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# CHAPTER 29 - ZONING ORDINANCE

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ARTICLE 1 -- TITLE

SECTION 1-101. This Ordinance, including the zoning district map made a part hereof, shall be known and may be cited and referred to as the Bolingbrook Zoning Ordinance.

ARTICLE 2 -- PURPOSE

SECTION 2-101. This Zoning Ordinance is adopted for the following purposes:

(A) To promote the public health, safety, morals, comfort and general welfare of the citizens of the Village of Bolingbrook, (hereinafter called "the Village");

(B) To protect the character and the stability of the residential, business and manufacturing areas within the Village and to promote the orderly and beneficial development of such areas;

(C) To conserve the values of property throughout the Village and to protect the character and stability of residential, business and industrial areas;

(D) To provide adequate light, pure air, privacy and convenience of access to property;

(E) To regulate the intensity of use of lot areas, and to determine the area of open space surrounding buildings which is necessary to provide adequate light and air, and to protect the public health;

(F) To divide the Village into districts of such number, shape, area and of such different classes, according to the use of land and buildings, the height and bulk of buildings, the intensity of use, and the area of open spaces, as may be deemed best suited to carry out the purposes of this Ordinance;

(G) To establish building lines and the location of buildings designed for residential, business and manufacturing or other uses within such areas;

(H) To prohibit locations and uses of buildings or structures and uses of land that are incompatible with the type of development planned for specified districts of the Village;

(I) To prevent additions and alterations to or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder;

(J) To protect against fire, explosion, noxious fumes and other dangers;

(K) To limit congestion in the public streets and to protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

(L) To fix reasonable standards to which buildings and structures shall conform;
(M) To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district by regulating the use and bulk of buildings in relation to the land surrounding them;

(N) To conserve the taxable value of land and buildings throughout the Village;

(O) To lessen or avoid the hazard to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;

(P) To facilitate and insure the preservation of sites, areas and structures of historical, architectural and aesthetic importance;

(Q) To provide for the gradual elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of existing or desirable development in each district;

(R) To define the limits, powers and duties of administrative officers and bodies as provided herein; and

(S) To prescribe penalties for the violation of, and methods for the enforcement of, the provisions of this Ordinance or any amendment thereto.
ARTICLE 3 -- GENERAL PROVISIONS

PART 1 - ACTIVITIES REGULATED BY THIS ORDINANCE.

SECTION 3-101. TERRITORIAL APPLICATION OF REGULATIONS. The provisions of this Ordinance shall apply to structures and land in the Village.

SECTION 3-102. NEW STRUCTURES. All structures built hereafter shall comply with all of the regulations of this Zoning Ordinance. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless Article 10 of this Ordinance permits such structure to be rebuilt or restored.

SECTION 3-103. NEW USES OF OLD STRUCTURES. If the use of any existing structure is hereafter changed to another use, then the new use shall comply with the use regulations of this Ordinance; provided, however, the mere establishment of a new use does not by itself require the existing structure to conform to the lot size or other bulk regulations of this Ordinance.

SECTION 3-104. REMODELING. If any structure is hereafter remodeled:

(A) The entire structure as remodeled shall comply with the use regulations of this Ordinance; and

(B) Any alterations or enlargements of, or additions to the structure shall comply with the bulk regulations of this Ordinance; and

(C) The off-street parking facilities provided for the structure shall not be reduced below (or if already less than, shall not be further reduced below) the requirements that would be applicable to a similar new structure or use.

SECTION 3-105. USES OF OPEN LAND. If any use of open land is hereafter established, or if any use of open land is hereafter changed to another use, such use shall comply with all the regulations of this Ordinance.

SECTION 3-106. USES PERMITTED IN ALL DISTRICTS. The following public utility and municipal uses are permitted in all districts: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment (not including substations located on or above the surface of the ground) for the distribution to consumers of telephone or other communications, electricity, gas or water, or for the collection of sewage or surface water.

SECTION 3-106 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED. (Added by Ord. 19-062, 08.13.19)

1. Definitions. The following words and phrases shall, for the purposes of this Article 3-106, have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

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

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

**ADULT-USE CANNABIS DISPENSING ORGANIZATION:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. IO1-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

**PERSON:** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

2. Cannabis Business Establishments Prohibited. The following Adult-Use Cannabis Business Establishments are prohibited in the Village of Bolingbrook. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of Bolingbrook of any of the following:

   - Adult-Use Cannabis Craft Grower
   - Adult-Use Cannabis Cultivation Center
   - Adult-Use Cannabis Dispensing Organization
   - Adult-Use Cannabis Infuser Organization or Infuser
   - Adult-Use Cannabis Processing Organization or Processor
   - Adult-Use Cannabis Transporting Organization or Transporter

3. Public Nuisance Declared. Operation of any prohibited Cannabis Business Establishment within the Village in violation of the provisions of this Article 3-106 is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
4. Violations. Violations of this Article may be enforced in accordance with the provisions of Chapter 29, Article 13 of this Code.

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

SECTION 3-201. ESTABLISHMENT OF DISTRICTS.

(A) The Village is hereby divided into 15 zoning districts and one Overlay District as follows: (Ordinance 79-048, 08.14.79)

1. **E-R Estate Residence District**: A district designed for single family dwellings at a density of not more than one dwelling unit per gross acre and a lot area of not less than 40,000 square feet per dwelling unit.

2. **R-1 Single Family Residence District**: A district designed for single family dwellings at a density of not more than one and one-half dwelling units per gross acre and a lot area of not less than 20,000 square feet per dwelling unit.

3. **R-2 Single Family Residence District**: A district designed for single family dwellings at a density of not more than two and one-half dwelling units per gross acre and a lot area of not less than 12,000 square feet per dwelling unit.

4. **R-3 Single Family Residence District**: A district designed for single family dwellings at a density of not more than three dwelling units per gross acre and a lot area of not less than 9,250 square feet per dwelling unit.

5. **R-4 Single Family Attached - Low Density**: A district designed for dwellings at a density of not more than five (5) dwelling units per acre allowing a maximum of two (2) units per building.

6. **R-5 Single Family Residence - Attached - High Density**: A district designed for single family attached dwellings at a density of not more than seven (7) dwelling units per acre allowing a maximum of eight (8) units per building.

7. **R-6 Multiple Family Residential - Low Density**: A district designed for multiple family dwellings at a density of not more than eight (8) dwelling units per acre allowing a maximum of eight (8) units per building.

8. **R-7 Multiple Family Residential - High Density**: A district designed for multiple family dwellings at a density of not more than twelve (12) dwelling units per acre.

9. **B-1 Local Retail District**: A district designed to provide for a concentration of a limited range of commercial uses necessary to meet the daily convenience shopping needs of residents of the immediate area.

10. **B-2 Community Retail District**: A district designed to provide for a broad range of retail shopping facilities for the entire community.

11. **B-3 Highway Commercial District**: A district designed for those commercial facilities traditionally associated with or requiring the primary use of the automobile.

12. **Office District**: A district designated to provide areas for business and professional offices, research and development facilities of good design located on well landscaped, park-like lots subject to high performance standards. (Ordinance 76-017, 02.24.76)
13. **I-1 Limited Industrial District**: A district designed to permit light industrial uses which meet the most restrictive performance standards of this Ordinance.

14. **I-2 General Industrial District**: A district designed to permit general industrial uses which meet the performance standards for the district.

15. **F-1 Flood Plain District**: A district created in a flood plain and designed to minimize loss of life and health and damage to public and private property due to recurring or severe flooding.

**SECTION 3-202. OFFICIAL ZONING MAP.**

(A) The existing zoning uses, restrictions, divisions and regulations listed in Section 3-201 are clearly shown on the Official Zoning Map of the Village, a copy of which is on file in the Office of the Zoning Administrator of the Village and available to any person desiring a copy thereof. Said Official Zoning Map, with all notations, references and other matters shown thereon, is hereby declared by this reference to be a part of this Ordinance. (Ordinance 11-029, 05.10.11)

(B) Except as hereinafter provided, it is the intent of this Ordinance that the entire area of the Village, including all land and water areas, rivers, streets, alleys, railroads and other rights-of-way, be included in the districts established by this Ordinance. Any area not shown on the said Official Zoning Map as being included in any district shall be deemed to be in the E-R Estate Residence District. (Ordinance 16-020, 03.22.16)

(C) Notwithstanding anything to the contrary in this Ordinance, electric utility right-of-way located in the Village and south of Interstate 55 shall be deemed unzoned property and shall not be subject to the regulations set forth in this Ordinance. (Ordinance 16-020, 03.22.16)

**SECTION 3-203. BOUNDARIES.** In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

(A) The district boundaries are the center lines of the streets or alleys, unless otherwise indicated. Where designation of a boundary line on the Zoning Map coincides with the location of a street or alley, the center line of such street or alley shall be construed to be the boundary of such district.

(B) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

(C) Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundary shall be determined by the use of the scale shown on the Official Zoning Map.

(D) When a lot held in one ownership on the effective date of this Ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district.

**SECTION 3-204. ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHT-OF-WAY.** All streets, alleys, public ways, waterways and railroad right-of-way if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way. Where the center line of the street, alley, public way, waterway or railroad right-of-way, serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
PART 3 – GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS

SECTION 3-301. PERMITTED USES. No structure shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located.

SECTION 3-302. SPECIAL USES. No use of a structure or land that is designated as a Special Use in any zoning district shall hereafter be established, and no existing Special Use shall hereafter be changed to another Special Use, in such district unless a Special Use Permit has been secured in accordance with the provisions of Article 8 of this Ordinance.

SECTION 3-303. LOT SIZE REQUIREMENTS.

(A) No structure or part thereof shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied, arranged or designed for use or occupancy on a zoning lot which is:

1. Smaller in area than the minimum lot area or minimum lot area per dwelling unit required in the zoning district in which the structure or land is located; or

2. Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or

3. Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.

(B) No existing structure shall hereafter be rebuilt, remodeled or otherwise altered or modified so as to conflict or further conflict with the lot area per dwelling unit or lot size requirements as set forth in subsection (A) herein, for the zoning district in which the structure is located.

(C) Whenever a minimum contiguous area is specified for a zoning district, then no property shall be classified or reclassified in any such zoning district unless, after such classification or reclassification, the said property will, when considered alone or in conjunction with similarly classified property which it abuts, contain at least the minimum contiguous area specified for such zoning district.

SECTION 3-304. BULK REGULATIONS. In this Ordinance, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum building separation and minimum front, side, corner side, transitional, rear, and double frontage rear yards. No structure or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy so as to:

(A) exceed the maximum lot coverage percentage, the maximum structure height or the maximum floor area ratio specified for the zoning district in which the structure is located; or

(B) provide any setback or front, side, transitional or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

(Ordinance 80-057, 10.07.80)

SECTION 3-305. USE LIMITATIONS. No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is, or will be, located. No permitted use already established on the effective date of this Ordinance shall be altered, modified or enlarged so as to conflict with or further conflict with, the use limitations for the zoning district in which such use is located.
SECTION 3-306. PERFORMANCE STANDARDS. No permitted use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with any performance standards imposed on such use by this Ordinance. No permitted use already established on the effective date of this Ordinance, or any amendment thereto shall be altered, modified or enlarged so as to conflict with, or further conflict with, the performance standards established for the zoning district in which such use is located.

SECTION 3-307. ACCESSORY STRUCTURES OR USES. No accessory structure or use, as defined by SECTION 5-102 of this Ordinance shall hereafter be built, moved or remodeled, established, altered or enlarged unless such accessory structure or use is permitted by SECTION 5-103 of this Ordinance.

SECTION 3-308. TEMPORARY STRUCTURES AND USES. No temporary structure or use as listed by SECTION 5-201 of this Ordinance shall hereafter be built, established, moved or remodeled, altered or enlarged unless such temporary structure or use is permitted by SECTION 5-201 of this Ordinance.

SECTION 3-309. HOME OCCUPATIONS. No home occupation, as defined by SECTION 5-302 of this Ordinance shall hereafter be established, altered or enlarged in any residence district unless such home occupation:

(A) Complies with the use limitations imposed by SECTION 5-303; and

(B) Is listed as a permitted home occupation in SECTION 5-304.

SECTION 3-310. OFF-STREET PARKING AND LOADING. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by Article 6 of this Ordinance are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Article 6 for such enlargement are provided.

SECTION 3-311. GARAGES REQUIRED.

(A) Every detached single family dwelling unit shall include either an attached or detached garage located on the same lot or parcel. Each garage shall provide three (3) vehicle stalls inside of a garage that are each not less than 9 feet in width and 19 feet in length of clear space measured within the interior of the garage, and shall contain not less than 530 square feet and no greater than 640 square feet as measured by the exterior dimensions of the garage. Except that any garage constructed on a single family lot recorded prior to the passage of Ordinance 04-062 on May 18, 2004, shall provide two (2) vehicle stalls inside of a garage that are each not less than 9 feet in width and 19 feet in length of clear space measured within the interior of the garage, and shall contain not less than 425 square feet and no greater than 640 square feet, as measured by the exterior dimensions of the garage. (Ordinance 09-059, 08.25.09)

(B) Every attached single family dwelling unit and every multi-family dwelling unit shall include either an attached or detached garage located within 300 feet of the dwelling unit. Each garage shall provide two (2) vehicle stalls inside of a garage that are each not less than 9 feet in width and 19 feet in length of clear space measured within the interior of the garage, and shall contain not less than 425 square feet, as measured by the exterior dimensions of the garage. (Ordinance 09-059, 08.25.09)
SECTION 3-312. DRIVEWAYS, SERVICE WALKS, PATIOS AND OTHER DUST FREE SURFACES. Every dwelling unit requiring a garage shall provide a driveway constructed of concrete, asphalt, or paving bricks or blocks, in compliance with Village requirements, having a minimum width of eighteen (18) feet within nineteen (19) feet of a garage door. No driveway shall exceed twenty-four (24) feet in width along any property line that is adjacent to a public right-of-way, except that dwelling units which include an attached garage consisting of three (3) or more vehicular parking stalls with direct access upon a driveway shall not exceed twenty-eight (28) feet in width along any property line that is adjacent to a public right-of-way. The maximum driveway width along a property line shall be maintained for a minimum of 5 feet perpendicular to said property line. Thereafter, the width of the driveway may be increased at an angle of no less than 45 degrees to a width not to exceed 50% of the lot width or thirty-five (35) feet, whichever is less. Every dwelling shall be limited to one (1) driveway approach which provides ingress and egress between the roadway and private property. Any other driveway located behind the front wall setback of the principal structure for vehicle parking or storage shall have a minimum width of ten (10) feet. All driveways, service walks, patios and other dust free surfaces shall provide a minimum setback of three (3) feet to a property or lot line and shall not be located on an easement, except front and corner side yard easements. (Ordinance 13-062, 09.24.13)
PART 4 - MISCELLANEOUS REQUIREMENTS.

SECTION 3-401. NUMBER OF STRUCTURES ON ZONING LOT.

(A) Not more than one principal residential building shall be located on a single zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building, unless such principal residential building is located in a planned development that has been approved pursuant to the provisions of Article 9 of this Ordinance.

(B) In business and industrial districts, not more than one (1) business or industrial building shall be located on a single zoning lot unless the buildings are located in a planned development that has been approved pursuant to the provisions of Article 9 of this Ordinance or in the I-1 Limited Industrial District and are Health Care Special Uses (as defined in Section 4-301(B) herein) for which a Special Use Permit has been granted, in which case more than one (1) building may be located on a single zoning lot.. (Ordinance 05-002, 01.04.05)

SECTION 3-402. PLATTED BUILDING AND SETBACK LINES. If a recorded subdivision plat imposes a building or setback line for a lot which is less than the minimum yard required by the applicable section of this Ordinance, then, notwithstanding the recorded plat, the minimum yard shall be the same as required by the applicable section of this Ordinance. (Ordinance 76-109, 10.05.76)

SECTION 3-403. YARD REQUIREMENTS FOR OPEN LAND. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side or rear yards that would otherwise be required for such zoning lot shall be provided and maintained unless some other provision of this Ordinance requires or permits a different front, side or rear yard, provided however, that front, side and rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open, public recreation areas.

SECTION 3-404. RESTRICTIONS ON ALLOCATION AND DISPOSITION OF REQUIRED YARDS OR OPEN SPACE.

(A) No part of the lot area, or of a yard, or other open space or off-street parking or loading space provided in connection with any structure or use in order to comply with this Ordinance shall, by reason of a change of ownership or otherwise, be included as a part of the minimum lot area or of a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically permitted by this Ordinance.

(B) All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with this Ordinance shall be located on the same lot as the structure or use.

(C) No part of the lot area, or of a yard, other open space or off-street parking or loading space provided in connection with any structure or use (including but not limited to any structure or use existing on the effective date of this Ordinance or of any amendment thereto) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of this Ordinance for equivalent new construction.

SECTION 3-405. PERMITTED OBSTRUCTIONS IN REQUIRED YARDS. The following shall not be considered to be obstructions when located in a required yard:

(A) In all yards: Awnings or canopies; steps four feet or less above grade which are necessary for access to a permitted structure, or access to a lot from a street or alley; bay windows and
over-hanging eaves and gutters projecting 30 inches or less into the yard; chimneys projecting 30 inches or less into the yard; arbor and trellises; signs, when permitted by Article 5; flag poles; basketball backboards and hoops, provided that such backboards and hoops in front and corner side yards shall be set back a minimum of five feet from the right-of-way line. (Ordinance 96-070, 06.25.96)

(B) In any yard, except a front yard: Accessory uses permitted by Article 5, recreational equipment, with the exception of basketball backboard and hoops which may be placed in any yard as provided in subsection (a) hereinafter, "laundry drying equipment," and air conditioning condensers. (Ordinance 91-052, 05.28.91)

(C) Fences as permitted in Article 5. (Ordinance 91-052, 05.28.91)

SECTION 3-406. DRIVEWAYS FOR BUSINESS AND INDUSTRIAL DISTRICTS. Except as otherwise specifically approved by the President and Board of Trustees as part of any final plan or plat approval, Planned Development approval or Special Use approval, no land which is located in a residence district shall be used to provide a driveway for access purposes to any land which is located in any business or industrial district. (Ordinance 75-054, 05.07.74)

SECTION 3-407. ANNEXED LAND. All land which may hereafter be annexed to the Village shall automatically be classified in the E-R Estate Residence District. (Ordinance 95-030, 03.14.95)

SECTION 3-408. LOT SIZE REQUIREMENTS AND BULK REGULATIONS FOR PUBLIC UTILITY FACILITIES. Notwithstanding any other provisions of this Ordinance, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located except that such public utility and public service uses located on or above the surface of the ground shall observe the applicable minimum front, side and rear yard requirements:

(A) Electric and telephone substations and distribution equipment.

(B) Gas regulator stations.

(C) Poles, wires, cables, conduits, vaults, laterals, pipes, main valves or other similar equipment for distribution to consumers for transmission of electricity, gas or water.

(D) Pumping stations.

(E) Radio, television and microwave transmission or relay stations, towers and antennae.

(F) Transformer stations.

(G) Water standpipes.

In addition, where electrical, telephone, water and sewer or other utility services require structures or facilities other than buildings located on or above the surface of the ground on easements through or abutting any lot in a residence district, said structures or facilities shall be prohibited from any required yard adjacent to a public street or from any dedicated street right-of-way.

SECTION 3-409. SEWER AND WATER FACILITIES. All structures built hereafter shall be served by and connected to a public sanitary sewage disposal system and water distribution system; existing structures not connected to a public sanitary sewage disposal system and water distribution system may be enlarged, repaired or altered without connection to said system provided that the failure to
connect said structure shall not create a hazard to the public health, safety, or welfare as provided in Section 24-403 of the Municipal Code. (Ordinance 75-009, 01.28.75)
ARTICLE 4 -- DISTRICT REGULATIONS

PART 1 - RESIDENTIAL DISTRICTS.
(AMENDED IN ITS ENTIRETY - ORDINANCE 79-048, 08.14.79)

SECTION 4-101. E-R ESTATE RESIDENCE DISTRICT.

(A) Permitted Uses:

1. Single family detached dwelling.

2. Convent, monastery and religious retreats. (Ordinance 74-133, 12.03.74)


4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.

5. Park, playground or community building owned or operated for recreational use by public agencies.

6. Public library.

7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

11. Agriculture (excluding the raising of any livestock).

12. Boarding and lodging houses. (Ordinance 03-111, 08.26.03)

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows:
(Ordinance 87-061, 08.11.87)

1. Airport

2. Cemeteries (Ordinance 97-040, 06.10.97)

3. Church or place of worship

4. Hospitals

8. Nursery school

9. Nursing homes

10. Planned development

11. Police or fire station
12. Post office, government office

5. Kennels
   (Ordinance 97-040, 06.10.97)

13. Public or private utility service and facility

6. Museum

14. Stable

7. Non-commercial recreation

(C) **Lot Size Requirements:**

1. Every single family detached dwelling shall be located on a lot having an area of not less than 40,000 square feet and a width at the established building line of not less than 150 feet.

2. All schools shall be located on a lot having an area of not less than ten acres with a minimum width of 300 feet at the established building line.

3. All recreational facilities shall be located on a lot having an area of not less than 60,000 square feet with a minimum width of 150 feet at the established building line; provided, however, that nothing in this subsection shall prohibit the use of any parcel of real property as a children’s playground together with equipment customarily associated therewith.

4. All churches or places of worship shall be located on a lot having an area of not less than 80,000 square feet.

All other permitted uses shall be located on a lot having an area of not less than 100,000 square feet with a minimum width of 200 feet at the established building line.

(D) **Bulk Regulations:**

1. Maximum Structure Height: No building shall exceed two and one-half stories or 35 feet in height.

2. Maximum Lot Coverage:
   
   a. Single family dwelling: 20%
   
   b. All other permitted uses: 30%

3. Yard Requirements:
   
   a. Minimum front yards:

      (1) Single family dwelling: 35 feet
      
      (2) All other permitted uses: 50 feet

   b. Minimum side yards:

      (1) Single family dwelling: 20 feet
(2) Schools as permitted in this District: 50 feet

(3) All other permitted uses: 25 feet

c. Minimum corner side yard:

(1) Single family dwelling: 35 feet

(2) Schools as permitted in this District: 50 feet

(3) All other permitted uses: 35 feet

d. Minimum rear yard:

(1) Single family dwelling: 45 feet

(2) Schools as permitted in this District: 75 feet

(3) All other permitted uses: 60 feet

e. Minimum rear yard - Double frontage lots:

(1) Single family dwelling: 65 feet

4. Minimum open space requirement: (Ordinance 00-071, 04.25.00)

a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Density. For plats of subdivision filed hereafter which contain ten or more acres, the density for single family dwellings shall not exceed one dwelling unit per gross acre.

(F) Dwelling Standards.

1. Every one story dwelling shall have a gross floor area at grade of not less than fourteen hundred (1,400) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used for living, eating or sleeping purposes. (Ordinance 86-067, 11.25.86)

2. Every dwelling other than a one story or two story dwelling shall have a first story floor area of not less than twelve hundred (1,200) square feet and a gross floor area of not less than sixteen hundred (1,600) square feet measured from the outside of the exterior walls of said first story including utility rooms but excluding cellars, unfinished basements, open porches, breezeways, garages and spaces that are not used for living, eating or sleeping purposes. (Ordinance 86-067, 11.25.86)

(G) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be twenty (20) acres.

SECTION 4-102. R-1 SINGLE FAMILY RESIDENCE DISTRICT.

(A) Permitted Uses: (Ordinance 95-079, 05.09.95)

1. Single family detached dwelling.
2. Convent, monastary and religious retreats.


4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.

5. Park, playground or community building owned or operated for recreational use by public agencies.

6. Public library.

7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identica to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

11. Agriculture (excluding the raising of any livestock).

12. Boarding and lodging houses. (Ordinance 03-111, 08.26.03)

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows: (Ordinance 95-079, 05.09.95)

1. Airport

2. Church or place of worship

3. Hospital

4. Museum

5. Non-commercial recreation

6. Nursery school

7. Nursing home

8. Planned development

9. Police or fire station

10. Post office, government office
11. Public or private utility service and facility

(C) **Lot Size Requirements.**

1. Every single family detached dwelling shall be located on a lot having an area of not less than 20,000 square feet and a width at the established building line of not less than 100 feet.

2. The lot size requirements for all other permitted uses shall be the same as those in the **E-R Estate Residence District.**

(D) **Bulk Regulations.**

1. Maximum structure height: No building shall exceed two and one-half stories or 35 feet in height.

2. Maximum lot coverage:
   a. Single family dwelling: 25%
      (Ordinance 94-059, 05.24.94)
   b. All other permitted uses: 30%

3. Yard requirements:
   a. Minimum front yards:
      (1) Single family dwelling: 35 feet
      (2) All other permitted uses: 50 feet
   b. Minimum side yards:
      (1) Single family dwelling: 15 feet
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 25 feet
   c. Minimum corner side yard:
      (1) Single family dwelling: 35 feet
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 35 feet
   d. Minimum rear yard:
      (1) Single family dwelling: 40 feet
      (2) Schools as permitted in this District: 75 feet
All other permitted uses: 60 feet

e. Minimum rear yard - Double frontage lots:

(1) Single family dwelling: 60 feet

4. Minimum open space requirement: (Ordinance 00-071, 04.25.00)

a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Density. For plats of subdivision filed hereafter which contain ten or more acres, the density for single family dwellings shall not exceed 1.5 dwelling units per gross acre.

(F) Dwelling Standards. The dwelling standards shall be the same as required in the E-R Estate Residence District.

(G) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be 20 acres.

SECTION 4-103. R-2 SINGLE FAMILY RESIDENCE DISTRICT.

(A) Permitted Uses: (Ordinance 95-079, 05.09.95)

1. Single family detached dwelling.

2. Convent, monastery and religious retreat.


4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.

5. Park, playground or community building owned or operated for recreational use by public agencies.

6. Public library.

7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

11. Agriculture (excluding the raising of any livestock).
(B) **Special Uses.** Subject to conditions and requirements of Article 8 as follows:

1. Cemeteries
2. Hospital
3. Nursery School
4. Planned Development
5. Police or Fire station
6. Museum
7. Non-commercial recreation
8. Public or private utility
9. Nursing home
10. Church or place of worship
11. Post office or government office

(Ordinance 79-064, 10.02.79)

(C) **Lot Size Requirements.**

1. Every single family detached dwelling shall be located on a lot having an area of not less than 12,000 square feet and a width at the established building line of not less than 85 feet.
2. The lot size requirements for all other permitted uses shall be the same as those in the E-R Estate Residence District.

(D) **Bulk Regulations.**

1. Maximum Structure Height: no building shall exceed two and one-half stories or 35 feet in height.
2. Maximum lot coverage:
   
   a. Single family dwellings: 30%  
   (Ordinance 94-059, 05.24.94)
   
   b. All other permitted uses: 30%
3. Yard Requirements:
   
   a. Minimum front yards:
      
      (1) Single family dwellings: 30 feet
      
      (2) All other permitted uses: 50 feet
   
   b. Minimum side yards:
      
      (1) Single family dwellings: 10 feet
      
      (2) Schools as permitted in this District: 50 feet
      
      (3) All other permitted uses: 25 feet
c. Minimum corner side yards:
   (1) Single family dwelling: 30 feet
   (2) Schools as permitted in this District: 50 feet
   (3) All other permitted uses: 35 feet

d. Minimum rear yard:
   (1) Single family dwelling: 40 feet
   (2) Schools as permitted in this District: 75 feet
   (3) All other permitted uses: 60 feet

e. Minimum rear yard - Double frontage lots
   (1) Single family dwelling: 55 feet

4. Minimum open space requirement: (Ordinance 00-071, 04.25.00)
   a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Density. For plats of subdivision filed hereafter which contain ten or more acres, the density for single family dwellings shall not exceed 2.5 dwelling units per gross acre.

(F) Dwelling Standards. The dwelling standards shall be the same as required in the E-R Estate Residence District.

(G) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be 20 acres.

SECTION 4-104. R-3 SINGLE FAMILY RESIDENCE DISTRICT.

(A) Permitted Uses. (Ordinance 95-079, 05.09.95)
   1. Single family detached dwelling.
   2. Convent, monastery and religious retreats.
   4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.
   5. Park, playground or community building owned or operated for recreational use by public agencies.
   6. Public library.
7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

11. Agriculture (excluding the raising of any livestock).

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows: (Ordinance 95-079, 05.09.95)

1. Cemetery
2. Hospital
3. Nursery school
4. Planned Development
5. Police or fire station
6. Museum
7. Commercial recreation
8. Public or private utility
9. Nursing home
10. Church or place of worship
11. Post office or government office

(C) Lot Size Requirements.

1. Every single family detached dwelling shall be located on a lot having an area of not less than 9,250 square feet and shall have a width at the established building line of not less than 75 feet and in no case shall a lot be less than 120 feet in depth. (Ordinance 03-117, 09.09.03)

2. The lot size requirements for all other permitted uses shall be the same as those in the E-R Estate Residence District.

(D) Bulk Regulations.
1. Maximum structure height: no building shall exceed two and one-half stories or 35 feet in height.

2. Maximum lot coverage:
   a. Single family dwelling: 35%  
      (Ordinance 94-059, 05.24.94)
   b. All other permitted uses: 30%

3. Yard requirements:
   a. Minimum front yards: (Ordinance 95-079, 05.09.95)
      (1) Single family dwelling: 30 feet provided that one-half the homes may be allowed 25 foot front yards and further provided that no two 25 foot front yards may be adjacent to each other. Applications for 25 foot set backs must be accompanied by plats for the adjacent lots proving that the adjacent lots have the required 30 foot front yards.
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 35 feet
   b. Minimum side yards:
      (1) Single family dwelling: 8-1/2 feet
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 25 feet
   c. Minimum corner side yard:
      (1) Single family dwelling: 25 feet (Ordinance 93-042, 04.27.93)
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 35 feet
   d. Minimum rear yard:
      (1) Single family dwelling: 35 feet, except that, for a single family dwelling on a lot recorded prior to the passage of Ordinance 03-117, on 09.09.03, the minimum setback shall be 30 feet. (Ordinance 05-066, 06.14.05)
      (2) Schools as permitted in this District: 75 feet
      (3) All other permitted uses: 60 feet
   e. Minimum rear yard - Double frontage lots:
      (1) Single family dwelling: 50 feet

4. Minimum open space requirement: (Ordinance 00-071, 04.25.00)
a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Density. For plats of subdivision filed hereafter which contain ten or more acres, the density for the single family dwellings shall not exceed 3.0 dwelling units per gross acre.

(F) Dwelling Standards.

1. Every one story dwelling shall have a gross floor area at grade of not less than thirteen hundred (1,300) square feet, measured from the outside of the exterior walls, including utility rooms but excluding cellars, basements, open porches, breezeways, garages and other spaces that are not used for living, eating or sleeping purposes. (Ordinance 86-0167, 11.25.86)

2. Every two story dwelling shall have a first story floor area of not less than nine hundred (900) square feet measured from the outside of the exterior walls of said first story including utility rooms but excluding cellars, unfinished basements, open porches, breezeways, garages and spaces that are not used for living, eating or sleeping purposes. (Ordinance 86-067, 11.25.86)

3. Every dwelling other than a one story or a two story dwelling shall have a first story floor area of not less than eleven hundred (1,100) square feet and a gross floor area of not less than fifteen hundred (1,500) square feet measured from the outside of the exterior walls of said first story including utility rooms but excluding cellars, unfinished basements, open porches, breezeways, garages and spaces that are not used for living, eating or sleeping purposes. (Ordinance 86-067, 11.25.86)

(G) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be 20 acres.

SECTION 4-105. R-4 SINGLE FAMILY RESIDENCE - ATTACHED - LOW DENSITY.

(A) Permitted Uses: (Ordinance 95-079, 05.09.95)

1. Single family dwelling (attached - maximum two units per building).

2. Convent, monastery and religious retreat.


4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.

5. Park, playground or community building owned or operated for recreational use by public agencies.

6. Public library.

7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows:
(Ordinance 95-079, 05.09.95)

1. Cemeteries
2. Hospital
3. Nursery school
4. Planned Development
5. Police or fire station
6. Museum
7. Non-commercial recreation
8. Public or private utility
9. Nursing home
10. Church or place of worship
11. Post office or government office

(C) Lot Size Requirements:

1. Attached dwelling:
   a. Minimum lot area: 12,000 square feet (6,000 per dwelling)
   b. Minimum lot width: 100 feet (50 feet per dwelling)

2. Other uses - same as E-R District

(D) Bulk Regulations:

1. Yard requirements:
   a. Minimum front yards:
      (1) All residential: 30 feet
      (2) All other permitted uses: 50 feet
   b. Minimum side yards:
(1) Single family - attached: 12.5 feet
(2) Schools as permitted in this District: 50 feet
(3) All other permitted uses: 25 feet

2. Maximum lot coverage:
   a. Single family attached: 40%

3. Minimum open space requirement: (Ordinance 00-071, 04.25.00)
   a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Density:

1. Single family attached - maximum 5.0 dwelling units/gross acre.

(F) Dwelling standards: Minimum floor area per dwelling unit, measured from the outside of the exterior walls, excluding utility rooms, cellars, basements, open porches, breezeways, garages, and other spaces not used during extended periods for living, eating, or sleeping purposes.

1. Single family attached:
   a. 3 or more bedrooms - 1,300 square feet
   b. Under 3 bedrooms - 1,100 square feet

(G) Minimum contiguous area - 10 acres
SECTION 4-106. R-5 SINGLE FAMILY RESIDENCE - ATTACHED - HIGH DENSITY.

(A) Permitted Uses: (Ordinance 95-079, 05.09.95)

1. Single family dwelling (attached - maximum eight units per building).
2. Convent, monastery and religious retreat.
4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.
5. Park, playground or community building owned or operated for recreational use by public agencies.
6. Public library.
7. Public open land, refuge or preserve.
8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.
10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows: (Ordinance 95-079, 05.09.95)

1. Cemeteries
2. Hospitals
3. Nursery school
4. Planned Development
5. Police or fire station office
6. Museum
7. Non-commercial recreation
8. Public or private utility
9. Nursing home
10. Church or place of worship
11. Post office or government

(C) Lot Size Requirements:

1. All structures or buildings shall be located on a lot which provides a minimum area per dwelling unit of 2,500 square feet provided, however, that in no event shall the
minimum lot area be less than 10,000 square feet and the minimum width at the established building line be less than 90 feet.

