriented environment while accommodating larger scale uses.

The purpose of the B2 Community Business District is to protect and maintain the scale of commercial areas that provide goods and services primarily for the convenience of the surrounding neighborhoods. The standards are designed to promote the continuation of small-scale commercial districts.

The purpose of the B3 Service Business District is to provide for higher volume and higher intensity of commercial uses. Since these uses may affect the overall character of the Village, the standards are designed to maintain and enhance the appearance of major thoroughfares.

The purpose of the B4 Shopping Center District is to provide retail uses that serve the residents of the Village and the surrounding areas. The district allows for medium-scale development that generates a significant amount of traffic. The standards provide flexibility in the mix and scale of uses.

### **5.2 Permitted and Special Uses**

Table 5.1 lists permitted and special uses for the Business Districts.

### **5.3 Yard and Bulk Regulations**

Table 5.2 lists yard and bulk regulations for the Business Districts.

### **5.4 General Standards of Applicability**

#### **A. Accessory Buildings, Structures, and Uses**

See Sections 9.2 and 8.2 for standards governing satellite dishes, carry out facilities, refuse containers and other accessory buildings, structures, and uses.

#### **B. Permitted Encroachments**

See Section 8.3 for standards governing encroachments.

#### **C. Off-Street Parking**

See Section 11 for standards governing off-street parking.

#### **D. Landscaping**

See Section 12 for standards governing landscaping.

E. Environmental Performance Standards

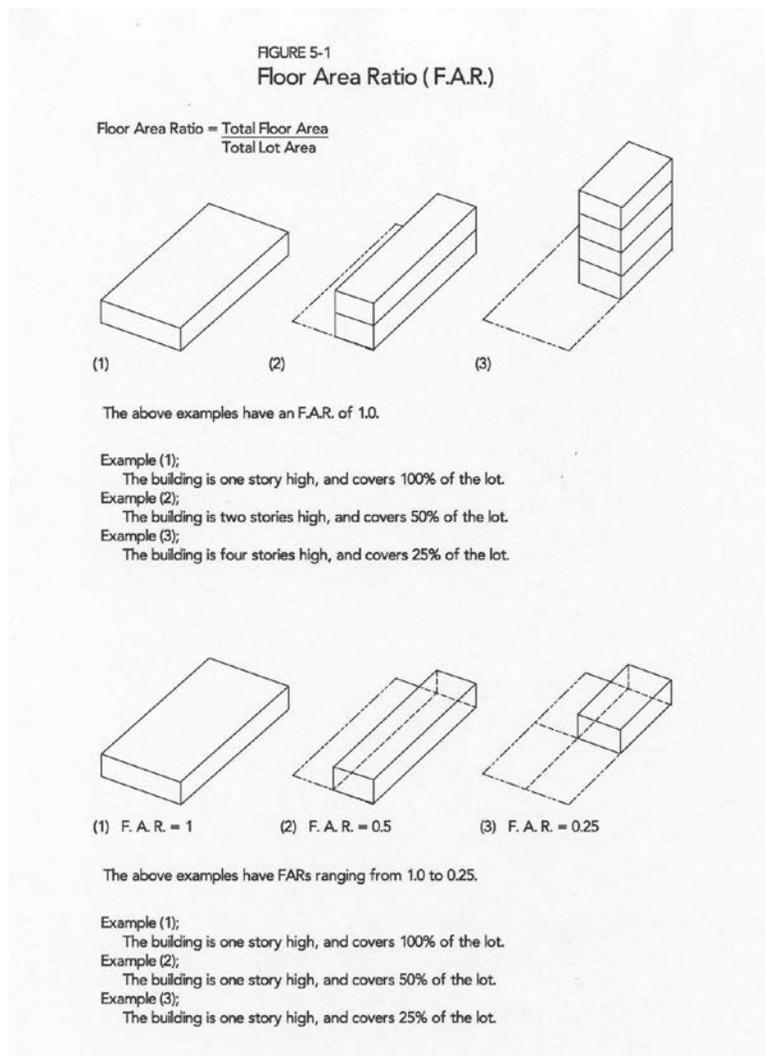
See Section 8.4 for environmental performance standards.

F. Temporary Uses

See Section 9.3 for standards governing temporary uses.

G. Signs

See Chapter 86 of the Municipal Code for standards governing signs.



**TABLE 5.1: SUMMARY TABLE OF PERMITTED AND SPECIAL USES**

P= Permitted Use S= Special Use

VILLAGE OF HOMEWOOD, ILLINOIS TABLE 5.1: BUSINESS DISTRICT USE TABLE					
Use	Zoning District				Specific Use Standards
	B1 <sup>1</sup>	B2	B3	B4	
<b>Residential Uses</b>					
Clubs, Lodges	S	S	S	S	
Convent/Monastery/Seminary	S	S	S	S	
Congregate Housing, Assisted Living	S	S	S	S	See Section 9.2(H)
Dwellings, Multiple-Family		S	S	S	
Dwelling Units Above Ground Floor	P	P	S	S	Subject to Section 4.4
Dwelling Units on Ground Floor	S	S			Subject to Section 9.2(U)
Elderly Housing, Independent	S	S	S	S	
Nursing Homes, Sanitariums			S	S	See Section 9.2(H)
Specialty Residential Uses	P				See Section 9.4
<b>Cultural, Religious, Recreational, and Entertainment Uses</b>					
Art Galleries, Museums	P	S	P	P	
Funeral Homes	S	P	P	P	
Indoor Amusement, Movie Theatres	S	P	P	P	
Outdoor Recreation, Golf Course, Country Club	S	S	S	S	See Section 9.2(F)
Parks/Playgrounds	S	S	S	S	
Places of Worship	S	S	S	S	See Section 9.2(J)
<b>Governmental and Educational Uses</b>					
Parking Lots- Off Street	P	P	P	P	
Parking Decks	P			S	

**VILLAGE OF HOMEWOOD, ILLINOIS  
TABLE 5.1: BUSINESS DISTRICT USE TABLE**

Use	Zoning District				Specific Use Standards
	B1	B2	B3	B4	
Government Office, Police, Fire Stations	S	S	S	S	
Public Libraries, Post Offices	S	S	S	S	
Schools, Trade or Business	S	P	P	P	
Utilities, Local	S	S	S	S	See Section 9.2(I)
Utilities, Community	S	S	S	S	See Section 9.2(I)
<b>Retail, Service, Transportation Uses</b>					
Adult Day Care	S	S	S	S	See Section 9.2(H)
Bed and Breakfast	P	S	S		See Section 9.2(O)
Child Care Centers	*	S	S**	*	See Section 9.2(C)
Carry-Out Facilities	P	P	P	P	See Section 9.2(B)
Domestic Pet Grooming	P	P	P	P	See Section 9.2(L)
Drive-Through Facilities	S	S	S	P	
Financial Institutions	S	S	S	S	
Hotels, Motels	S	S	S	S	
Laundry, Self-service		S	S	S	
Learning Centers	P	S	S	S	
Motor Vehicle Sales and Rental			P	P	
Motor Vehicle Service and Repair	S	S	S	P	
Office Professional	P	P	P	P	
Personal Service	P	P	P	P	
Restaurants, Taverns, Banquet Halls, Live Entertainment	P	S	P	P	Subject to Noise Standards in Section 8.4
Retail	P	P	P	P	
Salon/Spa Establishments	S	S	P	P	
Sports Arenas, Exhibit Hall				S	See Section 9.2(K)
Transit, Transportation Stations	S	S	S	S	

**VILLAGE OF HOMEWOOD, ILLINOIS  
TABLE 5.1: BUSINESS DISTRICT USE TABLE**

Use	Zoning District				Specific Use Standards
	B1	B2	B3	B4	
<b>Other Uses</b>					
Craft Brewery	S	S	S	S	
Outdoor Storage	P	P	P	P	See Section 9.2(G)
Satellite Dishes	P,S	P,S	P,S	P,S	See Section 9.2(A)
Tattoo Parlors/Body Piercing Facilities			S		See Section 9.2(R)
Wireless Communication Facilities		S	S	S	See Section 9.2(P)
Planned Unit Developments	S	S	S	S	Subject to Section 10
<b>Temporary Uses</b>					See Section 9.3

<sup>1</sup> Uses and yard and bulk standards for new developments over 25,000 sf are subject to the standards of Section 5.A

\*This does not apply to a child care center that was established prior to, July 11, 2017 , (a “Pre-Existing Use”). However, no Pre-Existing Use may be expanded or relocated, and no Pre-Existing Use may be reestablished if the child care center ceases operations for any period of 30 consecutive days.

\*\*Child care centers may not be located in the following area: from and including the southwest corner of 183<sup>rd</sup> Street and Governors Highway and extending south and west to Cherry Creek Drive.

**TABLE 5.2: SUMMARY TABLE OF YARD AND BULK REGULATIONS**

VILLAGE OF HOMEWOOD, ILLINOIS				
TABLE 5.2: BUSINESS DISTRICT YARD AND BULK REGULATIONS				
Yard and Bulk Regulations	Zoning District			
	B1 <sup>3</sup>	B2	B3	B4
Minimum Lot Area	n/a	n/a	n/a	n/a
Minimum Lot Area (PUD)	1 acre	60,000 sq. ft.	60,000 sq. ft.	60,000 sq. ft.
Minimum Yards (feet)				
Front	n/a	n/a	n/a	n/a
Side <sup>1</sup>	0, if one provided 5 feet			
Rear <sup>2</sup>	n/a	n/a	n/a	n/a
Maximum Floor Area Ratio	n/a	1.0	1.0	3.0
Maximum Building Height, Principal Buildings (feet)	4 stories	30 feet	30 feet	40 feet
Maximum Building Height, Accessory Buildings (feet)	17 feet	17 feet	17 feet	17 feet

Notes:

<sup>1</sup> If adjoins any district other than B4, required side yard of adjoining district shall be provided.

<sup>2</sup> If adjoins residential district, 16 feet rear yard shall be provided.

<sup>3</sup> Uses and yard and bulk standards for new developments over 25,000 sf are subject to the standards of Section 5.A

## **SECTION 5.A – Downtown Overlay District**

### **5. A.1 Purpose of the Downtown Overlay District**

The Downtown Overlay (DO) District supplements the B-1 zoning district and allows greater flexibility to promote a transit-oriented downtown by allowing increased densities, adjusted parking regulations and stricter design controls for new developments of appropriate scale in the Central Business District.

Regulations in this district are applied spatially, and because Downtown boundaries were identified by the Downtown Master Plan and the Homewood Zoning Map, the district may be easily identified.

### **5. A.2 Applicability Standards**

The standards of the DO District apply when the criteria in this Section is established:

Redevelopment of at least 25,000 sf of contiguous property located entirely within the boundaries of the DO District.

### **5. A.3 Yard and Bulk Regulations**

Table 5.A.1 lists yard and bulk regulations for the uses specific to the DO District.

### **5. A.4 Site Approval**

Approval of any development within the DO District is subject to Village review and approval.

#### **A. Site Plan Review Committee**

The Village Site Plan Review Committee shall review all projects within the DO District and provide a recommendation to the Planning and Zoning Commission in accordance with Section 2 (Administration) of this Ordinance.

#### **B. Planning and Zoning Commission**

The Planning and Zoning Commission shall review and approve all site plans for projects within the DO District and shall review and consider all variations from this Section in accordance with Section 2 (Administration) of this Ordinance.

#### **C. Appearance Commission**

The Appearance Commission shall review all site plans for projects within the DO District in accordance with Section 78 of the Homewood Municipal Code and Section 2 of the Homewood Zoning Ordinance.

### **5. A.5 General Standards**

## A. Off-Street Parking

The purpose of adjusted parking regulations in the DO District is to allow land uses to deviate from the parking requirements of Section 11 (Parking and Loading) to encourage transit-oriented development. This deviation is allowed in recognition of the unique characteristics of the downtown area such as mixed uses, pedestrian-oriented developments, and availability of transit. The regulations of the DO District will allow a reduction in the number of required parking spaces and may permit the use of off-site parking facilities.

### 1. Number of Spaces Required

Table 5.A.2 lists parking regulations for the uses specific to the DO District. Uses not listed in Table 5.A.2 shall be referred to Table 11.1 for parking regulations.

### 2. Design and Layout

Parking lot design and layout shall be subject to Section 11 of this Ordinance.

### 3. Shared Parking

#### a. Off-street parking facilities for separate uses may be provided collectively if:

1. the total number of spaces is not less than fifty (50) percent of the separate requirements of each such use and if all regulations governing the location of the accessory parking spaces in relation to the use served are observed.
2. the respective hours or uses of the operation do not substantially overlap.
3. a legal agreement has been provided to the Village guaranteeing that the parking spaces and loading spaces shall be maintained so long as the uses are in existence unless the required parking is provided elsewhere in accordance with this Section. The agreement must be recorded in a form satisfactory to the Village Attorney.

#### b. Publicly owned parking within 300 feet of the subject parking may be included as part of the required parking. The number of spaces used to satisfy the required off-street parking for an individual use shall not exceed 25 percent of the required spaces for that use.

### 4. Parking Structures

Parking structures where permitted in this Ordinance are subject to review and approval by the Site Plan Review Committee and the Planning and Zoning Commission.

### 5. Front Yards

The creation of new parking areas in front yards shall be prohibited except on corner lots where there are two front yards.

B. Streetscape

Streetscape is required for developments that do not include the existing Village of Homewood Streetscape Plan elements. No streetscape elements shall be installed without prior approval of design and materials by the Site Plan Review Committee. Streetscape elements not previously approved by the Village shall be subject to review and approval by the Appearance Commission.

C. Outdoor Cafes

Outdoor cafes shall be permitted in the DO District subject to the following:

1. Location

Outdoor cafes shall allow at least 5 feet of unobstructed sidewalk.

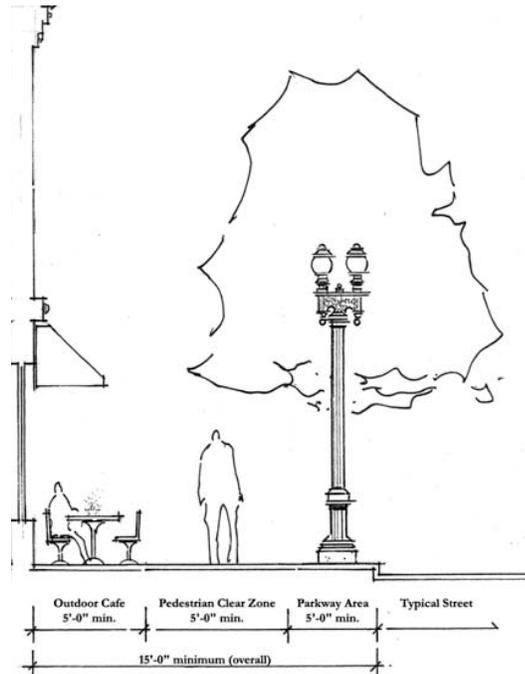
2. Fencing

Outdoor cafes must be enclosed with removable decorative fencing, walls, and/or landscape planters.

3. Review Required

Outdoor cafes shall be subject to review and approval by the Site Plan Review Committee.

**Figure 5.A 1 Outdoor Cafe**



**TABLE 5.A.1: SUMMARY TABLE OF YARD AND BULK REGULATIONS**

VILLAGE OF HOMEWOOD, ILLINOIS	TABLE 5.A.1: OVERLAY DISTRICT YARD AND BULK REGULATIONS
Yard and Bulk Regulations	Downtown Overlay (DO) District
Minimum Lot Area	25,000 sq. ft.
Residential Dwellings (per unit)	1100 sq. ft.
Minimum Yards (feet)	
Front (interior lot)	Zero, if one provided 5 feet
Front (corner lot)	Zero
Side	Zero, if one provided 5 feet
Rear	Zero
Maximum Building Height, Principal Building	4 stories
Maximum Building Height, Accessory Building	30 feet, but not to exceed the height of the principal building

**TABLE 5.A.2 PARKING REQUIREMENTS**

**USES \_\_\_\_\_ PARKING REQUIREMENTS**

**Residential Uses**

Elderly Housing..... .5/dwelling unit  
Multiple-Family Dwelling ..... 1.3/dwelling unit  
Townhouses..... 1.5/dwelling unit

**Retail Uses**

Retail Uses..... 1/300 sf of gross floor area

**Restaurants**

Sit-down dining ..... 1/250 sf of gross floor area  
Carry-out only ..... 1/350 sf of gross floor area

**Business Uses**

Offices..... 1/300 sf of gross floor area

Note:  
s.f. refers to square feet

## **SECTION 6 - MANUFACTURING DISTRICT**

### **6.1 Purpose of Manufacturing Districts**

The purpose of the Manufacturing Districts is to provide suitable locations for manufacturing, assembly, warehousing, distribution and related activities. These relatively intensive uses of land are located on properties not suited for retail or offices. The development standards are intended to buffer nearby properties from the impacts of manufacturing and related uses.

### **6.2 Permitted and Special Uses**

Table 6.1 lists permitted and special uses for the Manufacturing Districts.

### **6.3 Yard and Bulk Regulations**

Table 6.2 lists yard and bulk regulations for the Manufacturing Districts.

### **6.4 General Standards of Applicability**

#### **A. Accessory Buildings, Structures, and Uses**

See Sections 8.2 and 9.2 for standards governing mechanical equipment, exterior lighting and other accessory buildings, structures, and uses.

#### **B. Permitted Encroachments**

See Section 8.3 for standards governing encroachments.

#### **C. Off-Street Parking**

See Section 11 for standards governing off-street parking.

#### **D. Landscaping Requirements**

See Section 12 for standards governing landscaping.

#### **E. Environmental Performance Standards**

See Section 8.4 for environmental performance standards.

#### **F. Temporary Uses**

See Section 9.3 for standards governing temporary uses.

#### **G. Signs**

See Chapter 86 of the Municipal Code for standards governing signs.

**TABLE 6.1: SUMMARY TABLE OF PERMITTED AND SPECIAL USES**

**P= Permitted Use S= Special Use**

VILLAGE OF HOMEWOOD, ILLINOIS TABLE 6.1: MANUFACTURING DISTRICTS USE TABLE			
	Zoning Districts		
Use	M-1	M-2	Specific Use Standards
<b>Governmental and Educational Uses</b>			
Government Offices, Police and Fire Stations	P		
Utilities, Community	P		See Section 9.2(I)
Utilities, Local	P		See Section 9.2(I)
<b>Retail, Service, and Transportation Uses</b>			
Adult Day Care	S		
Adult Uses	S		See Section 9.2(Q)
Animal Hospitals, Kennels, Veterinarians	P		See Section 9.2(L)
Boat Showrooms	P		
Child Care Centers, Accessory Use Only	S		See Section 9.2(C)
Crematoriums	S		See Section 9.2(S)
Firearms Retailers	S		See Section 9.2(V)
Laundry, Commercial	P		
Learning Centers	S		
Motor Vehicle Service and Repair	P		See Section 9.2(N)
Office, Professional	P		
Parking Lots, Off-Street	P		
Transit Terminals, Transportation Stations	P		
<b>Manufacturing</b>			
Building Material, Machinery and Equipment Sales or Storage	P		
Contractor Shops	P		
Dry Cleaners processing on-site, Laundries, Rug Cleaners	P		

<b>VILLAGE OF HOMEWOOD, ILLINOIS</b>			
<b>TABLE 6.1: MANUFACTURING DISTRICTS USE TABLE</b>			
<b>Use</b>	<b>Zoning Districts</b>		<b>Specific Use Standards</b>
	<b>M-1</b>	<b>M-2</b>	
Greenhouses, Wholesale	P		
Heliports	P		
Light Manufacturing, Assembly, Fabrication	P		
Materials Salvage Yards and/or Recycling Operations	P		
Mining and Extraction of Aggregates		S	See Section 9.2(W)
Mini-Warehouse, Personal Storage	P		
Printing and Publishing	P		
Research and Development	P		
Warehouse/Distribution	P		
Water Storage and Filtration; Sanitary and Storm Water Treatment and Pumping Facilities	P		
<b>Other Uses</b>			
Accessory Buildings and Structures	S		
Cannabis Dispensing Organization	P*		
Cannabis Infuser Organization	P*		
Cargo Containers	S		
Craft Brewery	S		
Medical Cannabis Cultivation Center	P		
Outdoor Storage	P		See Section 9.2(G)
Planned Unit Developments	S		Subject to Section 10
Satellite Dishes	P,S		See Section 9.2(A)
Tattoo Parlors/Body Piercing Facilities	S		
Wireless Communications Facilities	P, S		See Section 9.2(P)
<b>Temporary Uses</b>			See Section 9.3

\* No more than one (1) Cannabis Dispensing Organization and one (1) Cannabis Infuser Organization may be located within the Village.

**TABLE 6.2: SUMMARY TABLE OF YARD AND BULK REGULATIONS**

VILLAGE OF HOMEWOOD, ILLINOIS TABLE 6.2: MANUFACTURING DISTRICT YARD AND BULK REGULATIONS	
Yard and Bulk Regulations	M-1 and M-2 Zoning Districts
<b>Minimum Lot Area</b>	
<b>Minimum Lot Width</b>	
<b>Minimum Lot Area for Planned Development</b>	30,000 square feet
<b>Minimum Yards (feet)</b>	
<b>Front</b>	40 feet; 30 feet for PUD
<b>Interior Side <sup>1</sup></b>	25 feet; 25 feet combined side yards for PUD
<b>Rear</b>	40 feet (20 feet for a rear yard abutting an alley or railroad right-of-way); 20 feet for PUD
<b>Maximum Floor Area Ratio</b>	1.5
<b>Maximum Building Height, Principal Buildings (feet)</b>	40 feet
<b>Maximum Building Height, Accessory Building (feet)</b>	14 feet

Notes:

<sup>1</sup> In a PUD, each interior side yard shall be a minimum of 5 feet.

# SECTION 7 - PUBLIC LAND AND OPEN SPACE DISTRICT

## 7.1 Purpose

The purpose of the PL 1 Natural Area Preserve District is to support the continued existence, maintenance, conservation and protection of the major open space, natural areas and passive recreational areas that are publicly and privately owned.

The purpose of the PL 2 Public Land and Open Space Zoning District is to protect and maintain public properties owned by the Village, the park district, school districts, non-profit organizations, and privately-owned country clubs. The development standards provide flexibility to local government bodies, non-profit organizations, and country clubs in the use of their land while protecting surrounding uses.

## 7.2 Permitted and Special Uses

Table 7.1 lists permitted and special uses for the Public Land and Open Space Districts.

## 7.3 Yard and Bulk Regulations

Table 7.2 lists yard and bulk regulations for the Public Land and Open Space Districts.

## 7.4 General Standards of Applicability

### A. Accessory Buildings, Structures, and Uses

See Sections 8.2 and 9.2 for standards governing personnel wireless service facilities and other accessory buildings, structures and uses.

### B. Permitted Encroachments

See Section 8.3 for standards governing encroachments.

### C. Off-Street Parking

See Section 11 for standards governing off-street parking.

### D. Landscaping Requirements

See Section 12 for standards governing landscaping.

### E. Environmental Performance Standards

See Section 8.4 for environmental performance standards.

### F. Temporary Uses

See Section 9.3 for standards governing temporary uses.

### G. Signs

See Chapter 86 of the Municipal Code for standards governing signs.

**TABLE 7.1: SUMMARY TABLE OF PERMITTED AND SPECIAL USES**

P= Permitted Use S= Special Use

<b>VILLAGE OF HOMEWOOD, ILLINOIS</b>			
<b>TABLE 7.1: PUBLIC LAND AND OPEN SPACE DISTRICT USES</b>			
<b>Use</b>	<b>ZONING District</b>		<b>Specific Use Standards</b>
	<b>PL-1</b>	<b>PL-2</b>	
<b>Governmental and Educational Uses</b>			
Animal Shelter and Adoption Center operated by a non-profit corporation organized and operated exclusively for exempt purposes set forth in Internal Revenue Code section 501(c)(3)		S	
Community Centers, Indoor Recreation		P	
Government Offices, Police and Fire Stations		P	
Natural Area Preserves	P	P	
Outdoor Amusement		P	
Outdoor Recreation: Golf Courses, Swimming Pools, Tennis Courts, Playing Fields		P	
Parks And Playgrounds	P	P	
Public Library		P	
Schools: Elementary, Junior High, High School		P	
Utility, Community	P	P	See Section 9.2(I)
Utility, Local	P	P	See Section 9.2(I)
<b>Retail, Service, and Transportation Uses</b>			
Child Care Centers, Accessory Use Only		S	See Section 9.2(C)
Parking Lot, Off-Street	S	P	
Transportation Stations and Terminals		S	
<b>Other Uses</b>			
Planned Unit Developments		S	Subject to Section 10
Satellite Dishes		P, S	See Section 9.2(A)
Wireless Communications Facilities		P, S	See Section 9.2(P)
<b>Temporary Uses</b>			
	S	S	See Section 9.3

**TABLE 7.2: SUMMARY TABLE OF YARD AND BULK REGULATIONS**

VILLAGE OF HOMEWOOD, ILLINOIS		
TABLE 7.2: PUBLIC LAND AND OPEN SPACE DISTRICT YARD AND BULK REGULATIONS		
Yard and Bulk Regulations	PL Zoning District	
	PL 1	PL 2
<b>Minimum Lot Area</b>		
<b>Minimum Lot Width</b>		
<b>Minimum Lot Area for Planned Development</b>		
<b>Minimum Yards (feet)</b>		
<b>Front</b>	front yard of most restrictive adjoining zoning district	front yard of most restrictive adjoining zoning district
<b>Side</b>	side yard of most restrictive adjoining zoning district	side yard of most restrictive adjoining zoning district
<b>Rear</b>	rear yard of most restrictive adjoining zoning district	rear yard of most restrictive adjoining zoning district
<b>Maximum Floor Area Ratio</b>	.1	.5
<b>Maximum Building Height, Principal Buildings (feet)</b>	17 feet	35 feet
<b>Maximum Building Height, Accessory Building (feet)</b>	17 feet	40 feet
<b>Maximum Building Height, Accessory Structure (feet)</b>	17 feet	140 feet

## SECTION 8 - SITE DEVELOPMENT STANDARDS

### 8.1 General Provisions

#### A. Number of Buildings on a Lot

In the R1 and R2 zoning districts, there shall be no more than one (1) principal building on a lot.

#### B. Activities within an Enclosed Building

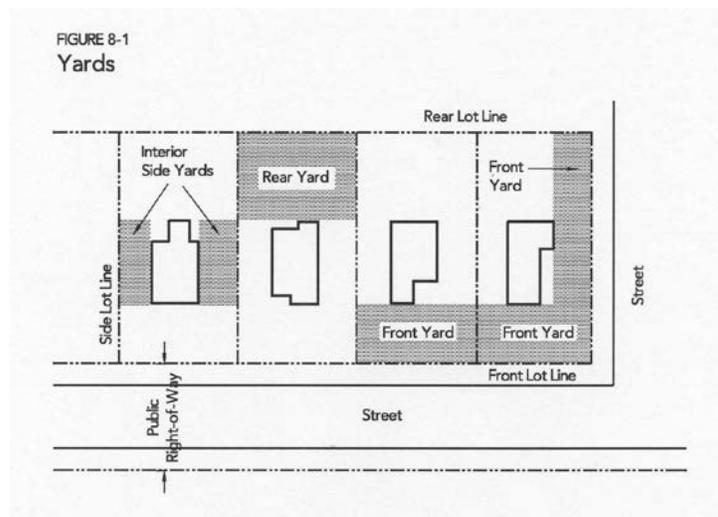
Within all non-residential zoning districts, all activities, including storage, merchandise display, repairs, services, commercial and manufacturing activities shall be conducted wholly within an enclosed building, except for vehicular parking and loading. However, outdoor storage is allowed in accordance with Section 9.2, provided that all other requirements of this ordinance are met.

#### C. Lots Must Abut Public Street

All lots shall front on a dedicated public street.

#### D. Maintenance of Required Yards

No lot shall be reduced in area so that the yards become less than required by this ordinance. The minimum yard space required for a building or structure shall not be considered as yard space for any other building.



#### E. Control Over Bulk

All buildings and structures erected after the effective date of this ordinance shall meet the requirements for the zoning district in which the structure or building is located. No existing building may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the zoning district in which the building or structure is located.

F. Prohibited Use of Land, Structures and Buildings

No building, structure or land shall be used for any use other than one that is allowed as a permitted or special use in the zoning district in which such building, structure or land is located, unless a use variance is granted. However, buildings, structures or land may be used for a temporary use or accessory use as specified in Section 9, provided that such building, structure or use complies with all other requirements of this ordinance.

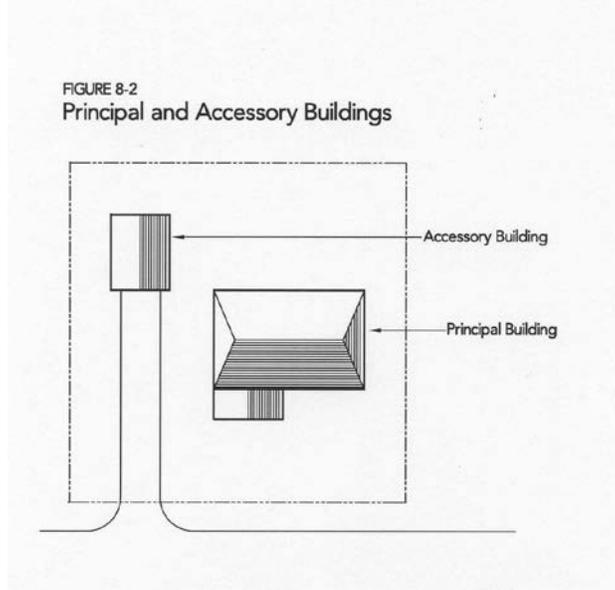
G. Prohibited Location of Structures

No structure shall be located in an easement with the exception of fences installed in accordance with Chapter 22 of the Homewood Municipal Code.