2. The lot size requirements for all other permitted uses shall be the same as those in the E-R Estate Residence District.

(D) Bulk Regulations:

1. Residential uses:
   a. Minimum front yard: 30 feet
   b. Minimum side yards:
      (1) interior - none
      (2) corner - 30 feet
   c. Minimum rear yard: 30 feet
   d. Minimum rear yard - Double frontage lots: 50 feet
   e. Minimum building separations:
      (1) Front to front, rear to rear, or front to rear - 60 feet
      (2) End to End - 30 feet
      (3) Front to end, rear to end - 30 feet
      (4) Corner to corner - 30 feet

2. Schools as permitted in this district:
   a. Minimum front yard - 50 feet
   b. Minimum side yards - 50 feet
   c. Minimum rear yard - 75 feet

3. All other permitted uses:
   a. Minimum front yard - 50 feet
   b. Minimum side yards:
      (1) Interior - 25 feet
      (2) Corner - 35 feet
   c. Minimum rear yard - 60 feet

4. Minimum open space requirement: (Ordinance 00-071, 04.25.00)
a. A minimum area devoted to green open space and landscaping shall be equal to fifty percent (50%) of the gross area of the site.

(E) Maximum floor area ratio - .7

(F) Density - maximum seven (7) units/gross acre

(G) Dwelling Standards:

1. 3 or more bedrooms - 1,100 square feet
2. under 3 bedrooms - 950 square feet

(H) Minimum Contiguous Area - 10 acres

SECTION 4-107. R-6 MULTIPLE FAMILY RESIDENTIAL - LOW DENSITY.

(A) Permitted Uses: (Ordinance 95-079, 05.09.95)

1. Multiple family dwelling (maximum 8 units per building).
2. Convent, monastery and religious retreat.
4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.
5. Park, playground or community building owned or operated for recreational use by public agencies.
6. Public library.
7. Public open land, refuge or preserve.
8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.
10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

(B) Special Uses. Subject to the requirements and conditions of Article 8 as follows:
(Ordinance 95-079, 05.09.95)

1. Cemeteries
2. Hospital
7. Non-commercial recreation
8. Public or private utility
3. Nursery school
4. Planned Development
5. Police or fire station
6. Museum
9. Nursing home
10. Church of place of worship
11. Post office or government office

(C) **Lot Size Requirements.**

1. All structures or buildings shall be located on a lot which provides a minimum area per dwelling unit of 2,500 square feet provided, however, that in no event shall the minimum lot area be less than 10,000 square feet and the minimum width at the established building line be less than 90 feet.

2. The lot size requirements for all other permitted uses shall be the same as those in the E-R Estate Residence District.

(D) **Bulk Regulations:**

1. Yard requirements:
   a. Minimum front yards:
      (1) Residential buildings: 30 feet; however, for buildings which exceed 25 feet in height, the minimum front yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 25 feet, but in no case shall a front yard of more than 40 feet be required.
      (2) All other permitted uses: 50 feet
   b. Minimum side yards:
      (1) Multiple family dwelling: 10 feet, except that for all structures in excess of two stories each side yard shall be increased two feet for each additional story.
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 25 feet
   c. Minimum corner side yard:
      (1) Residential uses: 30 feet
      (2) Schools as permitted in this District: 50 feet
      (3) All other permitted uses: 35 feet
   d. Minimum Rear Yard:
      (1) Multiple family dwelling: 25 feet; however, for buildings which exceed 25 feet in height, the minimum rear yard shall be increased by
one foot for each two feet or fraction thereof by which the buildings height exceeds 25 feet, but in no case shall a rear yard of more than 35 feet be required.

(2) Schools as permitted in this District: 75 feet

(3) All other permitted uses: 60 feet

e. Minimum rear yard - Double frontage lots:

(1) Multiple family dwelling - 40 feet

f. Minimum building separations:

(1) Front to front, rear to rear, front to rear - 50 feet

(2) end to end - 30 feet

(3) front to end, rear to end - 30 feet

(4) corner to corner - 20 feet

2. Maximum floor area ratio: 0.70

(E) **Density:** Maximum eight (8) units per gross acre

(F) **Dwelling Standards:**

(1) 3 bedroom unit - 1,000 square feet

(2) 2 bedroom unit - 850 square feet

(3) 1 bedroom unit - 700 square feet

(G) **Minimum Contiguous Area:** 10 acres

SECTION 4-108. **R-7 MULTIPLE FAMILY RESIDENTIAL - HIGH DENSITY.**

(A) **Permitted Uses:** (Ordinance 95-079, 05.09.95)

1. Multiple family dwelling.

2. Convent, monastery and religious retreat.


4. Golf course, except miniature courses, putting greens or practice driving tees operated for commercial purposes separate from a golf course.

5. Park, playground or community building owned or operated for recreational use by public agencies.

6. Public library.
7. Public open land, refuge or preserve.

8. Public school, elementary, high, junior college, college or university or private school having a curriculum substantially identical to that ordinarily given in a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

9. Accessory uses, temporary uses, home occupations and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the Sign Ordinance.

10. Private swimming pool, accessory to a residential use, provided that said pool shall not be located in a required front or side yard.

(B) Special Uses. Subject to the conditions and requirements of Article 8 as follows: (Ordinance 95-079, 05.09.95)

1. Cemeteries
2. Hospital
3. Nursery school
4. Planned Development
5. Police or fire station
6. Museum
7. Non-commercial recreation
8. Public or private utility
9. Nursing home
10. Church or place of worship
11. Post office or government office

(C) Lot Size Requirements:

1. All structures or buildings shall be located on a lot which provides a minimum area per dwelling of 2,000 square feet provided, however, that in no event shall the minimum lot area be less than 8,000 square feet and the minimum width at the established building line be less than 70 feet. Any room other than a kitchen, bath, dining or living room shall be considered as a bedroom for purposes of determining the above requirements for lot area per dwelling unit.

2. The lot size requirements for all other permitted uses shall be the same as those in the E-R Estate Residence District.

(D) Bulk Regulations.

1. Yard requirements:
   a. Minimum front yards:
      (1) Residential buildings: 30 feet, however, for buildings which exceed 25 feet in height, the minimum front yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 25 feet, but in no case shall a front yard of more than 40 feet be required.
      (2) All other permitted uses: 50 feet
b. Minimum side yards:

(1) Multiple family dwelling: 10 feet except that for structures in excess of two stories each side yard shall increase two (2) feet for each additional story.

(2) Schools as permitted in this District: 50 feet

(3) All other permitted uses: 25 feet

c. Minimum corner side yard:

(1) Residential uses: 30 feet

(2) Schools as permitted in this District: 50 feet

(3) All other permitted uses: 35 feet

d. Minimum rear yard:

(1) Multiple family dwelling: 25 feet; however, for buildings which exceed 25 feet in height, the minimum rear yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 25 feet, but in no case shall a rear yard of more than 35 feet be required.

(2) Schools as permitted in this District: 75 feet

(3) All other permitted uses: 60 feet

e. Minimum rear yard - Double frontage lots:

(1) Multiple family dwelling: 40 feet

f. Minimum building separations: Same as R-6 District

2. Maximum floor area ratio: 1.0

(E) Density: Maximum twelve (12) units per gross acre

(F) Dwelling Standards: Same as R-6 District

(G) Minimum Contiguous Area: 10 acres

(H) Map Amendments: No application to reclassify any territory to R-7 Multiple Family Residential - High Density shall be accepted after April 14, 1992. (Ordinance 92-058, 06.09.92
### SECTION 4-109, SUMMARY OF RESIDENTIAL DISTRICT REGULATIONS

(3/2005)

<table>
<thead>
<tr>
<th>Density</th>
<th>Area (feet**)</th>
<th>Width (feet)</th>
<th>Front (feet)</th>
<th>Rear (feet)</th>
<th>Rear Dbl. Front (feet)</th>
<th>Side (fl.) (feet)</th>
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<th>Lot Coverage</th>
<th>F.A.H.</th>
<th>Height of Structure</th>
<th>Dwelling Standards (feet**)</th>
<th>Gross Density (D.U./ACRE)</th>
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<td>E-R SFD</td>
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<td>Split Level: 1,200 1st fl.: 1,600 total 2-story: no standard</td>
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<td>50</td>
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<td>1,300 - 3 bedroom/&gt; 3 bedroom 1,100 - &lt; 3 bedroom</td>
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<td>12.0</td>
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*Rear yard shall be increased by 1 ft. for each 2 ft. or fraction thereof by which the building height exceeds 25 ft., to a max. of 35 ft.*

**For all structures in excess of 2 stories, each side yard shall be increased 2 ft. for each additional story.

***Front yard shall be increased by 1 ft. for each 2 ft. or fraction thereof by which the building height exceeds 25 feet, to a max. of 40 ft.

NOTE: R-3 AREA & REAR FIGURES CHANGED BY ORDINANCE 03-117, 09.09.03

### BUILDING SEPARATIONS

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<td>End/end</td>
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<tr>
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<tr>
<td>Corner/corner</td>
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</table>
PART 2 - BUSINESS DISTRICTS.

SECTION 4-200. RESTRICTION ON BUSINESS USE HOURS/SPECIAL USE
(Changed in its entirety by Ordinance 02-093, 08.13.02)

(A) Notwithstanding anything to the contrary set forth in this Chapter 29, no business use shall be open to the public between the hours of 10:00 p.m. and 5:00 a.m. daily unless a special use permit for extended hours has been approved by the Village Board of Trustees under Article 8 or 9 of this Chapter.

(B) The foregoing restriction on business hours shall apply to businesses located in buildings or structures or units thereof for which a certificate of occupancy has been issued on or before September 1, 2002.

(C) For businesses located in buildings or structures or units thereof for which a certificate of occupancy has been issued before September 1, 2002 and after November 1, 2000, no business use shall be open to the public between the hours of 10:00 p.m. and 5:00 a.m. daily unless a special use permit for extended hours has been approved by the Village Board of Trustees under Article 8 or 9 of this Chapter.

(D) The foregoing restrictions on business hours shall not apply to preexisting businesses, i.e., businesses located in buildings or structures or units thereof for which a certificate of occupancy has been issued on or before November 1, 2000.

The Village Clerk shall cause all business licenses issued to businesses to which the foregoing business hour restrictions apply to have the restriction on hours included on the face of such license, and the Zoning Administrator shall cause the restriction to be placed on the face of the certificate of occupancy.

SECTION 4-201. B-1 LOCAL RETAIL DISTRICT.

(A) Permitted Uses. (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Apparel store
2. Appliance repair and servicing
3. Barber and beauty shops
4. Book, stationery and newspaper store
5. Catering Services
6. Cellular telephone, pager and beeper sales
7. Churches and other places of religious worship
8. Dressmaking and tailoring
9. Pharmacy, when accessory to a Department Store or Dry Goods store, but not including Medical Marijuana Dispensary (Ordinance 14-028, 04.22.14)
10. Equipment rental establishment
11. Florists sales
12. Furniture repair, finishing shop
13. Grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens, retail food lockers and frozen food stores, including locker rental in conjunction therewith
14. Hardware store
15. Library
16. Locksmith
17. Music, musical instrument and record/compact disc store.
18. Shoe and hat repair shop
19. Accessory uses, temporary uses and signs as permitted by Article 5 and off-street parking as permitted by Article 6 and signs as permitted by the sign ordinance.

(B) Special Uses. Subject to conditions and requirements of Article 8, as follows:
(Changed in its entirety by Ordinance 12-013, 02.28.12)
1. Cleaning, pressing and dyeing, retail
2. Day care center, nursery school
3. Laundry, retail
4. Liquor store, package goods only
5. Museum and art gallery
6. Non-commercial recreation
7. Planned development
8. Police and fire stations
9. Post office or government offices
10. Shopping center, as defined
11. Summer theater
12. Utility company
13. Video sales and/or rentals

(C) Bulk Regulations. (Ordinance 95-079, 05.09.95)
1. Maximum structure height: 40 feet
2. Maximum lot coverage: 35%
3. Yard requirements:

a. Minimum front and corner side yard: 30 feet, for structures, parking areas and vehicular use areas except as provided in Subsection "d".

b. Minimum side yard: 10 feet for structures, parking areas and vehicular use areas, except as provided in subsection "d".

c. Minimum rear yard:

   (1) Structures: 20 feet, except as provided in Subsection "d".

   (2) Parking areas and vehicular use areas: 10 feet, except as provided in Subsection "d".

d. Transitional yards:

   (1) Where a side lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.

   (2) Where a rear lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such rear or side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.

   (3) Where a rear or side lot line of any use permitted in this District lies across the street from the front yard of structures located in a Residence District, then a landscaped yard shall be provided along such rear or side lot line that is not less than 30 feet in depth.

   (4) Where the extension of a front or side lot line of any use permitted in this District coincides with the front lot line of an adjacent lot located in a Residence District, a landscaped yard equal in depth to the minimum front yard required by this Ordinance on such adjacent lot in the Residence District shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the Residence District.

   (5) Sightproof screening shall be provided for all transitional yards adjoining Residence Districts.

   (6) See Article 7 for details on screening and landscaping requirements.
Conditions of Use. (Ordinance 10-012, 03.23.10)

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold in a retail manner on the premises where produced.

2. All business, servicing, storage and display of goods, including bedding plants and flowers in season, may be displayed outside the principal structure, provided that their location does not interfere with adequate and safe pedestrian and vehicular ingress and egress.

3. No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption in motor vehicles parked on the premises.

4. There shall be no manufacture, processing or treatment of products other than what is clearly accessory or essential to the retail business conducted on the premises.

5. All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in Section 4-303 for the I-1 Limited Industrial District.

6. Landscaping shall be provided as required in Article 7.

Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be two acres.

Minimum Lot Width. Each business and commercial structure shall be located on a lot that has a minimum width of one hundred (100) feet as measured at the front lot line. (Ordinance 75-65, 7.15.75)

SECTION 4-202. B-2 COMMUNITY RETAIL DISTRICT.

Permitted Uses. (Amended by Ordinance 20-001, 01.14.20)

1. Apparel store

2. Art and school supply store

3. Barber and beauty shops, including nail and tanning salons

4. Bicycle sales

5. Book, stationery and newspaper store

6. Business and professional offices, not including currency exchanges, personal loan agency, deferred deposit lender and other financial institutions

7. Camera shop

8. Carpet, rug and linoleum store

9. Catalog sales office for mail order store

10. Cellular telephones, pagers and beepers sales
9 11. Department store
10 12. Pharmacy, when accessory to a Department Store or Dry Goods store, but not including Medical Marijuana Dispensary
11 13. Dry goods store, retail
12 14. Electrical and household appliance stores, including radio and television sales
13 Floor covering sales
14 15. Furniture store
15 16. Furnace, water heater, electrical, plumbing, water softening equipment, sales
16 17. Furrier shops, including the incidental storage and conditioning of furs
17 18. Florists sales
18 19. Garden store
19 20. Grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens, retail food lockers and frozen food stores, including locker rental in conjunction therewith
20 21. Gift shop
21 22. Hardware store
22 23. Hearing aids
23 24. Hobby shop
24 25. Home improvement centers
25 26. Household furnishing shop
26 27. Interior decorating retail shop
27 28. Jewelry, including watch sales
28 29. Junior department store or variety store
30 Medical and dental clinics, not including medical marijuana dispensary center clinics
29 31. Millinery sales
30 32. Music, musical instrument and record/compact disc store
31 33. Office equipment and supplies, retail
32 34. Paint and wallpaper store
33 35. Pet shop
34 36. Pet shop
3436. Photography studio
3537. Picture frame shop
3638. Restaurants, tearooms; (sit-down)
3739. Shoe store
3840. Sporting goods
3941. Toy store

4042. Accessory uses, temporary uses and signs as permitted by Article 5 and the sign ordinance, off-street parking as permitted by Article 6.

(B) Special Uses.
1. Animal hospital
2. Auction house
3. Automobile parking garage or lot
4. Auto parts and accessory store
5. Auto service, rental, sales and supplies
6. Boat sales, rental, service and storage
7. Car wash

8. Cigar, cigarette, tobacco store, including other smoking materials as defined but excluding medical marijuana
9. Cleaning, pressing and dyeing, retail
10. Commercial recreation

11. Dance hall, discotheque, Banquet hall, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or any eating or drinking establishment which has live entertainment, fashion shows, and/or dancing

12. Drive-through and carry-out restaurant

13. Drive-thru window lane

14. Game rooms and amusement centers; where the primary business relates to electronic or manual games including, but not limited to pinball machines, video games and the like, or where any business use has ten (10) or more amusement machines or devices as ancillary activities to the principal business at the site

15. Gas station, subject to the standards set forth in Section 4-203(8)
1516. Gun sales, service and supplies
1617. Laundry, retail
1718. Liquor store, package goods only
1819. Off track betting establishment
1920. Outdoor sidewalk cafes and outdoor garden cafes conducted accessory to indoor establishments or as freestanding, independent entities
2021. Planned development
2122. Sale/rental of new and previously owned videos, video games, video systems, DVDs, and accessories.
2223. Structures over 40 feet in height
2324. Summer theater
2425. Video sales and/or rentals

(C) Bulk Regulations. (Ordinance 95-079, 05.09.95)

1. Maximum height: 40 feet, except that structures in excess of 40 feet may be permitted pursuant to a special use permit issued in accordance with Article 8 of this Ordinance. (Ordinance 96-070, 06.25.96)

2. Maximum lot coverage: 35%

3. Yard requirements:
   a. Minimum front and corner side yard: 30 feet for structures, parking areas and vehicular use areas.
   b. Minimum side yard: 10 feet for structures, parking areas and vehicular use area.
   c. Minimum rear yard:
      (1) Structures: 20 feet
      (2) Parking areas and vehicular use areas: 10 feet
   d. Transitional yards:
      (1) Where a side lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.
(2) Where a rear lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such rear or side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.

(3) Where a rear or side lot line of any use permitted in this District lies across the street from the front yard of structures located in a Residence District, then a landscaped yard shall be provided along such rear or side lot line that is not less than 30 feet in depth.

(4) Where the extension of a front or side lot line of any use permitted in this District coincides with the front lot line of an adjacent lot located in a Residence District, a landscaped yard equal in depth to the minimum front yard required by this Ordinance on such adjacent lot in the Residence District shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the Residence District.

(5) Sightproof screening shall be provided for all transitional yards adjoining Residence Districts.

(6) See Article 7 for details on screening and landscaping requirements.

(D) Conditions of Use. The regulations governing conditions of use in the B-1 Local Retail District shall apply, except that, cafes accessory to an enclosed restaurant are permitted without being fenced. Garden stores are permitted, provided that they are completely fenced. (Ordinance 76-083, 07.27.76)

(E) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be five (5) acres.

(F) Minimum Lot Width. Each business and commercial structure shall be located on a lot that has a minimum width of one hundred (100) feet as measured at the front lot line. (Ordinance 75-065, 07.15.75)

SECTION 4-203. B-3 HIGHWAY COMMERCIAL DISTRICT.

(A) Permitted Uses: (Amended by Ordinance 20-001, 01.14.20)

1. Apparel store

2. Art and school supply store

3. Antique sales

4. Barber and beauty shops, including nail and tanning salons

45. Bicycle sales

56. Book, stationery and newspaper store

67. Boat sales and storage
8. Business and professional offices, not including currency exchanges, personal loan agency, deferred deposit lender and other financial institutions.

79. Camera shop

810. Carpet, rug and linoleum store

911. Cellular telephones, pagers and beepers sales

1012. Cigar, cigarette, tobacco store, including other smoking materials as defined, but excluding Medical Marijuana

1113. Pharmacy, when accessory to a Department Store or Dry Goods store, but not including Medical Marijuana Dispensary

1214. Department store

1315. Dry goods store, retail

1416. Electrical and household appliance stores, including radio and television sales

1517. Floor covering sales

1618. Florists sales

1719. Furniture store

1820. Furnace, water heater, electrical, plumbing, water softening equipment, sales

1921. Furrier shops, including the incidental storage and conditioning of furs

2022. Garden store, garden center, greenhouse, nursery sales

2123. Gift shop

2224. Grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens retail food lockers and frozen food stores, including locker rental in conjunction therewith

2325. Hearing aids

2426. Hobby shop

2527. Home improvement centers

2628. Household furnishing shop

2729. Hardware stores

2830. Interior decorating retail shop

2931. Jewelry, including watch sales
3032. Junior department store or variety store

33. Medical and dental clinics, not including medical marijuana dispensary center clinics

3034. Millinery sales

3135. Music, musical instrument and record/compact disc store

3236. Office equipment and supplies, retail

3337. Paint and wallpaper store

3438. Pet shop

3539. Photography studio

3640. Picture frame shop

3741. Post office, governmental office

3842. Recreational vehicle sales, including rental, supplies, storage and service when conducted as part of the retail operations and secondary to the principal use

3943. Restaurants, tearooms: sit-down

4044. Shoe store

4145. Sporting goods

4246. Toy store

4347. Accessory uses, temporary uses and signs as permitted by Article 5 and the sign ordinance, off-street parking as permitted by Article 6

(B) Special Uses. (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Airport
2. Amphitheater, concert hall
3. Auction house
4. Auto parts and accessory store that include installation services for the products sold

5. Automobile and motorcycle sales, rental, supplies and service
6. Car wash
7. Cleaning, pressing and dyeing, retail
8. Commercial recreation
9. Currency exchange
10. Crane and related parts, sales, service, storage and rental
11. Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or any eating or drinking establishment which has live entertainment, fashion shows, and/or dancing

12. Deferred deposit lender and other financial institutions

13. Drive-thru window lane

14. Equipment (heavy/construction related) sales, supplies, storage and service

15. Game rooms and amusement centers where the primary business relates to electronic or manual games including, but not limited to, pinball machines, video games and the like, or where any business use has ten (10) or more amusement machines or devices as ancillary activities to the principal business at the site

16. Gasoline service station, subject to the following standards:
   a. **Design.** Except where permitted in the B-3 Highway Commercial District, an automobile service station shall be designed and developed in conjunction, and compatible with, a larger development such as a shopping center, traveler complex, or auto service center. For all automobile service stations, the location and arrangement of buildings, parking lots, walks, lighting, and signs shall be adjusted to the surrounding land uses. Any part of an automobile service station not used for buildings, parking, or access ways shall be landscaped with grass, trees, or shrubs, including but not limited to the landscape requirements set forth in Article 7.
   
   b. **Lighting.** All outside lighting shall be so arranged and shielded as to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or residential properties. Lights shall be low-level, indirect and diffused.
   
   c. **Display of Merchandise.** All automotive merchandise, material or equipment except oil products, shall be displayed or stored within a building, provided that such merchandise, material or equipment may be displayed outside on portable units in good condition, limited to two per pump island, but not more than one tire display per pump island and not more than six units per lot. All such units shall be located in compliance with the setback requirements for pump islands as set forth in Section (d) hereof.
   
   d. **Setback Line.** Each lot shall have a minimum yard of 30 feet from all street lines abutting a right-of-way and 10 feet from all other yards, except that pump islands located parallel to the street may be located within such yards, provided they are set back at least 25 feet.
   
   e. **Screening and Landscaping** shall be provided as required in Article 7.
   
   f. **Signs.** Each service station shall be allowed signage as specified in Article 5 of the Zoning Ordinance. (Ordinance 96-070, 06.25.96)
   
   g. **Access Ways.** Each service station shall have not more than two access ways to any one street. Each access way shall comply with the following requirements:
(1) No access way shall be nearer than ten (10) feet from an interior lot line nor nearer than thirty (30) feet to the intersection of any two street right-of-way lines.

(2) Access ways shall be a minimum of 35 feet at its intersection with the curb line.

h. Operations. Operations permitted outside an enclosed building shall be limited to:

(1) the retail sale of petroleum products
(2) the supply of air and water
(3) installation of minor accessories, windshield blades and arms, gas caps, lamps, lamp globes and the performance of minor repair jobs
(4) the rental of for-hire trucks

17. Gun sales, supplies and service
18. Laundry, retail
19. Liquor store, package goods only
20. Museum or art gallery
21. Outdoor sidewalk cafes and outdoor garden cafes conducted accessory to indoor establishments or as freestanding, independent entities
22. Planned development
23. Restaurant carry-out, drive-in or drive-through
24. Structures over 50 feet
25. Tire retreading and storage
26. Truck/truck tractor/trailer sales, rental, supplies and storage
27. Vending machines
28. Video sales and/or rentals

(C) Bulk Regulations. (Ordinance 95-079, 05.09.95)
1. Maximum floor area ratio: 0.50
2. Maximum lot coverage: 30%
3. Yard requirements:
a. Minimum front and corner side yard: 30 feet for structures, parking areas and vehicular use areas.

b. Minimum side yard: 10 feet for structures, parking areas and vehicular use areas.

c. Minimum rear yard: 10 feet for structures, parking areas and vehicular use areas.

d. Transitional yards:

(1) Where a side lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.

(2) Where a rear lot line coincides with a side or rear lot line of property in an adjacent Residence District, a landscaped yard shall be provided along such rear or side lot line. Such yard shall be equal in dimensions to the minimum rear yard which would be required under this Ordinance for a residential use on the adjacent property in the Residence District.

(3) Where a rear or side lot line of any use permitted in this District lies across the street from the front yard of structures located in a Residence District, then a landscaped yard shall be provided along such rear or side lot line that is not less than 30 feet in depth.

(4) Where the extension of a front or side lot line of any use permitted in this District coincides with the front lot line of an adjacent lot located in a Residence District, a landscaped yard equal in depth to the minimum front yard required by this Ordinance on such adjacent lot in the Residence District shall be provided along such front or side lot line for a distance of at least 25 feet, including the width of any intervening alley, from such lot in the Residence District.

(5) Sightproof screening shall be provided for all transitional yards adjoining Residence Districts.

(6) See Article 7 for details on screening and landscaping requirements.

4. Maximum height: 50 feet, except that structures in excess of 50 feet may be permitted pursuant to a special use permit issued in accordance with Article 8 of this Ordinance.

(D) Conditions of Use.

1. The regulations governing conditions of use in the B-1 Local Retail District shall apply.

2. Drive-in establishments offering food or services directly to customers waiting in parked motor vehicles shall screen the space allocated for customer’s motor vehicles, if such establishment abuts a residential district.
3. The outdoor storage of recreational vehicles shall be permitted.

(E) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be five acres.

SECTION 4-204. B-4 COMMERCIAL URBAN REDEVELOPMENT DISTRICT.  
(Added by Ordinance 84-049, 10.09.84)

(A) Permitted Uses. (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Art gallery, art studio, sales
2. Art and school supply store
3. Apparel store
4. Bank
5. Bicycle sales
6. Book, stationery and newspaper store
7. Camera shop
8. Carpet, rug and linoleum store
9. Catalog sales office for mail order store
10. Cellular telephones, pagers and beepers sales
11. Cigar, cigarette, tobacco store, including other smoking materials as defined, but excluding Medical Marijuana  (Ordinance 14-028, 04.22.14)
12. Commercial recreation
13. Community center for public use
14. Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, or any eating or drinking establishment which has live entertainment, fashion shows, and/or dancing
15. Department store
16. Dry goods store, retail
17. Electrical and household appliance stores, including radio and television sales
18. Pharmacy, when accessory to a Department Store or Dry Goods store, but not including Medical Marijuana Dispensary  (Ordinance 14-028, 04.22.14)
19. Florists sales
20. Floor covering sales
21. Furniture store
22. Furnace, water heater, electrical, plumbing, water softening equipment, sales
23. Furrier shops, including the incidental storage and conditioning of fur
24. Grocery stores, meat markets, bakeries, candy and ice cream shops, delicatessens, retail food lockers and frozen food stores, including locker rental in conjunction therewith
25. Gift shop
26. Garden store, garden center, greenhouse, nursery sales
27. Hardware store
28. Hearing aids
29. Hobby shop
30. Home improvement centers
31. Household furnishing shop
32. Interior decorating retail shop
33. Jewelry, including watch sales
34. Junior department store or variety store
35. Music, musical instrument and record/compact disc store
36. Millinery sales
37. Office equipment and supplies, retail
38. Paint and wallpaper store
39. Pet shop
40. Photography studio
41. Picture frame shop
42. Post office, governmental office
43. Restaurants, and tearooms: sit-down
44. Shoe store
45. Sporting goods
46. Tavern, night club, cocktail lounge
47. Toy store

48. Accessory uses, temporary uses and signs as permitted by Article 5 and the sign ordinance, off-street parking as permitted by Article 6.

(B) Special Uses. Subject to the conditions and requirements of Article 8, as follows: (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Amphitheater, concert hall

2. Automobile parking garage or lot

3. Automobile sales and ancillary service facilities

4. Auto parts and accessory store that includes installation services for the products sold.

5. Convention hall, exposition center

6. Cleaning, pressing and dyeing, retail

7. Currency exchange

8. Day care center, nursery school

9. Deferred deposit lender and other financial institutions

10. Drive-thru window lane

11. Game rooms, amusement centers; where the primary business relates to electronic or manual games, including, but not limited to, pinball machines, video games and the like, or where any business use has four or more amusement machines or devices.

12. Laundry, retail

13. Liquor store, package goods only

14. Medical clinic/hospital

15. Museum or art gallery

16. Motel/hotel

17. Outdoor sidewalk cafes and outdoor garden cafes conducted accessory to indoor establishments or as freestanding, independent entities

18. Planned development

19. Police or Fire Station

20. Public and private utility service and facilities, including but not limited to electric, telephone, radio, television and microwave transmissions, exchanges, substations, relay stations, towers, antennae, and any other distribution equipment.
21. Restaurant: carry-out, drive-in or drive-through

22. Sports stadium

23. Structures greater than 70 feet in height

24. Theater, enclosed

25. Vending machines

(C) **Bulk Regulations.**  (Ordinance 95-079, 05.09.95)

1. Maximum floor area ratio: 0.50

2. Maximum lot coverage: 30%

3. Yard Requirements:
   a. Minimum front yard: 30 feet
   b. Minimum Rear Yard: 10 feet for structures, parking areas and vehicular use areas.
   c. Minimum Side Yard: 10 feet for structures, parking areas and vehicular use areas.

4. Maximum height: 70 feet, except that structures in excess of 70 feet may be permitted pursuant to a special use permit issued in accordance with Article 8 of this Ordinance. (Ordinance 96-070, 06.25.96)

5. Minimum Lot Width: 100 feet

(D) **Minimum Contiguous Area.** For any land zoned in accordance with this section, the minimum contiguous area shall be 50 acres. (Ordinance 84-049, 10.09.84)

(E) **Conditions of Use.**

1. The regulations governing the conditions of use in the B-2 Community Retail District shall apply.

2. All exterior lighting, building and parking lot lights, and landscape lighting shall be directed away from adjacent highways, streets, and properties.
PART 3 - INDUSTRIAL DISTRICT REGULATIONS.

SECTION 4-301. I-1 LIMITED INDUSTRIAL DISTRICT.

(Changed in its entirety by Ordinance 10-065, 09.28.10)

(A) Permitted Uses.

1. Any manufacturing or industrial use involving production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conforms to the performance standards set forth in Section 4-303.

2. Wholesaling and warehousing: including local cartage and express facilities as well as motor freight terminals.

3. Public and community service uses as follows:
   a. Bus terminals, garages and lots
   b. Parks and recreation areas

4. Adult Uses:
   a. Adult bookstores, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, residentially zoned or used property, or place of religious worship.
   b. Adult entertainment cabarets, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, residentially zoned or used property, or place of religious worship.
   c. Adult mini-motion picture theaters, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, residentially zoned or used property, or place of religious worship.
   d. Adult motion picture theaters, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, residentially zoned or used property, or place of religious worship.

5. Massage establishments

6. Tattoo and body piercing establishments, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, residentially zoned or used property, or place of religious worship. (Ordinance 05-035, 04.12.05)

7. Crane and related parts, sales, service, storage and rental

8. Pawnbroker or pawnshop

9. Precious metal dealers
10. Secondhand stores

11. Medical Marijuana Dispensary Center or Clinic, subject to the following standards:
(Added in its entirety by Ordinance 14-028, 04.22.14)

   a. Such use shall not be allowed within 1,000 feet of the property line of a pre-
      existing public or private preschool, elementary school, secondary school,
      day school, day care center, day care home, group care home, part day child
      care facility, or an area used or zoned for residential use including but not
      limited to, cemetery, public park, library, place of worship, government
      buildings.

   b. Such use shall not be located within 1,000 feet of a retail package goods liquor
      store, bar and substance abuse treatment center.

   c. Such use shall be located in a permanent building and may not be located in
      a temporary structure, trailer, cargo container, motor vehicle or other similar
      non-permanent enclosure.

   d. The dispensary sales area that may be accessed by the patients or the public
      shall be limited to the distribution and sales of medical marijuana and related
      information and products for qualifying patients. There shall be no other retail
      or health care services provided from the dispensary sales area nor shall
      access to such services be provided from the dispensary sales areas.

   e. A dispensary may have more than one means of egress from the interior so as
      to meet building and life-safety codes; however, such facility shall have a
      single secure public entrance and shall implement appropriate security
      measures to deter and prevent theft of marijuana and unauthorized entrance
      into areas containing marijuana. The dispensary entrance shall be located and
      maintained clear of any barriers, landscaping, and similar obstructions that
      may block the view so that the entrance and pedestrian access is clearly
      visible from the public street, sidewalk and parking area.

   f. For the purpose of calculating the separation requirements, the distance
      shall be measured from the closest portion of the exterior surface of the wall
      of the building in which the medical marijuana is to be dispensed to the
      nearest point of the property line of the use requiring a minimum separation.

(B) Special Use. Subject to conditions and requirements of Article 8 as follows:

   1. Airport

   2. Amphitheater

   3. Flea market

   4. Health care special uses: health care uses including, but not limited to, the
      following:

      a. Assisted living facility

      b. Cancer diagnostic/treatment facility
c. Clinic or medical center
d. Community or recreation center
e. Congregate housing
f. Continuing care retirement community
g. Daycare center, child or adult
h. Education facilities
i. Group home
j. Helipad or heliport
k. Hospice
l. Hospital, general
m. Hospital, specialized
n. Immediate or long-term care facility
o. Independent living facility
p. Laboratory, medical
q. Medical imaging facility
r. Memory loss facility
s. Mental health center (set back a minimum of 200 feet from any residential zoning district)
t. Nursing home
u. Offices, corporate health care
v. Offices, medical support services
w. Offices, medical, dental, and/or optometry
x. Offices, non-profit foundations
y. Optical goods shop
z. Outpatient diagnostic and/or surgical facility
aa. Overnight facilities
bb. Park or conservation area
cc. Philanthropic and/or charitable institution

dd. Physical therapy facility

ee. Psychiatric, alcohol and/or narcotic treatment center (not to exceed 100 beds and set back a minimum of 200 feet from any residential zoning district)

ff. Religious institution

gg. Retirement home

hh. Skilled care facility (not to exceed 100 beds)

ii. Sports medicine facility

jj. Other related uses

5. Museum

6. Non-commercial recreation

7. Outdoor storage of cargo containers

8. Planned development

9. Police or fire station

10. Post office or government office

11. Public or private utility service and facilities, including but not limited to electric, telephone, radio, television and microwave transmissions, exchanges, substations, relay stations, towers, antennas, and any other distribution equipment.

12. Water filtration plant

13. Water pumping stations

14. Water Reservoirs

15. Freestanding office buildings

(C) Accessory uses:

1. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction

2. Health Care Permitted Accessory Uses: Uses or structures to any “Health Care Special Use” (see Section 4-301(B)(4) for which a Special Use Permit is granted hereunder shall be permitted including, but not limited to, the following: (Replaced in its entirety by Ordinance 14-028, 04.22.14)

   a. Automated teller machine (walk-up only)
b. Bus stop  
c. Cafeteria  
d. Flower shop  
e. Gift shop  
f. Healthcare accessories shop  
g. Newspaper, book, magazine or sundries shop  
h. Parking Structures (set back a minimum of 200 feet from any residential zoning district)  
i. Pedestrian walkways and bridges (enclosed and unenclosed) between buildings or Parking Structures (above-ground and underground)  
j. Pharmacy, not including Medical Marijuana Dispensary  
k. Utility connections between buildings or Parking Structures (above-ground and underground)  
l. Other related uses  

3. Off-street parking and loading, as permitted or required in Article 6.

(D) Conditions of Use.

1. All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified.

2. Open Storage: Within 150 feet of a residential district, all storage shall be in completely enclosed buildings or structures. Storage located elsewhere in this District may be opened to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight (8) feet high, but in no case lower in height than the materials to be stored. If stored materials are in excess of eight (8) feet in height, then landscape screening shall be provided, in addition to the fence or wall, along the outside perimeter of the fence or wall; equal or exceeding one-half (1/2) the height of the fence and materials to be stored. Open off-street loading facilities and off-street parking of motor vehicles weighing less than four tons (empty weight) may be unenclosed throughout the District except for such screening of parking and loading facilities as may be required by Article 6.

3. Landscaping shall be provided as required in Article 7.

4. Off-Street Parking and Loading: Off-street parking and loading spaces may be located in required side or rear yards. However, no driveways, parking, loading or other vehicular use area shall be located in any required transitional yard. No off-street parking or loading spaces may be located in a required front yard or a required corner side yard.

5. Underground Utility Systems: All utility lines, including power and telephone lines, shall be located underground.
6. Lighting: All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties. The developer shall submit a lighting plan which shall be reviewed by the Village Engineer.

7. Ingress and Egress: All streets which provide access to and from the District shall intersect a major secondary street as defined and designated on the Comprehensive Plan or intersect a street within an industrial district.

8. Maximum Impervious Coverage: The maximum amount of impervious coverage including building coverage, parking areas, loading areas and access drives, shall not exceed eighty percent (80%) of the gross area of any industrial site.

(E) Bulk Requirements.

1. (Changed in its entirety by Ordinance 11-001, 01.11.11) Maximum Building Height: No structure or portion thereof, excluding a mechanical penthouse structure, shall exceed a height of 42 feet. However, taller structures may be permitted as a special use in accordance with Section 8-102.

Exception: A portion of a building or space that is designated for special industrial processes shall be allowed to exceed the maximum height restriction of 42 feet, provided that the portion of the building or space meets the requirements of the Village of Bolingbrook Building Codes and Fire Codes, does not exceed 60 feet in height and meets any or all of the following criteria:

a. The portion of the building or space is used for testing of electrical equipment.

b. The portion of the building or space is used for the production of electricity, gas or steam power.

c. The portion of the building or space is required to have an unusual height for craneways.

d. The portion of the building or space is required to have an unusual height for the fabrication of structural metal.

e. The portion of the building or space is required to have an unusual height for the use of laboratory testing.

2. Minimum Lot Area: 20,000 square feet

3. Minimum Contiguous Area: 10 acres

4. Minimum Lot Frontage: 100 feet on interior roads; 125 feet on exterior roads which service adjacent non-industrial uses.

5. Yard Requirements:
   a. Minimum front and corner side yard:
      1. Structures: 1.5 times the building height with a minimum setback of 35 feet.
      2. Parking areas and vehicular use areas: 35 feet
   b. Minimum rear yard:
1. Structures: 25 feet
2. Parking areas and vehicular use areas: 10 feet

   c. Minimum side yard: One side not less than 10 feet and the other side not less than 25 feet for structures and not less than 10 feet for parking areas and vehicular use areas.

   d. Transitional Yard: Yards adjacent to residential district shall not be less than 50 feet and shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building exceeds 35 feet in height.

6. Minimum open space requirements: A minimum area to be devoted to green open space and landscaping shall be equal to twenty percent (20%) of the gross area of the site.

7. Health Care Bulk Requirements: The following bulk requirements shall govern any Health Care Special Uses for which a Special Use Permit is granted hereunder:

   a. Maximum Building Height: No structure or portion thereof, excluding a mechanical penthouse structure, shall exceed a height equal to the greater of six (6) stories or one-hundred ten (110) feet.

   b. Yard Requirements:

   i. Minimum front and corner side yard:

      (a) Structures: fifty (50) feet
      (b) Parking areas and vehicular use areas: thirty-five (35) feet

   ii. Minimum rear yard:

      (a) Structures: fifty (50) feet
      (b) Parking areas and vehicular use areas: thirty-five (35) feet

   iii. Minimum side yard:

      (a) Structures: thirty-five (35) feet
      (b) Parking areas and vehicular use areas: thirty-five (35) feet

   iv. Minimum transitional yard (adjacent to a residential district):

      (a) Structures: one hundred (100) feet
      (b) Parking areas and vehicular use areas: fifty (50) feet

   c. Minimum open space requirements: A minimum area to be devoted to green open space and landscaping shall be equal to twenty (20) percent of the gross area of the site.

   d. Multiple Uses and Buildings on a Single Lot. More than one (1) principal use and one (1) principal building may be located on a single lot or area zoned under this district. There shall be a minimum distance of thirty (30) feet between buildings located on the same lot or area zoned under this district.

   e. Maximum Floor Area Ratio: 0.50 calculated for the entire area under common ownership or control at the time of classification under this district.
SECTION 4-302. I-2 GENERAL INDUSTRIAL DISTRICT.
(Changed in its entirety by Ordinance 10-065, 09.28.10)

(A) Permitted Uses
   1. Any manufacturing or industrial use involving production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conforms to the performance standards set forth in Section 4-303.
   2. Wholesaling and warehousing: Including local cartage and express facilities as well as motor freight terminals
   3. Public and community service uses as follows:
      a. Bus terminals, garages and lots
      b. Parks and recreation areas
   4. Adult Uses:
      a. Adult bookstores
      b. Adult entertainment cabarets
      c. Adult mini-motion picture theaters
      d. Adult motion picture theaters, provided that such uses shall not be allowed within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing or place of religious worship.
   5. Massage establishments
   6. Tattoo and body piercing establishments
   7. Crane and related parts, sales, service, storage and rental
   8. Pawnbroker or pawnshop
   9. Precious metal dealers
   10. Secondhand stores

(B) Special Uses. Subject to conditions and requirements of Article 8 as follows:
   1. Airport
   2. Amphitheater
   3. Flea market
   4. Museum
   5. Non-commercial recreation
   6. Outdoor storage of cargo containers
   7. Planned development
   8. Police or fire station
   9. Post office or government office
   10. Public or private utility service and facilities, including but not limited to electric, telephone, radio, television and microwave transmissions, exchanges, substations, relay stations, towers, antennae, and any other distribution equipment.
   11. Water filtration plant
   12. Water pumping stations
13. Water reservoirs

14. Mining and/or the extraction of minerals, sand, gravel, topsoil, or other aggregates, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage, provided that:

(a) No open pit or shaft is less than two hundred (200) feet from any public road or fifty (50) feet from any side and rear property line.

(b) All buildings or structures are located not less than two hundred (200) feet from any property line.

(c) The borders of the property fenced with a fence or wall at least six (6) feet in height shall have a six (6) foot high earthen berm and a six (6) foot high chain link fence either in front of or behind the berm.

(d) A plan of development of the reclamation of the land shall be provided as part of the application for special use.

(e) The use of blasting or other uses of explosives is permitted, provided such use conforms to the following standards:

1) The use, handling, and detonation of explosives sometimes referred to as "blasting" in connection with said quarrying operations shall be under the direct supervision of persons having the requisite experience and knowledge to conduct such operations with safety. If such persons are hereafter required to be licensed by any federal agency or by the State of Illinois or County of Will, such persons shall meet the licensing requirements and obtain such license.

2) The storage of explosives shall be in accordance with all applicable federal and state laws and regulations, and storage shall be in magazines, buildings, or structures which shall meet the safety requirements of such laws and regulations.

3) 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 earthborn vibrations from each successive detonation (sometimes referred to as "short-period delay blasting."). Blasting procedures shall be designed, on the basis of maximum charge per delay (that is, quantity of explosives in pounds per detonation) and distances in feet, so that the maximum ground vibration intensity shall not exceed 0.5 inches per second of ground particle velocity resulting from any shot or blast measured by any one of the three mutually perpendicular planes of ground motion as recorded at the nearest existing building.

4) 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 Enforcement and Safety Administration (MESA) of the United States Department of the Interior, and any governmental agency having jurisdiction thereof.

5) 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.
Compliance with the provisions of these regulations governing blasting procedures and quarrying operations shall be subject to review and inspection from time to time by authorized officials, upon reasonable prior notice and during reasonable business hours.

The actual detonation of any blast will be restricted to the local time period between 1:00 p.m. and 4:30 p.m. Monday through Friday of each week. No blasting shall take place on Saturday or Sunday or on the following legal holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

15. Concrete ready-mix plants
16. Asphalitic concrete plants

(C) Accessory uses
1. Temporary buildings for construction purposes, for a period not to exceed the duration of such construction
2. Off-street parking and loading, as permitted or required in Article 6.

(D) Conditions of Use.
1. All production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 4-303.
2. Open Storage: Within 200 feet of a residential district, all storage shall be in completely enclosed buildings or structures. Storage located elsewhere in this District may be opened to the sky but shall be screened. Open off-street loading facilities and off-street parking of motor vehicles less than four tons (empty weight) may be unenclosed throughout the District.
3. Off-Street Parking and Loading: Off-street parking and loading spaces may be located in required side or rear yards. However, no driveways, parking, loading or other vehicular use area shall be located in a required transitional yard. No off-street parking or loading spaces may be located in a required front yard or a required corner side yard.
4. Landscaping shall be provided as required in Article 7.
5. Underground Utility Systems: All utility lines including electric power and telephone lines, shall be located underground.
6. Lighting: All exterior lighting, building and parking lot lights and landscape lighting shall be directed away from adjacent highways, streets and properties. The developer shall submit a lighting plan which shall be reviewed by the Village Engineer.
7. Ingress and Egress: All streets which provide access to and from the District shall intersect a major secondary street as defined and designated on the Comprehensive Plan or intersect a street within an industrial district.
8. Maximum Impervious Coverage: The maximum amount of impervious coverage including building coverage, parking areas, loading areas and access drives, shall not exceed eighty percent (80%) of the gross area of any industrial site.

(E) Bulk Requirements.
1. Maximum Building Height: No structure or portion thereof, excluding a mechanical penthouse structure, shall exceed a height of 42 feet. However, taller structures may be permitted as a special use in accordance with Section 8-102.
2. Minimum Lot Area: 1 Acre
3. Minimum Contiguous Area: 20 Acres
4. Minimum Lot Frontage: 100 feet on interior roads; 125 feet on exterior roads which service adjacent non-industrial uses.
5. Yard Requirements:
   a. Minimum front and corner side yard:
      1. Structures: 1.5 times the building height with a minimum setback of 35 feet.
      2. Parking areas and vehicular use areas: 35 feet.
   b. Minimum rear yard:
      1. Structures: 25 feet
      2. Parking areas and vehicular use areas: 10 feet
   c. Minimum side yard: One side not less than 10 feet and the other side not less than 25 feet for structures and not less than 10 feet for parking areas and vehicular use areas.
   d. Transitional Yard: Yards adjacent to residential district shall not be less than 50 feet and shall be increased by one (1) foot for each two (2) feet or fraction thereof by which the building exceeds 35 feet in height.
5. Minimum Open Space Requirement: A minimum area to be devoted to green open space and landscaping shall be equal to twenty percent (20%) of the gross area of the site.

(F) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this section shall be twenty (20) acres.

SECTION 4-303. PERFORMANCE STANDARDS. Any use established on an industrially zoned property after the effective date of this Comprehensive Amendment or any use established on an industrially used property after August 31, 2013 shall be so operated as to comply with the performance standards set forth hereinafter for the district in which such use shall be located. No use lawfully established on the effective date of this Comprehensive Amendment shall be so altered or modified as to conflict with, or further conflict with, the performance standards established for the district in which such use is located.

(A) Noise. Noise shall be measured at any adjacent lot line and/or district boundary, as indicated in table 1. At the specified points of measurement, the sound pressure level of any activity or operation (except those not under the direct control of the industrial use, such as transportation facilities) shall not exceed the values tabulated in Tables 1, 2, 3 and 4 between the hours of 7:00 A.M. and 7:00 P.M. The instruments used for these measurements shall conform to all current American National Standards Institute specifications. Impact noises are those that peak values of which are more than 3 dB higher on the fact response than the r.m.s. values indicated on the sound level meter. Between the hours of 7:00 P.M. and 7:00 A.M. the permissible sound levels across residential district boundaries shall be reduced by 5 dB in each octave band, or in the overall band for impact noises. (Ordinance 13-062, 09.24.13)
TABLE 1
Maximum Permitted Sound Levels, Preferred Frequency Octave Bands, Decibels

<table>
<thead>
<tr>
<th>Preferred Center Freq., Cycles/Sec.</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>83</td>
<td>86</td>
</tr>
<tr>
<td>63</td>
<td>71</td>
<td>75</td>
</tr>
<tr>
<td>125</td>
<td>59</td>
<td>64</td>
</tr>
<tr>
<td>250</td>
<td>52</td>
<td>57</td>
</tr>
<tr>
<td>500</td>
<td>47</td>
<td>53</td>
</tr>
<tr>
<td>1000</td>
<td>44</td>
<td>49</td>
</tr>
<tr>
<td>2000</td>
<td>40</td>
<td>46</td>
</tr>
<tr>
<td>4000</td>
<td>37</td>
<td>44</td>
</tr>
<tr>
<td>8000</td>
<td>35</td>
<td>41</td>
</tr>
</tbody>
</table>

Measurement of the sound levels may also be made using an A-weighted scale sound level meter. The levels in Table 1 shall be considered to have been met if the A-weighted levels are not greater than the following:

TABLE 2
Maximum Permitted Sound Levels dB(A), for Screening Purposes

<table>
<thead>
<tr>
<th>Required Level</th>
<th>Sound Level, dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>50</td>
</tr>
<tr>
<td>B</td>
<td>55</td>
</tr>
</tbody>
</table>

TABLE 3
Reference

<table>
<thead>
<tr>
<th>Manufacturing District</th>
<th>Adjacent Lot Line</th>
<th>Commercial Dist. Boundary</th>
<th>Residential Dist. Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>I-2</td>
<td>B</td>
<td>B</td>
<td>A</td>
</tr>
</tbody>
</table>

Between the hours of 7:00 P.M. and 7:00 A.M. the permissible sound levels across residential district boundaries shall be reduced by 5 dB in each octave band, or in the overall band for impact noises.

(B) Vibration. Vibration shall be measured at any adjacent lot line and/or district boundary as indicated in Table 4. At the specific points of measurements, the vibration shall not exceed the limits listed in Table 5. The instrument used for these measurements shall be a three-component recording system.
TABLE 4

<table>
<thead>
<tr>
<th>Manufacturing District</th>
<th>Adjacent Lot Line</th>
<th>Commercial Dist. Boundary</th>
<th>Residential Dist. Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>I-2</td>
<td>B</td>
<td>B</td>
<td>A</td>
</tr>
</tbody>
</table>

Particle velocity as specified below may be measured directly, or if computed on the basis of displacement and frequency, measurements shall be computed from the formula 6.28 FD, where F is the frequency of the vibration in cycles per second and D is the single amplitude displacement of the vibration in inches. The maximum permissible particle velocity of the ground vibration specified shall be:

TABLE 5

<table>
<thead>
<tr>
<th>Applicable Limit</th>
<th>Steady State Inches/Second</th>
<th>Impact Inches/Second</th>
</tr>
</thead>
<tbody>
<tr>
<td>A &amp; B</td>
<td>0.02</td>
<td>0.04</td>
</tr>
</tbody>
</table>

The maximum particle velocity shall be the vector sum of three (3) simultaneous mutually perpendicular components recorded. For the purpose of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discreet impulses more frequent than 100 per minute. Discreet impulses which do not exceed 100 per minute shall be considered impact vibrations.

(C) Smoke. For the purpose of grading the density or equivalent capacity of smoke, the Ringlemann Chart described in the U.S. Bureau of Mines Information Circular 8333 shall be employed. The emission of smoke or particulate matter of a density or equivalent greater than No. 2 on the Ringlemann Chart is prohibited at all times except as otherwise provided hereinafter. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving oiling, fencing, wetting, or other acceptable means. The open burning of refuse, paint, oil, debris and any other combustible material is prohibited in all industrial districts. Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission rate.

1. I-1 Industrial District.

a. The emission of smoke having a density or equivalent opacity in excess of Ringlemann No. 0 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringlemann No. 2 shall be permitted.

b. The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.2 pounds per acre of lot area per hour.
2. **I-2 Industrial District.**

   a. The emission of smoke having a density or equivalent opacity in excess of Ringlemann No. 0 is prohibited. However, for two (2) minutes in any 60 minute period, smoke up to and including Ringlemann No. 2 shall be permitted.

   b. The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one (1) pound per acre of lot area per hour.

(D) **Odor.** The release of materials capable of becoming odorous either by bacterial decomposition or chemical reaction shall meet the standards of the district in which the odor is created. Odor thresholds shall be determined in accordance with ASTM D 1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method)" or its equivalent.

1. In the I-1 District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the lot line, measured either at ground level or habitable elevation.

2. In the I-2 District, odorous materials released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary line, measured either at ground level or habitable elevation.

(E) **Toxic Matter.** The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24 hour sampling period. The release of any airborne toxic matter shall not exceed the fractional quantities permitted of those toxic materials currently listed in Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the Village that the proposed levels will be safe to the general population.

1. In the I-1 District, the release of airborne toxic matter shall not exceed 2.5 percent of the Threshold Limit Value across lot lines.

2. In the I-2 District, the release of airborne toxic matter shall not exceed 2.5 percent of the Threshold Limit Value across district boundary lines.

(F) **Fire and Explosive Hazards.**

1. Detonable Materials. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each manufacturing district. Such materials shall include, but are not limited to: boron hydrides, hydrazine and its derivatives; unstable oxidizing agents such as perchloric acid perchlorates and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products, reactor elements such as Uranium 235 and Plutonium 239.

2. In any industrial district, the storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds per user.

3. All storage, utilization or manufacture or material or products which decompose by detonation shall be subject to the requirements of the Bolingbrook Fire Department as based on the National Fire Protection Association Code.
(G) **Fire Hazard Solids.**

1. In the I-1 District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no closer than forty (40) feet from lot lines.

2. In the I-2 District, the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no closer than forty (40) feet from lot lines.

(H) **Fire Hazard Liquids and Gases.** The storage utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (55 gallons or less), which shall be unrestricted. The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in the following table for each of the industrial districts:

(I) **Glare.** In all industrial districts, any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of 0.5 foot-candle when measured in a residential district.
PART 4 - OFFICE DISTRICT REGULATIONS.  (Ordinance 76-017, 02.24.76)

SECTION 4-401.  O-1 LIMITED OFFICE DISTRICT.

(A) Permitted Uses.  (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Art gallery, art studio, sales
2. Bank
3. Bus terminal or stopover point
4. Bingo hall and related activities, including food service during bingo sessions
5. Churches and other places of worship
6. Commercial school, trade school, or other school offering training in specialized courses of study
7. Contractor's office, material and equipment storage facility
8. Daycare center, nursery school
9. Janitorial service
10 Library
11. Medical and dental clinics, not including medical marijuana dispensing center clinic.  (Ordinance 14-028, 04.22.14)
12. Medical laboratory
13. Motel/hotel
14. Mortuaries and funeral homes
15. Museum or art gallery
16. Nursing homes, provided that the front, side and rear yard setbacks for same shall be thirty (30) feet, twenty (20) feet, and twenty-five (25) feet respectively
17. Non-commercial recreation
18. Offices, business and professional
19. Police or fire station
20. Police storage facilities
21. Post office, governmental office
22. Public and private utility service and facilities, including but not limited to electric, telephone, radio, television, and microwave transmissions, exchanges, substations, relay stations, towers, antennae, and any other distribution equipment
23. Public storage facilities
24. Reading room
25. Research and development facilities
26. Summer theater
27. Taxicab office
28. Utility office

29. The following uses accessory to and located in a building used principally as an office, research and development facility, medical or dental clinic, provided such use shall be entered only from an interior lobby or hallway and provided further that no advertising or display shall be visible from the exterior of the building. (Changed in its entirety by Ordinance 14-028, 04.22.14)
   a. Barber shop
   b. Beauty shop
   c. Pharmacy, not including Medical Marijuana Dispensary
   d. Gift shop
   e. News stand
   f. Restaurant

30. Accessory uses, temporary uses and signs as permitted by Article 5 and the sign ordinance.

31. Off-street parking and loading as permitted by Article 6.

(B) Special Uses. Subject to conditions and requirements of Article 8, as follows: (Changed in its entirety by Ordinance 12-013, 02.28.12)

1. Currency Exchange
2. Deferred deposit lender and other financial institutions
3. Newspaper printing and distribution center
4. Personal Loan Agency
5. Planned Development
6. Police or fire station
7. Post office or government office
8. Structures over 35 feet

(C) Bulk Regulations. (Ordinance 95-079, 05.09.95)

1. Maximum height: 35 feet, provided that structures over 35 feet may be permitted pursuant to a special use permit issued in accordance with Article 8 hereof.

2. Maximum lot coverage: All buildings and structures shall not cover more than 30% of the lot. All buildings, structures, walkways, driveways, parking and paved areas shall not cover, in the aggregate, more than 80% of the lot. The remaining 20% of the lot shall be landscaped so as to allow for the absorption of moisture.

3. Yard Requirements:
   a. Minimum front and corner side yard:
      (1) Structures: 1.5 times building height.
      (2) Parking areas and vehicular use areas: 30 feet.
   b. Minimum rear yard:
      (1) Structures: 20 feet.
      (2) Parking areas and vehicular use areas: 10 feet.
   c. Minimum side yard when not adjacent to residential: structure, parking areas and vehicular use areas: 10 feet. (Ordinance 97-002, 01.14.97)
   d. Minimum side and rear yards adjacent to residential:
      (1) Where a side lot line or a rear lot line of a use permitted in this District coincides with a side lot line or a rear lot line in a Residence District, a yard equal in depth to the height of the building on the lot shall be provided adjacent to the respective side or rear lot lines, however, no such yard shall be less than 30 feet and said yard shall apply to structures, parking areas and vehicular use areas.
      (2) Where a side lot line or a rear lot line of a use permitted in this District is across the street from a Residence District, a yard not less than 30 feet in depth shall be provided adjacent to the respective side or rear lot line and said yard shall apply to structures, parking areas and vehicular use areas.

4. Floor area ratio (FAR): The maximum FAR for all structures on a lot shall be 0.5.

(D) Conditions of Use.

1. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any residential use.

2. All business, servicing, processing and storage shall be conducted within enclosed buildings.
3. Landscaping shall be provided as required in Article 7. (Ordinance 92-175, 12.22.92)

4. All uses shall comply with the performance standards for noise, odor, dust, smoke and vibration established in Section 4-303 of the I-1 Limited Industrial District.

5. Landscaping: All yards and open spaces between and around buildings, structures, off-street parking areas or areas for open storage along exterior or interior streets within office districts shall be landscaped with trees and shrubs and sodded. All landscaping shall be properly maintained by the owner and/or tenant of the subject property. In order to ensure that the overall landscaping scheme is effective and aesthetically pleasing, the developer shall prepare a landscaping plan for submission to the Village prior to approval of the final site plan. Such plan shall locate the trees and shrubs and indicate the size and species of all plant material. (Ordinance 79-061, 10.02.79)

(E) Minimum Contiguous Area. The minimum contiguous area for any land zoned in accordance with this Section shall be two (2) acres. No lot shall be so zoned unless it is adjacent to an arterial or collector street as shown on the Official Map of the Village of Bolingbrook or unless it is adjacent to an existing Office, Business or Industrial District.

(F) Minimum Lot Width. Every principal use permitted in this District shall be located on a lot having a minimum width measured at the front lot line of 100 feet.

PART 5 - UTILITY DISTRICTS. (Ord. 19-027 – 04.30.19)

SECTION 4-501. UD UTILITY DISTRICT

(A) Permitted Uses.

Notwithstanding anything to the contrary in Section 3-106 hereof, the construction, installation, reconstruction, maintenance, repair, upgrade, expansion, addition, modification, renewal, replacement, relocation, removal, use and operation of electrical and communications systems, equipment, structures, improvements and facilities, including, without limitation, transmission and distribution facilities and other substations and other improvements supporting such facilities.

(B) Conditions of Use.

For facilities owned or operated by an owner that is a regulated utility with the Illinois Commerce Commission or that are within the jurisdiction of a regional transmission organization, the Federal Energy Regulatory Commission or the Federal Communications Commission:

1. Neither the Village's Property Maintenance Regulations (Village Municipal Code, Chapter 27) are applicable, nor are the regulations of Sections 33-1201 through 1203 of the Village Municipal Code.

2. Notwithstanding anything to the contrary in Section 3-408 hereof, with respect to the Zoning Ordinance, no Lot Size Requirements, Bulk Regulations (including those set forth in Article 5), Number of Structures on a Zoning Lot, Landscaping Regulations (Article 30) or Non-Conformities (Article 10) shall be applicable.
3. Permitting fees and inspection fees are inapplicable.

(C) Existing Improvements. Article 10 shall not apply to any improvements existing as of the date hereof which do not fall within the scope of this Section.
ARTICLE 5 -- ACCESSORY USES, TEMPORARY USES, HOME OCCUPATIONS AND SIGNS

PART 1 - ACCESSORY USES.

SECTION 5-101. AUTHORIZATION. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted within such district.

SECTION 5-102. DEFINITION. An accessory use is a structure or use which:

(A) Is subordinate to and serves a principal structure or principal use;

(B) Is subordinate in area, extent or purpose to the principal structure or principal use served;

(C) Contributes to the comfort, convenience or necessity of the occupants of, or the business or industry located in, the principal use served; and

(D) Is located on the same lot as the principal structure or principal use served.

SECTION 5-103. PERMITTED ACCESSORY USES. (Ordinance 11-029, 05.10.11 – All of Section 5-103)

Any structure or use that complies with the terms of Sections 5-102, 5-104, and 5-105 may be allowed as an accessory structure or use.

(A) Accessory structures and uses include, but are not limited to, the following list of examples, provided that in each case such structure must fit the general definition of “accessory use” contained in Section 5-103 of this ordinance.

1. Detached garages or carports:
   a. for single family residences: 1 detached garage or carport per zoning lot that does not exceed 14 feet in height and a building footprint of 640 square feet in area.
   b. for multiple-family residences: 1 detached garage or carport per dwelling unit that does not exceed 14 feet in height and a building footprint of 425 square feet in area.

2. Shed or structure used for storage:
   a. for single family residences: 1 shed or structure used for storage per zoning lot that does not exceed 12 feet in height and a building footprint of 200 square feet in area.
   b. for multiple-family residences: 1 shed or structure used for storage per dwelling unit that does not exceed 12 feet in height and a building footprint of 100 square feet in area.

3. A child’s playhouse, tree house, play set, swing set, jungle gym or play gym, which shall not exceed 12 feet in height.

4. Private swimming pools and cabanas.

5. Permanent barbecue stoves, fences and walls.
Outdoor storage of firewood for a wood burning stove or fireplace on the lot.

Storage of boats, boat trailers, camping trailers and small house trailers, provided no part of such storage area is located in any part of the front or corner side yard including driveways and no camping or house trailer is used for temporary or permanent occupancy and subject to the provisions of this ordinance.

Antennae towers.

Donation drop boxes, provided they are located in the B-1, B-2, B-3, B-4, I-1, I-2 zoning districts or on properties primarily occupied by educational, religious, governmental or charitable uses, and only under the following terms, conditions, restrictions and regulations:

a. It shall be unlawful to locate a donation drop box on private property in the Village of Bolingbrook without first obtaining a Zoning Certificate from the Zoning Administrator.

b. Donation drop boxes shall only be placed with the property owner’s permission and on properties that contain an existing Certificate of Occupancy for the principal structure.

c. No more than two (2) donation drop boxes (side-by-side) are allowed on a zoning lot less than two (2) acres in size.

d. No more than three (3) donation drop boxes (side-by-side) shall be allowed on a zoning lot equal to or great than two (2) acres in size.

e. Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.

f. Donation drop boxes shall be located on a hard, dust free surface.

g. Each donation drop box shall include language discouraging the placement of items outside the box.

h. The name and phone number of the box owner/operator shall be posted on the box.

i. Donation drop boxes shall not: be adjacent to the front building façade, be within the required front or corner side yard setback, reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, be located within ten (10) feet of a Fire Department connection, or disrupt the flow of vehicular or pedestrian traffic.

j. Upon a telephone notification from the Village of Bolingbrook that materials are being placed outside of a box, the box owner/operator shall have 24-hours to remove said materials. Failure to do so on three (3) or more occasions in a calendar year shall result in penalties listed under Article 13 of this ordinance.

Pergola, which shall not exceed twelve (12) feet in height, provided no part of the structure is located in any part of the front or corner side yard and said structure shall maintain a five (5) foot setback from a side or rear property line. (Ordinance 13-041, 06.11.13)
(B) Special Uses. Subject to conditions and requirements of Article 8 as follows:

1. Permitted accessory uses, the height limit or capacity of which exceeds the standards set forth in Sections 5-103(A)2 and 5-103(A)3 above.

(C) None of the following shall be permitted as accessory uses except as permitted in Article 6, Section 201-G.

1. Outdoor storage or overnight parking of trucks with an empty weight in excess of four tons or buses designed for more than eleven passengers in a residence district.

2. Any other outdoor storage, except as specifically permitted elsewhere in this Ordinance.

SECTION 5-104. USE LIMITATIONS. Each accessory structure and use shall comply with the applicable use limitations in the zoning district in which it is located and, in addition:

(A) No accessory structure or use shall be constructed, occupied or established on any lot prior to the completion of the principal structure to which it is accessory.

(B) Except as provided in Section 5-105(C), all accessory structures and uses located within a residence district shall be located, erected, altered or moved behind the front wall setback of the principal structure that is farthest from the front property line, unless the structure or use is a permitted yard obstruction as provided in Section 3-405(A). (Ordinance 03-103, 08.12.03)

(C) On a corner lot occupied by a principal residential structure that is legally nonconforming with respect to the corner side yard setbacks, accessory uses and structures may be located in said corner side yard provided they maintain the same setback as the principal residential structure.

(D) It shall be unlawful to construct, install, alter or enlarge any accessory structure or use on private property in the Village without first obtaining a building permit. (Ordinance 11-027, 05.10.11)

SECTION 5-105. BULK REGULATIONS. Except as otherwise provided by this Ordinance, all accessory structures and uses shall observe the bulk regulations of the district in which they are located, provided that:

(A) Detached accessory structures, except fences, swimming pools, and antennae towers. (Ordinance 95-079, 05.09.95)

1. Minimum rear yard: 5 feet

2. Minimum side yard: 5 feet

3. Minimum building separation: No detached accessory structure may be located less than ten (10) feet from any principal structure on the lot.

(B) Swimming Pools and Hot Tubs. (Changed by Ordinance 02-115, 09.10.02)

1. Private Swimming Pools
Chap. 29

a. Permits. It shall be unlawful to construct, install, alter or enlarge on private property in the Village any swimming pool or hot tub without first obtaining a building permit.

b. Public Utility & Drainage Easements. Swimming pools, including any attached deck, walkway, and/or apparatus (support structures, filter, etc.) and hot tubs (including any spa/gazebo or enclosure) shall not be located within any public utility & drainage easement, without first obtaining written permission from all utility companies.

c. Location to Electrical Lines. Swimming pools and hot tubs shall not be located within eighteen (18) feet vertically and ten (10) feet horizontally of any overhead ComEd wiring or within five (5) feet horizontally to underground ComEd wiring.

d. Pool Coverings. All outdoor swimming pools shall be covered with a protective covering, capable of withstanding rain and snow accumulation, at all times it is not being used for swimming during the off-season from October 1 to May 1.

e. Pool Ladders. Any ladders used in conjunction with the swimming pool shall be completely removed or swing up and lock when not in use.

f. Filters and Pumps. All pool filters and pumps shall be equipped with a ground fault interrupter.

g. Maintenance. The owner of any swimming pool constructed within the Village, whether used or unused shall cause said swimming pool/s to be maintained in a safe, presentable, neat, attractive and sound structural condition at all times, including replacement of defective parts, repainting, cleaning, and other acts for the maintenance of said swimming pool(s).

h. Abandoned and Unused Swimming Pools: A swimming pool which ceases to be used for one (1) continuous season shall be considered unused and therefore shall be drained of any water and securely covered. A Swimming pool which ceases to be used for two (2) continuous seasons shall be considered abandoned and therefore shall be removed from the property.

i. Required Fencing.

(1) Swimming Pools.

(a) Swimming pools shall be completely enclosed by a fence at least forty-eight (48) inches in height, which surrounds the pool or the entire yard without any breaks, except for a lockable gate(s).