**8.2 Accessory Structures, Buildings and Uses**

A. Garages

An attached garage constructed as an accessory portion of a single-family residence shall not constitute 50% or more of the linear width of the front façade as viewed from the front of the residence nor 50% or more of the total square footage of the front elevation as viewed from the front of the residence. Detached garages must have a minimum setback of three (3) feet from the rear and side yard lot lines. No garage shall exceed an area greater than nine-hundred and thirty-six (936) square feet. Only one (1) garage shall be allowed on a residential lot. Such garage shall be either an accessory portion of a principal building or an accessory building. The parking spaces in the garage shall not be used as a means to access to other parking spaces or to any other area located on or off the lot.



B. Impervious Surfaces

In the R1 zoning district, no more than 40% of the total lot area shall be covered by impervious surfaces. In the R2 zoning district, no more than 60% of the total lot area shall be covered by impervious surfaces. In the R3 zoning district, no more than 70% of the total lot area shall be covered by impervious surfaces. In the R4 zoning district, no more than 80% of

the total lot area shall be covered by impervious surfaces. This section shall not be construed to apply to any properties in the business or manufacturing districts.

#### C. Accessibility Ramps

Handicapped accessible ramps shall be designed to be as unobtrusive as possible. Handicapped accessible ramps may be located no closer than two (2) feet from any side lot line and no closer than ten (10) feet from any front lot line. Handicapped accessible ramps may also include, where required by the Illinois Administrative Code, a landing deck that does not exceed five (5) feet by five (5) feet. Handicapped accessible ramps shall be constructed in accordance with Chapter 22 of the Municipal Code. Any handicapped accessible ramp not meeting the above requirements may be approved by the Site Plan Review Committee, provided that:

1. There is no other practical conforming location on the lot.
2. A physician certifies in writing that the ramp is medically necessary.
3. The homeowner agrees to remove the ramp when it is no longer medically necessary.

#### D. Fences, Arbors and Trellises

##### 1. Fences

- a. All fences shall comply with Section 22-95 of the Municipal Code. A nonconforming fence existing prior to December 9, 1997, may not be replaced if destroyed or removed.
- b. Any gate shall meet all fence regulations.

##### 2. Arbors and Trellises

Arbors and Trellises that are detached from the building are permitted encroachments in a rear yard provided that they comply with the following requirements:

- a. Each surface of the arbor or trellis shall be at least 50% open.
- b. The maximum height shall be seven (7) feet, the maximum width six (6) feet and the maximum depth three (3) feet.

#### E. Sheds, Cabanas, Greenhouses, Playhouses, and Gazebos

Sheds, cabanas, greenhouses, playhouses, and gazebos shall comply with the following requirements:

1. One (1) of the above listed structures, in addition to a detached garage shall be allowed per lot.
2. The maximum size shall be the lesser of one-hundred and forty-four (144) sq. ft. or 30% of the required rear yard.

3. The height shall be a maximum of fourteen (14) feet for detached gazebos but the maximum height for attached gazebos, as measured from the deck, shall be the lesser of fourteen (14) feet or the height of the roofline at the closest point of the principal structure.
4. The structure shall be located within the rear yard a minimum of three (3) feet from any lot line.
5. The structure shall be located a minimum of ten (10) feet from the principal building and a minimum of five (5) feet from all other buildings on the lot and abutting properties. The Planning and Zoning Commission may reduce the distance to a minimum of five (5) feet from the principal building where appropriate.
6. The structure shall not be located in an easement.

#### F. Decks

Decks are not permitted in front or side yards. Detached decks are permitted in rear yards, provided that they conform to all other requirements in this Section 8.2.

#### G. Household Recreational Facilities

All household recreational facilities shall be less than seventeen (17) feet in height and shall be located on the lot to create as little as possible visual and noise impacts on adjacent properties. Such facilities shall comply with the following requirements:

1. The facility and any accessory equipment shall not be located between the principal building and the street.
2. Any exterior lighting shall be shielded from adjacent properties.
3. Pumping and filtering equipment for pools and spas shall be located at least ten (10) feet from the side and rear lot lines and no water shall drain onto adjacent properties.
4. Trampolines shall be located no less than ten (10) feet from side and rear lot lines and all principal and accessory buildings.
5. Any noise generated by the activity shall comply with the regulations of this ordinance and Chapter 50-93 of the Municipal Code.

#### H. Mechanical Equipment

In any zoning district, heating, ventilation and air conditioning equipment may be located in the side or rear yard.

Any heating, ventilation or air conditioning equipment located on the roof of any structure in any zoning district shall be screened either by an architectural element of the building or by a solid wall. Nothing in this section shall be construed to limit the placement of window air conditioning units, which are regulated by Table 8.1.

## I. Refuse Containers

All areas for the storage of refuse containers shall be located on a concrete pad and screened on three (3) sides by a solid masonry or PVC fence six (6) feet high, with the open side not facing the street. This requirement does not apply to single-family detached or attached dwellings or two-family dwellings.

## J. Exterior Lighting

All exterior lighting shall be designed, located and mounted at heights no greater than fifteen (15) feet above grade for non-cutoff lights and forty (40) feet above grade for cutoff lights. Notwithstanding the foregoing, outdoor lighting for a park may be mounted at heights up to seventy (70) feet, provided the light standard is located twenty (20) feet from a residential lot line and the lighting complies with Section 8.4(B).

Exterior lighting shall meet the following requirements:

1. The lighting plan with photometrics shall be submitted prior to the issuance of a building permit.
2. No exterior lighting shall cause glare.
3. Glare shall be minimized to the extent practical by orienting the lights away from the public right-of-way and abutting properties or by planting vegetation to block other properties from the glare.
4. Exterior lighting shall be designed, located and mounted so that the maximum illumination measured horizontally at the lot line does not exceed one-half (.5) foot-candle except as provided in Section 11.3F.

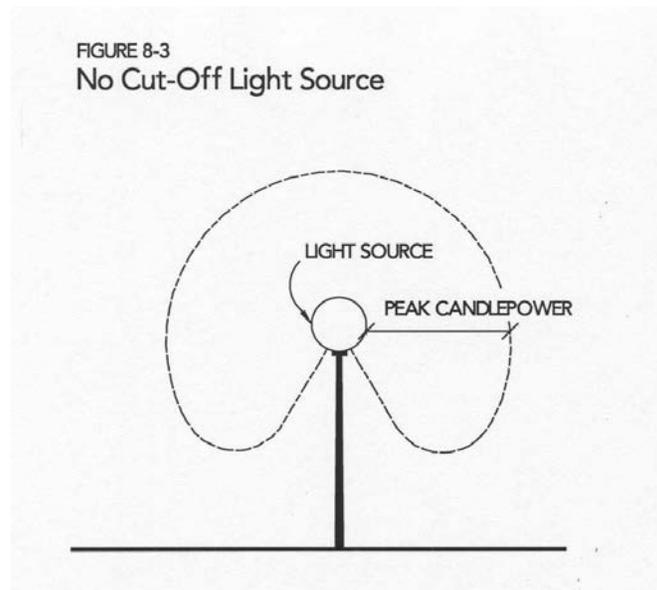
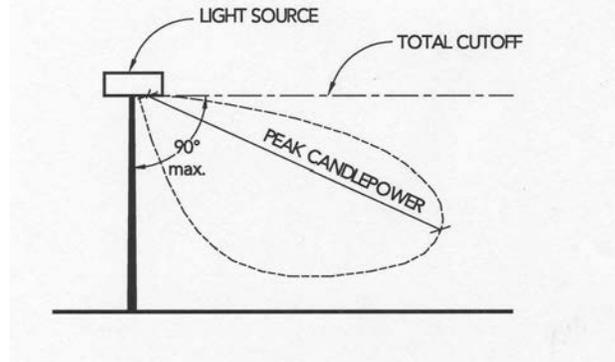


FIGURE 8-4  
Cut-off Light Source



#### K. Outdoor Fireplaces

Barrels, half-barrels and drums are not permitted. Outdoor fireplaces and fixed, permanent masonry fire pits shall comply with Chapter 50 of the Municipal Code and with the following:

1. Fuel shall be dry wood, producing a minimum of smoke and particulate matter.
2. When in use, adult supervision shall be present at all times.
3. Such fireplaces shall be located at least twenty (20) feet from any building structure, building overhang or vehicle.

#### L. Location of Accessory Buildings and Structures

1. Any accessory building or structure shall be located a minimum of ten (10) feet from the principal structure and a minimum of five (5) feet from all other buildings on the lot and abutting properties. The required distance may be varied to a minimum of five (5) feet from the principal building when a minimum of a one (1)-hour fire-resistance rating of the exterior wall is provided for the accessory structure.
2. Any accessory building or structure shall be at a minimum three (3) feet from any lot line.

#### M. Pools

Pools are not permitted in front or side yards. Pools are permitted in rear yards, provided that they conform to all requirements of Section 4.3 (Yard Standards) of the Homewood Zoning Ordinance and Section 22 of the Homewood Municipal Code.

### **8.3 Permitted Encroachments**

See Table 8.1.

### **8.4 Environmental Performance Standards**

All uses shall comply with the performance standards established in this Section unless any federal, state, county or Village law, ordinance or regulation establishes a more restrictive standard, in which event the more restrictive standard shall apply.

#### **A. Noise**

No activity or use shall be conducted in a manner that generates a level of sound as measured on another property greater than that allowed by Noise Regulations of the State Pollution Control Board, as amended from time to time, or greater than that allowed by Chapter 50-93 of the Municipal Code. The limits shall not apply to construction noises complying with Section 9.3(B)(5), noises emanating from safety signals or warning devices, noises not directly under the control of the owner or occupant of the property, and transient noises from moving sources such as, railroads and aircraft.

#### **B. Glare and Heat**

Any activity or operation of any use producing glare or heat shall be conducted so that no glare or heat from the activities or operations shall be detectable at any point off the lot on which the use is located. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

#### **C. Vibration**

No earth-borne vibration from any operation of any use shall be detectable at any point off the lot on which the use is located.

#### **D. Dust and Air Pollution**

Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting or other acceptable means. No persons shall cause or allow the emission of fugitive particulate matter across lot lines visible to an observer looking generally toward the zenith, beyond the property line.

This requirement shall not apply when the wind speed is greater than twenty-five (25) miles per hour. Determination of wind speed for the purposes of this rule shall be by a one (1) hour average or hourly-recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments operated on the site.

#### **E. Discharge and Disposal of Radioactive and Hazardous Waste**

The discharge of fluid and the disposal of solid radioactive and hazardous waste materials shall comply with applicable Village, state and federal laws and regulations governing such materials or waste. No operation that produces radioactive or hazardous waste material shall commence without prior notice to the Village Administrator. Notice shall be given at least

three (3) weeks before the operation is commenced. Radioactive and hazardous material waste shall be transported, stored and used in conformance with all applicable federal, state and local laws.

F. Electromagnetic Interference

Electromagnetic interference from any operations of any use in any district shall not adversely affect the operation of any equipment located off the lot on which such interference originates.

G. Odors

The release of materials intrinsically odorous, or capable of being odorous, by either bacterial decomposition or chemical reaction, which renders it perceptible from beyond the lot and constitutes a public nuisance, shall be prohibited.

H. Toxic Substances

The storage, handling or transport of toxic substances shall comply with the State of Illinois Pollution Control Board requirements.

I. Water Pollution

All uses shall comply with the State of Illinois Pollution Control Board Rules and Regulations, 35 Illinois Administrative Code, Subtitle C, and "Water Pollution."

J. Fire and Explosion Hazards

Materials that present potential fire and explosion hazards shall be transported, stored and used only in conformance with all applicable federal, state and local laws.

**8.5 Appearance Commission Standards**

When Section 78 of the Municipal Code requires approval by the Appearance Commission, no building or structure may be used or occupied until, and unless, the Commission has approved the drawings for the building or structure, the property has been inspected for compliance with the approved drawings, and an occupancy permit has been issued.

**8.6 Landmark Designation**

If a parcel of land is to be subdivided so that one portion will become, or remain, an officially designated landmark, as authorized in accordance with Chapter 54 of the Municipal Code, the parcel to become or remain an official landmark may have less than the minimum lot area, lot width, yards and parking required for the zoning district in which such parcel is located. The Village Board may approve such subdivision without the necessity of following the variance procedure in Section 2.17.

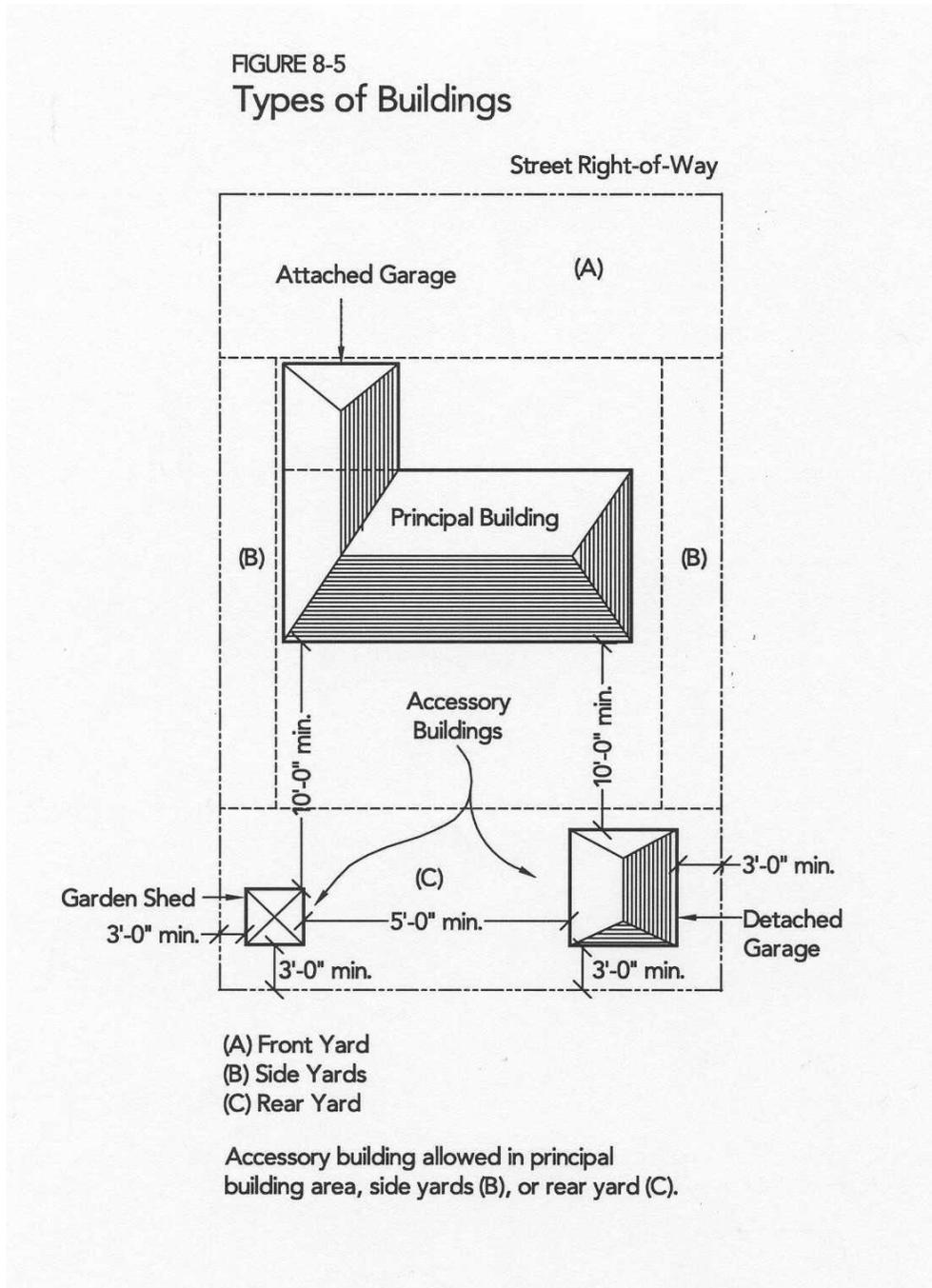
**8.7 Streets, Sidewalks and Bicycle Paths**

Where required by the Village, streets and sidewalks shall be provided in accordance with Chapter 98 of the Municipal Code. All new construction shall be reviewed by the Site Plan

Review Committee to determine the appropriate placement of bicycle paths, if any. Nothing in this section shall be construed to require owners of buildings existing on the effective date of this ordinance to provide bicycle paths on their property.

### 8.8 Encroachments

Any site development and/or improvement to a site or lot shall comply with Section 94-12 of the Municipal Code.



**TABLE 8.1: PERMITTED ENCROACHMENTS**

VILLAGE OF HOMEWOOD, ILLINOIS TABLE 8.1: PERMITTED ENCROACHMENTS			
Type of Structure or Use Encroachment	Yards where permitted		
	Front Yards	Side Yards	Rear Yards
Air conditioning window units projecting not more than 18 inches into any required yard	Y	Y	Y
Arbors and trellises (see Section 8.2(D))	N	N	Y
Awnings (less than 10% of front yard depth, less than 50% rear yard depth, and less than 50% width of side yard)	Y	Y	Y
Balconies projecting not more than 5 feet from an exterior wall	N	N	Y
Bay windows which are no more than 1 story in height, do not project more than 3 feet into a required yard, and occupy no more than 33% of the exterior length of the adjoining wall	Y	Y	Y
Chimneys projecting no more than 20% into a required yard and at least 2 feet from front and rear lot lines	Y	Y	Y
Compost pile/structures	N	N	Y
Decks	N	N	Y, provided they meet the requirements of Section 8.2
Eaves or gutters	Y, provided they do not project more than 3 feet into a required front yard	Y provided they do not project more than 2 feet into a required side yard	Y, provided they do not project more than 3 feet into a required rear yard
Fences or walls, subject to Section 22-95 of the Municipal Code and Section 8.2	Y	Y	Y
Fire escapes (open)	N	Y	Y
Fixed outdoor fireplaces, subject to Section 8.2(K)	N	N	Y

**VILLAGE OF HOMEWOOD, ILLINOIS  
TABLE 8.1: PERMITTED ENCROACHMENTS**

Type of Structure or Use Encroachment	Yards where permitted		
	Front Yards	Side Yards	Rear Yards
Flag poles, no more than 17 feet in residential districts and 50 feet in all other zoning districts	Y	Y	Y
Garages, detached, subject to Section 8.2(A)	N	Y	Y
Gazebos, 3 feet from lot line (see Section 8.2(E))	N	N	Y
Ground-mounted air conditioning, heating, ventilating, compressors (see Section 8.2(H))	N	Y	Y
Handicapped Accessible Ramp (see Section 8.2(C))	Y, 10 feet from front lot line	Y, 2 feet from side lot line	Y, 2 feet from rear lot line
Landings, no greater than 5 feet by 5 feet	Y	Y	Y
Laundry drying equipment (clothes lines and poles)	N	N	Y
Outdoor barbecues and grills, portable	Y	Y	Y
Ornamental lighting standards and permanently anchored lawn furniture and decorations such as benches, statues, bird baths, sculptures, etc.	Y	Y	Y
Parking, open and off-street, subject to the provisions of Section 8.2(B)	N	Y, see applicable district regulations and Section 11 Off-Street Parking and Loading	Y, see applicable district regulations and Section 11 Off-Street Parking and Loading
Playground, household recreational and basketball equipment, cabanas and play houses, excluding equipment located on park/playground, school, or child care center sites (see Section 8.2(G))	N, except basketball stanchions and backboards	N	Y, 3 feet from any lot line
Satellite dish antennae, subject to the standards of Section 8.2(A)	N	Y	Y
Signs, subject to Chapter 86 of the Municipal Code	Y	Y	Y
Sheds, 3 feet from lot line (see Section 8.2(E))	N	N	Y

**VILLAGE OF HOMEWOOD, ILLINOIS  
TABLE 8.1: PERMITTED ENCROACHMENTS**

Type of Structure or Use Encroachment	Yards where permitted		
	Front Yards	Side Yards	Rear Yards
Steps, not exceeding the height of street level of the building	Y	Y	Y
Swimming pools and spas, subject to Chapter 22 of the Municipal Code and Section 8.2(G) of the ordinance	N	N	Y, provided they are located no closer than 10 feet from all lot lines and all buildings
Tennis courts, excluding those located on park/playground or school sites (see Section 8.2(G))	N	N	Y, provided they are located no closer than 10 feet from any property line
Patios, subject to provisions of Section 8.2(F) and 3 feet from all lot lines	Y	Y	Y
Walkways and driveways, subject to provisions of Section 8.2(B)	Y	Y	Y
Transformers	N	Y, in non-residential districts only	Y

Note:  
Unless otherwise indicated, all Section numbers refer to this ordinance

## **SECTION 9 - USE STANDARDS**

### **9.1 Use of Land and Buildings**

No building, structure or premises shall be used or occupied except in conformity with the regulations for the district in which it is located. No building or structure shall be erected, reconstructed, extended, enlarged, altered or moved except in conformity with the regulations of the district in which it is located.

### **9.2 Standards for Certain Uses**

#### **A. Satellite Dishes**

Any satellite dish that is installed shall comply with all other ordinances of the Village. To the extent practicable, the satellite dish shall be located to minimize its visibility from surrounding streets and properties. Satellite dishes shall be treated as a permitted use provided that either:

1. It is a dish with a diameter no greater than one (1) meter.
2. It is a dish with a diameter no greater than two (2) meters, is located in any non-residential zoning district, and is not installed on a wall facing a public street.
3. It is a dish that is installed on the ground, a pad or a tower located between the principal structure and the rear lot line, and its maximum height does not exceed fifteen (15) feet above grade.
4. It is a dish no greater than ten (10) feet in diameter not fronting the street and either installed on the roof of a principal or accessory structure with the bottom of the dish no higher than two (2) feet above the roof or installed on a mast securely attached to the principal or accessory structure.

Any satellite dish not meeting the standards set forth above shall be treated as a special use, subject to approval in accordance with Section 2.16 of this ordinance.

#### **B. Carry-Out Facilities**

Carryout food services shall be permitted only in the commercial zoning districts, subject to the approval of the Site Plan Review Committee. Carryout food operations shall meet the following standards:

1. Vehicular access to the facility shall be provided from a collector or major street.
2. Three (3) additional parking spaces shall be provided for each cashier station serving the carryout portion of the use.
3. The operator shall provide daily litter clean up along the rights-of-way abutting the property.

## C. Child Care Centers

### 1. Commercial Child Care Centers

Childcare centers are permitted as a special use in the business districts subject to approval in accordance with Section 2.16. The center shall comply with all local, state, and federal regulations, and shall be registered and licensed by the Department of Children and Family Services (DCFS) prior to the issuance of a special use permit. The Center shall annually supply a copy of its DCFS license or registration to the Director of Economic and Community Development.

### 2. Child Care Homes

Childcare homes are permitted in residential districts subject to approval of a Class I Home Based Business License in accordance with this Section 9.2. The childcare home shall comply with all local, state, and federal regulations, and shall be registered and licensed by the Department of Children and Family Services (DCFS) prior to issuance of a Home Based Business License. The business shall annually supply a copy of its DCFS license or registration to the Director of Economic and Community Development.

## D. Home-Based Businesses

### 1. Purpose

To protect residents from deleterious effects of commercial uses being conducted in residential areas, the following provisions regulate and restrict commercial uses in residentially zoned districts.

### 2. Permit

No home-based business shall be permitted without the prior issuance of a home-based business permit. Permits shall be granted to a designated person who resides at the residential address. If the applicant is not the owner of the property, a letter from the owner authorizing the applicant shall be submitted with the application. Permits shall not be assigned from person to person or transferred from address to address. Home-based business permits shall expire April 30 of each year and require annual review. Once granted, permits may be renewed by paying the annual renewal fee, subject to the provisions of this Section, failure to timely apply for renewal, and/or failure to pay the annual home-based business permit or inspection fee, shall be grounds for revocation of a home-based business permit.

#### Exceptions:

No home-based permit shall be required for individuals operating an office out of their residence, provided that the office meets the following use limitations:

- a. No routine attendance of patients, clients, subcontractors, or employees associated with the home-based business as part of regular conduct of the occupation.

- b. No merchandise shall be offered for retail sale on the premises.
  - c. No delivery or storage of business equipment, materials, merchandise, or inventory on the premises.
3. The following home-based businesses shall be issued permits by the Director of Economic and Community Development upon application and payment of the permit fees, without hearing:
- a. Art or craft studio.
  - b. Dressmakers.
  - c. Professional offices of a clergyman, lawyer, architect, engineer or accountant.
  - d. Teaching, such as music, art, language or dancing, provided that it is limited to one (1) pupil at a time.
  - e. Child day care homes licensed by the Illinois Department of Children and Family Services (DCFS).

4. Class II

All home-based businesses not meeting the criteria listed in Section D.3 above require a Class II Permit. Class II Permits shall require annual renewal. Applications for Class II Permits shall not be assigned from person to person or transferred from address to address. Applications for Class II Permits shall be filed with the Director of Economic and Community Development. The application shall be scheduled for a public hearing with the Planning and Zoning Commission and shall be conducted as provided in Section 2.9. Legal notice of all such hearings shall be given as required in Section 2.10. At the conclusion of the hearing, the Planning and Zoning Commission shall make findings of fact and recommendation to the Village Board. In order to guarantee that a home-based business will not become a nuisance to the neighbors or violate these guidelines, the Planning and Zoning Commission may recommend, and the Village Board may impose, reasonable conditions in connection with the granting of any home-based business permit. If the Village Board grants the home-based business permit, an ordinance shall be adopted. Home-based business permits shall not be granted when it appears to the Village Board that the proposed home-based business will constitute a fire hazard, will adversely affect property values, will constitute a nuisance, or will otherwise be detrimental to neighbors because of traffic, noise, odors or other circumstances.

5. Annual Inspection

There shall be one (1) annual inspection by the Village of the premises of a home-based business. In the event that any home-based business receives approval for operation in the Village that will require an inspection, the Village shall have the right to enter and inspect the said premises of all home-based businesses. In addition, the Village shall have the right at any time, upon reasonable request, to enter and inspect the premises of all home-based businesses for safety and compliance purposes. Such inspection shall

only be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or may be made Saturday and Sunday during those hours, if the business is conducted on those days.

The annual inspection fee for each premise where a home-based business is conducted shall be paid within ten (10) days after such billing has been mailed by the Village.

6. Fees

The annual fee for home-based business permits issued under this Section shall be payable no later than May 1 of each year. The fees for inspections and home based business permits are specified in Appendix B (Fee Schedule).

The annual fee for each premise where a home-based business is conducted shall be paid within ten (10) days after such billing has been mailed by the Village.

7. Transfer of Permit

Should a permit holder die or move to a new location, the existing permit shall be automatically terminated. However, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home-based business, written notice to that effect shall be given to the Director of Economic and Community Development. The Director of Economic and Community Development may authorize the continuation of that permit without further hearing.

8. Revocation of Permit

Class I and Class II Permits may be revoked by the Village Board for cause after a hearing before the Planning and Zoning Commission. Complaints seeking the revocation of any such permit shall be filed with the Director of Economic and Community Development. The Village Board, Planning and Zoning Commission, or any three (3) residents of the block (both sides) may initiate such complaints where the home-based business is being conducted. All such revocation hearings shall be conducted in accordance with Section 2.9 with notice given in accordance with Section 2.10.

9. Standards

All home-based businesses shall conform to the following standards:

- a. Only one (1) nonresident of the premises may be employed to work at the premises.
- b. The applicant for a permit or a special use permit must reside at the location of the proposed home-based business.
- c. No business signs shall be permitted, unless authorized by the sign regulations of that district.
- d. No exterior storage of business equipment, materials, merchandise, inventory or heavy equipment shall be permitted. However, garage storage of business equipment, merchandise, inventory or heavy equipment shall be permitted provided it complies

with all requirements of this ordinance and the Municipal Code.

- e. Merchandise shall not be displayed or offered for retail sale on the exterior of the residence.
- f. Home-based businesses providing house or office cleaning service or limousine service shall be limited to dispatching only.
- g. Home-based businesses shall comply with the environmental performance standards in Section 8.4.
- h. Off-street loading and parking requirements of Section 11 must be met.
- i. The area set aside for home-based business use shall not exceed 20% of the total floor area of the residence. However, childcare homes shall be required to meet all DCFS requirements, including a designated play area for the children.
- j. Childcare homes shall submit annually a copy of their DCFS license to the Director of Economic and Community Development.
- k. Trucks or commercial vehicles shall not operate out of the residential premises. Any truck or commercial vehicle owned by the holder of a Class I or Class II Permit, or his or her immediate family, and used in the business, may, if otherwise authorized to be parked at the premises overnight, be driven from the premises in the morning and be driven onto the premises in the evening, but shall not be driven back and forth from the premises during the day.
- l. No truck or commercial vehicle, other than a class B truck or class B commercial vehicle, as defined in the Illinois Motor Vehicle Code, may be parked or stored in any residential zoning district except as permitted in Section 11.9.

#### E. Group Homes

Each group home, before admitting residents, shall have proof of compliance with all applicable local, state and federal standards. Each group home shall submit a copy of its Illinois License or Certification and the sponsoring agency's Illinois License of Certification to the Director of Economic and Community Development. Before admitting any residents, the group home operator shall submit a statement of the nature of the group home. Such statement shall include the number and nature of the residents, the number and type of personnel that will be employed, and the qualifications of the agency operating the group home.

A group home with no more than eight (8) residents is a permitted use in any residential district or business district, provided that it complies with all other requirements of the Municipal Code. A group home with more than eight (8) residents in any residential or business district shall be treated as a special use, subject to approval in accordance with Section 2.16.

To the greatest extent practical, all group homes shall conform to the type and outward appearances of the residences in the neighborhood in which it is located. All group homes shall comply with all applicable provisions of the BOCA Building Code and National Fire Prevention Code, as incorporated in the Municipal Code.

F. Golf Courses and Country Clubs

Golf courses and country clubs are allowed in the Public Land and Open Space District and all residential districts, provided that no building shall be located less than fifty (50) feet from any residential lot line.