(b) Swimming pools need not be enclosed by a fence as described above if the pool has a deck and deck fence or self-containing fence extending from the top of the pool side wall to a minimum height of six (6) feet from the surface of the ground, but no more than seven and one-half (7.5) feet in height.

(2) Hot Tubs
(a) Hot tubs shall be completely enclosed by a fence at least forty-eight (48) inches in height that surrounds the hot tub or the entire yard without any breaks, except for a lockable gate(s).

(b) Hot tubs need not be enclosed by a fence as described above if the hot tub contains a lockable cover.

(c) Hot tubs need not be enclosed by a fence as described above if located within a self-contained spa enclosure/gazebo, so long as the enclosure is locked when the hot tub is not in use.

(d) A hot tub may be located on a patio or deck so long as the patio or deck contains railings at least thirty (30) inches or more in height that completely surround the hot tub or the perimeter of the patio or deck without any breaks, except for a lockable gate(s). The overall height of this method of enclosure shall be a minimum of forty-eight (48) inches to the top of the railing from the surface of the ground.

j. Setbacks. All swimming pools, including attached decks, walkways, and apparatus (support structures, filter, heaters, etc.) and hot tubs (including any spa/gazebo or enclosure) shall comply with the following:

(1) Front yard. Swimming pools and hot tubs shall not be permitted within a front yard.

(2) Corner side yard or side yard abutting a street: Swimming pools and hot tubs shall not be permitted within a corner side yard or side yard abutting a street.

(3) Interior side yard. All swimming pools and hot tubs shall not be located closer than six (6) feet to any interior side lot line.

(4) Rear yard. All swimming pools and hot tubs shall not be located closer than six (6) feet to any rear lot line.

(5) Rear yard abutting a street. All swimming pools and hot tubs shall not be located closer than ten (10) feet to any rear lot line.

2. Public and Semi-Public Swimming Pools. It shall be unlawful to construct, install, alter or enlarge a public or semi-public swimming pool in the Village without first obtaining a building permit.

(C) Fences and Walls. (Changed in its Entirety by Ordinance 10-023, 04.27,10)

1. General Requirements

(a) Permits. It shall be unlawful to construct, erect or replace on private property in the Village any fence or wall, as defined in this ordinance, without first obtaining a building permit. Where a fence is to be built on a lot which is subject to a declaration of covenants, conditions and restrictions, no permit shall be issued for such fence unless the permit application is accompanied by a letter from the association or other authorized entity.
administering the declaration stating that such fence complies with the terms and provisions of the declaration and has been duly authorized.

(b) Public Utility & Drainage Easements. Fences and walls shall not inhibit or alter drainage over public utility and drainage easements.

(c) Construction.

(1) All fences shall be constructed so that the finished side of the fence faces a public street and/or neighboring property(s).

(2) All fences shall be constructed in a manner providing sufficient support and stability to resist wind loads and maintain its form, in accordance with Village building codes.

(3) All fences shall be permanent and shall be constructed and designed in a workman-like manner, using materials such as wood, chain link (minimum 11 gauge wire or heavier), plastic or PVC. Chicken wire and snow fencing shall not be an acceptable construction material for permanent fences.

(4) Not less than one third (1/3) of the length of each fence post shall be set into the ground.

(5) Compact hedges or vegetation that exceed two and one-half (2 ½) feet in height and are more than fifty percent (50%) closed when viewed at right angles to the line of the hedge or vegetation shall be deemed to be a fence.

(d) Vision triangle. No such fence may be located within the vision triangle, the sides of which are formed by the right-of-way lines of two intersecting streets. The length of the sides of said triangle shall be fifteen (15) feet for residential property and thirty (30) feet for non-residential property.

(e) Maintenance. The owner of every fence constructed within the Village shall cause said fence(s) to be maintained in a safe, presentable, neat attractive and sound structural condition at all times, including replacement of defective parts, repainting, cleaning, and other acts for the maintenance of said fence(s).

(f) Park or school playgrounds. The provisions of this ordinance shall not apply to open design fences (such as chain link) constructed for the safety of children enclosing public parks or school playgrounds.

2. Prohibited Fences and Walls.

(a) Fences, including walls, and planting material used in the nature of a fence, placed or maintained on any portion of any public right-of-way or in any required yard which, by the nature of the materials used for its construction, its design or location would impair public safety by interfering and obstructing the vision of persons using the street, sidewalks or driveways on or adjacent to such a yard.
(b) All fences or walls constructed in whole or in part of electrically charged current or wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material of any kind, or designed to cause injury. Any land owned by the Village of Bolingbrook is exempt from the provisions of this section insofar as it prohibits barbed wire fences. Notwithstanding the foregoing, the Mayor and Village Board of Trustees may grant an exemption from the prohibition against electrical charged current or wire fences set forth within this section, provided:

1. The Village Board of Trustees must make a finding that such fence is necessary in order to protect private property.
2. Such fence may be constructed only in conjunction with a sales and/or storage facility.
3. No such fence shall be erected unless it is a second fence constructed inside a perimeter fence.
4. Signs warning of the danger shall be posted along the entire length of the electrical fence at intervals of not less than 100 feet.
5. The Owner shall execute an indemnification and hold harmless agreement whereby the Owner agrees to release, defend, indemnify and hold the Village of Bolingbrook harmless from any and all claims of personal injury or property damage arising from or related to the fence.

(c) All chain link fences with barbed ends up or any chain link fence along major streets, as defined in Chapter 30.

(d) Snow fences, except for the exclusive control of snow between November 1 and March 31 and erected by State or local highway authorities.

(e) Exceptions to this section may be granted by petition to the Village Board.

3. Required Fences.

(a) Swimming Pools.

1. Swimming pools shall be completely enclosed by a fence at least forty-eight (48) inches in height, which surrounds the pool or the entire yard without any breaks, except for a lockable gate(s).

2. Swimming pools need not be enclosed by a fence as described above if the pool has a deck and deck fence or self-containing fence extending from the top of the pool side wall to a minimum height of six (6) feet from the surface of the ground, but no more than seven and one-half (7.5) feet in height.

(b) Hot Tubs.

1. Hot tubs shall be completely enclosed by a fence at least forty-eight (48) inches in height that surrounds the hot tub or the entire yard without any breaks, except for a lockable gate(s).
(2) Hot tubs need not be enclosed by a fence as described above if the hot tub contains a lockable cover.

(3) Hot tubs need not be enclosed by a fence as described above if located within a self-contained spa enclosure/gazebo, so long as the enclosure is locked when the hot tub is not in use.

(4) A hot tub may be located on a patio or deck so long as the patio or deck contains railings at least thirty (30) inches or more in height that completely surround the hot tub or the perimeter of the patio or deck without any breaks, except for a lockable gate/s. The overall height of this method of enclosure shall be a minimum of forty-eight (48) inches to the top of the railing from the surface of the ground.

(c) Pet enclosures or runs. A pet enclosure or run shall be permitted only within a rear yard and shall conform to the following:

(1) The enclosure or run shall not exceed six (6) feet in height.

(2) The enclosure or run shall not exceed two hundred (200) square feet in area.

(3) The enclosure or run shall not be located closer than ten (10) feet to any property line.

(d) Refuse receptacles and waste removal areas. All refuse receptacles and waste removal areas (including but not limited to trash containers, recycling containers and grease traps) shall be screened on all sides from public streets, pedestrian areas and neighboring properties and shall conform to the following:

(1) The screening shall be a minimum of six (6) feet in height.

(2) The screening shall consist of a sight-proof wall constructed of the same materials used on the building.

(3) The screening shall have solid (opaque) doors/gates.

4. Residential Districts. All fencing in residential districts shall comply with the following requirements.

(a) All fencing shall not exceed six (6) feet in height, unless otherwise specified.

(b) Front yard. All fences designed for aesthetic appeal or decorative effect or to protect property from damage may be located within a front yard, provided such fence shall conform to the following standards:

(1) Decorative fencing only shall be permitted within the front yard. No such fence shall be permitted unless eighty percent (80%) of the area of the fence is open. The area of the fence shall be deemed to be the smallest rectangle that will enclose all elements of the fence.

(2) All fencing shall not exceed three (3) feet in height.
(3) All fencing shall be setback not less than one (1) foot from any property line, or two (2) feet from any public sidewalk.

(4) The total length of such fence shall not exceed fifty percent (50%) of the width of the lot on which it is located, as measured at the front property line.

(5) Exceptions from the restrictions contained in this section may be granted by the Village Board of Trustees to any governmental body that owns land within the Village of Bolingbrook whenever the Board finds that an exception is reasonably required to permit such land to be devoted to public use.

(c) Corner side yard of side yard abutting a street.

(1) All fences located within a corner side yard shall be setback a minimum of ten (10) feet from the property line, unless the fence is three (3) feet or less in height, then said fence shall be allowed to maintain a minimum setback of one (1) foot from the property line.

(2) No fence shall be located within the required vision triangle as required in 1(d) of this Section.

(d) Interior side yard. No setback requirement from the interior side property line.

(e) Rear yard. All fencing located within a rear yard shall comply with the following:

(1) Interior or corner lots. No setback requirement from the rear property line.

(2) Rear yard abutting a street. All fences located within a rear yard abutting a street shall be setback a minimum of five (5) feet from the rear property line, except where an existing fence installed prior to April 27, 1993, is being replaced using the existing post holes.

(3) All fences located within a rear yard abutting a street shall contain a gate to allow access to the rear street frontage for maintenance purpose, except where an existing fence installed prior to April 27, 1993, is being replaced using the existing post holes.

(4) Landscape material shall be installed within the area between the fence and a rear lot line abutting a primary arterial or major street as contained in Section 7-201 A. of this ordinance, except where an existing fence installed prior to April 17, 1993, is being replaced using the existing post holes.

5. Commercial and Industrial Districts. Except as permitted in Article 5, Section 5-105(C)1(c)(4), all fencing in commercial and industrial districts shall conform to the following requirements:

a. All fencing shall not exceed eight (8) feet in height, unless otherwise specified in this ordinance.
b. Front yard. All fencing shall follow the required setback of that zoning district.

c. Corner side yard or side yard abutting street. All fencing shall follow the required setback for that zoning district.

d. Interior side yard. No setback requirement from an interior side property line.

e. Rear yard and rear yard abutting a street. No setback requirement from a rear lot line.

f. Open storage yards (excluding outdoor garden sales areas associated with a commercial business). The screening of open storage yards shall comply with the following requirements:

   (1) All storage areas shall be completely screened on all sides and shall consist of a solid wall or fence including solid (opaque) doors or gates.

   (2) All screening shall be at least eight (8) feet in height, but in no case lower in height than the materials to be stored.

   (3) Landscape material shall be required along the outside perimeter of that portion of the wall or fence visible from the public right-of-way as contained in Section 7-204 of this ordinance.

(D) Antennae Towers.

1. Maximum height: 50 feet above grade.

2. Minimum yards:

   a. Freestanding towers or antennae structures that are unattached to the principal structure shall not be located closer to the lot line than the total height of the tower or antennae structure. All unattached, free-standing towers or antennae structures shall be located in the rear yard, and must be properly guyed entirely within the property limits.

   b. Towers or antennae structures that are directly attached to the principal structure can be located in an interior side yard or rear yard.

(E) Decks (Ordinance 96-070, 06.25.96)

1. General

   a. Detached residences.

      (1) All decks shall maintain a 5 (five) foot setback from any side property line and a 20 (twenty) foot setback from any front, corner side, or rear property line.
(2) Notwithstanding the provisions of Subparagraph (E)1.a(1) hereinabove, if the sideyard setback is less than 5 (five) feet, a deck which is attached to the residence shall maintain the same setback as the residence.

b. Attached residences

(1) All decks may extend to the zero lot line of the attached side of the dwelling, but shall maintain a 5 (five) foot setback from any other side or rear property line and a 20 (twenty) foot setback from any front or corner side property line.

2. Nonconforming decks

a. Detached residences

(1) If a deck does not comply with the setbacks established above, it may be replaced, provided it maintains the existing setback. Said nonconforming deck may be extended, provided that the extension maintains the setbacks set forth in Subsection 1.a(1) hereinabove.

b. Attached residences

(1) If a deck does not comply with the setbacks established above, it may be replaced, provided it maintains the existing setback. Said nonconforming deck may be extended, provided that the extension maintains the setbacks set forth in Subsection 1.b(1) hereinabove.

(Part 1 changed in its entirety by Ordinance 84-034, 08.14.84)
PART 2 - TEMPORARY USES. (Part 2 changed in its entirety by Ordinance 84-034, 08.14.84)

SECTION 5-201. TEMPORARY USES PERMITTED. Upon issuance of a zoning certificate by the Village, the following uses of land shall be permitted in each zoning district (unless specifically restricted to a particular zoning district) subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district or districts in which it is located: (Ordinance 94-127, 11.29.94)

(A) Christmas tree sales, when located on a lot less than 5 acres located in B-2 or B-3 Commercial District for a period not to exceed 30 days. Such use need not comply with the yard requirements of this Ordinance, provided that no trees shall be displayed within 10 feet of any driveway or street right-of-way or within 30 feet of the intersection of the right-of-way of any two streets.

(B) Contractors’ offices and equipment sheds and trailers, when accessory to a construction project and only for the duration of the project while building permits are in effect and provided that such office or equipment shed or trailer is located on the premises undergoing construction except that contractors’ offices and equipment sheds may be located off-premise with the written permission of the adjacent property owner and the approval of the Zoning Administrator and Building Commissioner. No such office, shed or trailer shall contain sleeping accommodations or cooking facilities. Such use shall be screened from view and shall be removed upon the lapse of building permits or issuance of the last occupancy certificate. All such structures shall be located to comply with setbacks required in each zoning district. (Last sentence added by Ordinance 00-084, 05.23.00)

(C) Subdivision sales offices, sometimes in a model home, when incidental to a new housing development. No such use may be used for sleeping or cooking purposes and may continue only until all dwelling units in the development have been sold or leased. All such structures shall be located to comply with setbacks required in each zoning district. (Ordinance 00-084, 05.23.00)

Fences may be located on lots used for subdivision sales offices and model homes provided that such fences comply with the provisions of Section 5-105(C) except that:

1. Points of access be provided as required by the Fire Marshal for persons, equipment and vehicles which may be required in case of emergency.

2. Fences need not be of open-design when located within the required front or corner side yard provided the fence does not exceed three and one-half (3 1/2) feet in height and is constructed of natural materials and may not be located within three (3) feet of a curb when there are existing public sidewalks.

(D) Seasonal sales of farm produce, grown on the premises in an E-R or R-1 District, for a period not to exceed four months in any calendar year. Structures incidental to such sales shall comply with the yard requirements of the district in which it is located.

(E) Circus or carnivals, when operated or sponsored by a religious, civic, or institutional not-for-profit group for a period not to exceed one week. No such use may occur on a lot which does not provide adequate on-site parking and does not pose a safety hazard to pedestrians and motorists or interfere with the use and privacy of adjacent property. Such use may not be located in any residential district, except on park, church, or school property, and shall comply with the yard requirements of the district in which it is located.
Sidewalk sales, when conducted on private property in a commercial district incidental to the business(es) located on the lot provided such use is conducted in conjunction with a special event or promotion which is related to or sponsored by the business(es) on the lot and conducted adjacent to the entrance of said business(es), and that such use occurs for a period not to exceed four days and not to occur more than three times in a calendar year.

Garage or yard sales, when conducted on private property in a residential district for the display and sale of household and personal items, provided such use occurs for a period not to exceed six days in a calendar year. See, also, Chapter 9, Article 9 of the Municipal Code for licensing regulations. (Ordinance 85-062, 10.22.85)

Tent sales, parking lot sales, garden sales and similar sales under the following conditions:
(Ordinance 94-127, 11.29.94)

1. Such sales shall be permitted in parking lots in zoning districts where commercial sales are allowed, provided that such sales may be held only in parking lots which contain twenty (20) or more parking spaces and only by an individual who maintains a commercial establishment in the shopping center served by the parking lot.

2. The tent and/or display of merchandise to be sold may not cover more than twenty (20) percent of the parking lot in which the sale is held.

3. Such sales shall be limited in duration as follows:

   (a) Parking lot sales may be conducted for a maximum of ten (10) days, and a maximum of three (3) such sales may be conducted in any parking lot within a year.

   (b) Sales of garden materials may be conducted for a maximum of sixty (60) consecutive days, and only one such sale shall be conducted in any parking lot within a year.

   (c) Tent sales may be conducted for a maximum of thirty-one (31) consecutive days, and only three such sales may be conducted in any parking lot within a year.

4. No zoning certificate shall be issued for any such sale unless the foregoing conditions of this Subparagraph (H) have been met and unless the Village has received a copy of the written permission of the owner of the parking lot in which the sale is to be held.
PART 3 - HOME OCCUPATIONS.

SECTION 5-301. AUTHORIZATION. Any home occupation that is customarily incidental and subordinate to the principal use of a building as a dwelling shall be permitted in any dwelling unit. (Ordinance 81-050, 12.15.81)

SECTION 5-302. DEFINITION. A home occupation is a business, profession, occupation or trade conducted for gain entirely within a residential building, or, when permitted by Section 5-303, within a structure that is accessory to a residential building.

SECTION 5-303. USE LIMITATIONS. In addition to all of the use limitations applicable in the district in which a home occupation is located, no home occupation shall be permitted unless it complies with the following restrictions in all residence districts:

(A) No person who is not a member of the immediate family occupying such dwelling unit shall be employed in connection with the occupation.

(B) No sign on the premises shall advertise the presence or conduct of a home occupation. (Ordinance 94-127, 11.29.94)

(C) No wholesale, jobbing or retail business shall be permitted in the home unless sales are conducted entirely by mail or telephone or via the Internet. (Ordinance 04-022, 03.09.04)

(D) There shall be no alteration of the principal residential building which changes the character thereof as a dwelling.

(E) No more than 25% of the area of a dwelling shall be devoted to the home occupation. (Ordinance 81-050, 12.15.81)

(F) No mechanical or electrical equipment may be used except such types as are customary for purely domestic, household, or hobby purposes. Furthermore, no equipment which creates noise vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district shall be used in such home occupation. (Ordinance 81-050, 12.15.81)

(G) There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.

(H) The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.

(I) The home occupation shall be conducted in a manner which would not cause the premises to differ from its residential character either by use of colors, materials, lighting, or the emission of sounds, noises, or vibrations. (Ordinance 81-050, 12.15.81)

(J) The home occupation shall not have an adverse affect on the neighborhood through the congestion of Village streets. (Ordinance 81-050, 01.15.81)

SECTION 5-304. PARTICULAR HOME OCCUPATIONS PERMITTED. Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation shall be subject to the requirements of Sections 5-302 and 5-303.

(A) Dressmakers, seamstresses, and tailors.
(B) Private tutoring, but regular instruction shall be limited to one pupil at a time, except for occasional groups. (Ordinance 94-127, 11.29.94)

(C) Artists, sculptors, authors and composers.

(D) Offices for architects, engineers, lawyers, insurance agents and members of similar professions.

(E) Offices of duly ordained leaders of a religious or spiritual community.

(F) Offices for real estate and other salesmen, sales representatives and manufacturers representatives, when no retail or wholesale transactions are conducted on the premises.

(G) Homecrafts, such as model-making, rug-weaving, lapidary work, and cabinet making, provided, however, that no machinery or equipment shall be used or employed, other than that which would customarily be incidental to residential occupancy, such machinery or equipment shall include that which would customarily be employed in connection with a hobby or avocation not conducted for gain or profit.

(H) Day care for up to six persons, including a maximum of two children under the age of two and any child or children residing on the site that are under the age of six. (Ordinance 97-002, 01.14.97)

(I) Data and information processing on a computer, writing of software and computer programs, desktop publishing, and similar activities. (Ordinance 94-127, 11.29.94)

(J) Snowplowing business, provided that, notwithstanding the provisions of Section 5-303(G) and (H), not more than two pickup trucks with attached snow plows may be parked on a driveway on a residential lot or in a residential parking space during the period between November 1 and April 15. Snow plow attachments must be detached from such vehicles and stored inside a structure during the period between April 16 and October 31. (Ordinance 94-127, 11.29.94)

(K) Catering service/cake preparation and decorating provided the operation is in complete compliance with Section 5-303 and the equipment/appliances used in the operation are those existing in the kitchen of the home and any replacement thereof shall be of a same or similar model commonly installed in a residential kitchen. There shall be no separate, additional kitchen dedicated to the home business. Commercial kitchens shall be prohibited. (Ordinance 96-070, 06.25.96)

(L) Hair care, nail care and other similar or compatible care services normally conducted in a barber shop or beauty parlor, provided that the business is limited to one (1) operator who is a resident of the home; services provided shall be limited to one (1) client at a time, with a maximum of six (6) clients per day; and the equipment used in the business must be that which is customary to a residential home. (Ordinance 98-137, 12.15.98)

SECTION 5-305. PARTICULAR HOME OCCUPATIONS PROHIBITED. Prohibited home occupations include, but are not limited to, the following list of occupations and other home occupations that cannot meet the requirements of Sections 5-302 and 5-303.

(A) Dancing schools

(B) Funeral homes
(C) Nursery schools and day care centers

(D) Restaurants

(E) Stables or kennels

(F) Tourist homes, boarding houses and lodging houses, unless specifically permitted by the zoning district regulations. (Ordinance 03-111, 08.26.03)

(G) Renting of trailers.

(H) Medical or dental offices, clinics or hospitals.

(I) Animal kennels or hospitals.

(J) Antique shops or sales.

(K) Repair of motorized vehicles. (Ordinance 94-127, 11.29.94)

(L) Contractor’s yards. (Ordinance 94-127, 11.29.94)
PART 4 - SIGNS. (Amended in its entirety -- Ordinance 84-045, 09.11.84)

SECTION 5-401. GENERAL PURPOSE. The regulation of signs by this Article is intended to promote and protect the public health, safety and welfare by:

- reducing the depreciation of property values caused by signs which are incompatible with surrounding land uses;
- creating a viable economic and business climate within the commercial and industrial areas of the Village;
- enhancing and protecting the physical appearance of all areas of the Village; and
- reducing the distraction, obstructions and hazards to pedestrians and auto traffic caused by the indiscriminate placement and use of signs.

SECTION 5-402. SCOPE. The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the Village and any sign not expressly permitted by these regulations shall be prohibited.

The regulations of this section relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the Bolingbrook Building Code and the Bolingbrook Electrical Code.

SECTION 5-403. SIGN ZONE MAP. Sign Zone "A", Sign Zone "B" and Sign Zone "C" are hereby created and accurately shown on the Sign Zone Map which is included on the following page and made a part hereof. It is the intent of this Section that all land within the corporate limits of the Village shall be located in Sign Zone "A", Sign Zone "B" or Sign Zone "C" as shown on said Sign Zone Map. In the event that uncertainties exist with respect to the boundaries of said Zones, the rules of Section 3-203 of the Zoning Ordinance shall apply. (Ordinance 05-132, 12.13.05)
SECTION 5-404. PROHIBITED SIGNS. The following signs shall not be permitted:

(A) Flashing signs, including but not limited to flickering, blinking, scrolling, laser light source, rotating lights and any illumination that changes intensity, except electronic message boards which show temperature, time, business or public service messages for no less than five (5) second intervals. (Ordinance 15-032, 05.26.15)

(B) Attention-getting devices including, but not limited to, inflatable devices except cold air advertising balloons when used as specified in Section 5-406(N), moving, rotating or undulating signs, except pennants and streamers. (Ordinance 91-118, 08.27.91)

(C) Signs which are wholly dependent upon a building for support or mounted on the roof, which project more than six (6) inches above the highest point of a building or roof to which they are attached.

(D) Signs which are, in whole or in part, dependent upon a building for support and project more than twelve (12) inches from such building, except canopies, awnings and marquees, unless such signs are part of an approved design concept of a development.

(E) Signs mounted on motor vehicles, provided that signs containing the name, address or business identity of the owner or user and displayed on a motor vehicle in use are exempt from this chapter.

(F) Signs which constitute a hazard to public health or safety.

(G) Signs which obstruct ingress or egress from any fire escape, door, window, or other exit or entrance.

(H) Signs which, by reason of size, location, content, color, or manner of illumination, obstruct the vision of motorists or interfere with the visibility or effectiveness of any traffic sign or control device on public streets.

(I) Signs which make use of words such as "Stop," "Look," "One-way," "Danger," "Yield" or any similar word, phrase, symbol or light so as to interfere with or confuse pedestrian or vehicular traffic.

(J) Non-governmental signs in a public right-of-way or attached to a traffic sign, traffic control device, utility pole, tree or other permanent or temporary fixture in the public right-of-way. (Ordinance 92-067, 06.23.92)

(K) Signs displaying obscene, indecent or immoral matter.

(L) Pole signs which are supported by one (1) column, uprights or braces in the ground and, which are supported independent of any structure, except within sign zone “A”. (Ordinance 03-017, 02.25.03)

(M) A sign that directs attention to a business, commodity, service or entertainment not exclusively related to the premise where such sign is located or to which it is affixed. (Ordinance 07-087, 08.15.07)

(N) The use of neon light or similar linear lighting to accent buildings, windows, or architectural features. (Ordinance 15-032, 05.26.15)
Section 5-405. GENERAL PROVISIONS.

(A) **Sign Area (Display Surface Area).** The sign area (display surface area) is the net geometric area enclosed by the display surface of the sign, including the outer extremities of all letters, characters and delineation's; provided, however, "display surface area" shall not include the structural supports for freestanding signs. Where a sign is designed with more than one surface, the area computed shall include only the largest single display surface which is visible from any one side or position. (Ordinance 92-058, 06.09.92)

(B) **Sign Height.** The distance between grade, before any berming, at the base of or below the middle of the sign and the highest point of the sign.

(C) **Yard Requirements.** Except as otherwise provided, signs shall be located at least ten (10) feet from any driveway and lot line. Furthermore, no sign shall be erected or located in a public right-of-way except as established by the authorized public entity responsible for the right-of-way. (Ordinance 03-017, 02.25.03)

(D) **Illumination.** An illuminated sign is any sign from which artificial light emanates either by means of exposed lighting on the surface of the sign or through transparent or translucent material from a source within the sign, or a sign which reflects artificial light from a source intentionally directed upon it.

Illuminated signs permitted in either the Residential and/or Business District shall not be illuminated between the hours of 11:00 p.m. and 5:00 a.m. unless the use to which the sign pertains is open. Furthermore, in no event shall an illuminated sign be positioned or maintained so as to permit the beams and illumination therefrom to be directed or beamed upon any adjacent property nor to cause glare or reflection that may constitute a nuisance or traffic hazard. (Ordinance 03-017, 02.25.03)

(E) **Sign Maintenance.** The owner of a sign or the premises on which such sign is located shall be liable for maintenance of such sign, including its source(s) of illumination, in neat and orderly condition and in good working order at all times, and for preventing deterioration of the physical appearance or safety of such sign. Message board signs must be designed in such a manner that the message area is resistant to damage by wind and vandalism.

(F) **Electrical Elements.** All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Bolingbrook Electrical Code and shall be contained in rigid conduit or enclosed in poles or raceways. No wiring may be exposed on the surface of any element of the sign.

(G) **Structural Elements.** The construction and structural components of all signs shall be in accordance with the standards and regulations of the Bolingbrook Building Code.

(H) **Development Name.** The proposed name of the development or establishment on a lot shall not duplicate or resemble the name of any existing development or establishment in the Village corporate boundaries. (Ordinance 85-012, 02.26.85)

(I) **State Permit.** Whenever and wherever a State of Illinois permit is required for a sign, said permit shall be a prerequisite to the construction of a sign for which the permit is required. (Ordinance 92-058, 06.09.92)
SECTION 5-406. SIGNS EXEMPTED FROM THIS CHAPTER. Nothing in this Section 5-406 shall be construed as exempting the following signs from the provisions of Section 5-404 and Section 5-405 or from any provisions of the Building Code or those portions of the Municipal Code applicable to signs. The following signs are otherwise exempt from regulations by the Zoning Ordinance:

(A) Flags, symbols or crests of nations, states, cities or political, fraternal, religious or civic organizations unless the use thereof is for advertising or commercial purposes. One logo flag of a company or business shall be allowed provided that it is flown along with the American flag and shall not be larger than that flag and no larger than 4 feet by 7 feet in size.

(B) Decorations customarily and commonly associated with a national, local or religious holiday, provided that such decorations shall not be displayed for more than sixty (60) days.

(C) Signs no greater than six (6) square feet in area, nor greater than six (6) feet in height on private property which direct automotive or pedestrian traffic. No such sign shall be located within five (5) feet of any lot line or driveway. Such sign may include the name or logo of the establishment on the lot. In the case of a Health Care Special Use (defined in Section 4-301(B)) for which a Special Use Permit has been granted, such signs which direct vehicular or pedestrian traffic may be illuminated internally up to 24 hours per day and include (i) one (1) sign that is up to twelve (12) feet in height and up to two hundred forty (240) square feet in area and (ii) two (2) signs that are up to ten (10) feet in height and up to one hundred twenty (120) square feet in area. (Ordinance 05-002, 01.04.05)

(D) Bulletin boards, message boards, and similar devices no greater than thirty-two (32) square feet in area and ten (10) feet high, used solely to give information about and accessory to a public, charitable, educational, religious institution, or industrial use located on the lot. (Ordinance 96-070, 06.25.96)

(E) Signs not exceeding two (2) square feet in area bearing only the name or logo of the occupant or address of the lot.

(F) Legal notices, identification, informational, directional, traffic or other sign erected or required by governmental authority under any law, statute or ordinance.

(G) Signs no greater than sixteen (16) square feet in area and announcing candidates for political office or political issues. (Ordinance 11-029, 05.10.11)

(H) Memorial signs or tablets containing the names of a building and the date of construction, when cut into any masonry surface so as to be part of the building or when constructed of bronze or some other non-combustible material and permanently attached to a building.

(I) Non-illuminated window signs covering no more than 60% of the window area, excluding glass doors.

(J) Except as otherwise provided in Section 5-409, real estate signs not more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street. Real estate signs shall be freestanding signs and set back not less than (10) ten feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. (Ordinance 93-121, 09.14.93)

(K) Signs attached to the underside of a canopy provided such signs are mounted at right angles to the building facade and provided a minimum clearance of eight (8) feet above the sidewalk is maintained and that no portion of such sign is within one (1) foot of the edge of the canopy.

(L) Menu boards accessory to a restaurant drive-up window facility, provided such sign shall not exceed 36 square feet in area. (Ordinance 85-012, 02.26.85)
(M) Signs giving instructions or business signs used only for the convenience and information of motorists using a gasoline station service island. Up to sixteen (16) square feet of such signs may be displayed at each pump service island, no one sign to exceed eight (8) square feet in area and not higher than ten (10) feet in height. (Ordinance 85-012, 02.26.85)

(N) Signs used to identify the type of model home when used in conjunction with a developing residential subdivision. Each type of model home is allowed one (1) sign not to exceed sixteen (16) square feet in area and ten (10) feet in height. Such sign shall be located on the lot where the model home is located and shall be removed upon occupancy of the home for normal residential use. (Ordinance 91-118, 08.27.91)

(P) Signage identifying commercial and industrial uses in residential areas pursuant to Municipal Code Section 28-104. (Ordinance 00-084, 05.23.00)

(Q) “No Trespassing,” “Beware of Dog” and other similar warning signs not greater than 11” x 17” in size, provided that no more than one (1) such sign shall be permitted in each yard abutting a street. In residential zoning districts, these signs may be attached to a fence or gate. In nonresidential zoning districts, these signs may be attached to a fence or gate or may be freestanding; however, a freestanding sign shall be set back not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. (Ordinance 02-021, 03.12.02)

(R) (Added in its entirety by Ordinance 05-132, 12.13.05) In Sign Zone "C" only, the following shall be exempt from the provisions of this Chapter, provided that nothing in this Subparagraph (R) shall be construed as exempting the following signs from the provisions of Section 5-404 and Section 5-405 or from any provisions of the Municipal Code that are applicable to signs:

1. Signs, not to exceed twelve (12) feet in height and sixteen (16) square feet in area, that direct pedestrians to major retailers or amenities within a planned shopping center. Such signs shall not be visible from any major arterial street and may be ground, wall or blade mounted. Such signs may be illuminated.

2. Planned shopping center map sign, not to exceed eight (8) feet in height and thirty-two (32) square feet in area, that directs pedestrians to multiple store locations within a planned shopping center. Such signs shall not be visible from any major arterial street and may be illuminated.

3. Parking lot identification signs, not to exceed six (6) square feet in area, located on light poles within the parking lot of a planned shopping center, that directs automotive and pedestrian traffic to designated parking areas. The lower limit of the face of any sign shall be a minimum height of thirteen and one-half (13.5) feet and may be illuminated.

4. Any sign/banner/flag constructed of cloth, canvas or light fabric, not to exceed ten (10) square feet in area, located on a light pole within the retail area of a planned shopping center, which identifies a shopping district/area. The lower limit of the face of any such sign shall be a minimum height of nine (9) feet, shall not be visible from any major arterial street, and may be illuminated.

5. Signs, not to exceed seven (7) feet in height and three (3) square feet in area, that direct automobile traffic to locations that offer valet parking services. Each business offering valet services shall be limited to two (2) such signs. Such signs may be ground or wall mounted.
(6) Signs, not to exceed three (3) square feet in area, located on light poles within a planned shopping center, which identify the name of private drive aisles within such planned shopping center. The lower limit of the face of any such sign shall be a minimum height of nine (9) feet, shall not be visible from any major arterial street, and may be illuminated.

(7) Signs, not to exceed five (5) square feet in area, which identify delivery service areas. Such signs may be ground or wall mounted and may be illuminated.

(8) Signs, not to exceed eight (8) square feet in area, that direct pedestrians to restrooms, management offices, and other amenities within a planned shopping center. The lower limit of the face of any such sign shall be a minimum height of nine (9) feet, shall not be visible from any major arterial street, and shall be wall mounted.

SECTION 5-407. CLASSIFICATIONS OF SIGNS.

(A) Functional Types. For purposes of this Article, signs shall be classified according to their function, defined as follows:

1. Advertising Sign. A sign commonly known as a billboard, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the lot on which the sign is located; or, a sign which directs attention to a business that is no longer conducted or to a product that is no longer sold on the lot on which the sign is located. An advertising sign shall be a freestanding sign.

2. Business Sign. A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered, on the premises where the sign is located or to which it is affixed. A business sign shall be a wall, canopy, awning, marquee, or window sign.

3. Identification Sign. A sign giving the name and address of a residential building, business, development, industry, or other building or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol. An identification sign shall be a freestanding, wall, canopy, awning, or marquee sign.

4. Construction Sign. A sign erected on a lot on which construction is taking place, indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project. Said sign shall be erected only so long as construction is occurring on the lot. A construction sign shall be a wall or freestanding sign.


a. A sign designating the name and/or address of the development. A development for the purpose of this Article shall mean a building or buildings located on a lot not less than 100 feet in width at the front property line and under unified ownership or control. A development sign may be used for the identification of residential subdivisions. A development sign shall be a freestanding sign; and/or,
b. **Tenant Identification Sign.** A sign giving the name of a tenant on a lot on which two (2) or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and shape and be designed for maximum legibility; and/or

c. **Message Board Sign.** A sign designed so that characters, letters, or illustrations can be changed or rearranged electronically, electrically, or manually without altering the face or surface of the sign.

6. **Real Estate Sign.** A sign indicating the sale, rental, lease, or development of the lot, a portion of the lot, or a building on the lot on which the sign is located. A real estate sign shall be a wall or freestanding sign.

7. **Temporary Signs.** Any sign, banner, pennant, streamer, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other lightweight material without a frame. A temporary sign shall be a wall, awning, marquee or canopy sign.

8. **Grand Opening Temporary Sign.** A portable sign or temporary sign used for the purpose of advertising a grand opening or grand re-opening of a new business. A grand opening temporary sign may be displayed only within 180 days of issuance of an occupancy certificate. A grand opening temporary sign may be a wall, marquee, canopy, awning, or freestanding sign. Promotions, anniversary sales, special sales, or going-out-of-business sales do not apply.

9. **Cold air Inflatable Device.** An inflatable device, without a frame, used as a portable sign for promotions, sales, special events, or going-out-of-business sales. A cold air balloon shall be ground mounted. (Ordinance 03-017, 02.25.03)

**Structural Types.** For purposes of this Article, signs shall be classified according to their structural type, defined as follows:

1. **Awning, Canopy or Marquee Sign.** A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by this Article. The construction materials and the manner of construction of all awnings, canopies and marquees shall be in accordance with the Bolingbrook Building Code.

2. **Wall Sign.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve (12) inches from such building or structure. No wall sign shall extend more than 75% of the width of the facade of the building to which it is attached.

3. **Window Sign.** A sign which is applied or attached to or located within three (3) feet of the interior of a window, which sign may be seen through the window from the exterior of the structure.

4. **Portable Sign.** A sign, no face of which shall exceed fifty (50) square feet, attached to or mounted upon a frame intended to be moved from place to place. Such sign may be used as a temporary sign and may or may not include moveable lettering and/or electrical equipment for use as illuminated signs. All illuminated portable signs shall be wired with a UL approved ground fault interrupter, and all service connections
shall be approved by a Bolingbrook electrical inspector. No flashing lights or other moving displays shall be permitted on such sign, and all illumination shall be of an indirect or diffused nature.

5. Ground Mounted/Monument Sign. A sign that is supported on a base that is equal width and depth to the frame of the sign itself. A ground mounted/monument sign must be constructed of materials to match the principal structure.

            (Ordinance 03-017, 02.25.03)

SECTION 5-408. SIGN REGULATIONS - RESIDENTIAL DISTRICTS.

(A) Signs Permitted in any Residential District. The following signs shall be permitted on a lot in any Residential District, subject to the standards set forth in this Section 5-408:

1. Construction Sign. One (1) construction sign not to exceed thirty two (32) square feet in area and not to exceed ten (10) feet in height which shall be displayed only for the duration of the project while building permits are in effect, provided that such sign is located on the premises undergoing construction. Such sign shall not be illuminated.

            (Ordinance 07-087, 08.15.07)

2. Development Sign.

   a. For residential subdivisions, two (2) development signs, one (1) to be located on either side of the street at the main entrance to the residential development, not to exceed sixty (60) square feet in area and not to exceed ten (10) feet in height. Such signs may be illuminated. (Ordinance 03-017, 02.25.03)

   b. For uses requiring a Special Use Permit in a Residential District, one (1) development sign not to exceed fifty (50) square feet in area and not to exceed ten (10) feet in height. Such sign may be illuminated.

3. Temporary Sign. (Ordinance 95-079, 05.09.95)

   a. For residential uses, one (1) temporary sign, not to exceed six (6) square feet in area and not to exceed six (6) feet in height. Such signs shall not be displayed for more than 3 days at a time nor more than twice a month. Such signs may not be illuminated.

   b. For uses requiring a Special Use Permit in a Residential District, one (1) temporary sign not to exceed fifty (50) square feet in area and not to exceed six (6) feet in height may be displayed on the lot for not more than sixty (60) days in a calendar year. Such signs may not be illuminated.

   c. In the R-5, Single Family Residential, Attached District and the R-6, Multiple Family Residential District, one (1) portable sign not to exceed 50 square feet in area shall be allowed on land appurtenant to a homeowner association's clubhouse.

4. Real Estate Sign. In addition to such signs permitted by Section 5-406(J), one (1) real estate sign for developments offering more than five (5) dwelling units for sale or lease. Said sign shall be a freestanding sign not to exceed fifty (50) square feet in area and not to exceed ten (10) feet in height and may be illuminated.
(B) Signs Permitted in Multiple-Family Residential Districts Only. One (1) identification sign, not to exceed nine (9) square feet in area, for each multiple family structure. Such sign may be a wall or freestanding sign and may be illuminated. Such sign shall include only the name and address and/or readily recognized symbol pertaining to the development.

SECTION 5-409. SIGN REGULATIONS - COMMERCIAL, INDUSTRIAL, OR OFFICE DISTRICTS.

(A) The following signs shall be permitted on a lot in a Commercial District, Office District, or an Industrial District, subject to the standards set forth in this Section 5-409.

1. Construction Sign. One (1) construction sign not to exceed sixty-four (64) square feet in area and not to exceed twenty (20) feet in height which shall be displayed only for the duration of the project while building permits are in effect, provided that such sign is located on the premises undergoing construction. A construction sign shall be a wall or freestanding sign. (Ordinance 07-087, 08.15.07)

2. Business and Identification Signs. Each tenant or owner-occupant having a public entrance in an exterior building wall of a building on a lot shall be permitted to have identification signage or business signage for each exterior wall of that part of the building in which it is located, provided said wall contains a public entrance or is adjacent to a public street. Exception: business and identification signs are prohibited on each exterior wall which is contiguous to a residentially zoned or used lot. (Ordinance 11-029, 05.10.11)

The maximum area of such sign(s) shall not exceed two (2) square feet in area for each one (1) lineal foot of the facade of that portion of the building of which the tenant or owner-occupant is in possession and to which the sign is attached. All business and identification signs shall be wall, window, awning, canopy or marquee signs.

Each tenant located on either end of a multitenant building not having a public entrance in an exterior building wall shall be permitted to have identification signage or business signage. The maximum area of such sign shall not exceed one (1) square foot in area for each one (1) lineal foot of the facade of that portion of the building of which the tenant is in possession and to which the sign is attached. Exception: any wall which is contiguous to a residentially zoned or used lot. (Ordinance 04-044, 04.20.04)

In the case of a Health Care Special Use (defined in Section 4-301(B)) for which a Special Use Permit has been granted, business and identification signs may be illuminated internally up to 24 hours per day and, if located on an exterior building wall, may be located anywhere on the wall (anywhere between grade level and rooftop). (Ordinance 05-002, 01.04.05)

3. Within Sign Zone "B", one (1) development sign not to exceed one hundred twenty (120) square feet in area shall be allowed on any commercial, industrial or office lot with a total frontage less than five hundred (500) feet, except development signs that are located within three (300) feet of a residential zoned or used lot must not exceed fifty (50) square feet in area. On such lots having a total frontage of five hundred (500) feet or more, one development sign not to exceed one hundred fifty-five (155) feet of frontage or fraction thereof. Development signs on the same lot shall be a minimum of five hundred (500) feet apart. (Ordinance 03-017, 02-25.03)
Development signs located on a lot within Sign Zone "B" shall not exceed fifteen (15) feet in height, except development signs located on a lot within three (300) feet of a residential zoned or used lot must not exceed ten (10) feet in height.

Within Sign Zone "A" one (1) development sign not to exceed one hundred fifty-five (155) square feet in area shall be allowed on any commercial, industrial or office lot with a total frontage less than five hundred (500) feet. On such lots having a total frontage of five hundred (500) feet or more, one (1) development sign of one hundred fifty-five (155) square feet shall be allowed for each five hundred (500) feet of frontage or fraction thereof. Development signs located on a lot within Sign Zone "A" shall not exceed seventy-five (75) feet in height. The total or any portion of the allowed area of development signs allowed on any such lot may be combined into one (1) development sign, provided that the lower limit of the face of any sign which exceeds one hundred fifty-five (155) square feet in area shall be a minimum height of twenty-five (25) feet and the lower limit of the face of any sign which exceeds three hundred ten (310) square feet shall be a minimum height of fifty (50) feet. The maximum area of signs located within Sign Zone "A" which are forty (40) feet or more in height may be increased by one hundred (100) percent. Notwithstanding the foregoing, no sign in Sign Zone "A" shall exceed seven hundred (700) square feet in size.

Development signs on the same lot shall be a minimum of five hundred (500) feet apart except that the distance may be reduced to a minimum of one hundred (100) feet apart between a development sign the bottom limit of the face of which is at least forty (40) feet high and another allowable development sign or signs having a maximum height of twenty-five (25) feet. In no case shall two (2) development signs on one (1) lot, having heights within fifteen (15) feet of one another, be spaced less than five hundred (500) feet apart.

For purposes of determining the number of development signs allowed, within either sign zone, outlots shall not be included in computing the lot frontage. For purposes of determining the separation between each additional development sign on the same lot, the frontage of any outlots shall be included in measuring the distance between such signs.

a. Tenant Identification Sign. Tenant identification signs may be displayed on the development sign and must comply with the following standards:

1. Tenant identification signs must be subordinate in design and appearance to the development sign.
2. Tenant identification signs must not be smaller than 6 square feet in area.
3. Tenant identification signs should be compatible as to size and shape, type and design.

b. Message Board Sign. Message board signs may be displayed on the development sign and must comply with the following standards:

1. A Message board sign may not occupy more than 60% of the development sign area.
2. A Message board sign shall be designed to be compatible in design and appearance with the development sign.
3. A Message board sign shall be designed to be resistant to damage by wind and vandalism.

4. A message board sign shall advertise businesses or events taking place on the property unless the message is for a not-for-profit community event.

c. Outlots. On any outlot, which is a land use or parcel of record in front of a part of a shopping center, one (1) development sign not to exceed 50 square feet in area nor exceed 10 feet in height shall be allowed.

In the case of Health Care Special Use (defined in Section 4-301(B)) for which a Special Use Permit has been granted, (i) a ground-mounted development sign may (a) be illuminated internally up to 24 hours per day, (b) provide all or any of the following information: name of the development, name of tenant(s), type of health care and/or related businesses, building address(es), vehicular and/or pedestrian directions to health care facilities and related information and (ii) be located at all main, emergency and service entrances, and (iii) the word "lot" as used in this subsection 5-409(A) shall mean either a subdivided lot or an unsubdivided area of land containing a principal structure.  (Ordinance 05-002, 01.04.05)

4. Real Estate Sign. Except as hereinafter provided, one (1) real estate sign not to exceed one hundred (100) square feet in area and not to exceed fifteen (15) feet in height. No more than one (1) such sign shall be permitted in each yard adjacent to a dedicated street. Such sign shall be a free-standing or wall sign. Notwithstanding the foregoing, where there is an existing on-premises business sign or development sign, one (1) real estate sign not to exceed six (6) square feet in area shall be permitted, but only as a wall sign, window sign, or in the space provided for one tenant identification sign on any development sign on the premises.  (Ordinance 93-121, 09.14.93)

5. Temporary and Portable Signs. (Changed in its entirety by Ordinance 07-087, 08.15.07)

a. Temporary Sign. No more than (1) temporary sign not to exceed 100 square feet in area shall be displayed on any lot at any one time, whether or not the lot has more than one tenant or occupant. No temporary sign, including pennants and streamers, shall be displayed for more than 30 days at a time nor for more than 90 days in a calendar year. A temporary sign shall advertise business or events taking place on the property unless the temporary sign advertises a not-for-profit community event.

b. Portable Sign. One (1) portable sign not to exceed 50 square feet in area shall be allowed on any lot with a total frontage less than 500 feet. On lots having a total frontage of 500 feet or more, two (2) portable signs shall be allowed. A portable sign shall advertise business or events taking place on the property unless the temporary sign advertises a not-for-profit community event. Such sign(s) shall not be displayed for more than seven (7) days at a time and there must be at least three (3) consecutive days between the display of such sign(s) on the same lot. Such sign(s) shall be a freestanding sign.

c. Grand-Opening Temporary Sign. One (1) grand-opening temporary sign may be displayed on a lot and shall not be displayed for more than thirty (30) days. A grand-opening temporary sign shall advertise business or events taking
place on the property unless the temporary sign advertises a not-for-profit community event.

d. Cold Air Balloon Sign. One (1) inflatable device may be displayed on a lot and shall not be displayed for more than ten (10) days at a time nor for more than thirty (30) days in a calendar year, provided that no temporary or portable sign is also displayed on that lot. Such device may be illuminated and shall not exceed twenty-five (25) feet in height and ten (10) feet in diameter. A cold air balloon sign shall advertise business or events taking place on the property unless the temporary sign advertises a not-for-profit community event.

6. Signs Permitted in Sign Zone "C". (Added in its entirety by Ordinance 05-132, 12.13.05) The following signs shall be permitted in Sign Zone "C", subject to the standards set forth in this Section.

a. One (1) development sign not to exceed fifteen (15) feet in height and seventy-five (75) square feet in area may be located at each entrance to the planned shopping center from a major arterial street. No such sign shall be located within four hundred (400) feet of another development sign, and must be a ground mounted/monument style. Such signs may be illuminated.

b. One (1) architectural monument wall not to exceed fifteen (15) feet in height may be located at each entrance to the planned shopping center from a major arterial street. No such wall shall be located four hundred (400) feet from another architectural monument wall, shall not contain any sign text area, and must be a ground mounted/monument style. Such signs may be illuminated.

c. Up to seven (7) identification signs not to exceed sixteen (16) feet in height and fifteen (15) square feet in area located within a planned shopping center that displays the name of the planned shopping center. No such signs shall be located within four hundred (400) feet of any major arterial street and/or development sign. Such signs must be a ground mounted/monument style sign and may be illuminated.

d. Up to seven (7) directional signs not to exceed ten (10) feet in height and thirty-five (35) square feet in area, which direct automotive traffic to major retailers or amenities within a planned shopping center. No such sign shall be located within one hundred fifty (150) feet of any major arterial street and/or development sign, and must be a ground mounted/monument style sign. Such signs may be illuminated.

(B) Sign Allowances for Specific Commercial Uses. The following commercial uses may display the following signs, subject to the standards set forth:

1. Gasoline Stations. Each gasoline station shall be allowed to display, in addition to signs permitted by this Section 5-409, one double-faced gasoline rate sign not to exceed twenty-eight (28) square feet in area. Said sign shall be attached to the development sign. (Ordinance 85-012, 02.26.85)

2. Theaters. Each theater shall be allowed one (1) development sign not to exceed one hundred (100) square feet in area nor exceed twenty (20) feet in height. The area of said sign may be used for message board purposes.
3. Auto Dealerships.
   a. Each auto dealership shall be allowed a second development sign only if the lot is used for both new and pre-owned auto sales or if two (2) or more auto lines are offered for sale on the same lot. No more than two (2) such signs shall be allowed: one identifying the sale of pre-owned vehicles, and one identifying the sale of a second auto product line. Said signs shall not exceed fifty (50) square feet in area nor exceed fifteen (15) feet in height.
   b. Notwithstanding the provisions of Section 5-409(A)5a, each auto dealership may display pennants or streamers on the lot provided the pennants or streamers are kept in good condition.

(C) Signs Permitted in the I-1 and I-2 Districts Only. Advertising signs shall be permitted subject to the following conditions:

1. The maximum area of the sign shall not exceed seven hundred (700) square feet. (Ordinance 91-118, 08.27.91)
2. All advertising signs shall be freestanding signs.
3. Advertising signs may be illuminated.
4. No advertising sign shall be located nearer than two thousand (2,000) feet to any other advertising sign.
5. No advertising sign may be located within nine hundred (900) feet of an area zoned or used for residential purposes. (Ordinance 95-014, 02.14.95)

In the case of Health Care Special Use (defined in Section 4-301(B)) for which a Special Use Permit has been granted, an advertising sign may (i) designate the name of the development, name of tenant(s), type of health care and/or related businesses, building address(es), vehicular directions to health care facilities and related information, (ii) be illuminated internally up to 24 hours per day and (iii) not be located nearer than one thousand eight hundred (1,800) feet to any other advertising sign. (Ordinance 05-002, 01.04.05)

SECTION 5-410. NONCONFORMING SIGNS.

(A) Authority to Continue. Subject to the elimination and termination provisions hereinafter set forth, any sign lawfully existing upon the effective date of this Part 4 of Chapter 29 Article 5, or any sign made non-conforming by Ordinance 84-049 dated September 11, 1984, amending the Village Sign Ordinance, may be continued so long as it complies with the applicable provisions of the Bolingbrook Municipal Code.

(B) Repairs, Alteration, Expansion, Moving. The owner or beneficial user of any non-conforming sign shall maintain such sign in good condition and repair provided that sign shall not be changed or altered in any manner which would increase the degree of its non-conformity; shall not be changed to another non-conforming sign; shall not be expanded; shall not be structurally altered to prolong its useful life; or shall not be moved in whole or part in any other location where it would remain non-conforming.

(C) Exception for Repairs Pursuant to Public Order. Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a sign in accordance with a
reasonable order of a public official who is charged with protecting the public safety and who declares such a sign to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures.

(D) Termination of Non-conforming Signs.

1. Immediate Termination. Any sign or sign feature prohibited by Section 5-404(A), 5-404(B), 5-404(E) or 5-409(A)(4) shall be terminated within thirty (30) days after the effective date of this Section 5-410 as amended, by removal of the sign or by alteration of the sign to eliminate the specified feature. (Ordinance 94-127, 11.29.94)

2. Termination by Abandonment. Any non-conforming sign the use of which is discontinued for a period of sixty (60) days, shall be presumed abandoned and shall not thereafter be reestablished. Any period of such discontinuance caused by government actions, strikes, material shortages or acts of God, and without any contributing fault by the non-conforming user shall not be considered in calculating the length of discontinuance for purposes of this Section.

3. Termination by Change of Business. Any non-conforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the nature, ownership or control of the business; provided, however, such termination shall not be required if there is no change in the name or manner in which the business is conducted and such change, ownership or control does not require the modification or alteration of any existing sign.

4. Termination by Damage or Destruction. Any non-conforming sign damaged or destroyed, by any means, to the extent of 35% of its replacement cost new shall not be restored but shall be terminated.

SECTION 5-411. ZONING CERTIFICATE REQUIREMENTS.

(A) Zoning Certificate Required. Except for those signs enumerated in Section 5-406, no sign shall be erected, enlarged, expanded, altered or relocated unless a zoning certificate evidencing the compliance of such sign with the provisions of this Article and other applicable provisions of this Zoning Ordinance shall have been first issued in accordance with the provisions of Sections 11-301 and 11-302 of this Article.

Routine sign maintenance, changing of parts designed for change or changing the content of a sign in any manner which does not change the functional classification of the sign shall not, standing alone, be considered an alteration of the sign requiring the issuance of a zoning certificate, unless such change of parts or content relates to or is occasioned by a change in the ownership or nature of the activity to which the sign relates or which is conducted on the premises on which the sign is located.

(B) Zoning Certificate Application Requirements. Application for a Zoning Certificate for a sign shall be filed with the Zoning Administrator upon forms provided by the Village. Every application for zoning certificate for a sign shall be accompanied by the following, as needed:

1. A copy of plans and specifications showing the method of construction, illumination, if any, and support of such sign. Calculations showing the sign is designed for dead load and wind pressure in any direction in the amount required by other applicable laws and ordinances of the Village may be required.
2. An accurate plan showing the location of the sign(s) on the lot and a drawing indicating the location of the sign(s) on any building or structure on the lot.

3. A sketch, drawn to scale, showing sign faces, exposed surface areas and the proposed message and design, accurately represented as to size, area, proportion and color.

4. The written consent of the owner(s) or agent of the building, structure, or land on which the sign is erected.

5. An insurance policy and bond as required by this Section 5-411(C) herein below.  
(Ordinance 09-047, 07.14.09)

(C) **BOND REQUIREMENT**: All contractors are required to file with the Village of Bolingbrook Community Development Department an original bond issued by a surety company in the principal amount of ten percent (10%) of the total cost of all material and labor necessary to perform the desired task, but not less than twenty thousand dollars ($20,000).  
(Ordinance 09-047, 07.14.09)

**INSURANCE REQUIREMENT**: All contractors and subcontractors are required to have a liability policy providing coverage in the amount of one hundred thousand dollars ($100,000) for bodily injury, three hundred thousand dollars ($300,000) for each occurrence, and twenty-five thousand dollars ($25,000) for property damage. An application filed with the Village shall be accompanied by evidence of such coverage in the form of a certificate of insurance naming the Village of Bolingbrook as an additional insured under said policy.  
(Ordinance 09-047, 07.14.09)

(D) **Permit Fees.** The fee to be charged for permits for the construction or erection of any sign, except those enumerated in Section 5-405, shall be as follows: (Changed in its entirety by Ordinance 04-062, 05.18.04)

1. For development, business, identification and advertising signs:
   - Non-illuminated: $3.00/square foot of sign area
   - Illuminated: $30.00 plus $3.00/square foot of sign area
   - Marquees/Readerboard
     - Illuminated: $30.00 plus $3.00/square foot of sign area
     - Non-illuminated: $20.00 plus $3.00/square foot of sign area
   - Face Change: $1.00/square foot of sign area

2. For real estate, construction, temporary, grand opening, and portable signs:
   - Non-illuminated: $20.00
   - Illuminated: $30.00

(E) **Revocation of Permit.** All rights and privileges acquired under the provisions of this Chapter, or any amendments thereto, are mere licenses revocable at any time by the majority of the President and Board of Trustees, and all such permits shall contain this provision.
### Section 5-412. Summary of Sign Regulations

<table>
<thead>
<tr>
<th>TYPE OF SIGN</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL, INDUSTRIAL AND OFFICE DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSTRUCTION SIGN (ground mounted or attached)</td>
<td>Area not to exceed 32 sq ft. Height not to exceed 10 ft. Shall not be illuminated.</td>
<td>Area not to exceed 64 sq ft. Height not to exceed 20 ft.</td>
</tr>
<tr>
<td>REAL ESTATE SIGN (ground mounted or attached)</td>
<td>Area not to exceed 6 sq ft. Height not to exceed 6 ft. May be illuminated. For 5 or more units: Area not to exceed 50 sq ft. Height not to exceed 10 ft. May be illuminated.</td>
<td>Area not to exceed 100 sq ft. Height not to exceed 15 ft.</td>
</tr>
<tr>
<td>DEVELOPMENT SIGN (ground mounted)</td>
<td>Two (2) signs; area not to exceed 60 sq ft each. Height not to exceed 10 ft. May be illuminated. If a SUP is required: Area not to exceed 50 sq ft. Height not to exceed 10 ft. May be illuminated.</td>
<td>Frontage 500 ft or less: Area not to exceed 120 sq ft. Height not to exceed 15 ft. Frontage exceed 500 ft: Area not to exceed 155 sq ft. Height not to exceed 25 ft. Outlots: Area not to exceed 50 sq ft. Height not to exceed 10 ft.</td>
</tr>
<tr>
<td>BUSINESS &amp; IDENTIFICATION SIGN (attached)</td>
<td>Following only applicable in R-5, R-6 and R-7 districts: Area not to exceed 9 sq ft. May be illuminated.</td>
<td>Area not to exceed 2 sq ft of sign area per lineal ft of building facade. Signs permitted on elevations with a public entrance and/or face a public R-O-W. Signs permitted on endcaps. May not extend more than 75% of building frontage.</td>
</tr>
<tr>
<td>TEMPORARY SIGN (ground mounted or attached)</td>
<td>Area not to exceed 6 sq ft. Height not to exceed 6 ft. Display not to exceed 3 days. May be illuminated. If a SUP is required: Area not to exceed 50 sq ft. Height not to exceed 6 ft. Display not to exceed 60 days. May be illuminated.</td>
<td>Area not to exceed 100 sq ft. Display not to exceed 30 days at one time and 90 days per calendar year. Only 1 sign per lot at one time.</td>
</tr>
<tr>
<td>PORTABLE SIGN (ground mounted)</td>
<td>Area not to exceed 50 sq ft. Height not to exceed 6 ft. May be illuminated.</td>
<td>Area not to exceed 50 sq ft if frontage is less than 500 ft. If frontage exceeds 500 ft, 2 signs are permitted. Display not to exceed 7 days with a minimum of 3 days between displays.</td>
</tr>
<tr>
<td>COLD AIR INFLATABLE (ground mounted)</td>
<td>Not applicable.</td>
<td>Diameter not to exceed 10 ft. Height not to exceed 25 ft. Display not to exceed 30 days per calendar year, but not for more than 10 days at one time.</td>
</tr>
<tr>
<td>ADVERTISING SIGN (ground mounted)</td>
<td>Not applicable.</td>
<td>Area not to exceed 200 sq ft. Height not to exceed 25 ft. Separation distance between two advertising signs shall not to exceed 2,000 ft. May be illuminated.</td>
</tr>
</tbody>
</table>
ARTICLE 6 -- OFF-STREET PARKING AND LOADING

PART 1 - GENERAL PROVISIONS.

SECTION 6-101. PURPOSE. The purpose of this Section is to alleviate or prevent the congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put.

SECTION 6-102. GENERAL PROVISIONS - PARKING AND LOADING.

(A) Scope of Regulations. The off-street parking and loading provisions of this Ordinance shall apply as follows:

1. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the district in which such building or uses are located. However, where a permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within one year of such effective date, and diligently prosecuted to completion, parking and loading facilities as required hereinafter need not be provided.

2. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

3. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this Ordinance shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen (15) percent of the units of measurement existing upon the effective date of this Ordinance, in which event parking or loading facilities as required herein shall be provided for the total increase.

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

(B) Existing Parking and Loading Facilities. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Ordinance or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this Ordinance for a similar new building or use.

(C) Permissive Parking and Loading Facilities. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings provided that all regulations herein governing the location, design, improvement and operation of such facilities are adhered to.
(D) **Damage or Destruction.** For any conforming or legally non-conforming building or use which is in existence on the effective date of this Ordinance, which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation, except that when such damage or destruction exceeds more than 50% of the value of the building or use, sufficient off-street parking or loading facilities shall be provided as required by this Ordinance for equivalent new use or construction. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.

(E) **Control of Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities other than on the same zoning lot until and unless the Zoning Board of Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(F) **Submission of Plot Plan.** Any application for an improvement location permit for certificate of occupancy where no permit is required, shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this Ordinance.

(G) **Phased Installation of Parking Facilities.** (Ordinance 96-070, 06.25.96) Upon presentation of clear and convincing evidence by the applicant that the total number of required parking spaces are not immediately necessary for the current use of a building or structure, the Board of Trustees may permit the phased installation of the parking facilities. Sufficient area shall be reserved on the site for the construction of future parking facilities in accordance with the requirements of the Zoning Ordinance, and parking facilities shall be installed when the Board of Trustees determines that they are warranted. If phased installation of parking facilities is approved, the applicant shall enter into an agreement, in a form acceptable to the Village, setting forth the terms and conditions applicable to the phased installation of parking facilities. The agreement shall run with the land and shall be recorded with the Will County Recorder of Deeds at the applicant's sole cost and expense. The agreement shall further provide that, in the event that the applicant fails to comply with any term or condition thereof, the Village shall have the following legal remedies, none of which shall be exclusive:

1. the right to sue for breach of contract, whether in law or in equity, for damages, specific performance, or any other legal remedy deemed appropriate by the Village;
2. the right to revoke the certificate of occupancy for the premises;
3. the right to enter upon the property and install the required parking spaces at the owner's sole cost and expense and to lien the premises in order to enforce payment to the Village for the work performed; and
4. the right to recover the Village Attorney's fees and court costs in any enforcement action.
PART 2 - OFF-STREET PARKING.

SECTION 6-201. ADDITIONAL REGULATIONS - PARKING.

(A) **Use of Parking Facilities.** Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Section shall be used solely for the parking of passenger automobiles owned by occupants of the dwelling structures to which such facilities are accessory or by guests of said occupants, except as provided in subsection (G) herein. (Ordinance 92-058, 06.09.92)

(B) **Joint Parking Facilities.** Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located shall not be less than the sum of the separate requirements for each use.

(C) **Computation.** When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(D) **Size.** A required off-street parking space shall be no less than nine (9) feet wide and nineteen (19) feet deep with a vertical clearance of seven (7) feet, all exclusive of access drives, aisles, ramps, columns, office or work space, provided however that in measuring the length of a parking space area safely occupied by a vehicle beyond a curb stop, whether paved or unpaved, may be included. Aisle widths shall not be less than the following: Twenty-four (24) feet for each perpendicular parking space, twenty (20) feet for each single parking space on a two-way street and sixteen (16) feet for each angle parking space on a one-way street. Notwithstanding the foregoing, the Zoning Administrator may permit a limited number of spaces designed to accommodate safely compact cars. (Ordinance 95-079, 05.09.95)

(E) **OFF STREET PARKING & LOADING.** Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property nor curb cut shall exceed a width of forty (40) feet on a lot zoned or used for industrial, thirty-six (36) feet on a lot zoned or used for commercial, and twenty-four (24) feet on a lot zoned or used for residential, unless otherwise permitted per Article 3. (Ordinance 13-062, 09.24.13)

(F) **In Yards.** Except for resident parking in the E-R, R-1, R-2, R-3, R-4 and R-5 districts, no off-street parking spaces may be located in a required yard. (Ordinance 13-041, 06.11.13)

(G) **Outdoor Storage of Vehicles and Trailers in Residential Districts.**

1. No recreational vehicle, including but not limited to camping trailers, boat trailers, boats, camping buses, or camper trucks, shall be stored in a driveway:
   a. In any front yard in a residential district, and
   b. In any side yard in any residential district that is adjacent to the right-of-way line of a public street.
For the purpose of this Section 6-201, a recreational vehicle shall be deemed to have been stored on a driveway in any such front or side yard when it has been parked thereon for more than forty-eight (48) hours in any week.

2. Commercial vehicles, including contractor's equipment, having a gross weight when fully loaded in excess of 8,000 pounds and/or bearing a class designation other than "B" under the provisions of Ill. Rev. Stat. ch. 95-1/2, par. 3-815, but excluding public passenger vehicles, shall not be parked or stored in any zoning area classified as a Residence District at any time except when making a delivery or rendering a service at such premises. Public passenger vehicles may be parked in any zoning area classified as a Residence District only between the hours of 6:00 a.m. and 6:00 p.m. The storage of a commercial vehicle or contractor's equipment at his/her place of residence shall not constitute the making of a delivery or rendering of a service and shall be prohibited. (Ordinance 92-058, 06.09.92)

(H) Storage of Snow Removal Equipment and Salt or Other De-icing Agents. (Changed in its entirety by Ordinance 02-021, 03.12.02)

1. In residential districts. No snow removal equipment and no salt or other deicing agent shall be stored within the parking lot or in a covered structure or container in any multiple family residential zoning district.

2. In commercial districts. No snow removal equipment and no salt or other deicing agent shall be stored within the parking lot, loading area, or behind a building, or in a covered structure or container in any commercial zoning district.

3. In industrial districts. Snow removal equipment and salt or deicing agent shall be stored within a rear yard only. Any stored salt or deicing agent shall be placed in a covered structure or container that does not allow for direct contact with any pervious or impervious surface. Said cover shall be secured to prevent the salt or other deicing agent from contact with the elements.

(I) Storage of Products or Household Items in a Trailer, Mobile Storage Container, or other Similar Storage Container. (Changed in its entirety by Ordinance 08-025, 04.08.08)

1. In residential districts. On-site mobile storage containers shall be permitted only under the following terms, conditions, restrictions and regulations:

   (a) On-site mobile containers shall be utilized for the storage, loading and unloading of household items.

   (b) On-site mobile containers shall be placed only upon an improved, hard, dust-free driveway, and shall not obstruct a public sidewalk or be placed on a private or public street.

   (c) Only one (1) on-site mobile container may be located on a property at one time.

   (d) On-site mobile containers shall not exceed ten (10) feet in height and one hundred fifty (150) square feet in size.

   (e) On-site mobile containers shall not be placed on a property for more than fourteen (14) consecutive days, and no more than two (2) such fourteen (14) day periods shall be allowed per calendar year.
2. In commercial districts. No products sold by the business occupying the property shall be stored in a trailer or other similar storage container within a parking lot or loading area or behind a building in any commercial zoning district.

3. In industrial districts. No products manufactured or distributed by the business occupying the property shall be stored in a trailer or other similar storage container located on the property within a parking lot or loading area or behind a building in any industrial zoning district, except for manufactured or distribution products being stored in trailers awaiting shipment to off-site destinations.

(J) Vehicles Displayed and Advertised “For Sale” in Commercial and Industrial Districts. (Changed in its entirety by Ordinance 02-021, 03.12.02)

No automobile or recreational vehicle, including but not limited to camping trailers, campers, boat trailers, boats, other water craft such as wave runners, jet skis, etc., or snowmobiles, shall be displayed and advertised “For Sale” within a commercial or industrial parking lot unless the subject property has been approved under Village codes for new and/or used vehicle sales.

(K) Storage of Privately Owned Commercial Vehicles or Contractor’s Equipment in Commercial Districts. (Changed in its entirety by Ordinance 02-021, 03.12.02)

No privately owned commercial vehicle, including but not limited to truck cab or trailer, or contractor’s equipment shall be stored or parked within any parking lot or loading area or behind a commercial center or building in any commercial zoning district unless said vehicle is being used to make a delivery or render a service to a business occupying the property or unless the storage of commercial vehicles or contractor’s equipment has been approved by provisions of the Zoning Ordinance.