G. Outdoor Storage of Materials, Equipment, Inventory and Merchandise

No outdoor storage of construction material, equipment, inventory or merchandise, and no outdoor storage of disabled or damaged motor vehicles shall occur in any residential zoning district. This limitation does not apply to the open storage of construction materials being actively used during the period of construction or repair of a building or structure located on the same property. Open storage is subject to site plan review procedure in Section 2.13. Open storage is permitted in all Commercial and Manufacturing Districts, provided that:

1. Such materials shall not be located in the front yard nor ten (10) feet from any lot line.
2. Such materials are screened from the view of the street and abutting properties with a solid fence, evergreens or a berm.
3. No signage is permitted in conjunction with the outdoor storage.
4. Such materials shall not occupy or interfere with the use of parking spaces or aisles.
5. Any permanent outdoor storage shall meet applicable building codes.

H. Nursing Homes, Adult Day Care, Congregate Care and Assisted Living Facilities

Where applicable, such uses shall meet all federal, state and local requirements including, but not limited to licensing, health, safety and building code requirements. In addition to the standards for a special use in Section 2.16, the following criteria will also be considered:

1. The provision of adequate drop-off zones, sidewalks and exterior lighting for the safety of the residents and other pedestrians.
2. The neighborhood's safety, amount of traffic and noise level.
3. The provision of adequate open space on site.
4. The extent to which the design of the building is compatible with the surrounding neighborhood.

I. Utilities

Utilities shall not create a nuisance, as defined by Chapter 50 of the Municipal Code, and shall comply with the performance standards in Section 8. Required parking shall be provided on site. Any structure, building or parking area shall be landscaped according to the requirements in Section 12. When any hazard is present, the site shall be fenced.

J. Places of Worship

Places of worship shall be treated as special uses in all districts. When operated by the place of worship, the following are considered accessory uses and do not require separate special use approval: the rectory, childcare centers, meeting facilities and bookstores. In addition to the special use standards in Section 2.16, places of worship shall meet the following requirements:

1. The facility shall be located on a collector or arterial street.
2. Off-street parking shall be provided in compliance with Section 11.
3. Where abutting residential uses, a landscaped buffer shall be provided in accordance with Section 12.

K. Sports Arenas and Exhibit Halls

In addition to the special use standards in Section 2.16, sports arenas and exhibit halls shall also comply with the following requirements:

1. Off-street parking shall be provided in compliance with Section 11.
2. Landscape buffers shall be provided in accordance with Section 12.
3. Noise generated by such uses shall comply with Chapter 50-93(21) of the Municipal Code and Section 8 of this ordinance.
4. The location of entrances, exits, exterior lighting, speakers, service areas, and parking and loading facilities shall be designed to minimize traffic congestion and hazards to pedestrians and adverse impacts on adjoining properties.

L. Animal Hospitals, Kennels, Veterinary Offices, Domestic Pet Grooming Facilities

Such uses shall not create a nuisance and shall comply with Chapter 50 of the Municipal Code and Section 8. Landscaped buffers shall be provided in accordance with Section 12.

M. Accessory Uses in Multiple-Family Buildings

Multiple-family dwelling units are permitted uses in the R4 zoning district. Certain accessory uses may occupy the ground level or any level below grade, provided the combined total of the accessory uses shall occupy no more than 20% of the total floor area of the building and the accessory uses shall have no exterior commercial signage. Provided they comply with

this section, professional office and personal service uses are permitted as accessory uses to multiple-family buildings in the R4 zoning district. When accessory to multiple-family buildings in the R4 zoning district, professional office and personal service uses, that when combined occupy more than 20% of the total floor area of the building, and all retail establishments shall be treated as special uses.

#### N. Motor Vehicle Sales, Service and Repair

No motor vehicle sales, rental or leasing, repair shops, gas stations, or car washes shall be permitted in residential districts, except that residential district residents may sell their non-commercial motor vehicle(s) at their residence, provided the vehicles is owned by them and is registered to the address where the motor vehicle is sold.

All other motor vehicle sales shall be located in commercial zoning districts on parcels at least five (5) acres in size. Repair shops, car washes, and gas stations shall be located on parcels of at least fifteen-thousand (15,000) square feet. Gas stations with food sales shall be provide parking for the food sales area in addition to the parking required for the gas station in accordance with Section 11 of this Ordinance.

Repair or maintenance of motor vehicles in residential districts is prohibited, except that residential district residents may repair or maintain their non-commercial motor vehicle(s) at their residence, provided the vehicle is owned by them is registered to the address where the motor vehicle is being repaired or maintained, and provided that the activity does not otherwise violate the Homewood Municipal Code or other applicable law or regulation.

For the purposes of this Section 9.2 N, a motor vehicle shall be considered registered to a particular address if both the following requirements are met:

1. the vehicle must display a valid state license plate and sticker registered with the Illinois Secretary of State to the address in question; and
2. the vehicle must display a valid vehicle sticker issued by the Village of Homewood to the address in question.

Repair shops and gas stations may not store vehicles for longer than thirty (30) days. Gasoline pumps shall be erected no closer than twenty (20) feet to any lot line and shall be located to serve vehicles standing entirely on the premises. In addition, all the above uses shall comply with the following requirements:

1. The use shall not create obstructions to traffic circulation on public streets.
2. Landscape buffers shall be provided in accordance with Section 12.
3. The location of curb cuts shall be subject to the approval of the authority having jurisdiction.

#### O. Bed and Breakfast Establishments

In addition to the special use standards in Section 2.16, bed and breakfast establishments shall comply with the following requirements:

1. The use shall be an accessory use located within a single-family detached dwelling.
2. Guest rooms shall not have been specifically constructed for rental purposes and shall not include cooking facilities.
3. A maximum of four (4) bedrooms may be provided for registered guests and no other bedrooms shall be used by other roomers, borders or guests.
4. The maximum stay by any guest shall be limited to four (4) consecutive weeks.
5. All required guest parking shall be provided on-site.
6. Any signage shall comply with Chapter 86 of the Municipal Code.
7. The building shall comply with the Fire Prevention Code in Chapter 42 of the Municipal Code.
8. The food service shall comply with Chapter 50 of the Municipal Code.

Notwithstanding the above, bed and breakfast establishments are a permitted use in the B1 zoning district, subject to the other requirements in this ordinance and to the above requirements.

#### P. Personal Wireless Service Facilities

##### 1. Purpose

This Section provides specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section are not intended, and shall not be interpreted to prohibit, or have the effect of prohibiting, the provision of personal wireless services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section are inconsistent or in conflict with any other provision of the ordinance, the provisions of this Section shall be deemed to control.

In the course of reviewing any request for any approval required under this Section made by an applicant to provide personal wireless service or to install personal wireless service facilities, the Planning and Zoning Commission or the Board of Trustees, as the case may be, shall act within a reasonable period of time after the request is duly filed with the Village, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

Should the application of this section have the effect of prohibiting a person or entity from providing personal wireless service to all or a portion of the Village, such provider may petition the Board of Trustees for an amendment to this Section, in the manner provided in Section 2.15. The Board of Trustees, upon receipt of such a petition, shall promptly undertake review of the petition and shall make a determination on the petition within a reasonable period of time, taking into account the nature and scope of the petition. Any decision to deny such a petition shall be in writing and supported by substantial evidence contained in a written record.

## 2. Permitted Placement of Personal Wireless Facilities

- a. A public utility service use which satisfies the definition of personal wireless service facility, shall be considered a permitted use, whether principal or accessory, and shall not require a height variation where:
  - i. The personal wireless service facility otherwise conforms to all minimum setback and yard requirements of this Section, and also conforms to all applicable laws and regulations concerning its use and operation.
  - ii. The personal wireless service facility is directly affixed to an existing structure, and the height of the personal wireless service facility does not exceed ten (10) feet above the apex of that structure if the personal wireless service facility uses a mounted antenna or the height above grade of the personal wireless service facility does not exceed one-hundred and fifty (150) feet if mounted on a free-standing antenna pole, and the proposed site is located:
    - (a) In the M-1 Limited Manufacturing District located east of the Canadian National Railroad main line and north of Maple Road.
    - (b) On Village-owned property within the PL-2, zoning district and the proposed site is not located within one-hundred and fifty (150) feet of a residential structure.
    - (c) On a site previously approved for a special use under this Section, and currently used as a site for a personal wireless service facility, unless the proposed co-location is not consistent with the terms and provisions of this Section, in which case petitioners shall require a special use permit prior to so locating.
    - (d) The proposed antennae/ transmitter/radio is located on an existing pole in the Village right-of-way, subject to a valid right-of-way agreement with the Village, but not owned by the Village. Such location, in each case, is subject to the approval of the Village Manager, or his designee, and to a lease agreement with the pole owner. The size of the antennae/transmitter/radio is restricted to less than one (1) cubic foot.
    - (e) The proposed antennae/transmitter/radio is located on Village street poles and the size is less than one (1) cubic foot.

- b. A public utility service use, which satisfies the definition of personal wireless service facility and otherwise conforms to all minimum setback and yard requirements of this Section, and also conforms to all applicable laws and regulations concerning its use and operation, shall be considered a special use, whether principal or accessory, and shall not require a height variation where:
  - i. The personal wireless service facility is directly affixed to an existing structure, and the height of the personal wireless service facility does not exceed ten (10) feet above the apex of that structure if the personal wireless service facility uses a mounted antenna;
  - ii. Or the height above grade of the personal wireless service facility does not exceed one-hundred and fifty (150) feet if mounted on a freestanding antenna pole and the proposed site is located and
    - (a) In the M-1 zoning district, located immediately north of 183rd Street and fronting on Harwood Avenue.
    - (b) In the B2, B3, and B4 zoning districts within the Village.
    - (c) On publicly owned property in any residential district or Public Lands and Open Space District within the Village.
    - (d) In any residential district, on property not used for residential purposes and greater than ten (10) acres in area.
- c. A special use, whether principal or accessory, shall require a height variation for that portion of the height of the personal wireless service facility in excess of the maximum height requirements set forth in this Section.
- d. Any application for a special use, whether principal or accessory, not delineated in (a) or (b) above shall comply with the following criteria:
  - i. The facility is affixed to an existing structure and the height of the personal wireless service facility does not exceed ten (10) feet above the apex of the existing structure.
  - ii. The personal wireless service facility meets all minimum setback and yard requirements of this Section.
  - iii. The applicant has exhausted all possible locations identified in 2(a) and 2(b).
  - iv. No freestanding towers shall be permitted other than in those portions of the districts delineated in 2(a) or 2(b).
  - v. No variations for maximum height requirements set forth in this Section shall be granted for personal wireless service facilities located in those portions of the Village not delineated in Sections 2(a) and 2(b).

- e. In considering a request for approval of a special use or variation to permit the installation of personal wireless service facilities, the Planning and Zoning Commission or the Board of Trustees, shall, in addition to the standards set forth in Sections 2.16 and 2.17, give due consideration and weight to the following:
  - a. Whether the plans submitted provide for co-location of other personal wireless service equipment so as to minimize the proliferation of antenna-supporting structures.
  - b. Whether the applicant has sought, and been denied, the opportunity to co-locate its personal wireless service facility on an existing antenna-supporting structure.
  - c. Whether the applicant has made adequate efforts but is unable to obtain a site for its facility within one of the districts delineated in 2(a) and 2(b).
- i. In considering such a special use or variation, the Village may require that the applicant allow, on a commercially reasonable basis, other providers of personal wireless services to co-locate personal wireless service facilities on a freestanding pole, where such co-location is technologically feasible. Applications for a special use or variation under this Section must be submitted by the provider of the personal wireless service of the proposed facility. In addition to the information required elsewhere in this Section, applications for personal wireless service facilities shall include, at a minimum, the following supplemental information:
  - i. Applicants for a personal wireless service facility must apply for and obtain a building permit prior to the start of construction. The following information shall be submitted with the application for a building permit:
    - (a) Proof that the proposed facility complies with regulations administered by the Federal Aviation Administration.
    - (b) A report from a qualified and licensed professional engineer, which demonstrates the facility's compliance with the aforementioned structural and electrical standards.
    - (c) Proof of financial ability to complete the installation of the facility in a form satisfactory to the Village.
  - ii. A report from a qualified and licensed professional engineer which:
    - (a) Describes the tower/antenna height and design drawing(s) for the tower as well as all accessory structures, including a cross section and elevation.
    - (b) Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
    - (c) Describes the tower's capacity, including the number and type of antennas that it can accommodate.

- (d) Documents what steps the applicant will take to avoid interference with established public safety communications.
  - (e) Includes an engineer's stamp and registration number.
  - (f) Includes other information that the Village deems necessary to evaluate the request.
- iii. A list of known existing and planned cellular facilities within the Village in the next five (5) years. Such facilities site should be presented on a map including the type of antenna installation (tower, antenna, tower height, accessory building, etc.), the radio frequency range, and Megahertz of each structure.
  - iv. The shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
3. Restrictions on Proposed Placement or Construction of Personal Wireless Facilities

Proposed and existing antennas and towers, when modified, shall meet the following design requirements:

- a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging, except in instances where the color is dictated by the Federal Aviation Administration.
- b. Towers shall be of a monopole design unless the Village Board determines that an alternative design would better blend into the surrounding environment.
- c. With the exception of necessary electric and telephone service and connection lines approved by the Village, no part of any antenna, or tower, nor any lines, cable, equipment, wires, or braces in connection with either, shall, at any time, extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
- d. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- e. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- f. The Village may require a tower affixed to the ground and accessory structures to protect against and prevent climbing by unauthorized persons.
- g. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

- h. The replacement of all or any portion of a tower previously approved by a special use permit and then removed requires a new special use permit.
- i. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Said equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood and is approved by the Village. In addition, all structures shall be protected with a security alarm system.
- j. No new or existing personal wireless service shall interfere with public safety communications. All applications shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service, or changes in existing service, providers shall notify the Village at least ten (10) calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process.
- k. A tower in a business or residential district shall be set back from any lot line of the subject property to the setback standards of that zoning district. In addition, towers shall not be located within one-hundred and fifty (150) feet of a residential structure.
- l. A tower's setback may be reduced, or its location in relation to a lot line varied, to allow the integration of a pole into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure. This variation process shall be initiated by a public hearing before the Planning and Zoning Commission, which shall make a recommendation to the Village Board, which shall make the final determination of the request.
- m. Towers in a manufacturing zoning district may encroach into the rear setback area; provided that the rear property line abuts, another manufacturing zoned property and does not encroach upon any easement.
- n. A statement from the operator agreeing to submit an annual status report to the Village that describes the current operational and maintenance status of the facility and any planned changes or modifications to the structure, site, ownership, lease or maintenance agreement.
- o. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site, shall be submitted to the Village at the time of application. Abandoned or unused towers, accessory structures and associated facilities shall be removed within six (6) months of the cessation of operations at the site, unless the Village Board approves a time extension.
- p. At the time of receiving a building permit, a cash or performance bond, or irrevocable letter of credit in an amount, and in a form, approved by the Village shall be posted to ensure the removal of the structure when it has been abandoned or is no

longer needed. Such security shall be a promise of the owner to remove the facility in a timely manner with the provision that the owner shall be responsible for the payment of any additional cost and attorney fees incurred by the Village in securing the removal. In the event that a tower is not removed within six (6) months of the cessation of operations at a site, the tower and associated facilities shall be considered a nuisance, which may be removed by the Village and the costs of removal shall be collected from the cash or performance bond or letter of credit.

#### 4. Prohibited Placement of Personal Wireless Facilities

- a. The relative location of properties zoned for commercial uses in the Village would enable a provider of personal wireless service to provide service to the Village without the need to locate any such facilities in the B1, R1, R2, R3 and R4 zoning districts, except as otherwise provided in this Section. A public utility service use, which satisfies the definition of personal wireless service facility, shall be considered a prohibited use in the B1, R1, R2, R3 and R4 zoning districts. No variation or special use permits shall be granted to permit such a facility in these zoning districts.
- b. No public utility service use, which satisfies the definition of personal wireless service facility, shall be permitted in any zoning district in the Village unless it complies with all applicable federal laws and regulations concerning its use and operation.

#### Q. Adult Uses

##### 1. Purpose

The purpose and intent of this Section is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Village. The provisions of this Section have neither the purpose, intent nor effect of imposing a limitation or restriction of the content of any communicative materials, including sexually oriented materials.

Similarly, it is not the purpose, intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, when permissible under the First Amendment. Neither is it the purpose, intent or effect of the Section to condone or legitimize the distribution of obscene material.

##### 2. Special Use Required

No adult use shall operate without first having a special use permit in accordance with the provisions of Section 2.16. In addition to the standards contained in Section 2.16, the following standards shall also apply to all adult uses:

- a. The design and operation of the facility will not adversely affect the public health and safety.
- b. It will not unduly increase traffic congestion in the public streets and highways in the area in which it is located.
- c. It will not cause additional public expense for fire and/or police protection.
- d. It will not substantially increase the possibility of criminal acts against persons and properties within five-hundred (500) feet of such proposed special use or against persons who regularly use such properties.
- e. The following conditions shall be imposed on any special use granted for an adult cabaret:
  - i. No dancer or performer shall fondle, caress or otherwise touch any patron or permit any patron to fondle, caress or otherwise touch any dancer or performer.
  - ii. No patron shall be permitted to fondle, caress or otherwise touch any dancer or performer.
  - iii. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit or accept any pay or gratuity from any patron.
  - iv. Dancing or other performances shall not occur within ten (10) feet of any patron.

3. Location

An adult use is permitted as a special use in the M-1 zoning district located east of the Canadian National Railroad main line and north of Maple Road. No adult use shall locate within one-thousand (1,000) feet of the property line of another adult use, any school or any place of worship.

4. License Required

Each adult use, prior to beginning operation, is required to obtain an adult use business license as defined in the Homewood Municipal Code.

5. No Liquor License

No adult use shall be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use. The operator of an adult use shall not permit patrons to bring alcoholic beverages onto the premises and no alcoholic beverages shall be consumed on the premises.

6. Hours of Operation

No adult use shall be open prior to 10:00 A.M. or after 2:00A.M.

## R. Tattoo and Body Piercing

### 1. Purpose

The purpose and intent of this section is to regulate the locations of tattoo and body piercing facilities in order to promote the health, safety, morals, and general welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of tattoo and body piercing facilities within the Village. The provisions of this Section have neither the purpose intent nor effect of imposing a limitation or restriction on personal liberties.

Similarly, it is not the purpose, intent or effect of this section to restrict or deny access by adults to tattoo or body piercing facilities, or to deny access to the distributors of such.

### 2. Special Use Required

No tattoo or body piercing facility shall operate without first having a special use permit in accordance with the provisions of Section 2.16.

### 3. Location

A tattoo and/or body piercing facility is permitted as a special use in the B-3, Service Business District and the M-1 Limited Manufacturing District. No tattoo and/or body-piercing establishment shall be located within one thousand (1,000) feet of the property line of another tattoo and/or body piercing use, any school or any place of worship.

### 4. License Required

Each tattoo and/or body piercing facility, prior to beginning operation, is required to obtain a tattoo parlor and/or body piercing facility license as defined by Chapter 26 of the Homewood Municipal Code. In addition, any tattoo operator, tattoo artist, or body piercer intending to operate at the subject facility shall obtain a license as defined by Chapter 26 of the Homewood Municipal Code.

### 5. No Tattooing of Minors

In accordance with 720 ILCS 5/12-10.1 no person, unless a licensed physician, shall tattoo a person under the age of 21.

### 6. No Piercing of Minors

In accordance with 720 ILCS 5/12-10.1 no person, shall pierce any part of the body or oral cavity of a person under the age of 18 without written consent of a parent or legal guardian.

## S. Crematoriums

### 1. No crematorium shall be maintained within five hundred (500) feet of:

- a. Any residential district and any lot or parcel upon which one (1) or more residences

are the primary use at the time of initial application for a special use permit for a crematorium;

- b. Any school or public playground, park, or recreational area.
2. Exterior doors of the crematorium shall remain closed so that the cremator/retort shall not be visible from any public right-of-way.
3. Except when vehicles are entering or exiting the crematorium, all business vehicles containing human remains and associated with the crematorium shall not be visible from any public right-of-way.
4. The crematorium shall comply with all applicable State and Federal laws and regulations.

#### T. Cargo Containers

The storage, stacking or use of cargo containers, as defined in Section 15.3 of this ordinance, is prohibited in all Residential, Commercial and Public Lands/Open Space zoning districts except as provided in Section 9.3. The storage, stacking or use of cargo containers shall only be permitted in the Limited Manufacturing District (M-1) as an accessory use, provided a special use permit has been granted in accordance with Section 2.16 and the facility utilizing the cargo container carries adequate insurance (as determined by the Director of Economic and Community Development) and provides a Certificate of Insurance.

Additionally, all cargo containers must:

1. conform with setback requirements for a principal structure in the Limited Manufacturing District and shall not be located any closer to the street frontage than the principal structure's front façade;
2. not measure or be stacked to a height greater than 14 feet;
3. not be used for occupancy or sleeping; housing of animals; housing or storage of firearms, hazardous or flammable materials, material that is required to be placarded as Class 7 (radioactive material) according to the U.S. Department of Transportation (DOT) Emergency Response Guideline (ERG), or storage of materials which are otherwise unlawful to possess (e.g. fireworks or other unlawful material or substances);
4. not include windows, heating and cooling, refrigeration systems, plumbing or have multiple entrances except for what is necessary to meet the minimum codes and standards for light and air circulation for storage purposes;
5. be closed and secured from unauthorized access at all times when not under the direct supervision of the permit applicant;
6. not be used to display signage or otherwise advertise a commercial activity other than a design or logo permanently affixed to the container that identifies its owner;

7. be located entirely on private property and is prohibited from being parked or placed upon any street, highway, roadway, right-of-way, designated fire lane, required parking space, drive aisle or sidewalk;
8. not be placed in such a fashion as to impede or obstruct the flow of drainage waters, nor impede or obstruct emergency access to the property;
9. only be located on concrete paved surfaces in accordance with the paving standards set forth by the Illinois Department of Transportation (IDOT) for an 80,000-pound truck route;
10. be located so as to provide adequate means for fire and emergency vehicles (as approved by the Fire Chief) to access cargo containers both on and off a chassis in the event of an emergency;
11. be kept at all times in a like-new condition; and
12. be screened with a solid fence, landscaping and berm so as not be visible from the public right-of-way and adjacent properties.

#### U. Dwelling Unit on Ground Floor

1. Ground floor dwellings shall not be located as to front on the public right-of-way.
2. Ground floor dwelling must occupy less than 50% of the gross floor area of the ground floor.
3. Minimum square footage of gross floor area of ground floor space must be no less than 1,250 square feet.
4. Ground floor dwelling must have a point of access to the exterior of the building separate from the commercial access to the ground floor.
5. The outdoor living area, if any, must be screened from public view.

#### V. Firearms Retailers

##### 1. Purpose

The purpose and intent of this subsection is to regulate the location of firearms retailers in order to promote the public health, safety, comfort and welfare of the citizens of the Village and to establish reasonable and uniform regulations to prevent any deleterious location or concentration of firearms retailers within the Village. It is not the intent of this subsection to impose any limitation on firearm ownership or firearm sales generally as an activity.

##### 2. Special Use Required

No firearms retailer shall operate without first obtaining a special use permit in accordance with the provisions of Section 2.16. In addition to the standards contained in Section 2.16, the following standards shall apply to all firearm retailers:

- a. Approval of a site security and safety plan by the Homewood Chief of Police, or his designee, shall be a condition for approval of a Special Use Permit. This site security and safety plan shall be submitted to the Chief of Police for approval at least once every three years after the initial submittal. The Chief of Police shall have the authority to require an updated site security and safety plan at any time. Once a site security and safety plan has been approved by the Chief of Police, no changes may be made to the site without the prior approval of the Chief of Police.
- b. The site security and safety plan shall address the following:
  - i. The structure housing the firearms retailer must be constructed so as to prevent penetration of the building by a vehicle, or the exterior of the building must be protected by a barrier approved by a licensed architect and/or engineer designed to prevent a vehicle from reaching the structure where the firearms retailer is located;
  - ii. Any HVAC ductwork located on the building's exterior shall be secured to prevent penetration into the firearms retailer;
  - iii. Any other site security or safety measures deemed necessary by the Chief of Police to promote the public health, safety, comfort and welfare.
- c. Firearms shall not be displayed in windows and shall be secured at all times. Firearms shall only be displayed inside a locked counter or locked wall display case within the premises.
- d. Images or depictions of firearms shall not be displayed in windows, nor shall they be advertised by signs or posters viewable from the building exterior.
- e. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
- f. No individual less than the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
- g. No person less than 21 years of age shall be employed by the business.
- h. All employees must possess a valid Firearms Owners Identification Card considered valid in the State of Illinois.
- i. No indoor gun range shall be permitted on the premises and no firearms shall be discharged on the premises.

### 3. Location

A firearms retailer is allowed as a special use within the M-1 Limited Manufacturing District. No firearms retailer shall be located within one thousand (1,000) feet of the property line of a school, childcare center, adult daycare center, park, place of worship, or another firearms retailer.

4. License Required

Prior to beginning operation, every firearms retailer shall obtain a weapons dealer license as required by Chapter 26 of the Homewood Municipal Code.

W. Mining and Extraction of Aggregates

Mining and extraction of aggregates shall be permitted only in the Heavy Manufacturing zoning district, subject to the approval of a special use permit in accordance with the provisions of Section 2.16 (excluding the limitations of Section 2.16 H.1). In addition to the standards contained in Section 2.16, the following standards shall apply:

1. No open pit shall be closer to an exterior lot line that is not adjacent to property owned or under the control of the same or related owner than the distance set by Illinois Department of Natural Resources rules and regulations in effect from time to time;
2. The exterior lot lines of the property shall be fenced with a chain link or similar fence at least six (6) feet in height when the property is adjacent to or across the street from any district other than a heavy manufacturing zoning district. The fence shall be constructed in compliance with Section 22-95 of the Homewood Municipal Code;
3. A landscape plan for the property boundaries shall be submitted for approval by the Appearance Commission. The content of the landscape plan shall be as required by Section 12.1B of this ordinance. Upon approval of the landscape plan, it shall be the owner's responsibility to continually maintain in good condition all landscaping elements required by the approved landscape plan as stated in Section 12.8C of this ordinance. The owner shall be responsible for the removal of debris that accumulates within the required landscaped areas and along fence lines on property boundaries adjacent to right-of-ways;
4. Reclamation of the land will be in accordance with Illinois Department of Natural Resources requirements and may include the importation of inert fill to assist in the reclamation process;
5. Due to the unique nature of the use the limitations contained in this Section W and the additional limitations and restrictions that may be imposed by the special use permit, performance standards and other restrictions of this ordinance shall not be applicable to the special use granted pursuant to this Section.
6. No blasting or other use of explosives is permitted unless specifically requested and authorized with the special use permit after the required public hearing by the Planning and Zoning Commission. If permitted by the Village Board, blasting must conform to the Surface-Mined Land Conservation and Reclamation Act (225 ILCS 715) and Aggregate Blasting Rules (62 IAC 300) and shall be conducted only in accordance with existing State and Federal laws and regulations and the following standards:
  - a. The use handling and detonation of explosives (sometimes referred to as "blasting") in connection with quarrying operations shall be conducted by or under the direct supervision of trained and competent persons. If such persons are required to be licensed by any federal agency, State of Illinois or Cook

County, such persons shall meet the licensing requirements and obtain such license.

- b. The storage of explosives shall be in accordance with all applicable Federal and State laws and regulations and shall be stored in magazines, buildings, or structures, which shall meet the safety requirements of such laws and regulations.
- c. Blasting procedures shall be in accordance with modern techniques, generally accepted in the quarrying industry, whereby a shot shall consist of a series of drill holes containing quantities of explosives fired or detonated in sequence of multiple delays at intervals of milliseconds, so as to counteract and reduce the ground motion or vibration from each successive detonation (sometimes referred to as “short period delay blasting”). Peak particle velocity, measured at the closest protected structure, shall meet the Illinois Department of Natural Resources alternate compliance standard using the United States Bureau of Mines RI 8507 blast level chart, commonly referred to as Z-Curve chart.
- d. Air blasts shall be controlled so that it does not exceed the values specified below at the closest protected structure, unless such structure is owned by the person who conducts the mining:

<u>Lower Frequency Limit of Measuring System, Hz+3 dB</u>	<u>Maximum Level in dB</u>
<u>0.1 Hz or lower- flat response</u>	<u>134 peak</u>
<u>2.0 Hz or lower- flat response</u>	<u>133 peak</u>
<u>6.0 Hz or lower- flat response</u>	<u>129 peak</u>

The measuring systems used shall have a flat frequency response of at least 200 Hz at the upper end. The person who conducts blasting may satisfy the provisions of this subsection (d) by meeting any of the three specifications in the chart in subsection (d) of this section.

- e. Blasting procedures shall be subject to and comply with the applicable lawful requirements of the Illinois Pollution Control Board, Illinois Department of Mines and Minerals, Mine Safety and Health Administration (“MSHA”), or the United States Department of the Interior, and any other government agency having jurisdiction thereof.
- f. Blasting procedures shall be in conformity with approved safety regulations, customs and practices generally accepted in the quarrying industry, and the safety regulations of governmental agencies having jurisdiction thereof.
- g. Compliance with provision of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time-to-time by authorized Village officials, upon reasonable prior notice and during reasonable business hours.

- h. All blasting shall be conducted between sunrise and sunset except in emergency situations where unscheduled blasting is required to ensure operator or public safety. In such cases, the operator shall notify the Village within 72 hours after the unscheduled blast, indicating the reason(s) for the unscheduled blast. No blasting shall take place on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

### **9.3 Temporary Uses**

#### **A. General Provisions**

Every permitted temporary use shall comply with the limitations of this Section. Except as expressly provided in this Section, every temporary use shall comply with the bulk, space, and yard regulations applicable in the district in which the temporary use is located. Every temporary use shall comply with, and the Village may impose, such other conditions as may reasonably be necessary to achieve the purposes of this ordinance or to protect the public health, safety and welfare. No temporary use shall be permitted in any district if it would have a significant negative impact on any adjacent property or on the area as a whole in which it is located. Temporary uses not specifically listed here may be allowed in any district, provided that such temporary use is consistent with the purpose and intent of this ordinance and of the district in which it is located. Any such temporary use shall require the prior approval of the Board of Trustees. Every temporary use shall comply with all the requirements listed below:

1. No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
2. No temporary use shall be permitted that causes, or threatens to cause, an on-site or off-site threat to public safety.
3. No temporary use shall be operated except in accordance with such restrictions and conditions as the Fire Chief may require. If required by the Village, the operator of the temporary use shall employ a fire watch team and appropriate security personnel.
4. Signs shall be permitted only in accordance with Chapter 86 of the Municipal Code.
5. No temporary use shall be permitted if the additional vehicular traffic, reasonably expected to be generated by such temporary use, would have undue detrimental effects on surrounding streets and uses.
6. No temporary use shall be authorized that would, in the opinion of the Police Chief, unreasonably reduce the amount of parking spaces available for use in connection with permanent uses located on the lot in question. The Police Chief, or his designee, may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. The Police Chief shall approve such temporary use only if such parking spaces are provided.