SECTION 6-202. DESIGN AND MAINTENANCE.

(A) Open and Enclosed Parking Spaces. Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed in a building.

(B) Landscaping shall be provided as required in Article 7.

(C) Surfacing.

1. Every parking space, including access thereto, shall have an all-weather dust-free surface and shall be so graded and drained as to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public drainage way. (Ordinance 15-032, 05.26.15)

(D) Lighting. Lighting used to illuminate off-street parking areas shall be provided as required in Section 30-419(E) of the Village’s Development Code. (Ordinance 02-021, 03.12.02)

(E) Signs. Signs for the purpose of assigning parking spaces or giving directions may be placed in parking areas.

(F) Repair and Service. No motor vehicle repair work of any kind shall be permitted in conjunction with accessory open off-street parking facilities provided in a residence district, except when approved as part of a planned development.
(G) **Gasoline and Oil Sales.** The sale of gasoline and motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.

(H) **Floor Area Exemptions.** When two (2) or more uses are located on the same zoning lot, only one (1) exemption in terms of floor area, as set forth in the Schedule of Parking Requirements below, shall be permitted.

(I) **Curbing.** The perimeter of all parking areas providing space for five (5) or more vehicles shall provide vehicular barriers. The vehicular barriers of such parking areas shall be continuous barrier curbing.  (Ordinance 75-064, 07.15.75)

(J) **Dead-end Parking Facilities.** Off-street parking facilities within all zoning districts shall have two means of vehicular access upon an aisle or driveway located within the site and designed in accordance with the parameters established under Subsection 6-201(D). No dead-end parking facility will be permitted.  (Ordinance 97-063, 07.22.97)

SECTION 6-203. LOCATION OF ACCESSORY OFF-STREET PARKING FACILITIES. The location of off-street parking spaces in relation to the use served shall be prescribed hereinafter.

(A) **For Uses in a Residence District.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings may be located on a lot adjacent to, or directly across a street or alley from, the lot occupied by the use served, but in no case more than three hundred (300) feet from such use.

(B) **For Uses in Business and Manufacturing Districts.** All required parking spaces shall be not more than five hundred (500) feet from the use served, except for spaces accessory to dwelling units which shall be not more than three hundred (300) feet from the uses served. However, no parking spaces accessory to a use in a business or manufacturing district shall be located in a residence district, except that private, free, off-street parking accessory to such uses and municipal parking lots may be allowed by special use permit in accordance with the standards and procedures specified for special use permits in Article 8 of this Ordinance, within two hundred (200) feet of and adjacent to any business or industrial district.

SECTION 6-204. SCHEDULE OF PARKING REQUIREMENTS. For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required for employees shall be based on the maximum number of employees on duty, or residing, or both, on the premises at any one time.

(A) **Residential Uses**, as follows:

1. One family dwelling: Three (3) parking spaces shall be provided for each dwelling unit. A garage may be counted as one (1) space.

2. Two family dwellings, single family attached dwellings: A minimum of three (3) off-street parking spaces shall be provided for each dwelling unit. A garage may be counted as one (1) space.

3. **Tourist Courts, Tourist Homes, Motels and Motor Hotels:** One (1) parking space shall be provided for each dwelling unit or lodging room, plus one (1) space for the manager and each employee, plus parking as required herein for other ancillary uses such as restaurants and meeting rooms.
4. Hotels, Motels and Lodging Houses: 1.2 spaces for each rental unit shall be provided in addition to the minimum parking requirements for other accessory uses such as restaurants and meeting rooms. (Ordinance 88-071, 09.27.88)

5. Private Clubs and Lodges: One (1) parking space shall be provided for each two hundred (200) square feet of floor area.

6. Multiple Family Dwellings: (Including apartment hotels): A minimum of two and one half (2.5) off-street parking spaces shall be provided for each dwelling unit. (Ordinance 80-057, 10.07.80)

(B) Retail and Service Uses, as follows:

1. Retail Stores and Banks: One (1) parking space shall be provided for each two hundred (200) square feet of floor area. Drive-in banks or other similar drive-in establishments shall provide three (3) stacking spaces per teller or customer service window.

2. Automobile Service Stations: At least two (2) parking spaces for each service bay, plus one (1) parking space for each employee, but not less than five (5) parking spaces.

3. Automobile Laundry: Twenty (20) stacking spaces shall be provided for each wash rack, plus one (1) parking space for each employee.

4. Bowling Alleys: Five (5) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses - bars, restaurants and the like.

5. Restaurants and Food Service Establishments: (Replaced entirely by Ordinance 03-025, 03.25.03)
   a. Establishments Dispensing Food or Beverages for Consumption on the Premises: One parking space shall be provided for each one hundreds (100) square feet of floor area, provided that, in such establishments where additional floor area is provided for bar/lounge services, fifteen (15) additional parking spaces shall be provided.
   b. Drive-through, Drive-in and Carry-out Restaurants: One (1) parking space for each one hundred fifty (150) square feet of floor area plus one (1) additional parking space for each employee on duty, for a total of not less than ten (10) spaces.
   c. Delivery and Pick-up Restaurants (where no area is provided for consumption on the premises): One parking space for each two hundred (200) square feet of floor area plus one (1) additional parking space for each employee on duty, for a total of not less than ten (10) spaces.

6. Furniture and Appliance Stores, Household Equipment or Furniture Repair Shops and Machinery Shops: One (1) parking space shall be provided for each six hundred (600) square feet of floor area.

7. Motor Vehicle Sales: One (1) parking space shall be provided for each three hundred (300) square feet of floor area.
8. Theaters (Indoor): One (1) parking space shall be provided for each three (3) seats.

9. Undertaking Establishments, Funeral Parlors: Thirty (30) parking spaces shall be provided for each main chapel(s), fifteen (15) parking spaces for each additional divided parlor plus one (1) parking space for each funeral vehicle kept on the premises; in addition there shall be provided stacking space for not less than ten (10) automobiles for funeral procession assembly. (Ordinance 95-079, 05.09.95)

10. Offices - Business, Professional and Governmental: One (1) parking space shall be provided for each three hundred (300) square feet of floor area. Offices - Medical and Dental: One (1) parking space shall be provided for each two hundred (200) square feet of floor area. (Ordinance 77-059, 08.22.77)

11. Wholesale Establishments (But not Including Warehouses and Storage Buildings other than Accessory): One (1) parking space shall be provided for each six hundred (600) square feet of floor area.

12. Industrial uses:
   a. Manufacturing: Four (4) spaces plus one (1) space for each 500 square feet of floor area; however, the amount of parking spaces provided shall not be less than two-thirds (2/3) of the greatest number of employees on any one shift.
   b. Warehousing: Four (4) spaces plus one (1) space for each 1500 square feet of floor area; however, the amount of parking spaces provided shall not be less than two-thirds (2/3) of the greatest number of employees on any one shift. (Ordinance 81-027, 08.11.81)

13. Planned Shopping Center: A minimum of five (5) parking spaces and a maximum of six (6) parking spaces per 1,000 square feet of gross leasable area in the structures in the planned shopping center development, in addition to adequate off-street parking for employees. (Ordinance 81-027, 08.11.81)

(C) Community Service Uses, as follows:

1. Church, School, College and other Institutional Auditoriums: One (1) parking space shall be provided for each three (3) auditorium seats or each 80 inches of seating space. Adequate space shall also be provided for buses used in connection with the activities of the institution, and all loading and unloading of passengers shall take place upon the premises.

2. Colleges, Universities and Business, Professional and Trade Schools: One (1) parking space shall be provided for each three (3) employees, and one (1) parking space shall be provided for each two (2) students based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

3. Clinics, Health Centers and Similar Uses: One (1) parking space shall be provided for each two hundred (200) square feet of floor space. (Ordinance 05-002, 01.04.05)

4. Hospitals: One and seventy five one hundredths (1.75) parking spaces shall be provided for every one thousand (1,000) square feet of floor space. (Ordinance 05-002, 01.04.05)
5. Libraries, Art Galleries and Museums - Public: One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.

6. Municipal or Privately-Owned Recreation Building or Community Center: One (1) parking space shall be provided for each employee, plus one space for each three hundred (300) square feet of floor space.

7. Public Utility and Public Service Uses: One and one-half (1 1/2) parking spaces shall be provided for each employee, plus one (1) space for each vehicle used in the conduct of the enterprise.

8. Schools - Nursery, Elementary and High: One (1) parking space shall be provided for each employee, plus ten (10) spaces for each one hundred (100) students.

(D) Places of Assembly, as follows:

1. Stadiums, Arenas, Auditoriums (other than church, college, or institutional schools), Convention Halls, Exhibition Halls, and other Similar Places of Assembly: Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided.

2. Dance hall, discotheque, private club, tavern, cocktail lounge, nightclub, outdoor beer garden and outdoor cafe that serves alcoholic beverages, and any eating or drinking establishment with live entertainment and/or dancing; one (1) parking space shall be provided for each twenty-five (25) square feet of floor area. (Ordinance 08-080, 08.26.08)

3. Banquet hall/meeting room: one (1) parking space shall be provided for each two hundred (200) square feet of floor area. (Ordinance 08-080, 08.26.08)

(E) Miscellaneous Uses, as follows:

1. Fraternities, Sororities and Dormitories: One (1) parking space shall be provided for each five (5) active members, plus one (1) parking space for the manager thereof.

2. Sanitariums, Convalescent Homes or Institutions for Aged or for Children: One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

3. Rest Homes or Nursing Homes: One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees, (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

4. Theaters - Automobile Drive-In: Reservoir parking space equal to ten (10) percent of the vehicle capacity of such theaters shall be provided.

(F) Special Uses. For the following Special Uses, parking spaces shall be provided in adequate number - as determined by the Zoning Administrator - to serve persons employed or residing on the premises as well as the visiting public:

1. Airports or aircraft landing fields; heliports
2. Convents and monasteries
3. Cemeteries
4. Fraternal or religious institutions
5. Outdoor amusement establishments - fairgrounds, permanent carnivals, kiddie parks, and other similar amusement centers.
6. Rectories and parish houses
7. Swimming pools

(G) **Mixed Uses.** When two (2) or more uses are located on the same zoning lot within the same building, parking spaces equal in number to the sum of the separate requirements for each use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Zoning Board of Appeals.

(H) **Other Uses.** For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator.
PART 3 - OFF-STREET LOADING.

SECTION 6-301. OFF-STREET LOADING.

(A) Location. All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two (2) tons capacity shall be closer than fifty (50) feet to any property in a residence district unless completely enclosed by building walls, or a uniformly painted solid fence or wall or any combination thereof, not less than six (6) feet in height. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets.

(B) Size. Unless otherwise specified, a required loading berth shall be at least twelve (12) feet in width, at least fifty (50) feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet.

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

(D) Surfacing. All open off-street loading berths shall be improved with a compacted macadam base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphaltic concrete or other comparable all-weather dustless material.

(E) Repair and Service.

1. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence or business district.

2. Space allocated to any off-street berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

3. For special exceptions other than prescribed for hereinafter, loading berths adequate in number and size to serve such uses - as determined by the Zoning Administrator - shall be provided.

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

SECTION 6-302. SCHEDULE OF LOADING REQUIREMENTS. For the uses listed in the following table, off-street loading berths shall be provided on the basis of gross floor area of buildings or portions thereof devoted to such uses in the amounts shown herein.
## Table 1

### SCHEDULE OF LOADING REQUIREMENTS

<table>
<thead>
<tr>
<th>USE</th>
<th>GROSS FLOOR AREA IN SQUARE FEET</th>
<th>REQUIRED NUMBER AND MINIMUM HORIZONTAL DIMENSIONS OF BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Hospitals, sanitariums and other institutional uses.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 to 200,000</td>
<td>1 - (12ft. x 25ft.)</td>
<td></td>
</tr>
<tr>
<td>For each additional 200,000</td>
<td>1 additional (12ft. x 25ft.)</td>
<td></td>
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<tr>
<td>or fraction thereof</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B. Hotels, clubs and lodges except as set forth in item &quot;C&quot; below.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 to 20,000</td>
<td>1 - (12ft. x 25ft.)</td>
<td></td>
</tr>
<tr>
<td>20,000 to 150,000</td>
<td>1 - (12ft. x 50ft.)</td>
<td></td>
</tr>
<tr>
<td>For each additional 150,000</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>or fraction thereof</td>
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<td></td>
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<tr>
<td><strong>C. Hotels, clubs and lodges when containing any of the following:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 to 20,000</td>
<td>1 - (12ft. x 25ft.)</td>
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</tr>
<tr>
<td>20,000 to 150,000</td>
<td>1 - (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>For each additional 150,000</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>or fraction thereof</td>
<td></td>
<td></td>
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<tr>
<td><strong>D. Retail Stores.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,000 to 10,000</td>
<td>1 - (12ft. x 25ft.)</td>
<td></td>
</tr>
<tr>
<td>10,000 to 25,000</td>
<td>2 - (12ft. x 25ft. each)</td>
<td></td>
</tr>
<tr>
<td>For each additional 200,000</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>or fraction thereof</td>
<td></td>
<td></td>
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<tr>
<td><strong>E. Establishments dispensing food or beverages for consumption on the premises.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25,000 to 40,000</td>
<td>2 - (12ft. x 50ft. each)</td>
<td></td>
</tr>
<tr>
<td>For each additional 200,000</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
</tr>
<tr>
<td>or fraction thereof</td>
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<td></td>
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<tr>
<td><strong>F. Motor vehicle and machinery sales.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>G. Wholesale establishments (but not including warehouse and storage buildings other than accessory).</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>H. Bowling alleys.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 to 20,000</td>
<td>1 - (12ft. x 25ft.)</td>
<td></td>
</tr>
<tr>
<td>20,000 to 100,000</td>
<td>1 - (12ft. x 50 ft)</td>
<td></td>
</tr>
<tr>
<td>For each additional 100,000</td>
<td>1 additional (12ft. x 50 ft)</td>
<td></td>
</tr>
<tr>
<td>or fraction thereof</td>
<td></td>
<td></td>
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<tr>
<td><strong>I. Banks and offices - business professional and governmental</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 to 100,000</td>
<td>1 - (12ft. x 50 ft)</td>
<td></td>
</tr>
<tr>
<td>For each additional 100,000 to</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>200,000</td>
<td></td>
<td></td>
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<tr>
<td>For each additional 500,000</td>
<td>1 additional (12ft. x 50ft.)</td>
<td></td>
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<tr>
<td>or fraction thereof</td>
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<td></td>
</tr>
<tr>
<td>USE</td>
<td>GROSS FLOOR AREA IN SQUARE FEET</td>
<td>MINIMUM HORIZONTAL DIMENSIONS OF BERTHS</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>J. Manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing, or repair of goods, materials or products.</td>
<td>5,000 to 10,000..............................</td>
<td>1 - (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>10,000 to 40,000...........................</td>
<td>1 - (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>40,000 to 100,000.........................</td>
<td>1 additional (12ft. x 50ft.)</td>
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<tr>
<td></td>
<td>For each additional 100,000.............</td>
<td>1 additional (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>or fraction thereof.</td>
<td></td>
</tr>
<tr>
<td>K. Warehouses and storage buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. Theaters</td>
<td>8,000 to 25,000...........................</td>
<td>1 - (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 50,000...............</td>
<td>1 additional (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>or fraction thereof.</td>
<td></td>
</tr>
<tr>
<td>M. Undertaking establishments and funeral parlors.</td>
<td>8,000 to 100,000...........................</td>
<td>1 - (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>For each additional 100,000.............</td>
<td>1 additional (12ft. x 50ft.)</td>
</tr>
<tr>
<td></td>
<td>or fraction thereof.</td>
<td></td>
</tr>
</tbody>
</table>
ARTICLE 7 - LANDSCAPING

PART 1 - GENERAL PROVISIONS

SECTION 7-101. PURPOSE. The purpose of this ordinance is to preserve and promote the health, safety and general welfare of the public, and as part of the general welfare, promote compatibility among land uses within the community through the preservation and installation of vegetation, screening and other landscaping material. These regulations are intended to minimize the harmful or nuisance effects resulting from noise, heat, glare and accumulation of dust and to provide shade, air purification, oxygen regeneration, ground water recharge, stormwater run-off retardation and privacy from noise and visual intrusion of objectionable sights and activities.

SECTION 7-102. REGULATIONS.

A. SCOPE

1. The provisions of this ordinance shall apply to all development where development plans are filed in accordance with the provisions of Chapter 30 of the Municipal Code after the effective date of this article.

2. Whenever an existing use or structure on a lot shall be expanded, the development shall be subject to the provisions of this article provided that the expansion exceeds 25% of either the gross floor area or lot area of the existing development.

3. For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, re-established or repaired, landscaping equivalent to any maintained at the time of such damage or destruction shall be restored or maintained, except that when such damage or destruction exceeds 50% of the value of the building or use, landscaping shall be provided as required by this ordinance for equivalent new use or construction.

4. All landscaping as required in this article shall be in addition to all other landscaping requirements contained within the Municipal Code including, but not limited to, requirements for parkway trees and the preservation and replacement of existing trees.

5. All requirements specified in this ordinance are minimum requirements. Provision of landscaping in excess of these requirements is encouraged and may be required when necessary to achieve the purpose of these regulations.

SECTION 7-103.

A. STANDARDS AND CRITERIA

1. All plant material shall comply with the provisions set forth by the American Standard for Nursery Stock, ANSI Z60.1 - (most recent edition).
2. Plant material used in conformance with the provisions of this Article shall be selected to provide:

   a. Climate hardiness of plant material.
   b. High disease resistance and stress tolerance.
   c. Adaptability of proposed plant material to the particular microclimate (sun, shade, dry or wet soils, etc.) in which it is to be located.
   d. Inclusion of native plant material where appropriate.
   e. Overall year round ornamental effect.

3. Plant material shall be healthy, free of insects and diseases and physical damage (bark bruises, scrapes, cracked branches, etc.)

4. Unless otherwise specified, the minimum size for plant materials installed to meet the requirements of this ordinance shall be as follows:

   a. Overstory trees - 3" (three inch) caliper
   b. Evergreen trees - 6' (six feet) height
   c. Ornamental trees:
      1. Single trunk - 2" (two inch) caliper
      2. Multi-trunk - 6' (six feet) height
   d. Large shrubs - 24" (twenty four inch) height
   e. Small shrubs - 18" (eighteen inch) height

5. Caliper of the trunk shall be measured six inches (6") above the ground up to and including four inch (4") caliper size and twelve inches (12") above the ground for larger sizes.

6. The branches of deciduous trees and shrubs may be selectively thinned by up to one-third (1/3) in accordance with good horticultural practice; however, in no case shall trimming result in reducing the overall size of the plant below that specified on the approved landscape plan.

7. All trees and shrubs shall be mulched with a minimum of four inch (4") depth shredded bark, wood chips or other all organic mulch. All flower and groundcover beds shall be mulched with a minimum of two inch (2") depth shredded bark or other all organic mulch.
8. A minimum number of species of trees and a minimum number of species of shrubs shall be required on each parcel as follows:

<table>
<thead>
<tr>
<th>Size of Parcel (acres)</th>
<th>Quantity of tree species</th>
<th>Quantity of shrub species</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 up to but not including 5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>5 up to but not including 15</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>15 up to but not including 30</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>30 or more</td>
<td>7*</td>
<td>7*</td>
</tr>
</tbody>
</table>

* More species may be required by the Planning Administrator for parcels over 30 acres. (Ordinance 13-041, 06.11.13)

9. Landscape materials shall be selected and located so as to not obstruct visual or physical access to fire hydrants. Trees and shrubs shall not be located closer than ten feet (10’) to fire hydrants, transformers or other above ground utilities.

10. Plant units shall be calculated as follows:

1. One overstory tree = 10 plant units
2. One evergreen tree = 5 plant units
3. One ornamental tree = 5 plant units
4. One large shrub = 1 plant unit
5. One small shrub = 1/2 plant unit

SECTION 7-104. EXISTING VEGETATION. Credit against the landscape requirements of the Zoning Ordinance may be allowed by the Planning and Zoning Administrator for existing vegetation and other landscape features of a quality and of a size as required by Section 103 hereof which the applicant proposes to preserve on an equal basis. In all cases, the Planning and Zoning Administrator may attach such conditions to the granting of said credit as may serve to secure or enhance the continued well-being of all vegetation for which credit is being given during the period of construction upon the site covered by the plan. The existing vegetation for which credit is given shall be shown and labeled on the landscape plan. (Ordinance 13-041, 06.11.13)

(See the Municipal Code for other requirements regarding preservation of existing trees.)

SECTION 105. COMPONENT OF DEVELOPMENT PLAN.

1. Landscape plans shall be required as part of an application for Preliminary and Final Development Plan approval.
2. At the Preliminary Development Plan stage, general locations and approximate quantities shall be shown. A list of typical plants proposed to be used shall be submitted, including common and botanical names, and approximate sizes.

3. At the Final Development Plan stage, locations and quantities shall be shown. These quantities shall not be less than what was approved at the Preliminary Development Plan stage without justification. Each proposed plant shall be identified as to botanical and common name, size and installed condition (balled and burlapped, container, etc.). Bare root plants shall not be allowed. The plants proposed for the Final Development Plan stage shall, for the most part, reflect the typical plant list submitted at the Preliminary Development Plan stage. This list may be expanded upon; however, additions shall be of equal or greater quality regarding hardiness, disease resistance and ornamental characteristics. (Ordinance 00-084, 05.23.00)

4. Elements of Landscape plans:

All landscape plans shall include the following:

a. North point and scale
b. Topographic information and proposed grades
c. Proposed structures and pavements
d. Existing and proposed utilities, above and below ground
e. Location, type, size, quantity and planting condition (balled and burlapped, bare root, etc.) of all proposed landscape materials
f. Common and botanical names of all proposed plant material
g. Location, size and common/botanical name of existing vegetation to remain
h. Symbols representing proposed plant material shall be drawn to scale showing two thirds (2/3) to full mature size and labeled as to quantity and type.

SECTION 7-106. SUBSTITUTIONS AND DEVIATIONS. Once a Landscape Plan has been approved and a Building Permit issued, the Planning and Zoning Administrator may authorize minor revisions to the approved Landscape Plan including the substitution of equivalent plantings and ground covers where such revisions do not diminish the benefits of the approved Landscape Plan. As such, revisions shall require the written approval of the Planning and Zoning Administrator. (Ordinance 13-041, 06.11.13)

A revision shall be considered minor when there is no reduction in the quality of plant material, no significant change in size or location of plant material and new plants are of the same general category (overstory, ornamental, evergreen trees or large, small shrubs, groundcover) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.

SECTION 7-107. MAINTENANCE. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping required by the provisions of this article or by any approved development plan currently applicable to the site. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be
kept free from refuse and debris. Any missing, dead or severely damaged or diseased plant material shall be replaced by the owner, tenant or their agent during the next planting season for the said plant material. (Ordinance 02-21, 03.12.02)
PART 2 - LANDSCAPING REQUIREMENTS

SECTION 7-201. SINGLE FAMILY RESIDENTIAL/RETENTION DETENTION FACILITIES.
(Ordinance 93-042, 04.27.93)

A. Single Family Residential

The developer of a subdivision shall provide a continuous landscaped berm having a minimum height of four (4) feet behind each double frontage and reverse frontage lot which abuts a primary arterial or major street. The landscaped berm shall be located in an outlot of record, having a minimum width of not less than thirty (30) feet. A minimum of one (1) overstory, ornamental or evergreen tree and ten (10) shrubs for every thirty-five (35) feet of frontage shall be provided. All shrubs shall be a minimum of four (4) feet in height at the time of planting. Any portion of a planting area which is not occupied by trees, shrubs, flowers, groundcover ornamental grasses or mulch shall be sodded. The planting scheme of the required plant material shall be subject to the approval of the Planning & Zoning Administrator of his/her designee. (Ordinance 13-041, 06.11.13)

B. Retention/Detention Facilities

1. Landscaping shall be provided around the perimeter of retention/detention ponds generally above high water level. Only plants which are adapted to temporary flooding may be planted below high water level.

2. Such landscaping shall be comprised of a minimum of twenty (20) plant units for every one hundred (100) linear feet of perimeter, or part thereof, as measured at high water level.

SECTION 7-202. MULTIPLE FAMILY RESIDENTIAL, COMMERCIAL, OFFICE AND INDUSTRIAL USES.

A. FRONT AND CORNER SIDE YARDS.

1. All front and corner side yards shall contain a berm having a minimum height of 2.5 – 3 feet, which shall be sodded and landscaped with trees and shrubs. A minimum ratio of ten (10) plant units shall be provided for each 1,000 square feet of yard area. All shrubs shall be a minimum height of twenty-four (24) inches at the time of planting. All front and corner side yards shall include an irrigation system. (Ordinance 02-021, 03.12.02)

B. FOUNDATIONS.

1. Foundation landscaping shall be provided on those sides of the building which face a public right of way.

2. The foundation landscaping shall be located in a planting bed a minimum of ten feet (10’) in width adjacent to the building.

3. The required foundation landscaping area shall remain open and free to all paving except where sidewalks and driveways which lead directly into the building are necessary for ingress and egress. In no case shall the foundation landscaping area be reduced to extend across less than fifty percent (50%) of the building face due to said sidewalks or driveways.
4. Foundation landscaping shall consist of a minimum ratio of thirty (30) plant units for every 1,000 square feet area of planting bed which is within ten feet (10') of the foundation. Flowers, ornamental grasses, and groundcover may also be used. All planting area which is not occupied by trees, shrubs, flowers, groundcover, ornamental grasses or mulch shall be sodded.

5. At the discretion of the Planning and Zoning Administrator, the required foundation landscaping may be relocated elsewhere on site or provided in an alternate manner, such as through the use of above ground planting containers or boxes. (Ordinance 13-041, 06.11.13) This may be considered, for example, underneath gas pump canopies or between a drive-through lane and the pick-up window.

C. PARKING LOTS AND OTHER VEHICULAR USE AREAS.

1. Vehicular Use Areas Adjacent to Front and Corner Side Yards.

a. When off-street parking lots or other vehicular use areas are adjacent to the required front or corner side yard, landscaping shall be provided in said required yard. The landscaping shall consist of one or more of the following options:

1. A berm that is at least 2.5 – 3 times higher than the finished elevation of the parking lot (at the nearest point) and one (1) overstory, ornamental or evergreen tree and ten (10) shrubs for every thirty-five (35) linear feet or part thereof of frontage (excluding driveway openings) shall be provided. All shrubs shall be a minimum of twenty-four (24) inches in height at the time of planting. (Ordinance 02-021, 03.12.02)

2. A minimum three foot (3') grade drop from the right-of-way line to the parking lot and one (1) overstory, ornamental or evergreen tree and ten (10) shrubs for every thirty-five (35) linear feet or part thereof of frontage (excluding driveway openings) shall be provided. All shrubs shall be a minimum of twenty-four (24) inches in height at the time of planting. (Ordinance 02-021, 03.12.02)

b. The trees and shrubs shall be evenly distributed throughout the front and/or corner side yards.

c. Trees, shrubs, and berms located in the front yard shall be no closer than ten feet (10') from the edge of the driveways which cross the public right of way providing access to the street.

2. Vehicular Use Areas Adjacent to Interior Side and Rear Yards.

a. A landscaped area shall be located between the parking lot or vehicular use area and the adjacent side and rear property lines, except where access easements or shared driveways providing direct access to the property may necessitate other treatment. A minimum distance of ten feet (10') shall be provided between the curb and property line. Said landscape area shall be planted with a minimum ratio of twenty (20) plant units for every 1,000 square feet of landscape area which is within ten feet (10') of the property line.
b. In the event that a use typical to an outlot does not occur on a separate zoning lot from the rest of the shopping centers in which it occurs, a minimum ten feet (10') wide landscaped area shall be provided around the use. The landscaped area shall be located to separate the parking generally attributed to the use from the rest of the center. A minimum ratio of twenty (20) plant units for every 1,000 square feet shall be provided for the first ten feet (10') of landscape area width.

c. If the required minimum ten foot (10') landscaped area occurs within a required transitional yard, then the landscape requirements for transitional yards shall supersede those for the ten foot (10') landscaped areas.

d. If the required ten foot (10') landscaped area occurs in a multifamily residential development and is adjacent to a single family residential district, a minimum of one (1) overstory, ornamental or evergreen tree and ten (10) large shrubs shall be provided for every thirty-five foot (35') length or part thereof of required landscaped area, measured along the property line. The shrubs shall be installed at a minimum height of four feet (4') and shall have a mature height of at least six feet (6').

3. Drive-Thru Lanes Adjacent to Other Vehicular Use Areas.

a. Drive-thru lanes shall be separated from adjacent driveways, parking lot aisles and other vehicular use areas by a curbed planting bed along the entire length of the lane. The planting bed shall be a minimum of three feet (3') wide (excluding the curb) and shall contain a minimum ratio of one-hundred (100) plant units per one-thousand (1,000) square foot area.


a. The interior of the parking lots shall be planted with overstory trees at a ratio of one (1) tree for every ten (10) parking spaces or fraction thereof. They shall be evenly dispersed throughout the parking area. The planting beds shall meet the following requirements:

   1. The minimum area of planting bed for each tree shall be one hundred eighty (180) square feet with a minimum dimension of nine feet (9') in any direction. These planting beds shall be curbed with a barrier curb. Planting beds may be combined to create larger planting islands within the parking lot.

   2. These planting beds shall not be used for snow storage. Rather, separate, additional snow storage areas shall be designated on the landscape plan.

   3. Small shrubs, flowers and groundcovers other than turf grass may be planted in the tree planting beds, in addition to the required overstory trees.

   4. Plant materials other than groundcover shall be set back a minimum of three feet (3') from the curb to avoid damage from overhanging car bumpers and doors.
5. Plant materials other than overstory trees shall be limited to a mature height of no more than two feet (2') within ten feet (10') of any curb at a driveway intersection.

b. Curbed planting islands shall be provided at the ends of each row of parking. These islands shall be a minimum of nine (9) feet wide and shall extend the length of the parking stalls. They shall be landscaped with trees, shrubs, flowers or groundcovers. All planting area which is not occupied by tree, shrubs, flowers or groundcover shall be sodded. (Ordinance 02-021, 03.12.02)

D. REFUSE RECEPTACLES AND WASTE REMOVAL AREAS. Refuse receptacles and waste removal areas shall be screened from view on all sides. The screening shall consist of a sight-proof wall constructed of the same materials used on the building, and shall be a minimum six feet (6') in height. Shrubs may be provided adjacent to this wall. (Ordinance 00-084, 05.23.00)

E. RETENTION/DETENTION FACILITIES.

1. Landscaping shall be provided around the perimeter of retention/detention ponds generally above high water level. Only plants which are adapted to temporary flooding may be planted below high water level.

2. Such landscaping shall be comprised of a minimum of twenty (20) plant units for every one-hundred (100) linear feet of perimeter, or part thereof as measured at high water level.

SECTION 7-203. ADDITIONAL REQUIREMENTS FOR COMMERCIAL, OFFICE AND INDUSTRIAL USES.

A. TRANSITION YARDS

1. The required landscaping in transitional yards shall be comprised of any combination of overstory trees, evergreen trees, ornamental trees and large shrubs. If shrubs are used, they shall be installed at a minimum height of four feet (4'). Additional small shrubs may be used, but shall not count toward meeting the landscape requirements.

2. The total amount of landscaping provided shall be in the proportion of forty (40) plant units for each one-thousand (1,000) square feet of transitional yard area.

3. The landscaping shall be distributed throughout the transition yard.

4. The required number of plant units may be reduced by thirty percent (30%) in that part of the transition yard in which any of the following are provided:

   a. Sightproof, cedar or treated lumber board fence - minimum six feet (6') high.

   b. Earthen berm - minimum six feet (6') high and maximum 3:1 slope.

   c. A combination of earthen berm and sightproof, cedar or treated lumber board fence with a combined minimum height of six feet (6').

5. If existing woodlands are located within the transition yard, preservation of those woodlands may substitute for part or all of the required landscaping. If existing woodlands are located in only part of the transitional yard, the required number of
plant units may be proportionately reduced. If existing woodlands substitute for any portion of the required landscaping, a six foot (6') high sightproof, wood board fence shall be provided along the edge of the preserved woodlands area. The substitution of existing woodlands for transition yard landscaping is at the discretion of the Planning and Zoning Administrator and shall be indicated on the approved landscape plan. (Ordinance 13-041, 06.11.13)

6. The area of the transitional yard not planted with trees, shrubs or existing woodlands shall be planted with sod, live groundcover, flowers, ornamental grasses or some combination thereof.

7. No driveways, parking, loading areas or other vehicular use area shall be allowed in transitional yards.

B. LOADING DOCKS, SERVICE YARDS, AND EXTERIOR WORK AREAS. Service yards, loading docks and exterior work areas shall be screened from view from public rights-of-way. The screening shall consist of either of the following:

1. Sightproof board fence constructed of cedar or preservative treated lumber of a minimum six foot (6') height.

2. Ornamental trees, evergreen trees, large shrubs or some combination thereof, planted at a minimum ratio of fifty (50) plant units for each one-hundred (100) linear feet of perimeter to be screened. If large shrubs are used, they shall be a minimum of four feet (4') in height at the time of installation. Overstory trees may be used, but shall not count toward the landscape requirement.

SECTION 7-204. ADDITIONAL REQUIREMENTS FOR INDUSTRIAL USES. OPEN STORAGE YARDS.

A. Open storage yards shall be screened on all sides by solid walls of fences (including solid doors or gates thereto) at least eight feet (8’) high, but in no case lower in height than the materials to be stored. If stored materials exceed eight feet (8’) in height, then landscaping shall be provided along the outside perimeter of that portion of the fence or wall visible from the public right of way. The landscaping shall be in addition to the fence or wall. The installed height of the landscaping shall be equal to or greater than one-half (1/2) the height of the fence or wall.
ARTICLE 8 - SPECIAL USES

PART 1 - SUBSTANTIVE PROVISIONS.

SECTION 8-101. PURPOSE. Because of their unique and potentially harmful characteristics, the uses set forth in this Section shall be located in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the particular location. Such uses, hereby designated as Special Uses, fall into two categories:

(A) Uses either municipally operated, or operated by regulated public utilities, or traditionally affected by a public interest; and

(B) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

SECTION 8-102. AUTHORIZED SPECIAL USES. The Board of Trustees may authorize, by Ordinance, the establishment or construction of any Special Uses as designated in each of the zoning districts. All of the other applicable provisions of this Ordinance, including the requirements and restrictions of the zoning district in which the proposed Special Use is to be located, shall be applicable to the establishment and maintenance of such Special Use unless the Ordinance authorizing the establishment or construction of the particular Special Use expressly provides otherwise. Subject to the standards contained in Article 8, the Board of Trustees shall have authority to permit Special Uses as designated in each of the zoning districts of land or structures, or both, provided it shall find that the proposed Special Use will comply with the standards contained in this Article 8. (Ordinance 79-064, 10.02.79)

SECTION 8-103. STANDARDS. A Special Use Permit shall be granted only if evidence is presented to establish that:

(A) The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;

(B) The proposed building or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and

(C) The proposed building or use will not have a substantial adverse economic effect upon existing businesses in the vicinity and will not have an adverse impact upon the tax bases of units of local government and school districts. (Ordinance 98-031, 04.14.98)

(D) The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

(E) Such other standards and criteria as are established by this Ordinance for particular special uses as set forth in Section 8-104 and as applied to planned developments under Article 9 thereof. (Ordinance 79-064, 10.02.79)

Notwithstanding the foregoing Special Use Permit standards, if there is a pre-existing Health Care Special Use (defined in Section 4-301(B)) and the applicant seeks a Special Use Permit to add another Health Care Special Use to the same district, then a Special Use Permit shall be granted if the Board of Trustees determines that the proposed building or use is compatible and consistent
with such pre-existing building(s) or use(s) and in compliance with the applicable district regulations. (Ordinance 05-002, 01.04.05)

SECTION 8-104. ADDITIONAL STANDARDS AND CRITERIA. No Special Use Permit shall be granted for the use listed below unless evidence is presented to establish the standards and criteria set forth herein.

(A) Airports and Heliports.

1. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Illinois Department of Aeronautics for the class of airport proposed, in accordance with their published Rules and Regulations.

2. Any building, hangar, or other structure shall be at least one hundred (100) feet from any street or boundary line.

3. There shall be an adequate number of off-street parking spaces at least equal to the number of spaces in the hangars plus tie-down spaces, plus spaces for accessory uses as established in Article 6.

(B) Cemetery.

1. Any new cemetery shall be located on a site containing at least 80 acres.

2. All burial buildings and lots shall be set back at least 80 feet from any street abutting the cemetery; and there shall be two side yards and a rear yard of at least 55 feet each.

3. Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a special use permit. Any expansion to land not covered by an existing special use permit must comply with the requirements of this section.

4. Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.

(C) Public and Private Utilities and Services. This section applies to buildings and structures not specifically permitted as a matter of right in the various districts, pertaining to water, sewerage, gas, telephone, and electric utilities together with police, fire, radio, and television stations, including broadcasting antennae.

1. Lot Area and Location. The required lot area and location shall be specified as part of the Special Use Permit and be determined in relation to the proposed use, the intensity of such use, and the effects of such use upon the environment.

2. Fencing or Screening. If the corporate authorities find that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings.

(D) Summer Theater, Amphitheater.

1. The site shall contain at least five (5) acres.
2. The site shall have direct access to a major street.

3. All structures, viewing area, and seating areas shall be set back at least 100 feet from any street or boundary line.

4. All parking areas and access ways shall be adequately lighted; and such lighting shall be shielded or directed so as to prevent glare or reflections onto neighboring properties or public streets.

5. Off-street parking spaces shall be provided in accordance with the provisions of Section 6-204(D).

6. The following accessory uses may be permitted as incidental to, and limited to patrons of the principal use.
   a. Amusement park, kiddyland.
   b. Refreshment stands or booths.
   c. Souvenir stands or booths.

(E) **Automobile Service Station.**

1. Lot area and Location. A building or premises shall be used for an automobile service station only on tracts of land not less than one acre with a minimum frontage of 150 feet on each abutting street, abutting and contiguous to a major freeway, major or secondary highway as shown on the official map of the Village. Automobile service stations shall not be permitted on any lot abutting a residential district.

2. Design. An automobile service station under this section shall be designed and developed in conjunction, and compatible with, a larger development such as a shopping center, traveler complex, or auto service center. For all automobile service stations the location and arrangement of buildings, parking lots, walks, lighting, and signs shall be adjusted to the surrounding land uses. Landscaping shall be provided as specified in Article 7. (Ordinance 92-175, 12.22.92)
   a. Lighting. All outside lighting shall be so arranged and shielded as to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or residential properties. Lights shall be low level, indirect, and diffused.
   b. Access Ways. Each service station shall have not more than two (2) access ways to any one street. Each access way shall comply with the following requirements:
      1. no access way shall be nearer than ten (10) feet from any interior lot line nor nearer than thirty (30) feet to the intersection of any two street right-of-way lines.
      2. an access way shall not exceed thirty-five (35) feet at its intersection with the curb line.
3. **Display of Merchandise.** No merchandise, materials or equipment shall be stored or displayed in any open areas, except that automobile merchandise may be displayed in enclosed cases on pump islands.

4. **Operations.** Operations permitted outside an enclosed building shall be limited to: (Ordinance 86-004, 02.11.86)
   a. The retail sale of petroleum products.
   b. The supply of air and water.
   c. Installation of minor accessories, windshield blades and arms, gas caps, lamps, lamp globes, and the performance of minor repair jobs.
   d. The rental of for-hire trucks.

5. **Signs.** Each service station shall be allowed signage as specified in Article 5 of the Zoning Ordinance. (Ordinance 96-070, 06.25.96)

6. **Operations.** Operations permitted outside an enclosed building shall be limited to:
   a. The retail sale of petroleum products.
   b. The supply of air and water.
   c. Installation of minor accessories, windshield blades and arms, gas caps, lamps, lamp globes, and the performance of minor repair jobs.

(F) **Game Rooms**

1. **Hours of operation.**
   a. Sunday through Thursday, no later than 11:00 p.m.
   b. Friday and Saturday, no later than 12:00 Midnight.

2. **Personnel.**
   a. Adult (21 years of age or older) manager must be present and supervising during all hours of operation. (Ordinance 82-024, 5.11.82)
   b. All employees of the game room shall have a police check made by the Bolingbrook Police Department.
   c. A full-time supervisor shall visit on a regular basis.

3. **Security.**
   a. All windows should be clear and unobstructed to provide easy view for patrol vehicles.
4. **Regulations on Premises.**
   a. A sign in the game room stating that curfew begins at 11:00 p.m. for all persons under curfew age.
   b. The operator shall discourage the loitering of individuals, both inside and outside the game room. (Ordinance 82-024, 5.11.82)

5. **Miscellaneous.** (Ordinance 80-006, 01.15.80)
   a. Trash receptacles shall be provided both inside and outside of the entrance and trash shall be picked up at regular intervals.
   b. Bicycle racks shall be provided in close proximity to the game room.
   
(G) **Dance hall, discotheque, banquet hall, private club, tavern, cocktail lounge, nightclub, and any eating or drinking establishment with live entertainment and/or dancing.**

1. **Hours of Operation.** The hours of operation of such establishments shall not extend beyond the hour of the liquor license, or 2:00 a.m., whichever is earlier.

2. **Personnel.**
   a. Adult (21 years of age or older) manager must be present and supervising during all hours of operation.
   b. A full-time supervisor shall visit on a regular basis.
   c. All employees of the establishment shall have a police check made by the Bolingbrook Police Department.

3. **Regulations on Premises.**
   a. The operator shall discourage the loitering of individuals, both inside and outside the establishment.
   b. Establishments catering to minors shall display a sign stating that curfew begins at 11:00 p.m. for all persons under curfew age.
   c. Order and quiet must be maintained on the premises so as not to violate the public peace.

4. **Miscellaneous Requirements.**
   a. Eating and drinking establishments with live entertainment and/or dancing shall be insulated to prevent excessive light, noise, or other offensive factors from penetrating the walls of the establishment and adversely affecting any adjoining establishments of the surrounding area.
   b. Outdoor beer gardens and outdoor cafes accessory to eating and drinking establishments with live entertainment and/or dancing shall not be permitted to have live entertainment conducted outside; however, outdoor speakers shall be permitted as long as noise levels do not adversely affect any adjoining
establishment or the surrounding area and no noise may be heard across property lines after 11:00 p.m.  (Ordinance 87-060, 08.11.87)

(H) Kennel, Commercial  (Ordinance 87-061, 08.11.87)

1. Any structure, pen, run or any other appurtenant facility used in the operation of a kennel shall meet or exceed all applicable district setbacks.

2. Any outdoor run, pen or similar facility shall be surrounded by a solid six (6) foot high perimeter fence.

3. Any odor or other associated nuisances shall not be noticeable at or beyond the property line on which the kennel is operated and no noises associated with the kennel shall be heard across property lines after 10:00 p.m. and before 7:00 a.m.

4. During the review of the Special Use Permit, any other conditions that minimize or alleviate nuisances to surrounding property owners that are unique to a particular applicant's property may be placed as a condition of that Special Use.

(I) Pet Cemetery

1. Minimum Size. All new pet cemeteries shall be located on a site containing at least five (5) acres.

2. Setback. All grave markers, monuments, chapels, and accessory structures shall be set back a minimum of thirty-five (35) feet from any property line, except that grave markers less than six (6) inches in height may be located a minimum of fifteen (15) feet from any property line.

3. Road Surfaces. All roads and parking areas shall be dust free and hard surfaced.  (Ordinance 88-030, 05.24.88)

SECTION 8-105. CONDITIONS. The Plan Commission may recommend and the Board of Trustees may impose such conditions or restrictions upon the location, construction, design and operation of a Special Use as they shall respectively find necessary or appropriate to secure compliance with the standards set forth herein.
PART 2 - PROCEDURES.

SECTION 8-201. AUTHORIZATION. The Board of Trustees is authorized to issue a Special Use Permit for those listed in Article 4 and for Planned Developments, subject to the standards set forth in Section 8-103 and 8-104 and such conditions as may be imposed pursuant to Section 8-105. Prior to the issuance of any Special Use Permit, a public hearing shall be held and published notice shall be given, in the manner prescribed in Section 11-804 of this Ordinance. (Ordinance 80-057, 10.07.80)

SECTION 8-202. APPLICATION FOR SPECIAL USE. Any person having a proprietary interest in the premises may file an application for a Special Use with the Zoning Administrator. The application shall be in such number of copies, be in such form, and contain such information as the Zoning Administrator may prescribe from time to time. The Zoning Administrator shall process such application and a hearing shall be held in the manner prescribed for amendments by Section 11-803 and 11-804 of this Ordinance.

SECTION 8-203. REPORT OF HEARING. Following the hearing, the Plan Commission shall transmit to the Board of Trustees a written report giving its findings as to compliance of the proposed Special Use with the standards governing Special Uses and giving its recommendations for action to be taken by the Board of Trustees.

SECTION 8-204. CONDITIONS. The Plan Commission may recommend and the Board of Trustees may impose such conditions or restrictions upon the location, construction, hours of operation, design and operation of a Special Use, including but not limited to, provisions for off-street parking spaces and the duration of such permit, as they shall respectively find necessary or appropriate to secure compliance with the standards set forth in Section 8-103 and 8-104. (Ordinance 00-150, 10.24.00)

SECTION 8-205. ACTION BY BOARD OF TRUSTEES. After receiving the recommendations and report of the Plan Commission, the Board of Trustees shall, within 35 days, review the recommendations and report and may accept the findings and recommendations of the Plan Commission in whole or in part or may reject them in whole or in part, or the Board of Trustees may refer the matter back to the Plan Commission for further consideration. However, in the event the Plan Commission recommends against the issuance of a Special Use Permit, then it may be issued only upon the favorable two-thirds (2/3) vote of all of the members of the Board of Trustees.
ARTICLE 9 - PLANNED DEVELOPMENTS (Ordinance 77-035, 05.17.77)

PART 1 - GENERAL REGULATIONS FOR PLANNED DEVELOPMENT.

SECTION 9-101. PURPOSE. To encourage improved design in the development of land by providing relief from traditional zoning requirements which are designed for conventional developments but which may cause undue hardship or complication for desirable but unconventional development, and to establish standards and procedures for the issuance of a Special Use Permit for Planned Developments in order to obtain the following objectives:

(A) Environmental design in the development of land that is of a higher quality than is normally possible through the strict application of general zoning ordinance requirements.

(B) Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.

(C) Provision for functional and beneficial use of open space.

(D) Preservation of natural features of a development site.

(E) Provision for a safe and desirable living environment in residential areas characterized by a unified building and site development program.

(F) Rational and economic development in relation to public services.

(G) Creation of a variety of uses, in compatible arrangements, to provide a greater choice of living, working and shopping environments.

SECTION 9-102. MODIFICATION OF DISTRICT REGULATIONS. Planned Developments shall be constructed in each zoning district as a Special Use subject to the standards and procedures set forth in this Article:

(A) Except as modified by and approved in the Ordinance approving a Final Development Plan, a Planned Development shall be governed by the regulations of the district or districts in which the said Planned Development is located. Notwithstanding the foregoing, uses which are Permitted or Special Uses in the I-1 Limited Industrial District or I-2 General Industrial District shall not be allowed as uses in planned residential, commercial or office developments. (Ordinance 10-065, 09.28.10)

(B) The Ordinance approving the Final Development Plan for the Planned Development may provide for such exceptions from the district regulations governing use, density, area, bulk, parking and signs, landscape requirements, open storage regulations, screening and berming requirements, maximum impervious coverage and open space requirements, parking and off-street loading requirements, and the subdivision design standards and approval procedures as may be necessary or desirable to achieve the objectives of the proposed Planned Development, providing such exceptions are consistent with the standards and criteria contained in this Article. No modification of the district requirements or the subdivision design standards may be allowed when such proposed modification

1. Inconvenient or unsafe access to the Planned Development.

2. Traffic congestion in the streets which adjoin the Planned Development.
3. An undue or disproportionate burden on public parks, recreational areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development; and

4. A development which will be incompatible with the purpose of this Ordinance.

(C) (Changed in its entirety by Ordinance 88-049, 07.26.88) The ordinance approving a special use for a planned development may provide for expedited development plan review procedures. Such procedures shall be as follows:

1. Approval by the Village Board of a concept development plan and preliminary engineering plans for public improvements, which shall constitute and be in lieu of the preliminary development plan approval procedures set forth in Section 9-501 et seq. hereof, provided that a public hearing with respect to such concept development and engineering plans shall be held before the Plan Commission prior to such approval;

2. Approval by the Village staff and Plan Commission of detailed site plans and final detailed engineering plans for individual lots or phases of the planned development after review of said plans, such review and approvals solely in order to determine whether the plans conform with the concept development plan and preliminary engineering plans, the applicable conditions of the special use for such planned development, and the applicable codes and ordinances of the Village, as modified by such conditions of special use. No public hearings shall be required with respect to such site plans and detailed engineering plans. The Village staff shall submit its findings to the Plan Commission on the first Friday following completion of such staff review of the developer's submissions. Village staff objections must be based upon and shall be expressly limited to non-compliance of such site or detailed engineering plans with the approved concept development plan and preliminary engineering plans, the applicable conditions of special use for the planned development, and applicable codes and ordinances of the Village, as modified by such conditions of special use. The Plan Commission shall approve of, disapprove of, or shall object to, such site plans and detailed engineering plans at the next regularly scheduled meeting. Plan Commission disapproval or objections must be based upon and shall be expressly limited to non-compliance of such site or detailed engineering plans with the approved concept development plan and preliminary engineering plans, the applicable conditions of special use for the planned development, and the applicable codes and ordinances of the Village, as modified by such conditions of special use. In the event the Plan Commission does not approve, disapprove or object to such site and detailed engineering plans at the next regularly scheduled meeting of the Plan Commission, such site and detailed engineering plans shall be conclusively deemed approved by the Plan Commission. No further public hearings shall be required. Approval by the Plan Commission hereunder shall constitute and be in lieu of the final development plan approval procedures set forth in Section 9-501 et seq. hereof.

3. In the event the Plan Commission determines that the approved concept development plan, approved preliminary engineering plans, the applicable conditions of the special use or the applicable codes and ordinances of the Village have not been met by the site and detailed engineering plans submitted pursuant to Section 9-102(C)(2), then the Developer may, within thirty days thereof, appeal said decision to the Board of Trustees. The Board of Trustees shall render a final decision thereon at the next regularly scheduled meeting of the Village Board of Trustees.
SECTION 9-103. GENERAL STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENT. The Plan Commission may recommend to the Village Board and the Village Board may grant a Special Use Permit which modifies the applicable district zoning regulations and subdivision regulations upon a written finding by the Plan Commission that the Planned Development meets the applicable standards and criteria contained in Parts 1, 2, 3 and 4 of this Article. Such written finding shall set out the reasons supporting each finding and shall support each of the following standards and the applicable provisions of Parts 2, 3 and 4 hereof:

(A) The proposed development will not injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Comprehensive Land Use Plan of the Village.

(B) The proposed building or use will not have a substantial adverse economic effect upon existing businesses in the vicinity and will not have an adverse impact upon the tax bases of units of local government and school districts. (Ordinance 98-031, 04.14.98)

(C) The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.

(D) The entire tract or parcel of land to be occupied by the proposed development shall be held in a single ownership, or if there are two or more owners, the application for such proposed development shall be filed jointly by all such owners.

(E) The Development Plan shall contain such proposed covenants, easements, and other provisions relating to the bulk and location of buildings, uses and structures and public facilities as are necessary or desirable for the welfare of Planned Development and are not inconsistent with the best interest of the Village. (Ordinance 88-049, 07.26.88)

(F) In order to avoid overloading Village facilities beyond designed capacity, the development shall be permitted only if (i) sanitary sewers, storm sewers and water supply to serve the development are adequate to serve the proposed development and will not reduce existing capacity below that necessary to serve existing developments or (ii) if such sanitary sewer, storm sewer or water supply services are provided by a municipality other than the Village. (Ordinance 88-049, 07.26.88)

(G) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a proposed development not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved.

(H) There is no minimum project area for Planned Developments.

(I) The minimum project area shall be adaptable to unified development and shall have within or through the area no physical features which will tend to destroy the neighborhood or community cohesiveness.

(J) The dominant land use of the proposed Planned Development shall be consistent with the recommendations of the Comprehensive Plan of the Village for the area containing the project.

(K) Any modifications of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the development plan, and the amenities incorporated in it, and are not inconsistent with the interest of the public generally.
Exceptional landscaping features such as larger caliper, varied species and reduced spacing of trees and additional sodding above minimum requirements specified shall be provided if called for in the final development plan or the expedited development plan under Section 9-102(C)(1), whichever is applicable. (Ordinance 88-049, 07.26.88)
PART 2 – PLANNED RESIDENTIAL DEVELOPMENTS.

SECTION 9-201. PURPOSE AND INTENT. The Planned Residential Development is available to encourage innovative designs in the development of lands for residential and other selected secondary uses.

SECTION 9-202. SPECIFIC STANDARDS AND CRITERIA FOR PLANNED RESIDENTIAL DEVELOPMENTS. In addition to the standards and criteria set forth in Part 1 hereof, Planned Residential Developments shall comply with the standards and criteria set forth hereinafter. For the purpose of this Part 2, a planned development shall be deemed to be a Planned Residential Development whenever 90% or more of the total lot area in the development is to be used for residential purposes. (Ordinance 80-057, 10.07.80)

SECTION 9-203. PERIMETER SETBACK REQUIREMENTS. All buildings on the perimeter of the Planned Development are subject to the following:

(A) The Plan Commission may request and the Village Board may require the front, side, corner side, double frontage rear, or rear yard setbacks on the perimeter of the development to be greater than those required by the Zoning Ordinance for the district in which such development is located when necessary to protect the privacy of both the Planned Development and the existing adjacent uses. (Ordinance 80-057, 10.07.80)

(B) If topographical or other barriers do not provide adequate privacy for the Planned Development and for existing uses adjacent the development, the Plan Commission may request and the Village Board may require that all structures located along the entire perimeter of the Planned Development be permanently screened with sightproof screening in a manner which is sufficient to protect said privacy.

(C) The Plan Commission may request and the Village Board may require that landscaped screening be installed by the developer in areas where setbacks are allowed that are less than those required by the Zoning Ordinance for the district in which the development is located.

SECTION 9-204. USEABILITY AND PRESERVATION OF PLANNED OPEN SPACES. Planned open space may be provided in a Planned Residential Development. No open area may be delineated or accepted as planned open space under the provisions of this Section unless it meets the following standards:

(A) The location, shape, size and character of the planned open space must be suitable for the Planned Development.

(B) Planned open space must be used for recreational purposes or to provide visual, aesthetic and environment amenities. The uses authorized for the planned open space must be appropriate to the scale and character of the Planned Development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

(C) Planned open space must be suitably improved for its intended use, but planned open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be located in the planned open space must be appropriate to the uses which are authorized for the planned open space and must conserve and enhance the amenities of the planned open space having regard to its topography and unimproved condition.
The development schedule which is part of the Final Development Plan must coordinate the improvement of the planned open space, the construction of the buildings, structures and improvements in the planned open space, and the construction of residential dwellings in the Planned Development.

No portion of a Planned Development shall be conveyed or dedicated by a developer or any other person, to any public body or a homeowner's association unless the Plan Commission has determined that character and quality of the tract to be conveyed makes it suitable for the purposes for which it is intended. When making its determination, the Plan Commission shall give consideration to the size and character of the dwellings to be constructed within the Planned Development, the topography and existing trees, ground cover, and other natural features; the manner in which the open area is to be improved and maintained for recreational or amenity purposes; and the existence of public parks or other public recreational facilities in the vicinity. (Ordinance 80-057, 10.07.80)

All land shown on the Final Development Plan as planned open space must either be:

1. Conveyed to a public body, if said public body agrees to accept conveyance, to maintain the planned open space and any buildings, structures or improvements which have been placed on it; or

2. Conveyed to a homeowner's association or similar organization organized for the purpose, among others, of owning and maintaining common buildings, areas and land within the Planned Development. The planned open space must be conveyed subject to covenants to be approved by the Village which restrict the planned open space to the uses specified on the Final Development Plan, and which provide for the maintenance of the planned open space in a manner which assures its continuing use for its intended purpose. (Ordinance 80-057, 10.07.80)

SECTION 9-205. ACCESSIBILITY OF SITE. Any streets and driveways proposed shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the Planned Development, but may be designed so as to discourage outside through traffic from traversing the development. Entrance points or locations of streets and driveways upon previously existing public roadways shall be subject to the approval by the Village. Traffic controls on public roadways within or adjacent the development will be provided by the Village as and where determined necessary by the Village Board of Trustees, but the Board may require, as a condition of approval of a proposed Planned Development, that the cost of installing such traffic controls be borne by the developer. Traffic control device installations shall be done in accordance with installation schedules and to standards as ordinarily applied on all public streets. If traffic control devices are required to prevent or relieve hazards or congestion on adjacent streets and the proposed control device is not within the normal or scheduled sequence of installations, such devices may be provided by the developer upon permission by the Board of Trustees for installation by the Village. (Ordinance 80-057, 10.07.80)

SECTION 9-206. OFF-STREET PARKING. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required as specified in Article 7. (Ordinance 92-175, 12.22.92)

SECTION 9-207. PEDESTRIAN CIRCULATION. The pedestrian circulation and its related walkways shall be insulated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed to be necessary by the Plan Commission, special provisions to accommodate the pedestrian or bicyclist when crossing any vehicular roadway.
SECTION 9-208. UTILITIES. All of the Planned Development shall provide for underground installation of utilities (including electricity and telephone) in both publicways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the Village as set forth in Article 4 of the Development Code.

SECTION 9-209. PRIVACY. The Planned Development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise. Buildings which are higher than the majority within the development shall be located in such a way as to dissipate any adverse impact on adjoining lower buildings and shall not invade the privacy of the occupants of such lower buildings.

SECTION 9-210. SCREENING REQUIREMENTS. When non-residential uses or structures in the Planned Development abut a residence or residentially zoned district, or when non-residential uses or structures abut residential buildings in the same development, appropriate screening and transitional yards shall be as determined by the Plan Commission. Landscaping as specified in Article 7, Section 203A, "Transition Yards," is specifically declared to be acceptable screening. (Ordinance 92-175, 12.22.92)

(A) A fence constructed of natural materials with a maximum height of six feet, and/or

(B) Densely planted natural shrubbery of a species that can normally be expected to reach a height of six feet, having a minimum height of three feet at the time of planting.

SECTION 9-211. CONVENIENCE CENTERS. For convenience centers located within a Planned Residential Development, exceptions may be made in the use and other regulations of the underlying district subject to the following restrictions:

(A) Such facilities shall be located, designed and operated so as to serve primarily the needs of the residents within the Planned Development and shall have direct pedestrian access to residential areas.

(B) The lot area of such facilities shall not exceed 10% of the total lot area of the Planned Development.

(C) Layout of parking and loading areas, service areas, entrances, exits, yards, courts and landscaping and the control of signs, lighting, noise and other potentially adverse influences shall be such as to protect the residential areas within or adjoining the development.

(D) Such facilities by reason of their location, construction, manner or timing of operation shall not have adverse effects on residential uses within or adjoining the development, or create traffic congestion or hazard to vehicular or pedestrian traffic.
PART 3 - PLANNED COMMERCIAL, OFFICE OR INDUSTRIAL DEVELOPMENTS.

SECTION 9-301. PURPOSE AND INTENT. This provision is available to encourage innovative and creative design of commercial, office or industrial developments not otherwise permitted with traditional zoning techniques.

SECTION 9-302. SPECIFIC STANDARDS AND CRITERIA FOR PLANNED COMMERCIAL, OFFICE OR INDUSTRIAL DEVELOPMENTS. In addition to the standards and criteria set forth in Part 1 hereof, Planned Commercial, Office or Industrial Developments shall comply with the standards and criteria set forth hereinafter.

SECTION 9-303. RESIDENTIAL USE. No building shall be used as a permanent residence, except that facilities for custodian, caretaker or watchman for the premises may be provided.

SECTION 9-304. PERIMETER SETBACK. When a lot line of a Planned Commercial, Office or Industrial Development is adjacent or separated by a street from a residence district, no building or structure that exceeds 35 feet in height shall be located within 100 feet of said lot line, provided that elevator penthouses, water towers, decorative building projections and other mechanical equipment shall not be included in determining the height of buildings or structures for this section.

SECTION 9-305. SCREENING. When structures or uses in a Planned Commercial, Office or Industrial Development abut a residence district or residential use in the same development, screening shall be provided as determined by the Plan Commission, provided, however, that the landscape requirements in Article 7, Section 203A, "Transition Yards," is specifically declared to be acceptable screening. (Ordinance 92-175, 12.22.92)

SECTION 9-306. SIGNS. All signs in the Planned Development shall be subject to the following conditions and requirements:

(A) The Village may require, as a condition of the Special Use Permit, more restrictive sign regulations than otherwise permitted by the Municipal Code of the Village of Bolingbrook.

SECTION 9-307. PERFORMANCE STANDARDS. All Planned Commercial, Office or Industrial Developments shall comply with the performance standards specified in Article 4 of this Zoning Ordinance for the district in which the development is located.

SECTION 9-308. UTILITIES. All of the Planned Development shall provide for underground installation of utilities (including electricity and telephone) in both publicways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. The utilities required and maintenance of said facilities shall be in accordance with the requirements and regulations of the Village as set forth in Article 4 of the Development Code.

SECTION 9-309. HOURS OF OPERATION. (Ordinance 00-150, 10.24.00) All planned commercial or mixed use developments containing commercial uses shall comply with the hours of operation specified in Article 4 of the Zoning Ordinance unless the special use for planned development, as approved by the Village, permit other hours of operation as a condition of the special use.
PART 4 - MIXED USE PLANNED DEVELOPMENTS.

SECTION 9-401. STANDARDS AND CRITERIA FOR PLANNED DEVELOPMENTS CONTAINING A MIXTURE OF RESIDENTIAL AND NON-RESIDENTIAL USES. Planned Developments which do not qualify as a Planned Residential Development, pursuant to Section 9-201 and which are not exclusively for Commercial, Office or Industrial Uses shall be subject to all of the applicable standards contained in Parts 2 and 3 hereof, except the provisions of Sections 9-210(A) and 9-210(B).
PART 5 - APPLICATION PROCEDURES.

SECTION 9-501. APPLICATION PROCEDURES - GENERALLY.

(A) Before submitting an application for Planned Development, the applicant shall confer with the Bolingbrook Planning and Zoning Department to obtain information and guidance before entering into binding commitments or incurring substantial expense.

(B) Application shall be made on forms supplied by the Village of Bolingbrook.

(C) Application for approval of a Planned Development shall be made in accordance with the provision of this ordinance relating to Special Uses, except as specifically provided herein to the contrary.

(D) An application must be accompanied by either an Outline Development Plan or a Preliminary Development Plan. In either case, the application and accompanying drawings shall be submitted to the Plan Commission for analysis, and in the case of a Preliminary Development Plan, for public hearing.

(E) A Preliminary Development Plan is required and must be submitted to the Plan Commission with the application or within one year following approval of an Outline Development Plan. If an Outline Development Plan has been approved, the Plan Commission may authorize the submission of a Preliminary Development Plan in stages.

(F) If a Preliminary Development Plan covering 20% of the subject property, or not less than 9 acres, has not been submitted within one year following approval of the Outline Development Plan, the Board of Trustees shall withdraw its approval and the Outline Development Plan shall be null and void.

(G) Within one year following the approval of the Preliminary Development Plan, the applicant shall file with the Board of Trustees a Final Development Plan completing in final form all information required in Section 9-504.

SECTION 9-502. OUTLINE DEVELOPMENT PLAN - OPTIONAL.

(A) An applicant may submit an Outline Development Plan to the Plan Commission for tentative review and approval prior to incurring the expenses associated with formal site plan submission in order to discover whether the Village will accept a Planned Development of the type proposed at the site proposed. An Outline Development Plan shall include maps and written statements and shall describe enough of the surrounding area to show the relationship of the Planned Development to adjoining uses both existing and proposed.

1. Maps which are part of the Outline Development Plan may be in general form, and shall contain the proposed land uses, the natural features of the site, the character and approximate density of dwellings, the approximate location of

2. The written statement shall contain a general explanation of the size and character of the Planned Development, including a statement of the present ownership of all the land within the Planned Development and expected schedule of construction.

(B) The Bolingbrook Plan Commission shall review the Outline Development Plan within ninety (90) days after receipt of such plan, and shall prepare a written report containing its recommendations to the Village Board and the applicant. (Ordinance 80-057, 10.07.80)
SECTION 9-503. PRELIMINARY DEVELOPMENT PLAN.

(A) Preliminary Development Plan is required of any applicant for a Planned Development permit. The Preliminary Development Plan shall contain all items required for a Preliminary Development Plan as enumerated in the Development Code of the Village of Bolingbrook, Section 30-304. The following items shall also be required:

1. A plot plan for each building site and planned open area, showing the approximate location of all buildings, structures, and improvements and indicating the open space around the buildings and structures.

2. Schematic design presentation indicating the architectural character of all proposed structures and improvements. The drawings need not be the result of final architectural decisions and need not be in detail.

3. A development schedule indicating:
   a. the approximate date when construction of the project can be expected to begin;
   b. the stages in which the project will be built and the date when construction of each stage can be expected to begin;
   c. the date when the development of each of the stages will be completed; and
   d. the area and locations of planned open space that will be provided at each stage.

4. Proposed agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities referred to under paragraph 1 above. (Ordinance 80-057, 10.07.80)

5. A list of all modifications from the district regulations which will be necessary for the proposed Planned Development.

6. If the Plan Commission finds that the Planned Development required further in depth review, the following information may be required:
   a. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the development to and from existing thoroughfares.
   b. A comprehensive drainage plan with analysis of the impact that the development creates on the site and on the surrounding area.

(B) The Plan Commission shall review the Preliminary Development Plan and shall recommend whether it is in substantial compliance with the Outline Development Plan and if it complies with all other standards in this Ordinance for Planned Development which were not considered when the Outline Development Plan was approved.

(C) The Plan Commission shall, within sixty (60) days of receiving a Preliminary Development Plan complete in all respect, hold a public hearing after due public notice, and shall within sixty (60) days thereof, recommend to the Board of Trustees the approval or denial of the proposed Planned Development and shall include not only conclusions, but also findings of
fact related to the specific proposal and shall set forth particularly in what respects the proposal would or would not be in the public interest, including, but not limited to, findings of fact on the following:

1. In what respects the proposed plan is or is not consistent with the stated purposes of the Planned Development regulations.

2. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, the density, dimension, area, bulk, use and the reasons why such departures are or are not in the public interest.

3. The extent to which the proposed plan meets the requirements and standards of the Planned Development regulations.

4. The physical design of the proposed Planned Development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, provide for and protect designated planned open space and schools, and further the amenities of light and air, recreation and visual enjoyment.

5. The compatibility of the proposed Planned Development with the adjacent properties and neighborhood.

6. The desirability of the proposed Planned Development to physical development and economic well-being of the entire community.

7. The conformity with the recommendations of the Comprehensive Plan.

(D) Within thirty-five (35) days, the Board of Trustees shall approve, approve with modifications, or disapprove the Preliminary Development Plan. However, no plats shall be recorded and no building permits issued until a Final Development Plan has been approved by the Board of Trustees.

SECTION 9-504. FINAL DEVELOPMENT PLAN.

(A) Within one year following the approval of the Preliminary Development Plan, the applicant shall file with the Plan Commission a Final Development Plan for the first stage of development, containing in final form the information required in the Preliminary Plan. The Final Development Plan shall also include all items required for a Final Development Plan as enumerated in Section 30-312 of the Development Code of the Village of Bolingbrook. The following items shall also be required:

1. A final land use plan, suitable for recording with the County Recorder of Deeds. The purpose of the Final Development Plan is to designate the land subdivided into lots as well as the division of other lands not so treated into planned open areas and building areas, and to designate and limit the specific internal uses of each building or structure, as well as of the land in general.

2. If subdivided lands are included in the Planned Development, a subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat. To the extent that compliance with the Development Code of the Village may be required, public hearings for such purposes shall be held at the same
time as the hearings required under the provisions of these Planned Development regulations.

3. An accurate legal description of each separate unsubdivided use area, including planned open space.

4. Designation of the location of all buildings to be constructed, and a designation of the uses for which each building is designed.