## B. Permitted Temporary Uses

### 1. Outdoor Itinerant Merchants

An application for an outdoor itinerant merchant license shall be filed as prescribed in Chapter 74-98 of the Municipal Code. Before the hearing by the Planning and Zoning Commission per Section 2.9, notice shall be given in accordance with Section 2.10. The Planning and Zoning Commission may impose conditions that it determines are reasonably necessary for the public health, safety or welfare. Upon approval by the Planning and Zoning Commission and upon payment of the license fee, the Director of Economic and Community Development shall issue the itinerant merchant license.

Approval of applications for outdoor itinerant merchant licenses shall be subject to the following criteria:

- a. The construction or assembly of any type of display structure, although temporary, shall be prohibited.
- b. The space occupied by an outdoor itinerant merchant may be no closer than one-hundred and fifty (150) feet to any permanent building.
- c. Only one (1) outdoor itinerant merchant may conduct business at a location at any given time.
- d. No wires, signs, pennants, banners, products or any other marketing device may be attached by, or on behalf of, the itinerant merchant to poles or structures in public lands including rights-of-way, parkways and easements.
- e. An outdoor itinerant merchant may not occupy parking spaces needed to meet the minimum parking requirements as set forth in Section 11.
- f. No licensee or anyone on his behalf shall use any device that emits or produces sound plainly heard on public rights-of-way to attract attention to any goods or service that such licensee proposes to sell.
- g. No licensee under this Section, nor anyone in his/her behalf, shall use any public street, sidewalk, or alley to sell, offer for sale, or display his goods, wares, merchandise, or service unless expressly allowed in this Section.
- h. All outdoor itinerant merchants shall comply with the above general restrictions and with the specific restrictions applicable to the proposed use as listed below.
  - i. Farmers markets are allowed in any non-residential district subject to the provisions of Sections 74-96 through 74-105 of the Municipal Code.
  - ii. Christmas tree sales are allowed in any zoning district subject to the provisions of Sections 74-96 through 74-105 of the Municipal Code.
  - iii. Circuses and carnivals are allowed in any district, subject to the provisions of Sections 14-116 through 14-121 of the Municipal Code.

- iv. Sidewalk sales are allowed in any non-residential district subject to the provisions of Sections 74-96 through 74-105 of the Municipal Code.
- v. Indoor and outdoor art, craft, and plant shows, exhibits, and sales are allowed in any district, subject to the provisions of Sections 26-76 through 26-81 in the Municipal Code.
- vi. Vendor carts and stalls are allowed in any non-residential district, subject to the provisions of Sections 26-76 through 26-81 of the Municipal Code.
- vii. House, apartment, garage, and yard sales are allowed in any residential district, subject to the provisions of Sections 82-102 through 82-108 of the Municipal Code.

## 2. Tents

Tents are allowed in any district. Unless the Village Board has granted their approval, no tent in excess of two-hundred (200) square feet shall be allowed to remain for a period of more than two (2) days longer than the period with which the use it is associated is allowed to remain or, in the absence of any such restriction, ten (10) days. Unless waived in writing by the Director of Economic and Community Development, every tent shall comply with the bulk, space, and yard requirements applicable to accessory uses pursuant to Section 8.2 of this ordinance.

## 3. Portable Temporary Storage Containers

Portable storage containers are allowed in any district provided they meet the following conditions:

- a. only one container may be located on a lot at a time;
- b. no portion of any container may extend onto the public right-of-way, including but not limited to the sidewalks, parkways, streets, or alleys;
- c. the container shall not exceed eight (8) feet in width, twelve (12) feet in length and eight (8) feet in height or 768 cubic feet;
- d. the container must be located on an impervious surface;
- e. placement of a portable storage container shall be limited to fourteen (14) days per residential lot, per calendar year;
- f. placement of a portable storage container shall be limited to thirty (30) days per commercial, public lands/open space or manufacturing lot, per calendar year;
- g. every container must be locked and secured when not being loaded or unloaded; and
- h. a permit is obtained from the Community Development Department and prominently displayed during the approval period.

The Village Manager may approve containers that exceed the allowable number, size, surface or length of time.”

## 4. Outdoor Seating for Restaurants

Outdoor seating accessory to a restaurant or fast food restaurant shall be a permitted use, provided it complies with the requirements of Sections 26-176 through 26-181 and with

Sections 10-1 through 10-23 of the Municipal Code and that approval has been obtained from the Site Plan Review Committee and the Health Officer.

5. Contractors' Trailers and Real Estate Model Units

Contractors' trailers and real estate model units are allowed in any district when accessory to a construction project or a new development, respectively. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, respectively. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit. No such trailer, unit or office shall be used as the general office or headquarters of any firm.

6. Hours for Scavengers and Construction

Scavengers shall not pick up garbage, refuse, yard waste or other materials between the hours of 6:00 P.M and 6:30 A.M. If the Village Manager believes it to be in the public interest, he may authorize scavenger service at other times.

With the exception of the Village, no person shall operate any construction equipment or mechanical apparatus operated by fuel or electrical power between the hours of 7:00 P.M. and 7:00 A.M., except for emergency work on public service utilities. At the discretion of the Village Manager, special operating hours may be permitted, when it can be shown for the given case that the extended work hours would be technically necessary or in the overall public interest. Any such exception shall be given by permit that shall be displayed at the job site.

7. Civic Uses of Public Property

In the PL zoning district, any civic use of any public building or property shall be permitted when authorized by the government agency owning or controlling such property. Such use shall not impose an undue adverse effect on neighboring streets or property.

8. Dumpsters, Temporary

Temporary dumpsters may be located in residential districts provided they meet the following conditions:

- a. the refuse container is obtained from a scavenger service licensed with the Village of Homewood;
- b. no more than one (1) temporary dumpster shall be located on a lot in a residential district at a time;
- c. the container is maintained in a neat and orderly fashion with all refuse contained within and not higher than the height of the container;
- d. located on an impervious surface on private property; and

- e. a permit is obtained from the Community Development Department for a period of time not to exceed thirty (30) days, per calendar year.

The Village Manager may approve containers that exceed the allowable number, size, surface or length of time.

## 9. Cargo Containers

- a. Residential, Commercial and Public Lands/Open Space. Cargo containers are prohibited in all residential, commercial or public lands/open space zoning districts except they may be used on a temporary basis provided they meet the following conditions:
  - i. the cargo container is used for the purpose of a construction project duly proceeding toward completion and must be located on the same lot on which the construction activity is occurring until such time as the construction project is complete. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site;
  - ii. shall be maintained in a like-new condition;
  - iii. shall not measure or be stacked to a height greater than 14 feet;
  - iv. shall not be used to display signage or otherwise advertise a commercial activity other than a design or logo permanently affixed to the container that identifies its owner;
  - v. no more than one (1) cargo container shall be located on a lot in a residential district lot at one time for construction purposes;
  - vi. no more than three (3) cargo containers shall be located on a lot in a commercial or public lands/open space district lot at one time when used for construction purposes;
  - vii. no more than one (1) cargo container shall be located on a commercial lot, limited to no longer than sixty (60) days in a calendar year, when used for the purpose of storage of seasonal inventory; and
  - viii. a permit is obtained from the Community Development Department and affixed to the container.

The Village Manager may approve containers that exceed the allowable number, allowable size, or length of time.

- b. M-1 Limited Manufacturing. Cargo Containers may be located in a Limited Manufacturing District on a temporary basis provided they meet the following conditions:
  - i. for purposes of temporary storage for a period of time not to exceed thirty (30) days in one calendar year, or the cargo container is used for the purpose of a

construction project duly proceeding toward completion and must be located on the same lot on which the construction activity is occurring until such time as the construction project is complete. Upon completion of the construction activity that the container supports, the container must be promptly removed from the site;

- ii. at all times, any and all cargo containers must be maintained in a like-new condition;
- iii. no more than three (3) temporary cargo containers shall be located on a lot located in a limited manufacturing district at one time;
- iv. may not measure or be stacked to a height greater than 14 feet; and
- v. a permit is obtained from the Community Development Department and affixed to the container.

The Village Manager may approve containers that exceed the allowable number, allowable size, or length of time.”

#### **9.4 Specialty Residential Uses**

This use standard is intended to provide locations for single family dwellings while allowing limited opportunity for residential structures to have limited professional office uses. The intent of this use category is to provide sufficient flexibility to encourage creative solutions in the re-use of the older single-family structures while encouraging compatible new construction within this district.

##### **A. Uses**

The following uses have been classified as specialty residential uses due to their limited impact to surrounding residential neighborhoods because of limited pedestrian/consumer traffic, no retail sales, and low vehicular traffic:

1. Art and Craft studio
2. Dressmakers or tailors
3. Professional offices of clergyman, lawyer, architect, engineer, or accountant.
4. Commercial or business offices for tax preparation, data entry, marketing, interior design, or other like businesses that operate with low-volume pedestrian and vehicular traffic and no retail sales with prior approval from the Site Plan Review Committee.

##### **B. Areas of Consideration**

Special consideration shall be given to requests for variations to allow a specialty residential uses for the properties located within the downtown area as defined and outlined in the 2005 Downtown Master Plan.

C. Yard and Bulk Requirements

Each specialty residential use shall be subject to the yard and bulk requirements of the underlying zoning district, unless otherwise specified in this Section.

D. Site Plan Review Required

All construction, including but not limited to new construction, major remodeling, renovation, or repair and site improvements, shall be subject to review and approval by the Site Plan Review Committee.

E. Special Provisions

1. Fire Detection and Suppression Systems

All specialty residential uses shall be required to install a domestic fire suppression system (in accordance with NFPA 13 and 72) in any commercial or office portion of the structure prior to the issuance of an Occupancy Permit. A hard-wired fire detection system shall be required to be installed in all commercial and residential spaces. Both sprinkler and alarm systems must be maintained in good working condition and must be monitored in accordance with applicable fire and life safety codes. Bed and Breakfast uses shall be required to install a commercial fire suppression system prior to occupancy.

No domestic fire suppression system shall exceed 20 sprinkler heads.

2. Separation of Use

Any structure occupied by more than one use, shall provide separate means of egress, a minimum of a one-hour fire separation, and separate electrical service for each occupant use in accordance with applicable building, fire, and life safety codes.

3. Storage

Any areas of the structure to be used for the storage of any materials used by the business (es) shall be included in the area to be protected by the domestic fire suppression system.

4. Basements

No basement shall be used for occupiable space, for either business or residential. Any basement storage shall be subject to installation of the domestic fire suppression system.

F. Signage

Identification signs for specialty residential uses listed herein shall be permitted provided such signs shall not exceed five (5) feet above grade or six (6) square feet in area. Such signs shall only be externally illuminated by lighting hardware mounted on the sign that reflects light directly on the sign from above. Upon the request of the Site Plan Review Committee or the Building Inspector, signage shall be reviewed by the Appearance Commission.

No signage shall be permitted on any building associated with a specialty residential.

## G. Parking

Parking and loading requirements for specialty residential uses listed herein shall be subject to Section 11 (Off-Street Parking and loading). Parking in required front yards shall be prohibited. Additionally, all parking areas must be paved, striped, and designed in accordance with Section 11 of this Ordinance.

## **SECTION 10 - PLANNED UNIT DEVELOPMENTS**

### **10.1 Purpose**

The purpose of any planned unit development (PUD) shall be to permit:

- A. A maximum choice in the types of living and working settings available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
- B. A creative approach to the use of land and related physical facilities that results in better design, including building relationships, architectural styles, and aesthetic amenities.
- C. Establishment and permanent preservation of common open space and recreational areas and facilities.
- D. A pattern of development to preserve natural vegetation, topographic and geologic features within the PUD to protect the environment in surrounding areas.
- E. An efficient use of the land that results in more economical networks of utilities, streets and other facilities, and lowers development costs.
- F. A coordinated mix of land uses that promotes the public health, safety and welfare, and contributes substantially to the tax base of the community without making undue demands on community services.
- G. A reasonable balance between the interest of the property owner in freely developing his own property and the interests of owners of surrounding properties.

The planned unit development is included in this ordinance as a distinct category of special use intended to provide for development incorporating a single use, or a variety of uses, that are planned and developed as a unit. To the extent that the procedures and standards in this Section are inconsistent with the requirements in other Sections of this ordinance, this Section shall control. However, construction standards and engineering standards contained in the Municipal Code shall be met, unless specifically modified through the PUD approval process.

The planned unit development should provide amenities not otherwise required by law and should establish facilities and open space greater than the minimums required by law. The PUD shall not be used merely as a mechanism to subvert the underlying regulations.

### **10.2 Requirements on Location, Uses and Ownership**

- A. Any PUD shall consist of a plot of land that is under single ownership or unified control.
- B. The average density of the residential section of any planned unit development shall not exceed the R3 density for such residential area. The following R3 multi-family district regulations shall apply to the residential section of the PUD: permitted uses, special uses and minimum lot area. Instead of the R3 lot area requirement, the Village Board may approve a cluster plan for single-family structures.

- C. In the manufacturing districts, the minimum lot size for a PUD is thirty-thousand (30,000) square feet. The front yard shall be a minimum of thirty (30) feet and the rear yard shall be a minimum of twenty (20) feet. Each side yard shall be a minimum of five (5) feet, provided that the combined side yards are no less than twenty-five (25) feet.
- D. In the manufacturing districts, permitted uses shall be limited to research, experimental, scientific or testing establishments, headquarters buildings, office buildings with limited contact with the general public, publishing or printing facilities, wholesale, warehouse, storage or distribution facilities, assembly uses, bottling, central heating plant, industrial equipment rental, contractor offices, light metal processes and limited manufacturing, treatment and processing, as well as accessory uses customary and incidental to such uses. The retail sale of goods and products that are manufactured, assembled or processed on premises is permitted, provided that no more than 20% of the floor area of the building is used for retail space. In the manufacturing district special uses shall be limited to indoor recreational facilities, communication facilities, electric substations, fire and police stations, transit stations and railroad rights-of-way, or other uses not explicitly mentioned as permitted or special uses elsewhere in this ordinance, provided that they are similar to the above uses.
- E. A PUD in a commercial district may have a mix of uses not allowed in non-commercial districts. Permitted uses in a PUD in the commercial districts shall be limited to permitted uses allowed in the townhouse/transition district, the community business district and the service business district. Special uses in a PUD in the commercial districts shall be limited to special uses in the townhouse/transition district, community business district and service business district, and other uses found by the Village Board to be in harmony with the spirit and intent of the above uses.

### **10.3 Procedure**

#### **A. Pre-Application Meeting**

Prior to the filing of an application for approval of a PUD, the developer may request an informal meeting from the Planning and Zoning Commission to discuss any future project request. Such meeting shall be open to the public and included in the agenda in advance of the meeting. Recommendations or opinions of the Planning and Zoning Commission at these informal meetings are purely advisory and are not binding. This pre-application meeting is not mandatory and does not require formal application, fee or filing of a plat.

#### **B. Submittals**

A preliminary plat and drawings of the PUD shall be submitted to the Director of Economic and Community Development at least twenty-one (21) days before the Planning and Zoning Commission meeting at which the request is to be discussed. At that time, the Director of Economic and Community Development shall open a master file. The required submittals and fees are listed in Appendix A and B.

#### **C. Preliminary Plat**

The procedure for the PUD begins with a review by the Planning and Zoning Commission. The Planning and Zoning Commission shall review the preliminary plat and the supporting data for conformity to PUD regulations and shall begin the public hearing. At the conclusion of the hearing, the Planning and Zoning Commission shall recommend in writing to the

Village Board, either approval, modification or denial of the preliminary plat. The recommendations of the Planning and Zoning Commission shall be included in the minutes of their meetings. The recommendations shall state:

1. The extent to which the proposed plan meets the stated purpose of the planned unit development.
2. The extent to which the proposed plan departs from the zoning regulations otherwise applicable to the property and whether the departures are in the public interest.
3. The extent to which the proposed plan produces a public benefit in terms of physical development, tax base, compatibility with the neighborhood and compliance with the planning objectives of the Village.
4. The extent to which the proposed plan meets the requirements and standards of the planned unit development regulations and the Comprehensive Plan.

The Village Board, after receipt of the preliminary recommendations from the Planning and Zoning Commission, shall approve, modify or deny the preliminary plat. The Village Board may require such special conditions as are deemed necessary to ensure conformance with the intent of the Comprehensive Plan and the stated purposes of the planned unit development.

Approval of a preliminary plat shall not constitute approval of the petition or the final plat. Rather, it shall be deemed an expression of approval of the layout submitted with the preliminary plat. Unless the applicant fails to meet time schedules for submitting the final plat, or fails to proceed with development in accordance with the approved plans, or fails to comply with any conditions of this ordinance or the Municipal Code, the Village shall not, without the consent of the applicant, take any action to modify or revoke an approved preliminary plat, pending the application for final plat approval.

#### D. Final Plat

The preliminary and final plat may be filed and approved simultaneously, or the final plat may be filed and approved without a preliminary plat, if all of the land is to be developed at one time and if all requirements are met. In the case of a final PUD plat that does not conform substantially to the preliminary plat as approved, such final plat shall be referred to the Planning and Zoning Commission for further consideration. However, the Director of Economic and Community Development can approve minor changes to the final plat as provided in Section 10.8.

All final plats must be submitted for approval in accordance with agreed to scheduling, but not later than one (1) year from the approval of the preliminary plat. However, if desired by the developer, the final plat may be submitted in stages, with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations.

To obtain approval of the final plat, a final planned unit development plat and other supporting data required for approval shall be submitted to the Director of Economic and Community Development. Final plats and supporting data shall show, in detail, the design, location and use of all buildings and overall land development, as well as such additional information as the Village may require. The Director of Economic and Community Development, after inspection of the final plat to ensure its conformity with these regulations and the preliminary plat, shall forward the final plat to the Village Board for final action. If the final plat is substantially in conformance with the preliminary plat and complies with all provisions of this Section, this ordinance and the Municipal Code, the Village Board shall approve the final plat.

Where the Village Board finds that the final plat does not comply with all provisions of this Section, this ordinance and the Municipal Code, the Village Board may refer the final plat to the Planning and Zoning Commission for further consideration or it may deny the final plat. The Village Board may approve the final plat, with or without conditions, provided that no such conditions impair the rights granted by the preliminary plat approval, unless in the judgment of the Village Board any such condition is required by a change of circumstance from the time of approval of the preliminary plat.

#### E. Recording the Final Plat

Prior to the recording of the final plat, all delinquent taxes and all special assessments constituting a lien on the whole or any part of the property of the planned unit development shall have been paid. The ordinance authorizing the construction of the planned unit development shall be effective only upon the recording of the final planned unit development and the ordinance with the Reorder of Deeds.

The recorded final plat shall inform any persons dealing with the planned unit development of the restrictions placed upon the land and shall act as a zoning control device. No permit, allowing construction of a building or other development, shall be granted until the required recording of the final plat.

The purpose of the final plat is to designate with particularity, the land subdivided into conventional lots, as well as the division of other lands not so subdivided, into common open areas and building sites. The preliminary plat shall locate buildings approximately, whereas the final plat shall show the exact location of each building.

### **10.4 Standards**

All planned unit developments must meet the following standards:

#### A. Compatibility

The planned unit development shall be compatible with the purpose of this ordinance and with the Comprehensive Plan. A planned unit development shall exercise no substantial detrimental influence upon the market value of surrounding properties and it shall cause no substantial impairment of the use of these properties by present owners.

B. Size

The size of the planned unit development must be not less than sixty-thousand (60,000) square feet in area, except that, within the central business district and the residential districts, planned unit developments must be not less than one (1) acre in area.

C. Economic Impact

The petitioner must make a showing of favorable economic impact on the Village.

D. Environmental Protection

The petitioner must show that the proposed planned unit development will in no way be detrimental to the environment or adversely affect the environment. Scenic assets and natural features, such as trees, streams, topographic and geological features shall be protected and preserved to the greatest extent possible. Detention shall be required as provided by Chapter 98-38(3) of the Municipal Code.

E. Building Materials

All non-residential buildings shall be of masonry construction or its non-combustible equivalent. Walls of non-residential buildings facing the street shall be finished with face brick, stone, ornamental concrete brick or block, glass or their aesthetic equivalent. Other walls of non-residential buildings shall be faced with common brick or its equivalent. Any wall facing a residential district shall not be finished with exposed poured concrete. On all walls in the manufacturing district, metal paneling may be used, provided that it is placed a minimum of seven (7) feet above grade level.

F. Design

Harmonious design, including a variety of building types, shall be encouraged.

G. Signage

All signs shall conform to the regulations in Chapter 86 of the Municipal Code.

H. Screening and Landscaping

Fences, walls or landscaping shall be provided at the perimeter of planned unit developments to screen improvements, glare or uses having an adverse impact on adjacent property. All parking areas shall be screened. Such screening shall be of sufficient height to minimize the impact of such elements on any use located either within or adjacent to the planned unit development and shall be approved by the Appearance Commission. All portions of the PUD not occupied by buildings or pavements shall be landscaped with sod, groundcover, perennials, earth berms, rock formations, existing foliage, or newly planted trees and shrubs. A minimum of 5% of each parcel within a non-residential PUD and a minimum of 30% of each parcel within a residential PUD shall be landscaped. The grading plan shall consider both aesthetics and drainage. Grading, drainage and landscaping shall be coordinated to prevent erosion and silting.

I. Common Open Space

The developer shall provide for and establish an organization or other legal entity for the ownership and maintenance of any common open space designated on the development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of development plans and subject to approval by the Village Attorney and Village Board. Such organization shall not be dissolved, nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space for the purpose of benefiting the owners and residents of the development), without first offering to dedicate the open space to the Village.

J. Public Services

It must be shown that the development shall not impose an undue burden on public services and facilities, such as fire and police protection, schools, parks, water, sanitary system and stormwater runoff.

K. Traffic

The site shall be accessible from dedicated public roads adequate to carry the traffic generated by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development. Traffic control signals shall be provided without expense to the Village when the Village Board determines that such signals are required to prevent or minimize actual or anticipated traffic hazards or congestion in adjacent streets.

Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Access points shall be designed to provide smooth traffic flow, control turning movements, minimize hazards to vehicular or pedestrian traffic and shall be approved by the agency having jurisdiction. No streets or roads within a planned unit development shall connect to exterior streets, except at the approved access points. Fire lanes shall be provided as required by the Village.

L. Parking and Loading

All parking and loading, including industrial, commercial and residential, shall be governed by Section XI. However, loading berths in the manufacturing district may be located in the required side yard, provided that the front of the berth dock or platform is set back at least eighty-five (85) feet from any lot line abutting the street.

M. Streets

All public and private streets within a PUD shall conform to the street standards of the Village.

N. Railroads

Every attempt shall be made to minimize the number of grade crossings within the PUD.

## **10.5 Specific Limitations**

In order to achieve the intent of this Section, and the goals and objectives of the Comprehensive Plan, the Planning and Zoning Commission may recommend, and the Village Board may authorize, exceptions to the regulations of this ordinance. Exceptions from the ordinance regulations shall solely be for promoting a unified development that achieves the purposes for a PUD, complies with the Comprehensive Plan, and provides compensating amenities beneficial to occupants of the planned unit development and surrounding properties.

The Village Board may expressly authorize a change to the underlying regulations of the zoning district. However, the following requirements shall be met:

- A. The minimum lot area and lot width shall be reduced by no more than 25% of the requirements of the underlying zoning district.
- B. The maximum building height shall be no greater than fifty (50) feet.
- C. The maximum floor area ratio and lot coverage shall be increased by no more than 25% of the requirements of the underlying zoning district.
- D. The required yards along the periphery of the planned unit development shall be equal to those of the adjoining zoning district.

All other yards within the planned unit development shall be reduced by no more than 25% of the requirements of the underlying zoning district.

## **10.6 Conditions**

Prior to the granting of any planned unit development, the Planning and Zoning Commission or Appearance Commission may recommend, and the Village Board may require, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, beautification, aesthetics, operation and other elements of the planned unit development as deemed necessary for the protection of the public interest, the improvement, development and the protection of the adjacent area, and to secure compliance with the standards of this ordinance. In all cases in which planned unit developments are granted, the Village Board may require such evidence and guarantees as it may deem necessary as proof of compliance with stipulated conditions.

## **10.7 Covenants and Easements**

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location and density of buildings, uses and structures, and such public facilities as are necessary for the welfare of the planned unit development and are consistent with the best interests of the Village and surrounding neighborhoods. Final agreements, provisions or covenants that will govern the use, maintenance and continued protection of the planned unit development shall be filed with the Village and shall also be recorded with the Recorder of Deeds. Such covenants, easements and other provisions that are part of the development plan as finally approved, may be modified, removed or released only with the consent of the Village Board. All common open space, ponds and flood retention basins, lift stations, fire hydrants, and other public-type utilities shall be either:

- A. Conveyed to a municipal or public corporation.
- B. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development.
- C. Retained by the developer with legally binding guarantees, in a form approved by the Village Attorney, that the common open space and utilities will be permanently preserved and maintained.

## **10.8 Minor Changes**

The planned unit development project shall be developed only according to the approved and recorded final plat and ordinances. The recorded final plat and supporting data, together with all recorded ordinances, shall be binding on the applicants, their successors, grantees, and assigns, and shall limit and control the use of the premises and location of structures in the planned unit development project. After approval of the final plat, no use or development, other than home-based businesses and temporary uses, shall be permitted except such uses and development specified in the final plat. After completion of a PUD, the uses and development specified in the final plat may be amended in the manner as provided in the following Section.

The Director of Economic and Community Development may approve minor changes in the planned unit development, that do not change the concept or intent of the development and that are the minimum changes necessary to overcome a particular difficulty and which do not violate any other requirements of this ordinance. Minor changes include, but are not limited to, changes in the type of landscaping elements, altering the grade by less than 20% and changes of no more than twenty-five (25) feet in the location of a structure, lot, street, sidewalk or open space. In addition to the above, any changes to the PUD, which are not described as amendments in Section 10.9, shall be deemed minor changes. Major changes shall be required to go to the Planning and Zoning Commission.

## **10.9 Amendments**

Changes which alter the concept or intent of the planned unit development including, but not limited to, increase in density, increases in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or other major changes, constitute amendments to the final plat. The Board of Trustees may grant approval for an amendment without a hearing upon finding that any proposed changes will be in substantial conformity with the final plat.

If the Board of Trustees determines that an amendment is not in substantial conformity with the final plat, the amendment may be approved only by submission of a new preliminary plat and supporting data, and by following the preliminary approval steps and subsequent approval of the final plat and ordinance. All changes to the final plat shall be recorded with the Recorder of Deeds as amendments to the final plat or recorded with the Recorder of Deeds as a new final plat.

## **10.10 Time Limitation**

### **A. Completion Guarantee**

A deposit shall be made to the Village in a letter of credit in a form approved by the Village Attorney. This deposit shall be a guarantee of satisfactory construction of the public facilities to be built in conjunction with the planned unit development. The escrow agreement shall be in a form approved by the Village Attorney. All public type utilities on private properties shall follow Village regulations concerning inspections and maintenance. All public facilities and improvements made necessary as a result of the planned unit development shall either be constructed in advance of the approval of the final plat or provided for by a letter of credit in a form approved by the Village Attorney.

### **B. Commencement of Construction**

If the building construction has not begun within one (1) year from the passage of the ordinance, the ordinance may become null and void. After notice to the developer and the opportunity of a hearing before the Village Board, the Village Board may terminate the PUD or the Village Board may extend the one (1) year period at any time if it finds that facts in a written request from the developer show good cause for the extension.

### **C. Compliance with PUD Approval**

If the actual development fails to comply with the final plat, the Village may issue an order stopping any and all work on the PUD until the noncompliance is cured. The applicant shall either take such steps necessary to comply with the final plat or seek an amendment to the final plat as provided in this Section. If the applicant fails to do either, or if the Village Board denies the amendment, the Village Board may revoke the final plat approval and all building permits based on such approval and take such other action as may be appropriate to abate the violation.

### **D. Phased Development**

The Planning and Zoning Commission may designate divisible geographic sections of the entire parcel to be developed as an entity and shall, in such case, specify reasonable periods within which development of each such geographic section must be commenced. The time period established for the completion of the entire development and the commencement date for each geographic section thereof may be modified from time to time by the Village Board upon showing of good cause by the developer.

In the case of a planned unit development that contains residential buildings, the Planning and Zoning Commission may permit, within each geographic section of the PUD, deviations from the number of dwelling units per acre. However, such deviation shall be adjusted for in other areas of the geographic section so that, in the geographic section as a whole, the total number of dwelling units per acre is not exceeded.

# SECTION 11 - OFF-STREET PARKING AND LOADING

## 11.1 General Provisions

Off-street parking is permitted as an accessory use in all zoning districts, provided that it complies with this Section. Off-street parking as a principal use is permitted only when expressly authorized by the regulations of the applicable zoning district.

### 1. No Reduction of Required Spaces

Any off-street parking or loading space required in connection with buildings or structures existing on the effective date of this ordinance shall not be removed, except in conformance with the requirements of this ordinance. Any building or structure that is erected or substantially altered after the effective date of this ordinance shall provide off-street parking and loading spaces in accordance with this Section.

### 2. Provision of Additional Spaces

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities, provided that such facilities meet the requirements of this ordinance governing the location, design and operation of such facilities.

### 3. Limitations on Use of Parking and Loading Spaces

No motor vehicle repair work of any kind shall be permitted in any parking space, parking lot or loading berth. The repair, maintenance, detailing or storage of motor vehicles conducted as a business or commercial activity is prohibited in all residential districts.

### 4. Change in Land Use

Whenever the existing use of a building or structure shall hereafter be changed to a new type of use, parking and loading facilities shall be provided as required for such new type of use. For those buildings and structures erected prior to the effective date of this ordinance, additional parking and loading facilities shall be provided only in the amount by which the requirements for the new type of use exceed the requirement for the existing type of use.

### 5. Change in Intensity of Use

When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement, parking and loading facilities shall be provided for such increase in density. If, however, additional parking or loading facilities cannot be added in part or in whole due to a lack of available land area, a property owner may request a variance of this provision. The Village Board shall consider each variance request as it relates to the standards in Section 2.17.

### 6. Buildings Erected Prior to the Effective Date of this Ordinance

This Article shall not be construed to require the addition of any parking or loading spaces for uses in buildings or structures existing on the effective date of this ordinance. When a building permit has been issued prior to the effective date of this ordinance and construction

has begun within one (1) year and has been diligently pursued, parking and loading facilities shall be provided in the number of spaces required for the issuance of the permit, regardless of the number of spaces required by this Section. Notwithstanding Sections 11.1(4) and 11.1(5), no building or structure existing on the effective date of this ordinance shall be required to provide any additional parking spaces unless and until the aggregate increase in the required number of spaces shall be greater than 50% of the spaces existing on the effective date of this ordinance. Notwithstanding Sections 11.1(4) and 11.1(5), no building or structure existing on the effective date of this ordinance shall be required to provide any additional loading spaces unless and until the aggregate change shall equal the full square footage for which one (1) additional loading space is required.

#### 7. Site Plan Review

Any application for a building permit or occupancy permit for a new or enlarged building, structure or use shall include a site plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided. In accordance with Section 2.13, the Site Plan Review Committee shall review the plan.

### 11.2 Computation

#### A. Basis for Computation

The total number of required parking and loading spaces shall be based upon the requirements for the principal use of the zoning lot. However, when more than one (1) use occupies the same zoning lot, the number of required spaces shall be the sum of the separate requirements for each use. All off-street parking facilities shall be completed before occupancy of the building or structure for which it serves. Where Table 11.1 requires parking spaces based on the number of employees, the shift having the greatest number of employees, including full-time and part-time employees, shall be the basis for the computation. Where Table 11.1 requires parking spaces based on the number of seats, each twenty-two (22) inches of bench seating shall be considered equivalent to one (1) seat.

#### B. Fractional Spaces

When determination of the number of required off-street parking or loading spaces results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be dropped, while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.

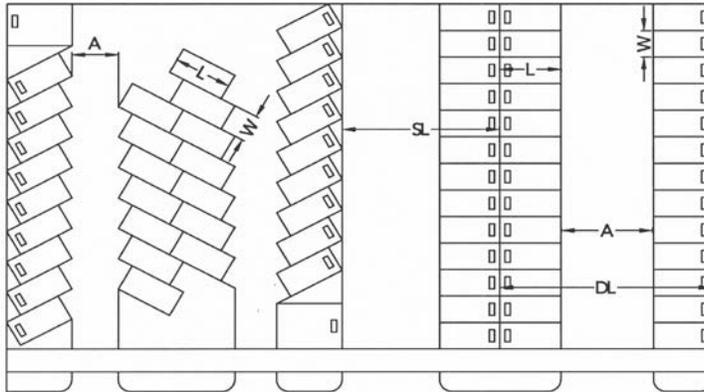
### 11.3 Design and Size

#### A. Dimensions of Spaces and Aisles

Required off-street parking spaces shall have vertical clearance of at least seven (7) feet. The dimensions of aisles shall be as shown in Figure 11.1.

Except in such instances where a variance has been granted in accordance with Section 2.17, a required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, aisles, ramps and columns.

FIGURE 11-1  
Off-Street Parking Dimensions (in feet)



Parking Angle	Parking Space Width (W)	Parking Space Length (L)	Aisle Width (A)	Single Loaded Module Width (SL)	Double Loaded Module Width (DL)
0°	9.0	21.0	18.0/24.0*	26.5/30.5*	35.0/39.0*
45°	9.0	18.0	18.0	31.25	48.5
60°	9.0	18.0	18.0	32.25	51.25
90°	9.0	18.0	24.0*	40.0*	58.0*

\* Two-Way Traffic Authorized

## B. Surfacing and Striping

All off-street parking areas and driveways shall be improved with a hard surface pavement as specified in the current edition of the Illinois Department of Transportation Design Manual or alternate approved by the Village Engineer. Striping of the surface to define each parking space shall be provided and visible at all times.

## C. Access to Spaces

A fire lane of not less than twenty (20) feet in width shall be provided where required by the Fire Department. All off-street parking facilities shall be provided with appropriate means of vehicular access in a manner that least interferes with traffic movements and allows the driver of the vehicle to proceed forward into traffic rather than back out. All required off-street parking facilities shall have vehicular access from a street, alley or driveway, containing all-weather, hard surfaced pavement. Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to the parking spaces. The location and route of access to such a parking area shall be identified and the route shall not transverse any other parking spaces. No driveway shall serve as access to more than one (1) single-family detached dwelling. Except for access to loading berths, no driveway across public property shall have a width exceeding twenty-four (24) feet, exclusive of curb returns. A driveway serving a detached single-family dwelling shall have a width of no less than eight (8) feet.

D. Drainage

All parking and loading areas shall be graded and drained to dispose of surface water accumulation by means of an approved stormwater drainage system. Runoff from parking lots shall be detained on-site in accordance with applicable Village standards.

E. Screening

All open parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any residential or institutional property by a wall, fence or densely-planted compact hedge not less than five (5) feet in height. In such parking areas, wheelstops of masonry, steel or heavy timber shall be placed at least five (5) feet from any lot lines.

F. Lighting

Parking areas of more than ten (10) spaces shall be illuminated. Illumination of off-street parking areas shall be shielded so as not to project or reflect rays of light onto adjacent properties and so as not to create a traffic hazard on adjacent streets. The level of illumination at any point within the parking facility shall be not less than one (1) foot-candle measured at the pavement.

The level of illumination at the lot line shall not exceed one-half (.5) foot-candle measured at any residential lot line and two (2) foot-candles measured at any other lot line.

G. Slope

Except for parking spaces accessory to a single-family detached dwelling, the area of any parking facility shall have a slope approved by the authority having jurisdiction. No access ramp shall have a slope more than what is allowed by the agency having jurisdiction.

H. Maintenance

Except in the manufacturing district, no cleaning or maintenance of parking lots utilizing motorized equipment may be performed between 11:30 p.m. and 6:00 a.m. each day, except for the removal of snow.

**11.4 Location of Spaces**

A. Yards

Off-street parking spaces may be provided in surface lots, below grade, beneath a building and, in those zoning districts where specifically allowed, in parking structures. Off-street parking spaces may be located in any yard, except required front yards.

## B. Requirements for Off-Site Spaces

Parking spaces required for single- or two-family dwelling units shall be located on the same lot as the dwelling served. Parking spaces required for all other uses, except uses in the central business district established after the effective date of this ordinance, shall be located on the same lot as the use served.

Within the central business district, uses in existence on the effective date of this ordinance, which are subsequently altered or enlarged, and all new uses may be served by parking facilities located on land other than the lot on which the use is located. Such facilities shall be located within three-hundred (300) feet and shall be approved by the Site Plan Review Committee, who shall consider safety standards and sound traffic design in making their decision. In cases where parking facilities are permitted on land other than the lot on which the use is located, such facilities shall be located on property controlled by the same party who owns the lot on which the use to be served is located. Such control may be by deed or by long-term lease. Such deed or lease shall be filed with the Department of Community Development and recorded with the office of the Recorder of Deeds by the Village at the developer's expense. The deed or lease shall require the owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner, and to notify the Village if terms of the lease change. If the deed or lease terminates prior to the use served, the deed or lease shall not be released until the required off-street parking spaces are provided on the same lot as the use served or until another lot meeting all the requirements of this Section is used to provide the required parking or until the Village Board grants a variance.

## 11.5 Shared Parking

### A. Standards

Off-street parking and loading facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements of each such use and if all regulations governing the location of accessory parking spaces in relation to the use served are observed. However, no parking or loading space, or portion thereof, shall serve as the required space for more than one (1) use unless otherwise authorized in accordance with this Section.

### B. Procedures

The Planning and Zoning Commission may authorize a reduction in the total number of required parking or loading spaces for two (2) or more uses jointly providing off-street parking when their respective hours of operation do not substantially overlap. The petitioner shall provide sufficient data to indicate that there is not a substantial conflict in the principal hours of operation of the uses. The petitioner shall submit a legal agreement guaranteeing that the parking spaces or loading spaces shall be maintained so long as the uses are in existence unless the required parking is provided elsewhere in accordance with this Article. The instrument shall be approved by the Village Attorney and shall be recorded with the Recorder of Deeds.

## **11.6 Accessible Parking**

### **A. Required Spaces**

In all off-street parking facilities, except single-family detached or attached dwellings, parking spaces for handicapped persons shall be provided. The number of handicapped parking spaces shall be counted toward the total number of required parking spaces and shall be in accordance with the requirements of the Illinois Administrative Code, as amended from time to time.

### **B. Design and Layout**

Such spaces shall comply with the design standards presented in the State of Illinois Accessibility Standards provided that in no instance shall the width of any one (1) space be less than sixteen (16) feet. Such spaces shall be identified by a sign and by pavement markings indicating parking for the handicapped only. Such spaces shall be the spaces closest to the entrance of the building or structure and shall be connected by a paved surface designed to provide safe and easy access.

## **11.7 Stacking Spaces for Drive-Through Facilities**

### **A. Required Spaces**

Every drive-through facility shall provide six (6) stacking spaces per facility, plus one (1) space per waiting area provided.

### **B. Design and Layout**

The stacking spaces shall be designed so as not to interfere with the ingress and egress to the off-street parking, traffic circulation on or off site, and traffic visibility. Drive-through facilities shall not be located in the front of the principal building and the maneuvering space shall be provided in the side or rear yard. The location of the curbcut shall be subject to the approval of the Village Engineer.

## **11.8 Off-Street Loading**

### **A. Required Spaces**

Any building or structure, which is erected or substantially altered after the effective date of this ordinance, and which requires the receipt or distribution of materials or merchandise by trucks or other similar vehicles, shall provide no less than the number of off-street loading berths specified in this Section. The Planning and Zoning Commission may vary these requirements as provided in Section 2.17 of this ordinance. Loading berths shall be provided according to the Table below. For uses not specified in the Table, off-street loading berths shall be provided based on the recommendations of the Director of Economic and Community Development and approved by the Village Board, taking into consideration requirements for similar uses.

Any loading operation shall not create traffic congestion or traffic hazards on the public streets. Space allocated for an off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facilities. All required off-street loading spaces shall be completed before occupancy of the building or structure.

B. Dimensions

A required off-street loading berth shall be at least twelve (12) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least fourteen (14) feet. No curb cut across public property that serves an off-street loading space shall exceed thirty (30) feet in width.

C. Surfacing and Screening

All open off-street loading berths shall be surfaced with a hard surfaced pavement as specified in the current edition of the Illinois Department of Transportation Design Manual or alternate approved by the Village Engineer. Screening of the loading berths shall be provided in accordance with Section XII.

D. Access

Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner, which will least, interfere with traffic movements.

E. Location

Loading berths may be located in any yard or within the confines of a building. All required loading spaces shall be located on the same lot as the use to be served and no portion of any vehicle shall, while occupying any loading space, project into a street or alley. No loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets. In the manufacturing district, loading berths for vehicles of more than two (2) ton capacity shall be located no less than fifty (50) feet from any residence district. Uses which require off-street loading facilities, but which are located in buildings or structures of less floor area than is specified for such use, shall be provided with receiving facilities, accessible by motor vehicles, off any adjacent alley, service drive, or open space on the same zoning lot.

F. Maneuvering Space

Every loading space shall be provided with sufficient maneuvering space on the zoning lot where it is located to allow vehicles to access and exit the space without having to make a backing movement onto any public street.

## **11.9 Trucks and Limousines**

### **A. General Provisions**

In any zoning district, off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such use. No vehicle shall be used for living, sleeping or housekeeping purposes in any zoning district. No vehicle shall be parked or stored that creates a dangerous or unsafe condition in any zoning district.

### **B. Loading and Unloading**

No trucks, limousines, or commercial vehicles, other than a Class B vehicle as defined by the Illinois Motor Vehicle Code, may be parked or stored in any residential zoning district unless they comply with all of the following:

1. Such vehicles shall display current State license plates and current Village vehicle stickers.
2. Such vehicles shall be temporarily parked in residential zoning districts for loading and unloading purposes not to exceed one (1) hour.
3. Such vehicles shall be parked or stored within the rear yard or within a space that is enclosed on all sides and not open to the sky.
4. Such vehicles shall be maintained in a mobile condition and no repair shall be performed in any residential zoning district.

## **11.10 Recreational Vehicles**

### **A. General Provisions**

In a residential zoning district, no more than two (2) recreational vehicles (as defined in Section 15 of this ordinance) may be parked or stored on any lot, and no recreational vehicle shall be parked or stored unless that vehicle complies with all of the following requirements:

1. The vehicle shall be owned by a Homewood resident.
2. The vehicle shall display a current State license plate and/or current Village vehicle sticker, if required by state law or local ordinance.
3. The vehicle shall not exceed forty (40) feet in length.
4. The vehicle shall be parked or stored at the residence of the vehicle owner on an impervious surface located not less than five (5) feet from any public right-of-way, and shall not block or impede sight lines for pedestrian or vehicular traffic.
5. The vehicle shall be maintained in good and operable condition and shall not be used for living, sleeping, or general housekeeping.

Notwithstanding the above, a recreational vehicle may be parked or stored within a space that is enclosed on all sides and not open to the sky.

B. Seasonal Provisions

From April 1<sup>st</sup> to October 31<sup>st</sup>, residents shall be permitted to park recreational vehicles anywhere on a lot provided the requirements of subsection 11.10A are met and parking in the front yard is otherwise in accordance with Section 11 of this Ordinance.

From November 1<sup>st</sup> to March 31<sup>st</sup> of the following year, recreational vehicles shall not be parked or stored in a front yard. The Village Manager may waive this prohibition on a case-by-case basis by issuance of a written waiver. Waivers shall be effective for a maximum five (5) month period and shall only be granted provided both of the following conditions are met:

1. The subject vehicle complies with subsection 11.10A of this ordinance, and
2. The lot in question has no vehicular access to the rear or side yard.

C. Non-Residential Limitations

Non-residents whose vehicles otherwise meet the requirements of subsection 11.10A and 11.10B may, with permission of the property owner, park a recreational vehicle on a residential lot for no more than 14 days per calendar year.

**TABLE 11.1: LOADING REQUIREMENTS**

<b>RETAIL</b>	
5,000-30,000 sq. ft. of floor area	1 loading space
Each additional 30,000 sq. ft. of floor area	1 loading space
<b>OFFICE OR INSTITUTIONAL USES</b>	
10,000-100,000 sq. ft. of floor area	1 loading space
Each additional 100,000 sq. ft. of floor area	1 loading space
<b>MANUFACTURING</b>	
5,000-20,000 sq. ft. of floor area	1 loading space
Each additional 20,000 sq. ft. of floor area	1 loading space

**TABLE 11.2 PARKING REQUIREMENTS**

**USES \_\_\_\_\_ PARKING REQUIREMENTS**

**Residential Uses**

Single-Family Detached Dwelling.....	2/dwelling
Elderly Housing.....	0.5/dwelling unit
Multiple-Family Dwelling .....	1.5/dwelling unit
Townhouses.....	2/dwelling unit

**Recreational Uses**

Parks and Playgrounds.....	5/first 2 acres + 1/each-additional acre
Recreational Buildings, Community Centers.....	.....1/250 S.F. of gross floor area or 1/3 patrons, whichever is greater
Golf Courses and Country Clubs.....	.....60 for 9 holes + 1/100 S.F. of gross floor area of clubhouse
Bowling Alleys.....	6/lane + 1/150 S.F. of dining or lounge area
Pool Halls.....	2/game table
Dance Halls, Skating Rinks.....	1/100 S.F. of gross floor area
Gymnasiums .....	1/250 S.F. of gross floor area or 1/3 seats, whichever is greater
Swimming Pools.....	1/75 S.F. of water area
Archery or Driving Ranges .....	1/1,000 S.F. of total lot area
Tennis Courts and Clubs.....	6/court

**Institutional Uses**

High Schools.....	1/each employee + ½ students over 16 years
Junior College, Community College.....	1/each employee + 1/3 students
Preschool, Nursery, Child Care.....	1/each employee + 1/500 of gross floor area
Places of Worship .....	1/4 seats
Convents, Monasteries, Seminaries.....	1/1000 S.F. of gross floor area
Public Libraries, Art Galleries, Museums .....	1/500 S.F. of gross floor area
Fire and Police Stations, Post Offices, Railroad Stations, Government Offices .....	.....1/250 S.F. of gross floor area
Telephone Transmission Equipment Buildings, Microwave Relay Towers, Substations .....	1/employee

Water Filtration Plants, Pumping Stations and Reservoirs.....2/3 employees  
 Schools: Boarding, Elementary School, Junior High..... 1/employee  
 Community Live-In Facilities for Developmentally Disabled, Nursing Homes .....  
 ..... 1/1000 S.F. of gross floor area  
 Hospitals ..... 1/500 S.F. of gross floor area + .5/employee  
 Municipally-Operated Health Centers .....  
 ..... 1/250 S.F. of gross floor area or 1/3 patrons, whichever is greater + .5/employee

**Retail Uses**

Furniture, Rug, Appliance, Hardware Stores..... 1/300 S.F. or gross floor area  
 Needlework, Furriers, Jewelers, Luggage Stores,  
 Medical Appliance Stores, Framing and Photography Studios,  
 Repair Shops Upholstery Shops, Contractor Showrooms.....1/250 S.F. of gross floor area  
 Auto Parts Store..... 1/250 S. F.  
 Car Dealers, New or Used .....1/200 S.F. gross floor area + 1/ 2,000 S.F. total lot area  
 Retail Uses Not Listed Elsewhere ..... 1/250 S.F. of gross floor area

**Business Uses**

Offices..... 1/300 S.F.  
 Travel Agencies, Tailors, Shoe Repair, Interior Decorators,  
 Domestic Pet Shops or Grooming Establishments, Animal Hospitals,  
 Kennels, Caterers, Music or Dance Schools, Self-Service Laundromats,  
 Dry-Cleaning and Laundry Receiving Establishments, Banks, Clubs,  
 Lodges, Medical Labs, Financial Institutions..... 1/250 S.F. of gross floor area  
 Barber Shop, Beauty Salons.....2/chair + 1/employee  
 Medical and Dental Clinics, Opticians, Optometrists..... 1/employee + 2/examining room  
 Funeral Parlors..... 1 /175 S.F. of gross floor area or 20/chapel  
 Car Wash (Self-Service) ..... 5 times the maximum capacity of the washing units  
 Automobile Service Stations, Car Wash ..... .5/employee + 2/service bay  
 Tavern or Cocktail Lounge .....1/50 S.F. of gross floor area  
 Restaurants.....1/100 S.F. of gross floor area  
 Restaurants in B1.....1/250 S.F. of gross floor area  
 Hotels, Motels ..... 1/guest room + .5/employee + 1/100 S.F. of dining area  
 Bed and Breakfast Establishments .....  
 ..... 1/guest room in addition to the requirements for a single family detached dwelling  
 Theaters..... 1/3 seats

Meeting Halls ..... 1/100 S.F. of gross floor area  
 Schools, Commercial or Trade..... 1/employee + 1/3 students  
 Drive-Through Facilities ..... 6 times the number of windows  
 Exhibition Halls, Auditoriums, Sports Arenas, Racetracks ..... ¼ seats provided  
 Transit and Transportation Service Buildings,  
 Radio or TV Broadcasting Studios and Towers..... 1/employee  
 Auction Rooms..... 1/100 S.F. of gross floor area  
 Game Rooms ..... 1/175 S.F. of gross floor area  
 Boat Showrooms..... 1/300 S.F. of gross floor area

**Manufacturing and Related Uses**

Heliports..... 5 spaces  
 Mini-Warehouse, Self-Storage ..... 1/1,000 S. F.  
 Cartage Facilities ..... 2/employee or 1/500 S. F. + 1/company vehicle, whichever is greater  
 Crematorium..... 2/employee + 1/2,000 S.F.  
 Contractor and Construction Offices .....  
 ..... 2/employee + 1/2,000 S.F. of warehousing or storage space  
 Greenhouses, Nurseries, Building Material Yards, Equipment Rental Uses ..... 1/300 S. F.  
 Research Laboratory, Printing, Publishing .....  
 ..... 1/250 S.F. of office + 1/1,000 S. F. of manufacturing,  
 assembly, central heating manufacturing plant, warehouse, wholesale

Note:  
 S.F. refers to square feet

## SECTION 12 - LANDSCAPING AND SCREENING

### 12.1 Landscape Plan

The landscaping and screening requirements are intended to preserve and enhance the appearance, character, health, safety and general welfare of the Village by fostering aesthetically pleasing development. The regulations are intended to decrease the conflict between adjacent uses by minimizing the adverse impact of noise, dust, headlight glare, artificial light intrusions, and other objectionable activities or impacts on neighboring uses.

#### A. When Required

A landscape plan shall be required for all exterior construction and development activity that requires site plan review. Nothing in this Section shall be construed to require landscaping for existing uses that are not proposing exterior changes requiring site plan review in accordance with Section 2.13. Landscape plans shall be drawn in conformance with the requirements in this Section. Landscape plans must be reviewed and approved by the Village Arborist.

#### B. Content of Landscape Plan

The plan shall show the following:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots, driveways, roadways, rights-of-way, sidewalks, ground signs, refuse disposal areas, bicycle paths, fences, freestanding equipment, and drainage facilities.
2. The location, quantity, size, and name, both botanical and common names, of all existing plant materials, and any material in the right-of-way, indicating plant material to be retained and removed.
3. The location, quantity, size, and name, both botanical and common names, of all proposed plant material including, but not limited to, shade trees, evergreens, shrubs, groundcovers and turf.
4. The existing and proposed grading of the site indicating contours at one (1) foot intervals, with proposed berming indicated using one (1) foot contour intervals.
5. Elevations of all proposed fences and retaining walls.
6. Other elevations and details as determined necessary by the Village Arborist.

#### C. Changes to Approved Plan

Any change to an approved landscape plan shall require the approval of the Appearance Commission. Any landscape plan, either original or amended, which does not conform to this Section, shall be subject to the procedures for a variance established in Section 2.17. Landscaping made to a lot that is not in conformance with an approved landscape plan shall be subject to the enforcement provisions of Section 14.

## 12.2 Design Standards

Landscape plans shall be prepared, evaluated, and approved, based on the following design criteria:

### A. Scale and Nature of Landscaping Material

The scale and nature of landscaping materials shall be appropriate to the size of the structures. For example, larger-scaled plants should generally be used to complement larger scaled buildings. Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions. Planting beds should be mulched with bark chips, feather rocks, or similar materials. Mulch shall not be used as a substitute for plant materials. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff of irrigation water. All shade trees shall have a minimum trunk size of two and one-half (2½) inches in caliper, unless otherwise specified. All shrubs shall have a minimum height of eighteen (18) inches at planting, unless otherwise specified. Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffering is required. Existing plant material should be incorporated into the landscape treatment of a site. Effort should be made to preserve and protect existing trees with trunk diameters more than twelve (12) inches. Such trees and their root systems shall be protected from construction equipment and activity by the installation of fencing materials at the dripline of the trees.

### B. Other Criteria

When reviewing a request for a variation from the landscaping requirements, the Planning and Zoning Commission shall consider the extent to which the plan addresses the following criteria:

1. Earthen berms and existing topographic features should be incorporated into the landscape treatment of a site where screening is necessary.
2. Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect;
3. Detention/retention basins and ponds shall be landscaped with shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and/or other plant materials.
4. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to conserve the use of water.
5. Plant material should be used to reduce energy consumption needs by placing deciduous trees on the south and west sides of buildings for shade and placing evergreens on the north and west sides of buildings to dissipate the effect of winds.

### **12.3 Minimum Landscaping Of Yards**

#### **A. Turf**

All yards in any zoning district within the Village shall be landscaped primarily with turf or other plant materials. Pavement of yards other than for parking or loading purposes is prohibited.

#### **B. Other Materials**

Shade trees, a minimum trunk size of two and one-half (2½) inches in caliper, shall be provided for all yards on multiple-family residential and non-residential lots at a rate of one (1) tree for every two-thousand and five-hundred (2,500) square feet of yard.

### **12.4 Parkway Landscaping**

The following requirements shall apply to the ground areas within the public right-of-way that are not covered by pavement or sidewalks. All parkways shall be improved with turf, parkway trees and shrubs, or hard surface treatments where permitted.

#### **A. Parkway Trees**

Parkway trees shall be provided at the equivalent of one (1) tree for every forty (40) linear feet in the right-of-way adjacent to the parcel. Where appropriate, parkway trees may be clustered or spaced linearly in the right-of-way, as determined by the Director of Public Works. Trees shall be planted adjacent to the right-of-way if adequate space is not available in the parkway. Trees shall be planted at least five (5) feet from any sidewalk. The species of trees shall comply with Section 94-18 of the Municipal Code. A variety of compatible species should be included in the planting plan. The selection of tree species shall be reviewed and approved for site appropriateness by the Director of Public Works.

#### **B. Other Landscape Materials**

No plant material or barrier, except as specified herein, may be located in a dedicated public right-of-way, without the approval of the Director of Public Works. The remainder of the ground surface within the parkway shall be planted with turf, with the exception that driveways and walkways may be permitted in all parkways.

Materials prohibited in parkways, unless approved by the Director of Public Works, include ground cover, shrubs exceeding eighteen (18) inches in height at maturity, brick pavers, gravel, stone, asphalt and concrete, except in conjunction with driveways and walkways.

### **12.5 Parking Lot Landscaping**

All parking lots designed for ten (10) or more parking spaces shall provide landscaping in accordance with the provisions of this Section. Parking lots designed for less than ten (10) parking spaces shall provide landscaping as deemed appropriate by the Appearance Commission.

#### A. Interior Parking Lot Landscaping

Not less than 5% of the interior of a parking lot shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement shall not be included toward satisfying this requirement. Interior parking lot landscaping areas shall be a minimum of one-hundred and twenty (120) square feet in area and shall be a minimum of six (6) feet in width, as measured from back of curb to back of curb. The landscaped areas shall be improved as follows:

1. Interior parking lot landscaping areas shall consist of planting islands at least eight (8) inches above the surface of the parking lot that are protected with concrete curbing and shall be dispersed throughout the parking lot in a design and configuration that corresponds to the size and shape of the parking lot.
2. The primary plant materials used in parking lots shall be shade tree species. Ornamental trees, shrubbery, hedges and other plant materials may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping. One (1) shade tree shall be provided for every one-hundred and twenty (120) square feet of landscaping area.
3. A minimum of 50% of every interior parking lot landscaping area shall be planted with an approved groundcover in the appropriate density to achieve complete cover within two (2) years. Mulch may be substituted for other groundcover if it is applied to 100% of the landscaping area at a thickness of at least two (2) inches.

#### B. Perimeter Parking Lot Landscaping

Perimeter parking lot landscaping provides for the enhancement and screening of parking lots by requiring a uniform scheme of landscaping along public streets. Perimeter landscaping is required for parking lots with ten (10) or more spaces and shall be established along the edge of the parking lot. The landscape treatment shall run the full length of the yard when abutting a residential use or the public right-of-way, and 50% of the yard when abutting a non-residential use. The landscaped area shall be improved as follows:

1. One (1) shade or evergreen tree shall be planted for every forty (40) feet of yard length with trees clustered based on specific site requirements or one (1) shrub, measuring a minimum of eighteen (18) inches at planting and not to exceed four (4) feet at maturity, for every three (3) feet of yard length, clustered or spaced linearly, or a berm or low pedestrian wall the height of which provides effective screening to a maximum height of four (4) feet.
2. Perimeter landscaping shall be at least five (5) feet in width, as measured from the back of curb.
3. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover.

## 12.6 Buffers between Districts and Uses

The regulations of this Section establish the dimensions and requirements of landscape buffers for transitions between uses. Landscape buffers shall be reserved for the planting of material and installation of fencing as required within this Section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized by the Appearance Commission. Landscape buffers may be located within required yards. Where both landscape buffers and parking lot landscaping is required, the more restrictive shall apply. The size and improvement of landscape buffers for various situations shall be as follows:

- A. Where a lot in the R3 or R4 zoning districts abuts an R1 or R2 zoning district, a landscape buffer of a minimum of five (5) feet in width shall be provided on the lot in the R3 or R4 zoning district. Within this buffer, a solid fence or wall, complying with Section 22-95 of the Municipal Code, shall be provided. Areas not covered by the fence or wall shall be maintained with turf or groundcover.
- B. Where a lot in the B1 or B2 zoning district abuts any residential district, a landscape buffer a minimum of five (5) feet in width shall be provided on the lot in the B1 or B2 zoning district. Within the landscape buffer required, the following improvements shall be provided:
  1. Shade trees, a minimum of two and one-half (2½) inches in caliper, shall be planted on an average of one (1) tree for every thirty (30) feet of the yard length.
  2. A solid fence or wall six (6) feet high shall be erected along 100% of the yard length.
  3. Areas not planted with trees shall be maintained with turf or other groundcover.
- C. Where a lot in the B3, B4 or M1 or M2 district abuts any residential district, a landscape buffer ten (10) feet in width shall be provided on the lot in the B3, B4, M1, or M2 zoning district. Within the landscape buffer required, the following improvements shall be provided:
  1. A mix of shade trees, a minimum of two and one-half (2½) inches in caliper, and evergreen trees, a minimum of eight (8) feet in height, shall be planted on an average of one (1) tree for every twenty (20) feet of the yard length.
  2. A solid fence or wall six (6) feet in height shall be erected along 100% of the yard length.
  3. Areas not planted with trees shall be maintained with turf or other groundcover.
- D. Where a non-residential use is located in any residential zoning district, the landscaping requirements shall be the same as where a lot in B1 or B2 zoning districts abuts any residential district as described above.

## **12.7 Screening of Accessory Uses and Structures**

### **A. Refuse Containers**

Refuse containers in all zoning districts, shall be screened on three (3) sides by a solid PVC or masonry fence to a height of six (6) feet. This requirement shall not apply to single-family or two-family dwellings.

### **B. Loading Berths**

Loading berths in all zoning districts, while still allowing access to the use being served, shall be screened, unless such screening is determined to be unnecessary by the Village.

## **12.8 Selection, Installation and Maintenance**

### **A. Selection**

All planting materials shall be good quality and of species capable of withstanding the climate of northeastern Illinois and site microclimates. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material. The use of drought tolerant and salt tolerant plant material is preferred.

### **B. Installation**

All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. All plant material shall be free from disease and shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth. All plant material shall be planted with a minimum of six (6) inches of organic soil and mulched to a depth of three (3) inches. All plant material shall be planted in a manner that is not intrusive to utilities or pavement.

### **C. Maintenance**

All landscaping materials shall be continually maintained in good condition so as to present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Fences, walls and berms shall be maintained in good repair and neat appearance. Plant material, berms, walls and fences shall be protected from damage by motor vehicles.

All landscaping should be periodically trimmed so that it does not obstruct a public right-of-way. Diseased and dead plant material shall be replaced in accordance with the approved landscape plan.

The owner of the premises and any lessee shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscape materials, fences and barriers. If needed, the owner shall install irrigation systems, and shall maintain them in good operating condition to promote the health of the plant material and the conservation of water. Violation of this Section shall be subject to the enforcement provisions of Section 14 of the Municipal Code.

#### D. Approved Tree Species

The following is a list of approved tree species for the Village of Homewood. Any species not identified on this list is subject to written approval from the Village Arborist or Director of Public Works.

*Acer griseum* – Paper Bark Maple  
*Acer rubrum* – Red Maple  
*Acer nigrum* – Black Maple  
*Acer truncatum* – Shantung Maple  
*Aesculus glabra* – Ohio Buckeye  
*Aesculus flava* – Yellow Buckeye  
*Aesculus hippocastanum* – Horse Chestnut  
*Aesculus pavia* – Red Buckeye  
*Alnus rugosa* – Speckled Alder  
*Amelanchier* spp. – Serviceberry  
*Asimina triloba* – Paw Paw  
*Betula alleghaniensis* – Yellow Birch  
*Betula nigra* – River Birch  
*Carpinus beulus* – European Hornbeam  
*Carpinus caroliniana* – Blue Beech  
*Carya cordiformis* – Bitternut Hickory  
*Carya glabra* – Pignut Hickory  
*Catalpa speciosa* – Northern Catalpa  
*Celtis occidentalis* – Hackberry  
*Celtis laevigata* – Sugarberry  
*Cercidiphyllum japonicum* – Katsura  
*Cercis Canadensis* – Redbud  
*Chionathus virginicus* – Fringetree  
*Cladrastis lutea* – Yellowwood  
*Cornus alternifolia* – Pagoda Dogwood  
*Cornus florida* – Flowering Dogwood  
*Cornus kousa* – Kousa Dogwood  
*Cornus mas* – Cornelian Cherry  
*Corylus colurna* – Turkish Filbert  
*Cotinus obovatus* – Smoketree  
*Cotinus coggygria* – Smokebush  
*Diospyros virginiana* – Persimmon  
*Eucommia ulmoides* – Hardy Rubber  
*Fagus granifolia* – American Beech  
*Fagus sylvatica* – European Beech  
*Fraxinus quadrangulata* – Blue Ash  
*Ginkgo biloba* – Ginkgo  
*Gymnocladus dioicus* – Coffee Tree  
*Hamamelis vernalis* – Vernal Witch  
*Hamamelis virginiana* – Witchhazel  
*Juglans cirerea* – Butternut  
*Juglans nigra* – Black Walnut  
*Juglans regia* – Persian Walnut  
*Koelreuteria paniculata* – Goldenrain Tree

Larix deciduas – Common Larch  
Liquidamber styraciflua – Sweetgum  
Liriodendron tulipifera – Tulip Tree  
Magnolia acuminata – Cucumbertree Magnolia  
Metasequoia glyptostroboides – Dawn Redwood  
Nyssa sylvatica – Black Tupelo  
Ostrya virginiana – Ironwood  
Oxydendrum arboreum – Sourwood  
Parrotia persica – Parrotia  
Phellodendron amerense – Corktree  
Pinus ponderosa – Ponderosa Pine  
Populus grandidentata – Big Tooth Aspen  
Populus tremuloides – Quaking Aspen  
Quercus acustissima – Sawtooth Oak  
Quercus alba – White Oak  
Quercus bebbiana – Bebb Oak  
Quercus bicolor – Swamp White Oak  
Quercus coccinea – Scarlet Oak  
Quercus ellipsoidalis – Hill’s Oak  
Quercus imbricaria – Shingle Oak  
Quercus lyrata – Overcup Oak  
Quercus macrocarpa – Burr Oak  
Quercus michauxii – Swamp Chestnut Oak  
Quercus muhlenbergii – Chinquapin  
Quercus prinus – Chestnut Oak  
Quercus rubra – Red Oak  
Quercus stellata – Post Oak  
Quercus shumardii – Shumard Oak  
Sassafras albidum – Sassafras  
Stewartia spp. – Stewartia  
Syringa reticulata – Japanese Tree Lilac  
Taxodium distichum – Bald Cypress  
Tilia heterophylla – White Basswood  
Ulmus parvifolia – Lacebarm Elm  
Xanthocercus sorbifolium – Yellowhorn  
Zelkova spp. Zelkova

## **SECTION 13 - NONCONFORMITIES**

### **13.1 Purpose**

The purpose of this Section is to establish regulations for nonconforming uses, buildings, lots, or structures and specify those circumstances and conditions to which those nonconforming uses, lots, structures and buildings must comply. The intent of the ordinance is to encourage the development and maintenance of appropriate groupings of compatible uses and thus to protect the public health, safety and welfare. The intent of the Village Board is to curtail substantial investment in such nonconformities and to bring about their eventual elimination in order to preserve the integrity of the zoning districts. While such nonconformities are allowed to continue, subject to the provisions of this Section and without a specific time limitation, the regulations restrict further action that would make the nonconformity more permanent as contrary to the desired eventual elimination of the nonconformity.

### **13.2 General Standards of Applicability**

#### **A. Authority to Continue**

Unless otherwise prohibited in this Ordinance, any nonconforming building, structure, lot, and use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, lot, or use which has become nonconforming upon the adoption of this ordinance or of any subsequent amendments, may be continued subject to the provisions of this Section so long as it remains otherwise lawful.

#### **B. Illegal Use**

Illegal uses existing on the effective date of this ordinance shall not be validated by virtue of its enactment.

#### **C. Burden of Owner to Establish Legality**

The burden of establishing the legality of a nonconformity that is lawfully existing under the provisions of the ordinance shall, in all cases, be upon the property owner of the nonconforming use, building, structure or lot and not upon the Village.

#### **D. Safety Regulations**

All safety regulations including, but not limited to, building, fire and health, shall apply to nonconforming buildings and structures.

### **13.3 Nonconforming Uses of Land**

This Section regulates land, buildings or structures that, on the effective date of this ordinance, are used for purposes that are not permitted in the zoning district in which they are located.

A. Ordinary Repairs and Maintenance

Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any building or structure that is devoted in whole, or in part, to a nonconforming use.

B. Structural Alterations

No structural alterations shall be performed on any building or structure used for a nonconforming use, except in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure to a safe condition upon the order of any official charged with protecting the public safety.
2. When the alteration will result in eliminating the nonconformity.
3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity, or increase the bulk of the building or structure in any manner.

C. Expansion of Use

A nonconforming use of land, buildings or structures shall not be expanded, extended, enlarged or increased in intensity. Such prohibited activity shall include, without limitation:

1. Any extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this ordinance.
2. Expansion of any building or structure devoted entirely to a nonconforming use.
3. An expansion or extension of a use, or its accessory uses, to any structure, building, or land area, other than that occupied by such nonconforming use, on the effective date of the ordinance, that caused such use to become nonconforming.
4. An expansion or extension of such use, including its accessory uses, within a building or other structure, to any portion of the floor area that was not occupied by such nonconforming use on the effective date of the ordinance that caused such use to become nonconforming.

D. Relocation

A nonconforming use of land, buildings or structures shall not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the use shall thereafter conform to all regulations of the zoning district in which it is relocated.

#### E. Change of Use

A nonconforming use shall not be changed to any use other than a use permitted within the zoning district in which the use is located. When such a nonconforming use has been changed, in whole or in part, to a permitted use, the whole or part which has been made to conform may not thereafter be changed back to a use that is not permitted. A change of use shall be deemed to occur when an existing nonconforming use has been terminated and a permitted use has commenced. Any change in use in violation of this ordinance shall be deemed an abandonment of the lawfully existing nonconforming use.

The Planning and Zoning Commission may recommend that the Village Board allow a change of one nonconforming use to another nonconforming use if the Planning and Zoning Commission finds that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such as change in use, the Planning and Zoning Commission may recommend that the Village Board impose conditions on the nonconforming use.

#### F. Discontinuation or Abandonment

If a nonconforming use is discontinued, or becomes vacant, and remains unoccupied for a continuous period of one hundred and eighty (180) days, regardless of the intent to resume or not to terminate the use, such use shall be deemed to be abandoned and shall not be reestablished or resumed. Any subsequent use or occupancy of such land, building or structure shall comply with all regulations of the zoning district in which such land, building, or structure is located. The period of such discontinuance caused by government action, acts of God or other acts without any contributing fault by the user, shall not be included in calculating the length of discontinuance for this Section.

#### G. Damage or Destruction

In the event that any building or structure that is devoted in whole, or in part, to a nonconforming use is damaged or destroyed, by any means not within the control of the owner, to the extent of 50% or more of its replacement value, then the building or structure shall not be restored or rebuilt unless the building or structure, including foundation, and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. The structure's or building's replacement value will be based on either a sale within the prior year, an appraisal within the last two (2) years or the amount for which the building or structure was insured prior to the date of the damage or destruction.

When such building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of less than 50% of the replacement value at that time, it may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction, provided that a building permit for the repair or reconstruction is obtained within twelve (12) months of the date of damage or destruction and construction is completed within one (1) year of the issuance of the building permit. No restoration, rebuilding, repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the building or structure in any manner. In the event that the permit is not obtained within one (1) year or that repairs are not completed within one (1) year of the issuance of the building

permit, then the structure or building shall not be restored unless the structure or building and the use conforms to all regulations of the district in which it is located. In the event a building or structure is damaged or destroyed by means within the control of the owner, the building or structure shall not be altered in any fashion except to make it conforming to all requirements of this ordinance.

### **13.4 Nonconforming Buildings and Structures**

This Section regulates buildings and structures that are existing on the effective date of this ordinance which do not conform to the yard, height, lot coverage, floor area ratio or other dimensional or bulk provisions of this ordinance.

#### **A. Ordinary Repairs and Maintenance**

Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any nonconforming building or structure. No repairs or reconstruction shall be made that would create any new nonconformity, increase the degree of any previously existing nonconformity, or increase the bulk of the building in any manner.

#### **B. Structural Alterations**

No structural alterations shall be performed on any nonconforming building or structure, except in the following situations:

1. When the alteration is required by law or is necessary to restore the building or structure.
2. When the alteration will result in eliminating the nonconformity.
3. When the alteration will not create any new nonconformity, increase the degree of any existing nonconformity, or increase the bulk of the building or structure in any manner.

#### **C. Additions and Enlargements**

A building or structure, which is nonconforming with respect to its bulk, may be added to or enlarged provided that such addition or enlargement does not increase the degree of the existing nonconformity of the building or structure. In determining the extent of the allowable addition or enlargement, the nonconformity of the building or structure shall be based only upon those portions of the building having both foundation and roof. A nonconforming building or structure shall not be added to or enlarged if such addition or enlargement would increase the degree of the existing nonconformity of the building or structure, such as by encroaching further into required setbacks more than the existing encroachment.

#### D. Relocation

A nonconforming building or structure shall not be relocated in whole, or in part, to any other location on the same lot or parcel, or to any other lot or parcel, unless the building or structure thereof shall thereafter conform to all regulations of the zoning district in which it is relocated.

#### E. Damage or Destruction

In the event that any nonconforming building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of 50% or more of its replacement value at that time, then the building or structure shall not be restored or rebuilt unless the building or structure, including foundation, thereafter conforms to all regulations of the zoning district in which it is located.

The structure's or building's replacement value will be based on either a sale within the previous year, an appraisal within the last two (2) years, or the amount for which structure or building was insured prior to the date of the damage or destruction. When such building or structure is damaged or destroyed, by any means not within the control of the property owner, to the extent of less than 50% of the replacement value at that time, it may be repaired and reconstructed provided that no new nonconformities are created and that existing degree of nonconformity is not increased. A building permit shall be obtained for such rebuilding, restoration, repair or reconstruction within one (1) year of the date of damage or destruction, and the construction shall be completed within one (1) year of issuance of the building permit.

In the event that the permit is not obtained within one (1) year or that repairs are not completed within one (1) year of the issuance of the building permit, then the structure or building shall not be restored unless the structure or building conforms to all regulations of the district in which it is located. In the event that any nonconforming building or structure is damaged or destroyed by means within the control of the property owner, the building or structure as restored or repaired shall comply with all requirements of this ordinance.

### **13.5 Nonconforming Lots of Record**

This Section regulates lots of record, existing on the effective date of this ordinance, which do not conform with the lot area or lot width requirements for the district in which they are located. No nonconforming lot of record may be improved except in compliance with this Section.

#### A. Individual Lots of Record in R1 and R2

In the R1 and R2 zoning districts, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and its accessory buildings may be erected on a single nonconforming lot of record, provided that the lot is in separate ownership.

**B. Lots of Record Held in Common Ownership**

If on the effective date of this ordinance two (2) or more lots of record with continuous frontage in single ownership do not meet the requirements for lot width or lot area as established by this ordinance, the land so involved shall be considered to be a single undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used, transferred or conveyed which does not meet the lot width and lot area requirements established by this ordinance. No division of the parcel shall be made which leaves remaining lot(s) with lot width or area below the requirements as stated in this ordinance. No building permit shall be issued for the use of any lot or portion of a lot transferred or conveyed in violation of this section.

No lot shall be created by subdivision or any other means, which does not comply with all provisions of this ordinance, unless the owner has been granted a variation in accordance with Section 2.17. This provision shall not prevent the division of existing multi-family dwelling units into separate ownership, such as condominiums or fee simple townhomes.

**C. Variation**

A variation from this Section may be obtained to permit the separation of two (2) adjoining lots held in common ownership, provided that the Planning and Zoning Commission finds that the applicant complies with the standards for a variation in Section 2.17. In addition, the applicant must comply with one of the following standards:

1. Both lots met the lot area and lot width requirements in effect at the time the applicant purchased the lots.
2. Over half of the lots within five-hundred (500) feet of the subject lots have been developed as individual building sites and do not comply with either the lot width or lot area requirement for the district in which they are located.
3. The owners of the abutting lots refuse to sell or convey, at a fair market price, portions of their lots that could be added to the subject lots to render them conforming without rendering said abutting lots or structures located on such lots nonconforming.

**13.6 Condemnation**

The Village, at any time, by ordinance duly enacted, and in accordance with the authority vested in it by 65 ILCS 5/11-13-17 and other state and federal laws, may acquire by negotiated purchase, by condemnation, or by other means any buildings or structures that do not conform to the Village standards. The Village may acquire, by negotiated purchase, by condemnation, or by any other means, any land, which is necessary or appropriate for the rehabilitation or development of any area blighted by substandard buildings or structures.

## **SECTION 14 - ENFORCEMENT**

### **14.1 Authority**

The Director of Economic and Community Development shall enforce the terms and requirements of this Section.

### **14.2 Inspections**

#### **A. Right to Enter**

The Director of Economic and Community Development, or his representative, upon reasonable request, is authorized to make inspections and examine all buildings, structures and land within the Village to determine their compliance with the provisions of this ordinance. Any person making such inspection shall furnish to the owner or occupant identification and sufficient information to enable the owner or occupant to determine that he is a representative of the Village and to determine the purpose of the inspection.

#### **B. Warrant**

If the owner or occupant refuses to grant entry, the Director of Economic and Community Development or his representative may apply to any court of competent jurisdiction for a warrant, or other legal process, for the purpose of securing entry to any such premises.

### **14.3 Violations**

#### **A. Complaints**

Whenever the Director of Economic and Community Development receives a written complaint alleging a violation of this ordinance, the Director of Economic and Community Development or his representative shall investigate the complaint and take whatever action is warranted. If in the opinion of the Director of Economic and Community Development, the complaint provides reasonable grounds for belief that a violation exists, the Director of Economic and Community Development, or his representative, may make an inspection.

#### **B. Notice**

Upon finding the existence of any violation of this ordinance, the Director of Economic and Community Development shall notify in writing the person responsible for such violation.

The notice shall indicate the nature of the violation, the actions available to the Director of Economic and Community Development and shall order the action necessary to correct it. The notice shall also state that the violator may appeal the Director of Economic and Community Development's action pursuant to Section 2.18.

In cases where delay would pose a danger to the public health, safety or welfare, the Director of Economic and Community Development, or his representative, may seek enforcement without prior notice by invoking any penalties or remedies authorized in this ordinance.

## **14.4 Citations**

### **A. Procedure**

A violation of any provision of this ordinance, including failure to secure a required permit, certificate of occupancy, or other form of development approval, or failure to develop or maintain the property in accordance with the plans submitted, or failure to satisfy any condition imposed in connection with the approval of a special use, planned unit development or variation, shall constitute a misdemeanor. The Director of Economic and Community Development, or his representative, shall have the power to issue citations for violations of this ordinance.

### **B. Persons Liable**

The owner or occupant of any building, structure or land, or part thereof, and any agent of the owner or occupant who creates, participates, assists or maintains any situation that is contrary to the requirements of this ordinance, may be held responsible for the violation, suffer the penalties and be subject to the remedies provided in this Section.

## **14.5 Penalties**

### **A. Fines**

Any violation of this ordinance shall be punishable by a fine as provided for in the Municipal Code.

### **B. Separate Offense**

Each day of a continuing violation of this ordinance shall constitute a separate violation subject to the remedies set forth in the Municipal Code.

### **C. Judicial Proceedings**

The Director of Economic and Community Development, or his representative, may initiate judicial proceedings to remedy or correct any violation of this ordinance, including:

1. The issuance of a mandatory or prohibitory injunction or order of abatement.
2. Removal of the authority granted by the permit, approval, or variation that has been violated.
3. Any other appropriate action, proceeding or remedy to prevent the unlawful erection, construction, reconstruction, repair, conversion, maintenance or use of a building or structure, to prevent the occupancy of a building or land, to prevent any illegal act, conduct, or use, or to otherwise restrain, correct, or abate a violation of this ordinance.

#### **14.6 Private Remedies Reserved**

Nothing in this ordinance shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this ordinance from bringing an appropriate action to secure such relief.

## **SECTION 15 - DEFINITIONS**

### **15.1 General Rules of Construction**

The terms and words wherever used in this ordinance shall be construed as herein defined.

#### **A. Tense and Form**

Words used or defined in one tense or form shall include other tenses or derivative forms.

#### **B. Number**

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

#### **C. Gender**

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

#### **D. Person**

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

#### **E. Shall and May**

The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The word "may" is permissive.

#### **F. Time**

The time, within which any act required by this ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Illinois General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

#### **G. Undefined Terms**

Any words not defined in this Section shall be construed as defined in standard dictionary usage.

#### **H. Illustrations and Tables**

In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this ordinance.

## 15.2 Rules For Generic Use Definitions

### A. Purpose of Generic Use Definitions

Certain terms in this Section are defined to include many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as "generic use" definitions.

### B. Components of Generic Use Definitions

Generic use definitions have three components: a brief listing of examples of uses intended to be included within the scope of the definition; an identification (where appropriate) of certain uses that are not meant to be included by the term; and a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.

### C. Uses Not Listed

A use that is not specifically listed in a zoning district or does not fall within a generic use definition as defined in this Section, or as interpreted by the Director of Economic and Community Development pursuant to Section 2.19, is prohibited.

## 15.3 Definitions

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

*Abandonment.* To cease the use of a property, intentionally or otherwise.

*Abut.* To share a common lot line or zoning district boundary, without being separated by a street or alley.

*Accessory Building, Attached.* An accessory building that is attached to any portion of the principal building or structure including, but not limited to, any point on the walls, foundation or roof, or to a deck.

*Accessory Building, Detached.* An accessory building that is surrounded by open space on all sides and not attached to any point of the principal building or structure.

*Addition or Expansion.* Any of the following: an increase in the floor area of a building, a modification to the roof line of a building such as by the construction of a dormer that increases the amount of floor space devoted to human use or occupancy, or the reconstruction of a building or structure which is not accompanied by a change in the use of a lot.

*Adjoining.* Abutting or contiguous.

*Adult.* For the purposes and enforcement of this ordinance is a person who has reached the age of eighteen (18).

*Adult Arcade.* An establishment in which electronic, electrical, or mechanical still or slide projectors, motion picture projectors, video screens, closed circuit transmissions or other image producing devices operable by insertion of a coin or token or for other consideration are maintained for presentation of images to five (5) or fewer persons at a single time per such device and where images presented are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

*Adult Bookstore, Adult Novelty Store or Adult Video Store.* An establishment having as a substantial or significant portion of its sales or stock in trade one (1) or more of the following, or derives a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration from one (1) or more of the following:

- A. Books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Anatomical Activities” or “Specified Anatomical Areas.”
- B. Instruments, devices or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration the specified materials, which depict or describe “Specified Anatomical Activities” or “Specified Anatomical Areas.”

*Adult Cabaret.* A public or private establishment which:

- A. Features topless dancers, strippers, nude or seminude personnel, male or female impersonators, lingerie or bathing suit fashion shows.
- B. Live entertainment characterized by the exposure of “Specified Anatomical Areas” or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical area.
- C. The explicit performance or simulation of special sexual activities.
- D. Personnel who dance with one (1) or more patrons in a state of dress or undress in a manner intended for the sexual stimulation of a patron.
- E. Features entertainers who, by reason of their appearance or conduct, perform in a manner that is designed primarily to appeal to the sexual stimulation of a patron including, but not limited to, lap dancing and private dancing for one (1) or more patrons.

*Adult Day Care Center.* Day care centers that provide for the care of adults for a period of less than twenty-four (24) hours, but not overnight, where services are designed to meet the needs of adults through individual plans of care. Each facility shall, at a minimum, meet the standards and guidelines for adult day care services as provided by the National Adult Day Services Association, a unit of the National Council on the Aging, Inc.

*Adult Entertainment Establishment.* Any adult bookstore, adult motion picture theater, adult mini-motion picture theater, cabaret or other commercial establishment open to the public which:

- A. Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents or leases as a substantial or significant portion of stock in trade any material depicting, describing, or relating to “Specified Anatomical Activities”

or “Specified Anatomical Areas.”

- B. Utilizes a substantial or significant part of its display including, but not limited to, floor, shelf, table, stand, case display areas, boxes, cabinets, drawers, cartons or any other storage area or apparatus for any material characterized by depiction of “Specified Anatomical Activities” or “Specified Anatomical Areas.”
- C. Exhibits, for a substantial or significant portion of the presentation time, any material characterized by the depiction of specified sexual activities or specified anatomical areas.

An adult entertainment establishment is further defined as any commercial establishment open to the public, which involve employees or customers who engage in conduct which is distinguished or characterized by specified “Specified Anatomical Activities” and/or “Specified Anatomical Areas.”

*Adult Hotel/Motel.* A hotel, motel, or similar commercial establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video cassette recorders, slides, or other photographic reproductions for viewing or recording, characterized by an emphasis upon the depiction or description of “Specified Anatomical Activities” or “Specified Anatomical Areas” and that advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way which advertises the availability of such material, or rents, leases, or lets any room for less than eight (8) hours or allows anyone to subrent a room for less than eight (8) hours.

*Adult Mini-Motion Picture Theater.* An enclosed building or portion thereof having a capacity of less than fifty (50) persons where, for any form of consideration, (including a coin or token-operated projector, video screen or other image producing device) patrons may view closed circuit television transmissions, films, motion pictures, video cassettes, slides, computer images or other similar electronic or photographic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting or relating to “Specified Anatomical Activities” or “Specified Anatomical Areas.”

*Adult Motion Pictures.* Films, motion pictures, videocassettes or tapes, slides or similar photographic reproductions characterized by the depiction of “Specified Anatomical Activities” and/or “Specified Anatomical Areas.”

*Adult Motion Picture Theater.* An enclosed building with a capacity of fifty (50) or more persons where, for any form of consideration, patrons may view closed circuit television transmissions, films, motion pictures, video cassettes, slides, computer images, or other similar electronic or photographic reproductions in which a significant or substantial portion of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting or relating to “Specified Anatomical Activities” or “Specified Anatomical Areas.”

*Adult Uses.* Any one (1) or more of the following are considered adult uses: adult arcade, adult bookstores, adult motion picture theaters, adult mini-motion picture theater, adult entertainment, adult cabarets, adult novelty stores, adult motel, adult video store and other similar uses.

*Agriculture, Growing of Crops.* This use includes the use of land for planting, nourishing, caring for, and gathering of plants, including, but not limited to, forages and sod crops, grains and seed crops, fruits and vegetables, nursery stock, and ornamental products. “Agriculture, Growing of Crops” shall not include the keeping of livestock, pigeons, or poultry, or on-site retail sales, as defined herein.

*Alley.* A public right-of-way with a width not exceeding twenty-four (24) feet, which affords a secondary means of access to abutting property.

*Amendment.* A change to the text of the zoning ordinance to alter the nature, density or intensity of uses allowed in a zoning district or a change to the zoning map to alter the location of districts on a designated land area.

*Animal Hospital.* An establishment for the care, observation and treatment of small animals, including domestic pets.

*Art Gallery.* This use includes premises used principally for the sale, display and exhibition of fine arts and craft products. An art gallery may include accessory production or instruction in the production of arts and crafts using paint, clay, fabric or other medium, but does not involve the use of electrical tools or processes.

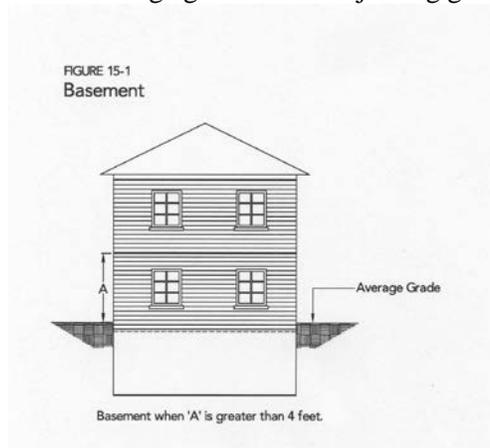
*Assisted Living Facility.* An institution which provides daily assistance and long-term residence for persons who are fifty-five (55) years of age or more, which has installed convenience features designed for the needs of the elderly and provides common dining facilities, medical or nursing services, housekeeping, laundry, transportation, and organized social activities. This definition does not include nursing homes, congregate care facilities or independent elderly housing.

*Automobile Wrecking Yard.* Any area of land where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such automobiles, or parts thereof.

*Awning.* A roof-like cover, temporary in nature, which projects from the wall of a building.

*Balcony.* A platform, which projects from the exterior wall of a building above the ground floor, exposed to the open air and has direct access to the interior of the building, which is not supported by posts or columns extending to the ground.

*Basement.* A portion of a building located partly underground, but having greater than four (4) feet of its clear floor-to-ceiling height above the average grade of the adjoining ground.



*Bay Window.* A window which projects outward from the building, beginning at least two (2) feet above ground that does not rest on the building foundation or on the ground.

*Bed and Breakfast Establishment.* An owner-occupied single-family detached dwelling where short-term lodging and morning meals are provided for compensation.

**Boarder.** A person who rents lodging within part of a dwelling occupied by the person to whom the payments are made, with a rental period of one (1) month or longer.

**Boardinghouse.** A building, or portion thereof, containing lodging rooms, which accommodate three (3) or more persons, not related to the building owner.

**Boat Showroom.** An establishment that sells or rents boats and marine equipment and accessories but does not repair or maintain boats.

**Body Piercing.** The perforation of any human body part other than ear lobe for the purpose of inserting jewelry or other decoration of for some other nonmedical purpose.

**Buffer.** A strip of land with landscaping, fences and/or walls located between two (2) uses, or between one (1) use and a public right-of-way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public right-of-way.

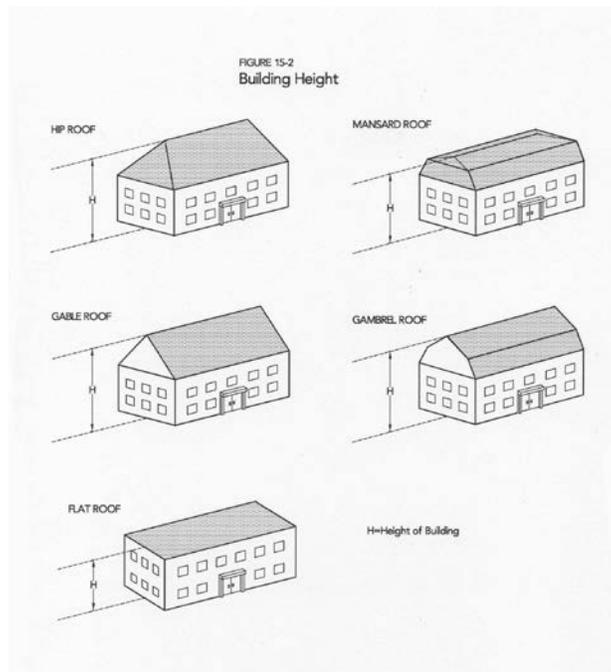
**Buildable Area.** The area of the lot enclosed within the front, side and rear yard required setbacks.

**Building.** Any structure with walls and roof and securely affixed to the land, designed or intended for shelter or enclosure of persons, animals, chattels, or movable property.

**Building, Accessory.** A building which is located on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure and the use of which is clearly incidental and subordinate to that of the other building or structure.

**Building Coverage.** The percentage of the lot occupied by principal and accessory buildings.

**Building Height.** The vertical distance measured from the established average finished grade to the highest point of the roof or the highest point of the structure. Chimneys, spires, towers, elevator penthouses, tanks, air conditioners and similar projections, other than signs, shall not be included in calculating the height.



*Building Line.* The front yard setback of the principal building.

*Building, Principal.* A building in which the dominant use of the lot is conducted.

*Building, Residential.* A building arranged, designed, used or intended to be used for residential occupancy by one (1) or more families. Residential buildings include, but are not limited to, the following types: single-family detached dwellings, two-family dwellings, single-family attached dwellings (townhouses), and multiple-family dwellings.

*Bulk.* A composite characteristic of a given building and located upon a given lot involving the following:

- A. Size and height of building.
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- C. Gross floor area of the building in relation to lot area (floor area ratio).
- D. All open spaces allocated to the building.
- E. Amount of lot area provided per dwelling unit.

*Business.* Any occupation, employment or enterprise that occupies time, attention, labor and/or material for compensation whether or not merchandise is sold or services are offered.

*Cannabis Dispensing Organization.* A facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

*Cannabis Infuser Organization or Infuser.* A facility operated by an organization or business licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, as allowed by the Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.) and regulations promulgated thereunder.

*Cargo Container.* A standardized, reusable vessel, that is or appears to be designed without an axle or wheels, which was: (1) originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or (2) designed for or capable of being mounted or moved on a rail car, and/or (3) designed for or capable of being mounted on a chassis for movement by a truck trailer or loaded on a ship, and/or (4) does not include portable storage containers.

*Carry-Out Facilities.* A business which sells food or beverages to the consumer in a ready-to-consume state and whose operation includes serving food or beverages in paper, plastic or other disposable containers.

*Cellar.* The portion of a building located partly or wholly underground and having four (4) feet or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Child Care Center.* A DCFS licensed agency that provides for the care of nine (9) or more children during part of a twenty-four (24) hour day, but not overnight.

*Child Care Home.* A DCFS licensed family abode of one (1) or more persons who regularly provide direct care on the premises during part of a twenty-four (24) hour day, but not overnight, to eight (8) or less children under twelve (12) years of age, including the licensee's own and foster children.

*Club or Lodge, Private.* A nonprofit association of persons who are bona fide members paying dues that owns or leases a building, or portion thereof, the use of such are restricted to members and their guests.

*College/Universities.* This use includes public or private colleges, universities, junior colleges, or other institutions of higher learning that primarily teach classes that would count toward a bachelor's degree, and the institutions associated dormitories.

*Co-Location.* The placement of two (2) or more providers transmitting facilities together in the same place or on the same tower or monopole.

*Conforming Structure.* A structure or building that complies with all of the regulations of this ordinance.

*Congregate Housing.* A building housing more than one (1) family, with or without separate dwelling units for each family, the occupancy of which is limited to persons who are fifty-five (55) years of age or more (or if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older) which provides coordinated social and support services to residents such as meals, housekeeping, laundry, transportation, education and recreation. This definition does not include nursing homes, assisted living facilities or independent elderly housing.

*Contiguous.* Adjoining or abutting.

*Contractor's and Real Estate Sales Office.* This use includes guard's trailers, construction equipment sheds, contractors' or real estate sales' trailers, and similar uses incidental to a construction project and sales of homes within a newly constructed development.

*Contractor's Shop.* An enclosed space used for the provision of services, storage, operation and housing of equipment and fabrication of building-related products.

*Convent/Monastery/Seminary.* This use includes the dwelling units of a religious order.

*Craft Brewery.* A small-scale production facility where beer is manufactured in quantities not to exceed the limits of a Class 1 or Class 2 brewer, as defined by Illinois statute (235 ILCS 5/1 *et seq.*). A craft brewery may contain a tasting room where beer manufactured on-site is served.

*Crematorium.* An establishment used for the incineration of human remains and ancillary sales related to the cremation process which includes the sale of cremation containers and vessels or urns used for the storage of cremated remains.

*Cultural Facilities.* This use includes, but is not limited to, services to the public, including, but not limited to, museums, cultural centers, aquariums and libraries operated by a public or non-profit organization.

*Deck.* A structure that is open to the sky and provides a platform that is raised no higher than the floor of the street level of the principal building.

*Dog House.* An enclosed outdoor accessory structure intended for use by family dog, with a maximum height of 7 feet and an area not to exceed 144 square feet.

*Domestic Pet Service.* Any business where clipping, bathing or related services are provided for dogs, cats and other domestic animals, not including kennels, animal hospitals or veterinarians.

*Drive-Through Facilities.* This use includes all retail and service facilities that accommodate the patrons' motor vehicles, from which the occupants of the motor vehicle may make purchases or transact business.

*Driveway.* Any impervious surface providing direct ingress to and egress from a parking space.

*Dry Cleaning Plant.* An establishment used for cleaning fabrics, textiles, clothing or sections of any sort by immersion and/or agitation in volatile solvents.

*Dumpsters, Temporary.* A large-capacity waste receptacle 1 cubic yard or greater of solid metal or heavy-duty woven poly construction. The container is commonly used to handle waste disposal related to temporary activities, such as moving, remodeling, construction and demolition projects. Temporary dumpsters do not include residential waste carts/toters and dumpsters placed permanently on a property in a multi-family residential district for residential use and emptied on a regular weekly schedule.

*Dwelling, Attached.* A dwelling unit joined to one (1) or more other dwellings by party wall(s).

*Dwelling, Detached.* A dwelling unit with open space on all sides and not attached to any other dwelling unit or building.

*Dwelling, Multiple-Family.* A building containing three (3) or more dwelling units.

*Dwelling, Single-Family.* A building containing one (1) dwelling unit.

*Dwelling, Townhouse.* A building having three (3) or more dwelling units that are arranged side by side, sharing common party walls without openings, and each occupying an exclusive vertical space without another dwelling unit above or below. Each dwelling unit shall have at least two (2) individual entrances to the outdoors.

*Dwelling, Two-Family.* A building containing two (2) dwelling units surrounded by yards, and attached either vertically or horizontally.

*Dwelling Unit.* A house, an apartment, a group of rooms or a single room, occupied or intended for occupancy by one (1) "Family," as defined in this ordinance. Separate living quarters are those in which the occupants do not live and eat with any other persons in the structure and whose quarters have both direct access from the outside of the buildings or through a common hall, and complete kitchen and sanitary facilities and for the exclusive use of the occupants.

*Dwelling Unit Above Ground Floor.* This use includes dwelling units located in multi-story buildings, but only above the ground floor of commercial uses. "Above the Ground Floor Dwellings" may include apartments, condominiums and independent living senior housing.

*Dwelling Unit On Ground Floor.* A dwelling unit located on the ground floor of a commercial building. Ground floor dwelling units must comply with use standards as outlined in Section 9.2.U.

*Easement.* The right to use a designated part of property owned by another party for a specified purpose.

*Eave.* The projecting lower edges of a roof extending beyond the vertical wall of a building.

*Efficiency Unit.* A dwelling unit consisting of at least one (1) principal room with separate bathroom. Such unit shall provide for kitchen and closet facilities and contain no less than six-hundred (600) square feet of floor area.

*Exhibit Hall.* A facility designed and used for conventions, conferences and seminars, along with accessory functions such as preparation and serving of food and beverages.

*Family.* One (1) or more persons, related by blood, marriage, legal guardianship or adoption, living together as a single housekeeping unit in a dwelling unit or a group of not more than three (3) unrelated persons, living together as a single housekeeping unit in a dwelling unit. A family may include not more than two (2) caregivers, servants, boarders or gratuitous guests.

*Fast Food Restaurant.* A business whose principal purpose is the sale of food or beverage served in paper, plastic or other disposable containers for immediate consumption inside, outside or away from the building, including businesses who provide delivery of food for immediate consumption.

*Fee Simple.* A private property land right whereby a property owner unconditionally owns a specified piece of land.

*Fence.* Any structure of wood, iron, metal or other material partitioning, enclosing or dividing a piece of land, but not including naturally growing shrubs, bushes and other foliage.

*Financial Institution.* This use includes establishments whose principal use or purpose is the provision of financial services including, but not limited to, bank facilities for tellers, automated teller machines, credit unions, savings and loan institutions, and currency exchange establishments. This use shall not include establishments whose primary purpose is to accept applications, originate, underwrite, process or service residential or commercial loans secured by mortgage on real property.

*Firearm.* This term shall be defined in Section 1.1 of the Firearms Owners Identification Card Act (430 ILCS 65/1.1).

*Firearms Retailer.* A business that (1) derives its principal income from the purchase, sale or trade of firearms, with or without sale of ammunition and/or firearms accessories; and (2) either physically delivers firearms to purchasers on the premises or conducts firearms sales from the premises for delivery to offsite purchasers; and (3) is required to possess a firearms dealer license under federal law.

*Floodplain.* Any parcel of land that meets the definition of floodplain in Chapter 46 of the Municipal Code.

*Floor Area.* For the purpose of determining floor area ratio: the sum of the gross horizontal areas of several floors, but not including the basement or cellar floors, of the building. It is measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of the building shall also include elevator shafts and stairwells at each floor, floor space used for mechanical equipment except equipment, open or enclosed, located on the roof; penthouses, attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses, including off-street parking or loading.

*Floor Area Parking.* For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for the purpose of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein), restrooms, or mechanical equipment nor floor area devoted to off-street parking or loading, including ramps, aisles, and maneuvering space, nor basement floor area other than area devoted to merchandising activities, to the production or processing of goods, or to business or professional offices.

*Floor Area Ratio.* The numerical value obtained through dividing the gross floor area of a building or buildings by the lot area on which such buildings are located.

*Foot-Candle.* A measure of illumination on a surface that is everywhere one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

*Funeral Home.* An establishment used for undertaking services such as preparing human dead for burial or cremation, display of the deceased and performing human funeral services.

*Garage, Private.* An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing of the private passenger vehicles of the occupants and in which no business, service or industry connected directly or indirectly with automotive vehicles is conducted.

*Garage, Public.* Any building where automotive vehicles are painted, washed, repaired, rebuilt, reconstructed, hired, stored or otherwise serviced for compensation.

*Gazebo.* An accessory building consisting of a freestanding, covered open-air structure designed for recreational use and not human habitation.

*Glare.* The effect produced by brightness sufficient to cause annoyance, discomfort, loss of visual performance or visibility.

*Grade.* The average level of the finished surface of the ground adjacent to the exterior walls of the structure.

*Greenhouse, Wholesale.* An establishment for the growing of horticultural and floricultural products on site, which are sold at wholesale.

*Ground Floor Area.* The lot area covered by a building, measured from the exterior faces of exterior walls, but excluding open terraces and garages.

*Group Home.* A dwelling unit shared by unrelated persons, who require and receive assistance, care and/or supervision by staff, and who reside together in a long-term, family-type environment as a single housekeeping unit. Group homes shall not include alcoholism or drug treatment centers or a facility for criminal offenders serving on work release, probationary programs or other alternatives to incarceration.

*Guest, Permanent.* A person who occupies, or has the right to occupy, a lodge or dwelling accommodation for a period of thirty (30) days or more.

*Handicapped.* A person having a physical or mental impairment, expected to be of long or indefinite

duration, that substantially limits one (1) or more of such person's major life activities so that person is unable to live independently, or a record of having such impairment or being regarded as having such impairment.

*Handicapped Accessible Ramp.* Any part of an accessible route conforming to the Illinois Administrative Code.

*Hard Surface.* An all-weather, durable, dustless ground surface composed of asphalt or concrete, excluding a surface composed of loose gravel or stone.

*Health Club.* A building designed and used for exercise and physical fitness, open to its members and guests or to the public for a fee.

*Heavy Equipment or Supplies Establishment.* This use includes on-site use, service, storage, or sale of heavy equipment or construction materials, including exterior storage areas or partially enclosed structures and accessory offices. Such uses include home improvement centers, equipment rental and leasing, lumber and other building materials, garden centers and greenhouses, landscape, construction, and lawn maintenance contractors' yards, bulk materials sales and storage, metal or welding shops, and recreational and playground equipment sales and rental.

*Height.* The vertical distance from grade to the highest point of the roof of the building or the highest point of the structure.

*Heliport.* An area designed to be used for the landing and take-off of helicopters, including passenger and cargo operations and facilities for maintenance, service, storage and fueling.

*High-Water Elevation.* The highest level of floodwater observed during past floods, or that level which may be reasonably anticipated in the future, as defined by the Village Engineer, in accordance with Chapter 46 of the Municipal Code.

*Home-Based Business.* Any business or commercial activity that is conducted, or proposed to be conducted, from property that is zoned for residential use and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. The list of occupations that are specifically excluded from the definition of home-based business include, but are not limited to, bed and breakfast establishments, nursing homes and group homes.

*Home-Based Business Class I Permit.* Permit for certain limited home-based businesses that the Director of Economic and Community Development may administratively approve.

*Home-Based Business Class II Permit.* Permit issued for home-based business that is authorized by the Village Board after a public hearing before the Planning and Zoning Commission.

*Hospital.* This use includes institutions providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick and injured. "Hospital" shall not include "Medical/Dental Clinics."

*Household Recreational Equipment.* Recreation equipment or structure customarily and typically found on a residential lot that is incidental to, and associated with, a dwelling unit located on the same lot. This includes play equipment, swimming pools, spas, tennis courts, trampolines and skateboard half pipes but does not include lawn furniture and decorations, barbecues or satellite dishes.

*Hotel.* A building containing lodging rooms, a general kitchen and dining room, a common entrance lobby, halls and stairway, and where lodging rooms do not have a doorway opening directly to the outdoors, except for emergencies, and where the lodging rooms are for rent, with or without meals, to transient guests.

*Impervious Surface.* A surface that is not covered with soil or natural vegetation. Such surfaces include areas covered by buildings, porches, decks, patios, terraces and swimming pools, and also include surfaces constructed of asphalt, concrete, gravel composite, brick, stone, tile or any other paving material used for parking, driveways and walkways.

*Independent Elderly Housing.* A multi-family dwelling the occupancy of which is limited to persons who are fifty-five (55) years of age or older (or if two (2) persons occupy a unit, at least one (1) shall be fifty-five (55) years or older). This definition does not include nursing homes, congregate care facilities or assisted living facilities.

*Indoor Amusement.* This use includes, but is not limited to, commercial or nonprofit indoor health and exercise clubs, skating rinks, bowling alleys, golf domes, indoor sports clubs, and indoor establishments where pool or billiards, bingo, foosball, table tennis, shuffleboard, pinball machines, video games or any other games of recreation or amusement are provided for public patronage, where the insertion of a coin, slug, or token or the payment of a fee is required. "Indoor Amusement" shall include any accessory uses, such as snack bars, pro shops and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. "Indoor Amusement" shall not include "Indoor Recreation," as defined herein.

*Indoor Recreation.* This use includes, but is not limited to, indoor recreation facilities, community centers, senior centers, gymnasiums, indoor tennis or other racquet courts, indoor sports arenas, swimming pools, or similar uses which are enclosed in buildings and are open to all community residents or those living within certain developments or neighborhoods. "Indoor Recreation" shall include any accessory uses, such as snack bars, pro shops, accessory office and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. "Indoor Recreation" specifically excludes commercial and non-profit indoor facilities that are included as "Indoor Amusement Centers," as defined herein.

*Kennel.* Any lot or premises or portion thereof on which more than four (4) dogs, cats, and other household domestic animals, over four (4) months of age, are kept or at which more than two (2) such animals are boarded for compensation or kept for sale.

*Landing.* A portion of a stair system required by Chapter 22 of the Municipal Code.

*Landscaping.* Creating a finished grade, preserving existing vegetation, installing trees, shrubs, groundcover, grass or other plant material, and maintaining the area to present a well-kept appearance.

*Laundry, Commercial.* A facility, which provides laundry and dry cleaning, services for commercial and industrial businesses but does not provide self- service or laundry services for individual needs.

*Laundry, Self-service.* A facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron. May include establishments, which provide services to wash, dry or dry clean on an individual basis, but specifically excludes commercial laundry services.

*Learning Center.* A center that provides part-time, supplemental education or instruction in a specialized area. This use includes, but is not limited to martial arts or dance studios, fitness centers, tutoring, computer instruction, and/or music lessons.

*Lighting, Cut-Off.* A light source with elements such as shields, reflectors or refractor panels which direct the light so that no light is emitted at an angle greater than ninety (90) degrees. Such angle is formed by a line drawn from the direction of rays at the light sources and a line perpendicular to the ground.

*Lighting, Non-Cut-Off.* A light source that allows light to be emitted at an angle that is ninety (90) degrees or greater. Such angle is formed by a line drawn from the direction of rays at the light sources and a line perpendicular to the ground.

*Limousine.* Any motor vehicle, other than a taxi, offered to the public by a business for the purpose of carrying or transporting passengers for a fixed fee or an hourly rate.

*Live Entertainment/Dancing.* This use includes any establishment including, but not limited to, a “Restaurant” or “Tavern/Bar,” or portion thereof, that is utilized for live performers or patrons engaged in singing, performing, dancing, or playing musical instruments. “Live Entertainment/Dancing” shall not include “Theaters,” “Indoor or Outdoor Amusement Center,” or “Indoor or Outdoor Recreation” facilities where live performances may occasionally be held, as defined herein.

*Loading Space.* An off-street space on the same lot as the building for the temporary parking or standing of a commercial vehicle while loading or unloading merchandise or materials.

*Lodging Room.* A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room shall be counted as one (1) lodging room.

*Lot.* A parcel or tract of land located within a single block, occupied, or intended for occupancy, by one (1) principal building or principal use, and having frontage upon a street. New lot lines may be established only in accordance with the subdivision regulations of the Village.



*Lot, Area.* The area of a horizontal plane bounded by the vertical planes through front, side and rear lot

lines.

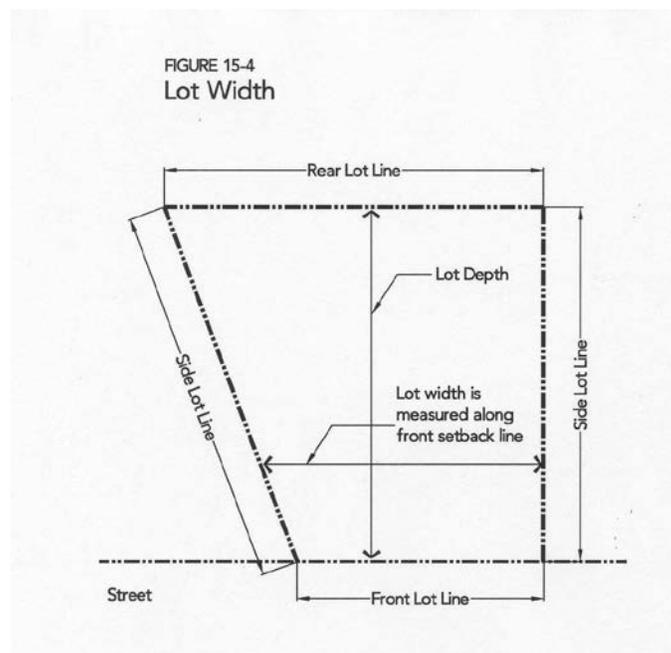
*Lot, Corner.* A lot situated at the junction of, and abutting on, two (2) or more intersecting streets or a lot at the point of deflection in alignment of a single street, said deflection being forty-five (45) degrees or more.

*Lot Line.* A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed the street or alley line.

*Lot Line, Front.* Any boundary of any lot, which is along an existing or dedicated street.

*Lot Line, Rear.* That boundary of a lot, which is most distant from and is parallel, or approximately parallel, to the front lot line. If the rear lot line is less than two (2) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. On corner lots, the rear lot line shall be the boundary line opposite one of the street lot lines and established as the rear lot line at the time of application for the building permit.

*Lot Line, Side.* Any boundary of a lot that is not a front or rear lot line.



*Lot of Record.* A lot that is part of a subdivision, which was recorded, or a lot for which the description was recorded either in the office of the Cook County Recorder of Deeds or in the Office of the Registrar of Titles of Cook County, prior to the effective date of this ordinance.

*Lot, Through.* A non-corner lot that abuts two (2) streets.

*Lot Width.* The distance between the two (2) side lot lines, as measured at the required front yard setback line.

*Maintenance or Repair.* An activity that restores or sustains the character or design of a building or structure to its previously existing, authorized and undamaged condition. An activity that changes a building or structure beyond its pre-existing condition or extends the scope or size is not defined as

maintenance or repair.

*Manufacturing, Light.* This use includes as its primary purpose the assembly, fabrication or processing of goods and materials, from previously prepared materials, into other finished products within an enclosed building. It may include abattoirs, acid manufacturing, arsenals, batch mixing, plants for cement, concrete, mortar or plaster, crematories, creosote treatment or manufacture, electricity generation plants, fat rendering, fertilizer manufacturing, fireworks or explosive manufacture or storage, dumping or reduction of garbage, dead animals, offal or refuse, ore reduction, petroleum processing or refining, pyroxylin manufacture, salt works, sauerkraut or pickle manufacture, soap manufacture, smelters, stockyard, tallow grease or lard manufacture, landfill operations, or activities which involve the use or manufacture of materials or products which decompose by detonation, unless licensed by the Village. All manufacturing uses shall meet the environmental performance standards included in Section 4.4 of this Ordinance.

*Marquee.* A roof-like structure of permanent nature that projects from the wall of a building.

*Material Salvage Yard, Recycling Center.* A parcel of land where secondhand, discarded or scrap materials are bought, sold, exchanged, stored, processed or handled. Materials include scrap iron, structural steel, rags, rubber tires, discarded goods, equipment, appliances or machinery. The term also includes a site for collection, sorting, storing and processing of paper products, glass, plastics, aluminum or tin cans prior to shipment for remanufacture into new materials.

*Medical Cannabis Cultivation Center.* A facility operated by an organization or business licensed by the Illinois Department of Agriculture as a medical cannabis cultivation center pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act, enacted by the State of Illinois effective January 1, 2014, as may be amended from time to time.

*Medical/Dental Clinics.* This use includes establishments offering the provision of care, such as examination and treatment services, by physicians, dentists, ophthalmologists, psychologists, and physical or occupational therapists, exclusively on an outpatient basis. Such services would include x-rays, on-site testing laboratories, rehabilitation therapy facilities, emergency treatment, diagnostic services, and related services to outpatients. “Medical/Dental Clinics” do not include “Hospitals.”

*Mining and Aggregate Extraction.* Uses that include mining, extraction, removal, blasting, stockpiling of sand, gravel, topsoil, limestone or other aggregates, including the use of equipment for any of the aforementioned uses.

*Mini-Warehouse, Personal Storage.* This use includes enclosed storage facilities containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of household goods or personal property.

*Mobile Home Park.* Any premise on which are parked two (2) or more mobile homes or recreational vehicles, or any premise used or held out for the purpose of supplying to the public a parking space for two (2) or more mobile homes or recreational vehicles. Open sales lots are not included.

*Motel.* A building containing lodging rooms having adjoining individual bathrooms and where the lodging rooms are for rent to transient guests.

*Motor Vehicle Service and Repair.* This use includes, but shall not be limited to, establishments involved in engine rebuilding or major reconditioning of worn or damaged motor vehicles, towing and collision service, including body, frame or fender straightening or repair, and painting of motor vehicles. This use also includes establishments where motor vehicle fuels and/or fuel oil are sold and where oil, grease,

batteries, tires and automobile accessories may be supplied and dispensed at retail and/or where the following services may be rendered in fully enclosed bays: sale and servicing of spark plugs, batteries, and distributors and distributor parts, tire servicing and repair, but not recapping, replacement or adjustments of mufflers, tail pipes, water hose, fan belts, brake fluid, grease retainers and wheel bearings, radiator cleaning and flushing; provision of water, antifreeze and the like, washing, polishing, detailing, and sale of washing and polishing materials, greasing and lubrication, providing and repairing fuel pumps, oil pumps and lines; servicing and repair of carburetors, adjusting and repairing brakes, minor motor adjustments not involving removal of the head or crankcase or racing motor; provision of road maps and informational material to customers and restroom facilities, and provision of beverages, packaged foods, fast food, tobacco, lottery tickets and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation.

*Motor Vehicle Sales and Rental.* This use includes retail establishments that sell or lease new or used automobiles, trucks, vans, recreational vehicles, trailers, boats or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease on-site. Support uses may also exist upon the same site, such as maintenance, repair, and service areas and indoor parts storage areas.

*Municipally-Operated Health Center.* An institution operated by a government principally engaged in providing services for health maintenance, diagnosis or treatment of humans.

*Museum.* A building serving as a repository for a collection of natural, scientific, historic or literary curiosities or objects of interests or works of art and designed to be viewed by members of the public.

*Natural Area Preserve.* A parcel or area of generally undeveloped land conserved in its natural state for the purpose of protecting flora, fauna, or other natural features for perpetuity.

*Nonconforming Lot.* A lot of record that does not meet the lot area, lot width or lot depth requirements of this ordinance for the zoning district in which it is located.

*Nonconforming Structure.* A structure that was lawfully established prior to, and existing on, the effective date of this ordinance and that does not conform to the requirements of this ordinance for the zoning district in which it is located.

*Nonconforming Use.* A use which was lawfully established prior to, and being conducted on, the effective date of this ordinance and which does not conform to the requirements of this ordinance for the zoning district in which it is located.

*Nursing Home, Sanitarium.* A residence for the care of children, the elderly, infirm, incurable or convalescent of any age in which more than three (3) persons are provided with food, lodging and medical care, but not including hospitals, clinics or group homes.

*Office, Government.* This use includes administrative and business uses, which may or may not offer service to the consuming public, and that is engaged in the processing, manipulation or application of business information or professional expertise for Village, county, state or federal government organizations. This use shall include post offices, except those with distribution centers, which shall be classified as "Warehouse/Distribution." This use shall not include "Public Service Facilities," as defined herein.

*Office, Professional.* This use includes business uses, with little direct contact with customers present at the office, which is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabricating, assembling or warehousing

of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. This use shall include, but not be limited to, professional offices for nonprofit organizations, accounting; insurance, investment services; computer services, architecture; engineering, legal services, real estate services, and doctors' and dentists' offices, but not medical clinics.

*Open Sales Lot.* Any land used or occupied for the purpose of buying and selling merchandise or personal property including, but not limited to, passenger cars, trucks, mobile homes, motor scooters, motorcycles, boats and monuments, or for storing of same prior to sale.

*Open Space Land.* Publicly or privately held property not used for buildings or structures, which may be undeveloped or developed for active or passive recreation or resource conservation.

*Outdoor Amusement.* This use includes, but is not limited to, public, nonprofit, or outdoor theaters, raceways, music arenas, theme parks, amusement parks, miniature golf establishments, water slides, batting cages, skateboarding courses, go-cart courses and shooting ranges. "Outdoor Amusement" shall include any accessory uses, such as snack bars, which are designed and intended primarily for the use of patrons of the principal recreational use.

*Outdoor Fireplace.* A self-contained, manufactured noncombustible cooking unit provided with a tight-fitting screen or lid and supported off the ground by non-combustible legs.

*Outdoor Itinerant Merchant.* A person engaged, for no more than one-hundred (100) days, in the business of selling or exhibiting goods, wares, merchandise or services from a stationery location that is on or within a vacant lot or structure.

*Outdoor Living Area.* Lawn, garden, porch, patio, deck or similar outdoor area utilized as an extension of the residential living space.

*Outdoor Recreation.* This use includes active recreation facilities, which are not enclosed in buildings, and are open to the public or operated on a commercial or membership basis for the use of persons not residing on the same lot on which the recreation use is located. It includes golf courses, driving ranges, swimming pools, tennis courts, playing fields or courts, and other similar facilities as well as accessory uses such as concession stand, equipment rental or storage, pro shops and clubhouses used primarily by the patrons of the principal recreational use. Outdoor recreation shall not include "Outdoor Amusement" or "Parks/Playgrounds," as defined herein.

*Outdoor Seating.* This use is a dining area of designated size with seats and/or tables located outdoors of a contiguous restaurant or coffeehouse. This seating may be in addition to the indoor seating area.

*Outdoor Storage.* The storage outside of an enclosed building of any material, including items for sale, lease, processing and repair, for a period greater than twenty-four (24) hours.

*Owner.* The titleholder of record, or if title is held in a trust, the beneficiary of the trust.

*Parking Garage, Parking Deck.* This use shall include public or private structures or portion thereof composed of one (1) or more levels of floors used exclusively for the parking of motor vehicles, whether public or private. A parking structure may be totally below grade (as in an underground parking garage), or either partially or totally above grade with those levels being either open or enclosed.

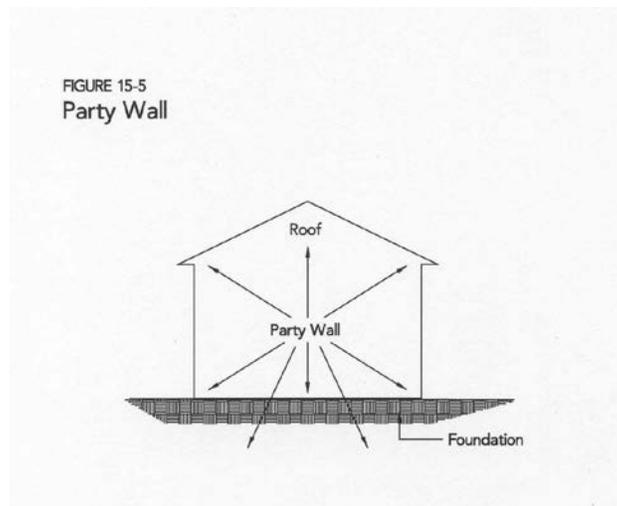
*Parking Lot, Off-Street.* This use shall include public or private open areas other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles, and available either for compensation, for free, or as an accommodation for clients, employees,

visitors, guests, residents or customers.

*Parking Space.* An area, enclosed or unenclosed, which is at minimum is nine (9) feet in width and eighteen (18) feet in depth, except for ADA parking spaces, which is accessible to and from a street or other public right-of-way by a route that does not traverse any other parking space.

*Parks/Playgrounds.* This use includes, but is not limited to, public and private open space, parks, botanical gardens, arboretums, and natural area preserves, which may be improved with such amenities for passive recreation such as pedestrian and non-motorized trails, gardens, benches, picnic tables, meeting halls, restrooms, shelters, caretaker quarters, maintenance building and play equipment. “Parks/Playgrounds” shall not include active, “Outdoor Recreation” facilities.

*Party Wall.* A wall, which is common to, but divides, buildings. Such a wall contains no openings, passage or access and extends from its footing below finished grade to the underside of the roof sheathing.



*Patio.* An impervious surface at grade that is designed and intended for recreational use by people rather than as a parking space.

*Performance Standard.* A criterion to all matters of general welfare including, but not limited to, control, noise, appearance, traffic, general housekeeping, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

*Personal Services Establishment.* Establishments which provide individual services on a frequent or recurrent basis to the consumer at the site of the business or which receives from/returns to the customer goods that have been treated or processed at another location. This use is distinct from those uses listed under Salon/Spa and shall not include personal services that relate to the personal care of the human body or hair. Personal Services establishments shall include, but shall not be limited to, domestic pet grooming, interior design studios, dry cleaning establishment (plant off-premises), medical/dental clinics, commercial package or mailing services (distribution off-site), photography studios, shoe repair, tailoring/alteration services, travel agencies.

*Places of Worship.* A church, synagogue, temple, mosque, or other such place of religious worship, including any accessory use of the structure, such as a child care center or dwelling (For those facilities that include schools, see “Schools, Primary or Secondary”, as defined herein.

*Planned Unit Development (PUD).* A unified development in single ownership or control which includes one (1) or more principal buildings where the requirements of a given zoning district may be or have been modified by approval of an overall development plan.

*Plat of Survey.* A scaled diagram, stamped by a licensed Illinois Surveyor, that delineates the form, size and location of a parcel of land, shows the shape, position and dimensions of all existing structures on the parcel, includes the names of adjoining streets and the location of the survey monuments or stakes, and contains the legal description of the parcel.

*Playhouses.* A freestanding structure, exclusively for the use of children, with a maximum height of 14 feet and an area not to exceed 144 square feet.

*Porch.* A structure that projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves.

*Portable Storage Container.* A vessel, container, POD or unit owned, rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include “POD” type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, cargo containers or commercial trailers used by construction or other uses in the regular performance of their business.

*Post Office.* A facility operated by the United State Postal Service for the collection, processing and distribution of letters, packages and other mail, and for related postal services. A post office does not include commercial packaging and mailing services.

*Preschool, Nursery School.* Childcare, with or without educational services, for children no older than five (5) years of age.

*Printing, Publishing Establishments.* Any printing, copying, blueprinting, or graphic design business using offset presses/duplicator, or high-speed copier/duplicators. Offset presses/duplicators shall be limited to a maximum printed sheet size of twelve (12) inches by eighteen (18) inches.

*Public Library.* A public facility for the use, but not the sale, of literary, reference, artistic and musical materials.

*Publicly Owned Property.* Property owned by the federal government, State of Illinois, Cook County, a township, the Village, a school or park district, or any other separate taxing body.

*Recreational Vehicle.* This use includes, but is not limited to, travel trailers, motor homes, camping trailers, hauling trailers, boats, all-terrain vehicles, jet skis, or other similar personal recreational vehicles. They may be towed by a car or a truck, carried by a pickup truck or self-propelled. A recreational vehicle is different from a mobile home in that the latter is ordinarily moved only infrequently by special towing arrangements.

*Rectory.* A dwelling occupied as a residence for clergy serving the congregation of a specific place of worship.

*Research and Development Uses.* This use includes facilities for basic and applied laboratory research or experimental study, testing or analysis in the natural sciences, including educational activities incidental or accessory to such research. This use shall include, but not be limited to, biotechnology,

pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfers, and radiation research, but not facilities for the manufacture or sale of products, except those incidental to research activities.

*Restaurant, Banquet Hall.* This use includes establishments, the primary purpose of which is the sale of food and beverages for consumption on the premises. “Restaurant” shall not include “Taverns/Bars” where the primary purpose is the sale of alcoholic beverages, fast food restaurant, or carry-out food service, or snack bars/refreshment stands that are accessory to recreational or amusement facilities, as defined herein.

*Retail Establishment.* This use includes establishments, the primary purpose of which is the sale of goods, products or materials directly to the consumer. This use shall include, but not be limited to stores that sell appliances, books, clothing; computers, electronics, eyeglasses, floral arrangements, furniture, groceries or specialty foods, hardware, jewelry, leather goods, medical supplies, office supplies, pets, toys, and video or music sales or rentals. “Retail Establishment” shall not include restaurants or personal service establishments.

*Salon/Spa Establishment.* Establishments which provide individual services for the human body including, but not limited to, services for hair, nails, tanning, cosmetic (facial), electrolysis, body wraps, exfoliation, non-surgical face lifts, body toning, massage, or personal grooming (i.e. waxing) and does not include tattoo parlors.

*Satellite Dish.* Any disc antenna, whether flat, concave or parabolic, which is designed to receive signals from satellites or other sources or to transmit such signals to a receiving station.

*Schools.* This use includes public, private, or parochial institutions primarily engaged in academic instruction for all or part of grades kindergarten through twelfth (K through 12), which does not provide lodging for students and may include accessory athletic fields, recreational facilities and child care centers for children over the age of three (3).

*School, Boarding.* An elementary, junior high or high school that provides lodging for students on the same property.

*School, Trade or Business.* This use includes institutions engaged in part-time, specialized instructional areas, such as, but not limited to, driving, trade or vocational, and does not provide lodging for students or faculty.

*Setback Line.* A line on a lot that is parallel to the lot line at a distance from such lot line equal to the yard dimension specified in the regulation for the zoning district in which such lot is located.

*Shed.* An accessory structure or building used primarily for storage purposes.

*Sign.* A name, identification, description, display or illustration which is affixed to, or painted on, or represented directly, or indirectly, upon a building, structure or parcel of land and which directs attention to an object, product, place, activity, person, institution, organization or business. This definition does not include such items excluded from the definition in Chapter 86-1 of the Municipal Code.

*Significant.* Important, weighty.

*Site Plan.* A plan, to scale, depicting the locations and dimensions of uses and structures proposed for a parcel of land, showing how the intended use relates to the surrounding area, streets, utilities, open space

and major landscape features.

*Specialty Residential Use.* Uses that due to their limited impact to surrounding residential neighborhoods because of low-volume pedestrian or vehicular traffic have been identified to occupy residential structures in appropriate locations.

*Specified Anatomical Areas.* “Specified Anatomical Areas” means:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola.
- B. Human genitals in a discernable turgid state, even if completely and opaquely covered.

*Specified Sexual Activities.* “Specified Sexual Activities” means:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Actual, or simulated, acts of human masturbation, sexual intercourse, sodomy, bestiality, oral copulation or flagellation.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
- D. Excretory functions as part of, or in connection with, any of the activities set forth in this paragraph.

*Sports Arena.* A building or outdoor area used for athletic events, games, and entertainment, or similar major events, and surrounded partially, or completely, by tiers of seats for spectators.

*Stairs.* Interconnected treads constructed above grade, including supporting piers, framework and handrails.

*Story.* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling or roof above it. A basement shall be counted as a story, and a cellar shall not be counted as a story.

*Story, Half.* That portion of a building under a gable, hip or mansard roof.

*Street (Avenue, Place, Road, Terrace, Court, Lane, or Parkway).* A right-of-way not less than twenty-four (24) feet wide, which affords the primary means of access to abutting property.

*Street, Arterial.* A street designated as a principal arterial in the Comprehensive Plan.

*Street, Collector.* A street designated as a minor arterial in the Comprehensive Plan.

*Street Level.* The story of a building that has its floor at the closest level to the street, with direct pedestrian access to that story from the outside.

*Street, Local.* A street, which is not an arterial or collector street.

*Structure.* Any improvement upon land, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This includes, but is not limited to, buildings, signs, and fences.

*Structure, Accessory.* A structure which is located on the same lot as, and of a nature customarily

incidental and subordinate to, another building or structure and the use of which is clearly incidental and subordinate to that of the other building or structure.

*Structural Alterations.* Any change, other than incidental repairs, in the supporting members of a building or structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls which does not increase any exterior dimension.

*Subdivision.* The division of any tract or parcel of land into two (2) or more lots or other divisions of land for the purpose of transfer of ownership or for building development, whether immediate or future. The definition includes resubdivision.

*Substantial.* To a large degree.

*Tattoo.* To insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce indelible mark or figure visible through the skin.

*Tattoo Parlor.* Any place or premises, whether public or private, temporary or permanent in nature or location, where the practices of tattooing and/or body piercing, whether for profit or not for profit, are performed.

*Tavern/Bar.* This use includes business establishments engaged primarily in the retail sale or distribution of alcoholic beverages to public patrons for consumption on the establishment's premises, and that includes beer bars, parlors, lounges, cabarets and nightclubs. "Taverns/Bars" may also include accessory sale of prepared food.

*Temporary Structure.* A structure existing for a time period as regulated by Chapter 22 of the Municipal Code.

*Temporary Use.* Existing for a period of not more than six (6) months.

*Tent.* A temporary structure or enclosure for the purpose of shelter or protection, the roof and sides of which are constructed of fabric or other pliable material.

*Theater.* This use includes indoor establishments where motion pictures or live performances are offered for public viewing, for admission where money is received.

*Toxic Material.* A substance (liquid, solid, or gaseous) which, by reason of an inherent deleterious property, can be injurious to living organisms of plants, animals or human beings.

*Trailer, Boat.* Any wheeled vehicle that is designed or used to transport any boat and is drawn by another vehicle.

*Transportation Station, Transit Terminal.* This use includes facilities or locations where the principal use is the handling, receiving, and transfer of passenger train or bus traffic, and may include charter businesses, accessory loading and unloading, and storing or transfer of freight and other equipment used to accomplish the foregoing activities.

*Truck Terminal/Repair.* This use includes premises used for the fueling, loading and unloading trucks, where storage of cargo is incidental to the primary function of motor freight shipment, and where minor maintenance and repair of these types of vehicles is performed. Such facility shall be designed to accommodate five (5) or more trucks.

*Underlying Zoning.* A standard zoning district classification, which may be combined with an overlay

district for the purpose of development regulation specificity. The underlying district regulations shall apply unless expressly superseded by an overlay district provision.

*Use.* The purpose or activity for which the land, structure or building is designed, arranged, intended, occupied or maintained.

*Use, Accessory.* A subordinate use, which is clearly, and customarily incidental to the principal use of a building or premise, and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

*Use, Permitted.* Any building, structure or use that is designated in this ordinance as a permitted use in the district in which it is located.

*Use, Principal.* The main use of land, structure or building as distinguished from a subordinate or accessory use.

*Use, Special.* Those uses, which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the neighborhood and the Village, require individual consideration of their location, design, configuration or operation at the particular location proposed.

*Utilities.* Facilities, such as sewer/water pumping, storage, treatment or filtration; substations, switching stations, generation, transformer, relay and booster devices, and transmission or distribution facilities, including telephone, gas, electric, sewer and water. Local utilities are housed in small-scale buildings; community utilities are all other utilities.

*Variance.* Limited relief from the requirements of this ordinance granted to a particular property with special circumstances where strict application of those requirements will create a practical difficulty or particular hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. Such limited relief does not change the underlying zoning of the parcel.

*Veterinarian Clinic.* A building or portion thereof where the principal use is the examination, treatment and overnight boarding of animals undergoing veterinary treatment.

*Village.* The Village of Homewood.

*Village Board.* The President and Board of Trustees of the Village of Homewood.

*Warehouse/Distribution.* This use includes structures, or part thereof, or area used principally for the storage or distribution of goods and merchandise to retailers, non-residential users, or to other wholesalers. This use shall not include “Truck Terminals/Repair” or “Manufacturing,” as defined herein.

*Wireless Communication Facility.* Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels or microwave dishes and omni-directional dishes such as whip antennas.

*Yard.* A required open, unoccupied space on a lot, unobstructed from the ground to the sky, except for those encroachments allowed under Section 8.3.

*Yard, Established Front.* On blocks located within R1 or R2, when the median depth of two (2) or more front yards within one-hundred and fifty (150) feet of the lot line of the subject lot is greater than the required front yard for that district, the subject lot shall provide a required front yard not less than such median depth, but in no case shall the required front yard exceed sixty (60) feet.

*Yard, Front.* A yard extending from the front lot line to the front setback line. On corner lots and through lots, both street lot lines are considered front lot lines without regard to location of the main entrance of the principal building.

*Yard, Rear.* A yard extending from the rear setback line to the rear lot line.

*Yard, Side.* A yard extending along the side lot line to the side setback line and located between the front and rear yards.

*Zoning District.* One of the districts into which this ordinance has divided the Village, as set forth on the Zoning Map.

*Zoning Map.* The Zoning Map of the Village adopted by the Board of Trustees, as well as any amendments adopted thereto.

# **APPENDIX A: REQUIRED SUBMITTALS**

## **ADMINISTRATIVE APPEAL**

- ◆ Letter
- ◆ Fee

## **CLASS I HOME-BASED BUSINESS PERMITS**

- ◆ Application
- ◆ Fee
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)
- ◆ If renter, letter of authorization from property owner
- ◆ If applicable, a copy of the professional license or registration required by the State

## **CLASS II HOME-BASED BUSINESS PERMITS**

- ◆ Application
- ◆ Fee
- ◆ Legal description of the property
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)
- ◆ If renter, letter of authorization from property owner
- ◆ For child care homes, a copy of the current DCFS license or registration
- ◆ If applicable, a copy of the professional license or registration required by the State

## **LETTER OF INTERPRETATION**

- ◆ Letter

## **SITE PLAN REVIEW**

- ◆ Application
- ◆ Fee
- ◆ Fifteen (15) copies of plat of survey
- ◆ Fifteen (15) copies of scaled site plan

## **PLANNED UNIT DEVELOPMENTS**

- ◆ Application
- ◆ Fee
- ◆ Fifteen (15) copies of the plat of survey, with legal description
- ◆ Fifteen (15) copies of the scaled site plan, indicating existing and proposed improvements
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

## **REZONING**

- ◆ Application
- ◆ Fee
- ◆ Fifteen (15) copies of the plat of survey, with legal description
- ◆ Fifteen (15) copies of the scaled site plan, indicating existing and proposed improvements

- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

#### **SPECIAL USE**

- ◆ Application
- ◆ Fee
- ◆ Fifteen (15) copies of the plat of survey, with legal description
- ◆ Fifteen (15) copies of the scaled site plan, indicating existing and proposed improvements
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

#### **SUBDIVISION**

- ◆ Application
- ◆ Fee
- ◆ Twelve (12) copies of plat, with information described in Chapter 98-67 of the Municipal Code
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

#### **TEXT AMENDMENT**

- ◆ Application
- ◆ Fee
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)
- ◆ Fifteen (15) copies of the scaled site plan, indicating existing and proposed improvements
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

#### **VARIANCES - ALL TYPES**

- ◆ Application
- ◆ Fee
- ◆ Fifteen (15) copies of the plat of survey, with legal description
- ◆ Fifteen (15) copies of the scaled site plan, indicating existing and proposed improvements
- ◆ Proof of ownership (deed, current tax bill, title insurance policy or Torrens certificate)

## APPENDIX B: FEE SCHEDULE<sup>1</sup>

<b>ADMINISTRATIVE APPEAL</b>	
Administrative Appeal	\$150
<b>HOME-BASED BUSINESS PERMITS</b>	
Class I Home-Based Business Permits	\$100
Class II Home-Based Business Permits	\$150
Annual Permit and Inspection Fee	\$60
<b>LETTER OF INTERPRETATION</b>	
Letter of Interpretation	-0-
<b>SITE PLAN REVIEW</b>	
Site Plan Review	\$50
<b>PUD</b>	
Planned Unit Development, Less Than One (1) Acre	\$300
Planned Unit Development, One (1) – Four (4) Acres	\$450
Planned Unit Development, More Than Four (4) Acres	\$550
<b>REZONING</b>	
Rezoning, Less Than One (1) Acre	\$300
Rezoning, One (1) – Four (4) Acres	\$450
Rezoning, More Than Four (4) Acres	\$550
<b>SPECIAL USE</b>	
Special Use	\$150
<b>SUBDIVISION</b>	
Subdivision, One (1) – Twenty-Five (25) Lots	\$150
Subdivision, Twenty-Six (26) – Fifty (50) Lots	\$200
Subdivision, Fifty-One (51) – One-Hundred (100) Lots	\$300
Subdivision, More than One-Hundred (100) Lots	\$400
<b>TEXT AMENDMENT</b>	
Text Amendment	\$300
<b>VARIANCE</b>	
Variance, Zoning Commercial	\$250
Variance, Zoning Residential	\$150
Variance, Administrative Commercial	\$250
Variance, Administrative Residential	\$150
Variance, Minor	\$100

Notes:

<sup>1</sup> The petitioner shall pay all fees at the time that the application is submitted to the Village. The petitioner shall pay any transcript fees incurred by the Village prior to the Village Board's consideration of their request. The fee to amend an existing PUD, special use or variance shall be according to the above schedule.

## APPENDIX C: SUMMARY TABLE OF PERMITTED AND SPECIAL USES

P= Permitted Use (subject to standards in Section 9.2)    S= Special Use

USE	ZONING DISTRICTS											
	RI	R2	R3	R4	PL1	PL2	B1 <sup>5</sup>	B2	B3	B4	M1	M2
<b>Residential Uses</b>												
Child Care as Accessory Use					S						S	
Congregate Housing, Assisted Living			S	S			S	S	S	S		
Convent/Monastery/Seminary	S	S	S	S			S	S	S	S		
Clubs, Lodges							S	S	S	S		
Dwellings, Multiple-Family			S	P				S	S	S		
Dwellings, Single-Family Detached	P	P										
Dwellings, Two-Family			P	P								
Dwellings, Townhouse (5 units/building, 10 foot separation between buildings)			P	P								
Dwelling Units Above Ground Floor <sup>1</sup>							P	P	S	S		
Dwelling Units On Ground Floor							S	S				
Elderly Housing, Independent			S	S			S	S	S	S		
Group Home	P,S	P,S	P,S	P,S								
Home-Based Business	P,S	P,S	P,S	P,S								
Nursing Homes, Sanitariums			S	S					S	S		
Specialty Residential Uses							P					
<b>Cultural, Religious, Recreational, and Entertainment Uses</b>												
Adult Uses											S	
Art Galleries, Museums	S	S	S	S			P	S	P	P		
Funeral Homes							S	P	P	P		
Indoor Amusement, Movie Theatres							S	P	P	P		
Indoor Recreation, Community Center, Health Club, YMCA/YWCA	S	S	S	S	P							

USE	ZONING DISTRICTS											
	RI	R2	R3	R4	PL1	PL2	B1 <sup>5</sup>	B2	B3	B4	M1	M2
Outdoor Amusement					P					S		
Outdoor Recreation, Golf Course, Country Club, Playing Field, Tennis Court, Swimming Pool	S	S	S	S	P		S	S	S	S		
Parks/Playgrounds	P	P	P	P	P		S	S	S	S		
Places of Worship	S	S	S	S			S	S	S	S		
<b>Governmental and Educational Uses</b>												
Animal Shelter and Adoption Center operated by a non-profit corporation organized and operated exclusively for exempt purposes set forth in Internal Revenue Code section 501(c)(3)						S						
Government Office, Police, Fire Station	S	S	S	S	P		S	S	S	S	P	
Municipally-Operated Health Center				S								
Parking Lots - Off-Street					P		P	P	P	P	P	
Parking Decks							P			S		
Public Libraries, Post Offices	S	S	S	S	P		S	S	S	S		
Schools, Boarding, Preschool	S	S	S	S								
Schools: Elementary, Junior High, High School	P	P	P	P	P							
Schools, Trade or Business							S	P	P	P		
Utilities, Community	S	S	S	S	S		S	S	S	S	P	
Utilities, Local	S	S	S	S	P		S	S	S	S	P	
<b>Retail, Service, Transportation Uses</b>												
Adult Day Care	S	S	S	S			S	S	S	S	S	
Animal Hospital, Kennel, Veterinarian											P	
Bed and Breakfast	S		S	S			P	S	S			
Boat Showrooms											P	
Carry-Out Facilities							P	P	P	P		
Child Care Centers	S	S	S	S			*	S	S**	*		
Crematoriums											S	
Domestic Pet Grooming							P	P	P	P		

USE	ZONING DISTRICTS											
	RI	R2	R3	R4	PL1	PL2	B1 <sup>5</sup>	B2	B3	B4	M1	M2
Drive-Through Facilities							S	S	S	P		
Financial Institutions							S	S	S	S		
Firearms Retailers											S <sup>6</sup>	
Hospitals				S								
Hotels, Motels				S			S	S	S	S		
Laundry, Commercial											P	
Laundry, Self-service								S	S	S		
Learning Centers							P	S	S	S	S	
Motor Vehicle Sales and Rental									P	P		
Motor Vehicle Service and Repair							S	S	S	P	P	
Office, Professional							P	P	P	P	P	
Office or Personal Service Accessory to Multi-Family				P								
Personal Service							P	P	P	P		
Restaurants, Taverns, Banquet Halls, Live Entertainment *							P	S	P	P		
Retail							P	P	P	P		
Retail Uses, Accessory To Multi-Family				S								
Salon/Spa Establishments							S	S	P	P		
Sports Arena, Exhibit Hall										S		
Transit Terminals, Transportation Stations	S	S	S	S	S		S	S	S	S	P	
<b>Manufacturing Uses</b>												
Accessory Structure to Manufacturing Use											S	
Building Material, Machinery and Equipment Sales or Storage											P	
Cargo Containers											S	
Contractor Shops											P	
Dry Cleaners-Processing On-Site, Laundries, Rug Cleaners											P	

USE	ZONING DISTRICTS											
	RI	R2	R3	R4	PL1	PL2	B1 <sup>5</sup>	B2	B3	B4	M1	M2
Greenhouse, Wholesale											P	
Heliport											P	
Light Manufacturing, Assembly, Fabrication											P	
Material Salvage Yard, Recycling											P	
Mining and Extraction of Aggregates												S
Mini-Warehouse, Personal Storage											P	
Outdoor Storage							P	P	P	P	P	
Printing, Publishing											P	
Research and Development											P	
Warehouse, Distribution											P	
<b>Other Uses</b>												
Agriculture, Growing of Crops	S	S										
Cannabis Dispensing Organization											P*	
Cannabis Infuser Organization											P*	
Craft Brewery							S	S	S	S	S	
Medical Cannabis Cultivation Center											P	
Planned Unit Developments <sup>3</sup>	S	S	S	S	S		S	S	S	S	S	
Satellite Dishes	P,S	P,S	P,S	P,S	P,S		P,S	P,S	P,S	P,S	P,S	
Tattoo Parlors/Body Piercing Facilities									S		S	
Wireless Communication Facilities					P,S			S	S	S	P,S	
<b>Temporary Uses <sup>4</sup></b>												

<sup>1</sup> Subject to compliance with the standards in Section 4.

<sup>2</sup> Subject to compliance with noise standards in Section 8.4.

<sup>3</sup> See Section 10 for PUD requirements.

<sup>4</sup> See Section 9.3 for requirements for temporary uses.

<sup>5</sup> Uses and yard and bulk standards for new developments over 25,000 sf are subject to the standards of Section 5.A

<sup>6</sup> See Section 9.2(V)

\*This does not apply to a child care center that was established prior to, (*insert date of adoption of this ordinance*), (a "Pre-Existing Use"). However, no Pre-Existing Use may be expanded or relocated, and no Pre-Existing Use may be reestablished if the child care center ceases operations for any period of 30 consecutive days.

\*No more than one (1) Cannabis Dispensing Organization and one (1) Cannabis Infuser Organization may be located within the Village.

\*\*Child care centers may not be located in the following area: from and including the southwest corner of 183<sup>rd</sup> Street and Governors Highway and extending south and west to Cherry Creek Drive.

## APPENDIX D: DISTRICT YARD AND BULK REGULATIONS

	R1 <sup>1</sup>	R2 <sup>1</sup>	R3	R4	PL
<b>Minimum Lot Area</b>	n/a	n/a	n/a	n/a	n/a
<b>Single-family Detached Dwelling</b>	10,400 sq. ft.	8,100 sq. ft.	n/a	n/a	n/a
<b>Two-Family Dwelling</b>	10,400 sq. ft.	8,100 sq. ft.	n/a	n/a	n/a
<b>Townhouse Dwelling (per unit)</b>	n/a	n/a	4,300 sq. ft.	4,300 sq. ft.	n/a
<b>Multiple-Family Dwelling (per unit)</b>	n/a	n/a	n/a	3,100 sq. ft.	n/a
<b>Planned Unit Development (PUD)</b>	1 acre	1 acre	1 acre	1 acre	n/a
<b>Maximum Rear Yard Lot Coverage</b>	30%	30%	n/a	n/a	n/a
<b>Minimum Lot Width</b>	80 feet	60 feet	60 feet	60 feet	n/a
<b>Maximum Building Coverage</b>	30%	50%	60%	60%	n/a
<b>Maximum Floor Area</b>	.40	.50	.50	.60	.50
<b>Maximum Front Yard Impervious Surface Coverage</b>	.40	.50	.50	.50	n/a
<b>Front Yard (see Section 15 for established front yards)</b>	30 feet; to provide buildable width of 32 feet on corner lot, one front yard may be reduced to 30% of lot width	25 feet	25 feet	25 feet	front yard of most restrictive adjoining zoning district
<b>Side Yard</b>	8 feet	the lesser of 6 feet or 10% of the lot width, but in no case less than 5 feet	6 feet, except for townhouses not fronting the street 25 feet	6 feet, except for townhouses not fronting the street 25 feet	side yard of most restrictive adjoining zoning district
<b>Combined Side</b>	20 feet; if attached garage 16 feet	16 feet; if attached garage 12 feet	16 feet	16 feet	n/a
<b>Rear</b>	40 feet	30 feet	25 feet	30 feet	rear yard of most restrictive adjoining zoning district
<b>Minimum Ground Floor Area per Dwelling Unit, Excluding Garage</b>	1,500 for one-story; 1,000 for all others	1,140 sq. ft. for one story; 850 sq. ft. for all others	n/a	n/a	n/a
<b>Maximum Height for Accessory Buildings</b>	14 feet except garages, which may be 17 feet	14 feet except garages, which may be 17 feet	14 feet except garages, which may be 17 feet	14 feet except garages, which may be 17 feet	40 feet
<b>Maximum Height for Accessory Structures</b>	14 feet	14 feet	14 feet	14 feet	140 feet
<b>Maximum Building Height, Principal Buildings</b>	30 feet or 2 ½ stories, whichever is lower; for a building other than single-family 35 feet	30 feet or 2 ½ stories, whichever is lower; for a building other than single-family 35 feet	35 feet or 3 stories, whichever is lower	50 feet or 5 stories, whichever is lower	35 feet
<b>Maximum Impervious Surface</b>	40%	60%	70%	80%	n/a

<sup>1</sup> Please see Section 13.4 for conforming additions to single-family detached dwellings.

	<b>B1<sup>2</sup></b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>M</b>
<b>Minimum Lot Area</b>	n/a	n/a	n/a	n/a	n/a
<b>Minimum Lot Area, Planned Unit Development</b>	1 acre	60,000 sq. ft.	60,000 sq. ft.	60,000 sq. ft.	30,000 sq. ft.
<b>Minimum Lot Width</b>	n/a	n/a	n/a	n/a	n/a
<b>Maximum Building Coverage</b>	n/a	n/a	n/a	n/a	n/a
<b>Maximum Floor Area</b>	n/a	1.0	1.0	3.0	1.5
<b>Front Yard (see Section 15 for established front yards)</b>	n/a	n/a	n/a	n/a	40 feet; 30 feet for PUD
<b>Side Yard</b>	0 feet, if one provided 5 feet (if adjoins any district other than B4 required side yard of adjoining district shall be provided)	0 feet, if one provided 5 feet (if adjoins any district other than B4 required side yard of adjoining district shall be provided)	0 feet, if one provided 5 feet (if adjoins any district other than B4 required side yard of adjoining district shall be provided)	0 feet, if one provided 5 feet (if adjoins any district other than B4 required side yard of adjoining district shall be provided)	25 feet; 25 feet combined side yard for PUD with each interior side yard minimum of 5 feet
<b>Combined Side</b>	n/a	n/a	n/a	n/a	n/a
<b>Rear</b>	0 feet; if adjoins residential district, 16 feet shall be provided	0 feet; if adjoins residential district, 16 feet shall be provided	0 feet; if adjoins residential district, 16 feet shall be provided	0 feet; if adjoins residential district, 16 feet shall be provided	40 feet (20 feet if abutting an alley or railroad right-of-way); 20 feet for PUD
<b>Minimum Ground Floor Area per Dwelling Unit, Excluding Garage</b>	n/a	n/a	n/a	n/a	n/a
<b>Maximum Height for Accessory Buildings</b>	17 feet	17 feet	17 feet	17 feet	14 feet
<b>Maximum Height for Accessory Structures</b>	17 feet	17 feet	17 feet	17 feet	14 feet
<b>Maximum Building Height, Principal Buildings</b>	4 stories	30 feet	30 feet	40 feet	40 feet
<b>Maximum Impervious Surface</b>	n/a	n/a	n/a	n/a	n/a

<sup>2</sup> Uses and yard and bulk standards for new developments over 25,000 sf are subject to the standards of Section 5.A

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~A~

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