5. Final agreements, by-laws, provisions or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its planned open space or other facilities conveyed to a homeowners association or similar organization. (Ordinance 80-057, 10.07.80)

6. Final development and construction schedule.

(B) The Final Development Plan shall be approved as follows:

1. The Plan Commission shall review the Final Development Plan within thirty-five (35) days of its submission and shall recommend approval if it is in substantial compliance with the Preliminary Development Plan. The Plan Commission shall certify to the Board of Trustees that the Final Development Plan is in conformity with the previously filed Preliminary Development Plan and meets all the requirements for a Final Development Plan.

2. The Board of Trustees shall approve the Final Development Plan if it is in conformity with the Preliminary Development Plan and meets all the requirements for a Final Development Plan. It shall pass an appropriate Ordinance granting the Special Use Permit.

3. If the Plan Commission finds that the Final Development Plan does not substantially conform to the Preliminary Development Plan or that it does not meet the requirements for a Final Development Plan, it shall so notify the applicant and the Board of Trustees in writing within thirty-five (35) days of submission.

SECTION 9-505. FAILURE TO BEGIN DEVELOPMENT. If no substantial construction has begun or no use established in the Planned Development within the time stated in the final development and construction schedule of the Final Development Plan, the Special Use Permit for the Planned Development shall lapse upon written notice to the applicant from the Village Board of Trustees and shall be of no further effect. The zoning regulations applicable before the Special Use for Planned Development was approved shall then be in effect. In its discretion and for good cause, the Board of Trustees may extend for a reasonable time, not to exceed one year, the period from the beginning of construction or the establishment of a use, provided such extension is granted during the original period.

SECTION 9-506. ZONING ADMINISTRATION - PERMITS.

(A) The Zoning Administrator may approve the issuance of permits for site or building construction for that part of the development plan that has been approved in the area covered by the approved Final Development Plan for work in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

(B) However, the Zoning Administrator shall not approve an occupancy permit for any building or structure shown on the development plan of any stage of the Planned Development unless
the planned open space and public facilities allocated to that stage of the development have been conveyed to the proper authorities. A certificate of occupancy for any completed building or structure located in an area covered by the approved Final Development Plan may be issued if the completed building or structure conforms to the requirements of the approved Final Development Plan and all other applicable regulations and ordinances of the Village. (Ordinance 80-057, 10.07.80)

SECTION 9-507. ENFORCEMENT OF DEVELOPMENT SCHEDULE.

(A) The Zoning Administrator shall periodically review all permits issued for the Planned Development, examine all construction that has taken place on the Planned Development site, and compare actual development with the approved development schedule.

(B) If the Zoning Administrator shall find that the owners of the property in the Planned Development area have failed to meet the approved development schedule, or that the rate of construction of dwelling units is greater than the rate at which planned open space and public and recreational facilities have been constructed and provided, the Zoning Administrator shall notify the Plan Commission and Board of Trustees in writing.

(C) Within thirty (30) days of such notice, the Board of Trustees shall either revoke the Special Use Permit, and the land shall revert to its former classification, or, for good cause shown by the landowner, the limits of the development schedule shall be extended for a reasonable time.

SECTION 9-508. AMENDING FINAL PLAN. No changes may be made to the approved Final Development Plan during the construction of the Planned Development except upon the application to the appropriate agency under the following procedures:

(A) Minor changes in the location, siting and height of buildings and structures may be authorized by the Plan Commission if required by engineering or other circumstances not foreseen at the time the Final Development Plan was approved. No change authorized by this Section may increase the cube of any building or structure by more than ten percent (10%).

(B) All other changes in time schedule and in use, any rearrangement of lots, blocks and building tracts, any changes in the provision of planned open space and all other changes in the approved Final Development Plan shall be made by the Board of Trustees, upon recommendation of the Plan Commission, under the procedure authorized by this Ordinance for approval of the Special Use Permit. No amendments may be made in the approved Final Development Plan unless they are shown to be required by changes in conditions that have occurred since the Final Development Plan was approved. A self-imposed hardship shall not be a valid reason for change.

(C) Any changes approved shall be recorded as amendments to the recorded copy of the Final Development Plan.

(D) Notwithstanding anything to the contrary contained in subsections (A) and (B) above, in the event the final development plan is an expedited development plan under Section 9-102(C)2 above, the Plan Commission may authorize changes not relating to bulk, height or density requirements and may authorize changes in bulk, height or density requirements so long as no change authorized by this subsection increases the cube of any building or structure by more than fifteen percent (15%). All other bulk, height or density changes must be made pursuant to Subsection (B) hereof. (Ordinance 88-049, 07.26.88)
SECTION 9-509. POST-COMPLETION REGULATIONS.

(A) Upon completion of the Planned Development, and as a condition of the Village’s acceptance of the final public improvements, the Zoning Administrator shall issue a Certificate of Completion certifying the said completion.

(B) After the Certificate of Completion has been issued, the uses of land and construction, modifications or alteration of any buildings or structure within the Planned Development shall be governed by the approved Final Development Plan rather than by any other provision of this Zoning Ordinance.

(C) After the Certificate of Completion has been issued, no changes may be made in the approved Final Development Plan except upon application to the appropriate agency under the procedures for seeking amendments, Special Uses and variations with respect to the Bolingbrook Zoning Ordinance, as set out in Chapter 29 of the Bolingbrook Municipal Code.
ARTICLE 10 - NON-CONFORMITIES

PART 1 - SUBSTANDARD LOTS OF RECORD.

SECTION 10-101. AUTHORITY TO UTILIZE. In any residence district, notwithstanding the regulations imposed by any other provision of this Ordinance, a single-family detached dwelling which complies with the restrictions in Section 10-102 may be erected on a lot that is not less than twenty-five (25) feet in width, consisting entirely of one tract of land that:

(A) Has less than the prescribed minimum lot area, width, depth, or all three;

(B) Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size or width at such location would not have been prohibited by any Zoning Ordinance; and

(C) Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning ordinance or ordinances.

SECTION 10-102. REQUIRED SIDE YARDS. Construction permitted by Section 10-101 shall comply with all the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located, provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:

(A) A dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling;

(B) The sum of the widths of the two side yards on each lot shall be not less than the smaller of:

1. 25% of the width of the lot, or

2. the minimum total for both side yards prescribed by the bulk regulations for said zoning district, and

(C) No side yard shall be less than 10% of the width of the lot and in no case less than three (3) feet.
PART 2 - NON-CONFORMING STRUCTURES.

SECTION 10-201. AUTHORITY TO CONTINUE. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which does not comply with the applicable bulk, height, or floor area requirements or is located on a lot which does not comply with the applicable lot or yard requirements, or both, may be continued for the period of its normal useful life, so long as it remains otherwise lawful, subject to the restrictions in Section 10-202 through Section 10-204, and Section 10-401 through Section 10-404.

SECTION 10-202. ENLARGEMENT, REPAIR, ALTERATIONS. Any such structure, described in Section 10-201, may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional non-conformity or increase the degree of the existing non-conformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Section 10-102. Notwithstanding the provision of this Section 10-202, an addition may be constructed to a principal residential structure that is lawfully non-conforming with respect to the exterior side yard setbacks provided such addition maintains the same or a greater exterior side yard setback than such principal residential structure. (Ordinance 76-074, 07.13.76)

SECTION 10-203. DAMAGE OR DESTRUCTION. In the event that any structure described in Section 10-201 is damaged or destroyed, by any means, to the extent of more than 50% of the cost of replacement of the said structure new, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. A structure which is located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements of Section 10-102. When a structure is damaged to the extent of 50% or less of the cost of replacement of the structure new, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion, provided, however, that any structure used for residential purposes on a lot the size of which would make the rebuilding thereof non-conforming, may be so rebuilt so long as the new structure is used for a single-family residence and conforms to the applicable lot size and dimensional requirements to the same extent as the structure destroyed.

SECTION 10-204. MOVING. No structure described in Section 10-201 shall be moved in whole or in part for any distances whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
PART 3 - NON-CONFORMING USES.

SECTION 10-301. AUTHORITY TO CONTINUE. Any lawfully existing non-conforming use of part or all of a structure, or any lawfully existing non-conforming use of land not involving a structure or involving only a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the regulations contained in Section 10-302 through Section 10-310, and Section 10-401 through Section 10-404.

SECTION 10-302. ORDINARY REPAIR AND MAINTENANCE.

(A) Normal maintenance and incidental repair or replacement, installation, or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a non-conforming use; provided, however, that this subsection (A) shall not be deemed to authorize any violation of Section 10-303 through Section 10-309 of this Ordinance.

(B) Nothing in this Ordinance shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided such restoration is not otherwise in violation of Section 10-306 of this Ordinance.

SECTION 10-303. REMODELING. No structure that is devoted in whole or in part to a non-conforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

SECTION 10-304. EXTENSION. A non-conforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

(A) Extension of such use to any part of a structure or land area other than one occupied by such non-conforming use on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become non-conforming).

(B) Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become non-conforming). However, a non-conforming use may be extended throughout any part of a structure that was lawfully and manifestly designed or arranged for such use on such effective date.

(C) Operation of such non-conforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this Ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming non-conforming), any performance standards established for the district for which such use is located.

SECTION 10-305. ENLARGEMENT. No structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

SECTION 10-306. DAMAGE OR DESTRUCTION. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to the extent of more than 50% of the cost of replacement of the structure new, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less of the cost of
replacement new, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

**SECTION 10-307. MOVING.** No structure that is devoted in whole or in part to a non-conforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No non-conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

**SECTION 10-308. CHANGE IN USE.** A non-conforming use shall not be changed to any use other than a use permitted in the zoning district in which the use is located. When a non-conforming use has been changed to any permitted use, it shall not thereafter be changed back to a non-conforming use. For purposes of this section, a use shall be deemed to have been so changed when an existing non-conforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven (7) days.

**SECTION 10-309. ABANDONMENT OR DISCONTINUANCE.**

(A) When a non-conforming use of land, not involving a structure, or involving only a structure which is accessory to the non-conforming use of land, is discontinued or abandoned, for a period of two consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

(B) When a non-conforming use of a part or all of a structure which was designed and intended for a use which is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of two consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.

(C) When a non-conforming use of a part or all of a structure which was not designed and intended for any use which is permitted in the zoning district in which such structure is located is discontinued or abandoned for a period of six (6) consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.

**SECTION 10-310. NON-CONFORMING ACCESSORY USES.** No use which is accessory to a principal non-conforming use shall continue after such principal use shall have ceased or terminated.
PART 4 - ELIMINATION OF NON-CONFORMING USES AND STRUCTURES.

SECTION 10-401. PROCEDURES. In accordance with authority granted to municipalities for the elimination of non-conforming uses and structures in Ch. 24, S11-13-1 (Ill. Rev. Stat. 1971), it is hereby declared to be the policy of the Village to eliminate the said uses and structures.

(A) The Zoning Administrator shall inventory the non-conforming uses and structures in the Village and shall determine the assessed valuation, normal useful life, and years in existence for each. Such inventory and determinations shall be kept on file by the Zoning Administrator and be a matter of public record.

(B) The Zoning Administrator shall notify in writing the owner of each parcel of land or each structure which has been determined to be non-conforming, at least once every year. Such notice shall contain:

1. The normal useful life of the use or structure as determined;
2. The date at which it has been determined the use was commenced; and
3. The assessed valuation of the use or structure as determined.

(C) Nothing in this section shall apply to non-conforming structures to which Section 10-203 or Section 10-402 do not apply.

SECTION 10-402. ELIMINATION OF NON-CONFORMING BUILDINGS AND STRUCTURES.

(A) Any structure or building, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located shall be removed and its use thereafter cease, or shall be converted to a building or structure designed or intended for a use permitted in the district in which it is located at the end of its useful life as determined by the Zoning Administrator. Nothing in this Section 10-402 shall apply to structures used for residential purposes in residential zoning classifications.

(B) Condemnation of non-conforming buildings and structures. The Village of Bolingbrook, at any time, and from time to time, by Ordinance duly enacted:

1. may acquire by condemnation any non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, and all land which is necessary or appropriate for the rehabilitation or redevelopment of the area blighted by such non-conforming building or structure;
2. may remove or demolish all such non-conforming buildings and structures so acquired;
3. may hold and use any remaining property for public purposes; and
4. may sell, lease or exchange such property as is not held for public purposes, subject to the provisions of this Comprehensive Amendment, or any amendment hereto.

No such acquisition by condemnation shall be made until such time as the Plan Commission, at the request of the Board of Trustees, or upon its own initiative, has made a study of the area within which such non-conforming building or structure is located and has filed a written report on such study with the Board of Trustees.
SECTION 10-403. ELIMINATION OF NON-CONFORMING USE OF LAND.

(A) The non-conforming use of land shall be discontinued and cease ten years from the date of the adoption of this amendment in each of the following cases:

1. Where no buildings or structures are employed in connection with such use;

2. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use or have an assessed valuation of less than $2,000; or

3. Where such is maintained in connection with a conforming building or structure; except that inadequate off-street parking facilities used in connection with a building the use of which complies with the requirements of the district in which it is located, may be continued for so long as the premises are used for a permitted use.

(B) A non-conforming use of land which is accessory to the non-conforming use of building or structure shall be discontinued on the same date the non-conforming use of the building or structure is discontinued.

(C) Nothing in this Section shall require the elimination of a non-conforming use of land for residential purposes.

(Ordinance 80-057, 10.07.80)

SECTION 10-404. APPEALS. An appeal from the determinations made by the Zoning Administrator under this section shall be appealable to the Zoning Board of Appeals in the same fashion as any other decision of the Zoning Administrator.
ARTICLE 11 - ADMINISTRATION AND ENFORCEMENT

PART 1 - GENERAL PROVISIONS.

SECTION 11-101. ADMINISTRATION. The administration of this Ordinance is hereby vested in the following:

(A) The Office of the Zoning Administrator

(B) The Zoning Board of Appeals

(C) The Office of the Secretary of the Zoning Board of Appeals

(D) The Plan Commission
PART 2 - OFFICE OF THE ZONING ADMINISTRATOR.

SECTION 11-201. APPOINTMENT. The Zoning Administrator shall be appointed by the Village President with the advice and consent of the Board of Trustees.

SECTION 11-202. DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator or his duly appointed and acting assistant shall administer and enforce this Ordinance. It shall be the duty of the Zoning Administrator to:

(A) Receive and process applications for zoning certificates for structures or additions thereto for which building permits are required.

(B) Receive and process applications for zoning certificates not accompanied by an application for a building permit.

(C) Receive and process applications for an occupancy certificate upon the completion of a structure or when there is a change of use as herein provided.

(D) Conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in cases of any violation, to notify in writing the person or persons responsible, specifying the nature of the violation and ordering corrective action.

(E) Maintain in current status the Official Zoning Map.

(F) Maintain permanent and current records required by this Ordinance, including, but not limited to, zoning certificates, occupancy certificates, useful life determinations and non-conforming use certificates, inspections, and all official action on appeals, variations and amendments.

(G) Prepare and submit an annual report to the President and Board of Trustees on the administration of this Ordinance, setting forth such statistical data and information as may be of interest or value in advancing and furthering the purposes of this Ordinance.

(H) Prepare and have available in book, pamphlet or map form, on or before March 31 of each year:

1. The compiled text of the Zoning Ordinance, including all amendments thereto through the preceding December 31st; and

2. An Official Zoning Map, or Maps, showing the zoning district, divisions, and classifications in effect on the preceding December 31st.

(I) Maintain for distribution to the public a supply of copies of the Zoning Map or Maps, the compiled text of the Zoning Ordinance, and the rules of the Zoning Board of Appeals.
PART 3 - ZONING CERTIFICATES.

SECTION 11-301. ISSUANCE OF PERMITS. No building permit pertaining to the construction, remodeling, moving or reconstruction of any structure shall be issued by the Village of Bolingbrook unless an application for a zoning certificate shall first have been made to and obtained from the Zoning Administrator. Unless a Zoning Certificate shall first have been obtained from the office of the Zoning Administrator:

(A) The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;

(B) The improvement of land preliminary to any use of such land shall not be commenced; and

(C) Permits pertaining to the use of land or structures shall not be issued by any official, officer, employee, department, board or bureau of the Village of Bolingbrook. Any application for a building permit that contains the information required by Section 11-302 and, when applicable Section 11-303, shall be deemed to be an application for a zoning certificate. Any zoning certificate issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 11-302. APPLICATION FOR ZONING CERTIFICATE. Every application for a zoning certificate shall be accompanied by the following:

(A) The certificate of a registered architect or registered structural engineer licensed by the State of Illinois, or of an owner-designer, that the proposed construction, remodeling, or reconstruction complies with all of the provisions of this Ordinance.

(B) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.

(C) A plot plan, in duplicate, drawn to scale and in such form as may from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and off-street parking and loading spaces, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this Ordinance. Applications for zoning certificates for property located in an Industrial District shall also be subject to Section 11-303 and on such applications the plot plan shall also show all structures, streets, streams and any other significant physical features within 200 feet of the boundary of the site shown on the plot plan.

One copy of the plat and the plot plan shall be retained by the Zoning Administrator as a public record.

SECTION 11-303. APPLICATION FOR ZONING CERTIFICATE FOR INDUSTRIAL USES. All applications for a zoning certificate for the construction, moving, remodeling, or reconstruction of any structure to be located in an industrial district shall be accompanied by sufficient information to enable the Zoning Administrator to determine that there will be compliance with all of the applicable performance standards of Section 4-303 of this Ordinance at all times. At the request of the Zoning Administrator, the applicant shall provide, in addition to the information required under Section 11-302, the following:
(A) A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by Section 4-303 of this Ordinance.

(B) A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in Section 4-303 of this Ordinance.

(C) Such other data and certificates as may reasonably be required by the Zoning Administrator to reach a determination with respect to whether the proposed use or structure will comply with the requirements of Section 4-303 of this Ordinance.

All information and evidence submitted in an application for a zoning certificate to indicate conformity with the performance standards set forth in Section 4-303 of this Ordinance shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

SECTION 11-304. ISSUANCE OF ZONING CERTIFICATE.

(A) A zoning certificate shall be either issued or refused by the Zoning Administrator within 14 days after the receipt of an application therefore, or within such further period as may be agreed to by the applicant; provided, however, that the Zoning Administrator shall have a period of 21 days within which to issue or refuse a zoning certificate on all applications which are required to comply with the provisions of Section 11-303 of this Ordinance. When the Zoning Administrator refuses to issue a zoning certificate, he shall advise the applicant in writing of the reasons for refusal.

(B) The fee(s) for such zoning certificate shall be as follows: (Ordinance 04-062, 05.18.04)

1. Residential – Single Family Detached/Attached and Multiple Family
   a. Accessory uses or structures (includes shed, pool, deck, patio, hot tub, gazebo, driveway extension) $30.00
   b. Fence and driveway replacement $10.00
   c. Principal structures (Ordinance 05-060, 05.31.05) $450.00
   d. Additions to principal structure $100.00
   e. Construction trailers $250.00
   f. New subdivision landscape inspection $125.00
   g. Landscape reinspection $60.00
      (Ordinance 06-057, 05.23.06)

2. Commercial/Industrial
   a. Structures or additions $200.00
   b. Tenant build-out or remodel $150.00
   c. Construction trailers $250.00
   d. Occupancy landscape inspection
      (new construction only) $125.00
   e. Occupancy landscape reinspection $60.00
      (Ordinance 06-057, 05.23.06)

SECTION 11-305. PERIOD OF VALIDITY. A zoning certificate shall become null and void six (6) months after the date on which it is issued unless within such six (6) month period, construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
SECTION 11-306. OCCUPANCY CERTIFICATES. No structures or addition thereto, constructed, moved, remodeled, or reconstructed after the effective date of this Ordinance shall be occupied or used for any purpose, and no land vacant on the effective date of this Ordinance shall be used for any other use, unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this Ordinance.

SECTION 11-307. APPLICATION FOR OCCUPANCY CERTIFICATE. Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no zoning certificate is required shall be filed with the Zoning Administrator and be in such form and contain such information as the Zoning Administrator shall provide by general rule.

SECTION 11-308. APPLICATION FOR OCCUPANCY CERTIFICATES FOR INDUSTRIAL USES. All applications for an occupancy certificate for any use to be located in an industrial district where no zoning certificate is required shall be accompanied by sufficient information to enable the Zoning Administrator to determine that all the applicable performance standards of Section 4-303 of this Ordinance can and will be complied with at all times. At the request of the Zoning Administrator, the applicant shall provide such information as is specified in Section 11-303 of this Ordinance.

SECTION 11-309. ISSUANCE OF OCCUPANCY CERTIFICATE. No occupancy certificate for a structure or addition thereto constructed, moved, remodeled or reconstructed after the effective date of this Ordinance shall be issued until such work has been completed, including off-street parking and loading spaces, and the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with the plans and specifications upon which the issuance of the zoning certificate was based. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected by the Zoning Administrator and determined to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its date pending the completion of any addition or during partial occupancy of the premises. Temporary Occupancy Permits may only be issued when extraordinary circumstances exist (i.e. unavailability of materials, inclement weather etc.) and when it would not jeopardize the life or property of the citizens of Bolingbrook. Any temporary occupancy permit issued must be accompanied by a letter of credit or a bond to cover site work which has not been completed at the time of application for an occupancy permit. The amount of the letter of credit or bond shall be determined by the Zoning Administrator and shall be deposited in an escrow account by the Director of Finance for the duration of the temporary occupancy permit or until the site work has been completed in accordance with the approved site plan and inspected by the Zoning Administrator. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within 14 days after the receipt of an application therefor; or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy; provided, however, that the Zoning Administrator shall have a period of 21 days within which to issue or refuse an occupancy certificate on all applications which are required to comply with the provisions of Section 11-303 of this Ordinance.

(Ordinance 80-055, 09.09.80)

SECTION 11-310. ESCROW DEPOSITS. Whenever an application for a zoning or occupancy certificate for a new or altered structure or use in an industrial district indicates, in the opinion of the Zoning Administrator, that the operations or activities to be conducted may violate the performance standards of Section 4-303 of this Ordinance, the Zoning Administrator shall, as a condition precedent to issuing a zoning or occupancy certificate, require the deposit in escrow of not more than $500, to be held by the Zoning Administrator for a period of one year after the date that such
new or altered use is commenced. If during such one year period or at any time in the future the Zoning Administrator believes there is a reasonable probability that the regulations of Section 4-303 are being violated, he may employ a qualified technician or technicians to perform investigations, measurements, and analyses to determine whether or not the regulations of Section 4-303 are, in fact, being violated and may pay his or their reasonable fees out of the aforementioned escrow deposit, regardless of the outcome of the investigation. If reasonable fees of such technician or technicians exceed the amount of any available escrow deposit, and if a violation of Section 4-303 is discovered, the fees may be recovered as penalty in the same manner as, and in addition to, the penalties specified in Article 12 of this Ordinance. Escrow deposits or remainders of escrow deposits shall be returned to the depositors at the expiration of the escrow period.
SECTION 11-401. POWERS AND AUTHORITY. The Zoning Board of Appeals of the Village of Bolingbrook created by Section 4-1401 of the Bolingbrook Municipal Code shall in addition to such powers and duties as are specified in said Section 4-1401 have the following powers and duties with respect to the Zoning Ordinance of the Village of Bolingbrook:

(A) To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as "decision") made by the Zoning Administrator.

(B) To hear and decide on applications for variations from the regulations and restrictions imposed by this Ordinance.

(C) To hear and report to the President and Board of Trustees on such other matters as may be referred to it by the President and Board of Trustees, subject to the provisions of this Ordinance.

SECTION 11-402. MEETINGS AND RULES. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All hearings required by this Ordinance to be conducted by the Board shall be open to the public. At meetings and hearings of the Board, any interested person may appear in person or by duly authorized agents or attorneys. All testimony before the Board shall be given under oath. The Chairman, or in his absence, the acting Chairman, shall administer or authorize the administration of oaths and may compel the attendance of witnesses. The Board 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. The Board shall also keep records of its hearings and other official actions. Each member is entitled to vote on each question unless a member is absent (either from the then-present proceedings or from the hearing upon which the then-present question is based) or has disqualified himself. Every rule, regulation, decision or determination of the Board shall immediately be filed with the Secretary of the Board, the Zoning Administrator, and the Village Clerk and shall be a public record.

SECTION 11-403. QUORUM. Four members of the Board shall constitute a quorum. No hearing shall be conducted by the Board without a quorum being present.

SECTION 11-404. DECISIONS. The Board shall hear all matters presented to it within 90 days from the date a complete application or appeal is received. The Board shall decide all matters which it has heard within 35 days of the close of the hearing thereon or, if no hearing is required, within 35 days of the date of the meeting at which the matter was first considered, according to the minutes of the said meeting. The Board may reverse or affirm, in whole or in part, or may modify or amend any order, requirements, decision or determination appealed from to the extent and in the manner the Board may decide to be fitting and proper under the circumstances, subject to the provisions contained in this Ordinance or in the applicable Illinois Statutes. Any absent member of the Board who certifies that he has read the transcript of the proceedings before the Board may vote upon any question before the Board. (Ordinance 76-012, 02.10.76)

The concurring vote of four members of the Board shall be necessary:

(A) To reverse any order, requirement, decision or determination of the Zoning Administrator.

(B) To grant a variation from the terms of this Ordinance.

(C) To decide in favor of the applicant on any matter upon which the Board is required to pass under this or any other Ordinance.
SECTION 11-405. FINALITY OF DECISIONS OF THE ZONING BOARD OF APPEALS. All decisions of the Zoning Board of Appeals, on appeal from a decision of the Zoning Administrator or upon application for a variation, shall in all instances be final administrative determinations, and shall be subject to review by a court of law in the manner provided by the applicable Illinois Statute.

SECTION 11-406. OFFICE OF THE SECRETARY OF THE ZONING BOARD OF APPEALS: APPOINTMENT. The Secretary of the Zoning Board of Appeals shall be appointed by the Board to serve until a successor is appointed.

SECTION 11-407. DUTIES OF THE SECRETARY OF THE ZONING BOARD OF APPEALS. The Secretary of the Board shall:

(A) Record the minutes of the Board's proceedings and actions showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

(B) Act as custodian of the records of the Board.

(C) Furnish members of the public with such forms for appeals and applications for variations as are approved by the Board.

(D) Receive on behalf of the Zoning Board of Appeals all such forms, when completed and executed by the appellant or applicant, or his agent or attorney.

(E) Perform such other duties as may be assigned from time to time by the Board.
PART 5 - PLAN COMMISSION.

SECTION 11-501. POWERS AND AUTHORITY. The Plan Commission of the Village of Bolingbrook, created by Article 2 of Chapter 4 of the Bolingbrook Municipal Code shall, in addition to the powers and duties specified in the said Article 2 of Chapter 4, have the additional powers and duties hereinafter set forth in this Part 5 of Article 11 of the Bolingbrook Zoning Ordinance. (Ordinance 74-088, 8.20.74)

SECTION 11-502. JURISDICTION. The Plan Commission of the Village of Bolingbrook which has been duly established, is the Plan Commission referred to in this Ordinance. It shall have the following duties:

(A) To hear and review all applications for amendments and special uses and thereafter submit reports of findings and recommendations, thereon to the Village Board of Trustees.

(B) To initiate, direct and review, from time to time, studies of the provisions of the Zoning Ordinance, the Comprehensive Plan and the Subdivision Regulations, and to make reports of its recommendations to the Village Board of Trustees not less frequently than once each year.

(C) To receive and review all plats of subdivision and recommend with respect thereto to the Board of Trustees.

(D) To hear and review all matters upon which it is required to recommend under this Ordinance.

SECTION 11-503. MEETINGS AND RULES. All meetings of the Plan Commission shall be held at the call of the Chairman, and at such times as the Plan Commission may determine. All hearings conducted by said Plan Commission under this Ordinance shall be in accordance with the Illinois Statutes. In all proceedings of the Plan Commission provided for in this Ordinance, the Chairman, or in his absence, the Vice Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and Special Use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this Ordinance shall be filed in the Office of the Village Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this Ordinance or with applicable Illinois Statutes.

SECTION 11-504. QUORUM. Four members of the Commission shall constitute a quorum. No meeting (or hearing) shall be conducted by the Commission without a quorum being present. (Ordinance 77-011, 03.08.77)
PART 6 - APPEALS.

SECTION 11-601. SCOPE AND COMMENCEMENT OF APPEALS. An appeal from a decision of the Zoning Administrator made in interpreting this Ordinance may be taken to the Zoning Board of Appeals by any person, firm or corporation aggrieved by said decision or by any officer, department, board or bureau of the Village. Such appeal shall be taken within 35 days of the ruling by the Zoning Administrator, by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof, and by filing said appeal and a copy of said notice of appeal with the Secretary of the Board. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all of the papers constituting the records upon which he made the decision from which appeal has been taken. The notice of appeal and the appeal itself shall be filed in such number of copies, be in such form, and contain such information as the Board may provide from time to time by general rule.

SECTION 11-602. ACTION ON APPEALS. An appeal shall stay all proceedings in furtherance of the decision of appeal unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than a restraining order, which may be granted by the Board or by a court of record upon application following notice to the Zoning Administrator, and upon due cause shown. The Board shall select a reasonable time and place for the public hearing on the appeal, shall give due notice thereof to the parties having a known interest therein and shall render a written decision without unreasonable delay, all within the limitations imposed by Section 11-402 of this Ordinance. Upon the concurring vote of four members, the Board may reverse or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the Board shall have all the powers of the Zoning Administrator with respect to such decision.

(Ordinance 76-013, 2.10.76)
PART 7 - VARIATIONS. (Ordinance 76-090, 08.17.76)

SECTION 11-701. AUTHORIZATION. The Board of Trustees and Zoning Board of Appeals may authorize such variations as are hereinafter set forth from the terms of this Ordinance in harmony with their purpose and intent as will not be contrary to the public interest. Variations may be authorized only on those specific instances enumerated in Section 11-704, and then only when the particular Board that has authority to grant the variation requested has made findings of fact, based upon the standards set out in Section 11-705, that owing to special conditions a literal enforcement of the provisions of this Ordinance will, in an individual case, result in practical difficulties or particular hardship for the owner, lessee or occupant of land or a structure.

SECTION 11-702. APPLICATION FOR VARIATION. An application for a variation shall be filed with the Zoning Administrator who shall forward without delay a copy of each to the Secretary of the Board of Appeals for variations governed by Section 11-704(B) or the Village Clerk for variations governed by Section 11-704(A). The application shall contain the following information as well as such additional information as may be prescribed by rule of the Board:

(A) The particular requirements of this Ordinance which prevent the proposed use or construction;

(B) The characteristics of the subject property which prevent compliance with said requirements of this Ordinance;

(C) The reduction of the minimum requirements of this Ordinance which would be necessary to permit the proposed use or construction; and

(D) The practical difficulty or particular hardship which would result if said particular requirements of this Ordinance were applied to the subject property.

SECTION 11-703. HEARING AND NOTICE. The Board having jurisdiction over the variation requested shall select a reasonable time and place for the hearing, all within the limitations imposed by Section 11-402 of this Ordinance. Public notice of such hearing shall be published at least once, not less than 15 days nor more than 30 days before such hearing, in a newspaper published within the said Village of Bolingbrook. Such notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, the legal description of the property involved and a brief description of the relief sought. Either Board may give such additional notice as it may, from time to time, by rule provide. Any party of interest may appear and be heard at the hearing in person, by agent, or by attorney.

SECTION 11-704. AUTHORIZED VARIATIONS.

(A) Variations from the regulations of this Ordinance to permit the completion of residential developments commenced under the terms and conditions of an annexation agreement which has since expired and which could not be completed as so far constructed under this Zoning Ordinance by virtue of amendments to the then-applicable provisions during the life of the said annexation agreement may be granted only by the Board of Trustees after due notice and hearing as set forth in Section 11-703 and then only in accordance with the standards set out in Section 11-705(A), to vary the applicable requirements of this ordinance so that those previous requirements which were applicable when the subject property was annexed to the Village and which were made a condition of said annexation are applicable to the subject property for such time period as is necessary, as determined by the Board, to complete the residential development.
Variations from the regulations of this Ordinance shall be granted by the Board of Appeals, but only in accordance with the standards set out in Section 11-705(B), and may be granted only in the following instances, and in no others:

1. To vary the applicable lot area, lot width, and lot depth requirements, subject to the following limitations:
   a. The minimum lot width and lot depth requirements shall not be reduced more than 25%;
   b. The minimum lot area for a single family or two-family dwelling shall not be reduced more than 20%;
   c. The minimum lot area per dwelling unit requirement for multiple family dwellings shall not be reduced so as to permit more than one dwelling unit in addition to the number that would be permitted by strict application of the minimum lot area requirements.

2. To vary the applicable bulk regulations, including maximum height, lot coverage, and floor area ratio and minimum yard requirements.

3. To vary the applicable off-street parking and off-street loading requirements contained in Article VI of this Ordinance.

4. To vary the regulations relating to restoration of damaged or destroyed non-conforming structures contained in Section 10-203 of this Ordinance.

5. To vary the maximum sign area, maximum sign height and sign setback requirements. (Ordinance 90-065, 05.08.90)

SECTION 11-705. STANDARDS FOR VARIATIONS.

(A) The Board of Trustees shall not vary the regulations of this Ordinance under Section 11-704(A) unless it shall make findings of fact based upon the evidence presented that:

1. The subject property was subject to an annexation agreement which has since expired;

2. The applicant had during the term of the annexation agreement:
   a. Commenced construction of a residential development in accordance with the provisions of the Zoning Ordinance then applicable to the subject property, and had completed a substantial portion thereof;
   b. Ceased and delayed such construction in whole or in part because of adverse economic conditions generally affecting the construction industry and which made the completion of the said development within the time limits set forth in the expired annexation agreement financially burdensome.

3. If completed, the residential development so commenced and so delayed would be:
   a. Substantially identical to that which had originally been commenced under the terms and conditions of the expired annexation agreement;
b. An asset to the neighborhood and the Village as a whole.

4. If not completed, or if completed under the terms and conditions of this Ordinance, the said residential development commenced and delayed as aforesaid would:
   a. Fail to harmonize with that portion already complete by reason of yards, open space, structural appearance and site plan;
   b. Generally detract from the character of the neighborhood and the Village;

5. If granted the variation sought would permit no more than what the applicant could construct under the terms and conditions of the expired annexation agreement relating to zoning.

6. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

7. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

8. The proposed variation will not alter the essential character of the locality.

9. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

10. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

11. The proposed variation will not alter the essential character of the locality.

12. The proposed variation is in harmony with the spirit and intent of this Ordinance.

(B) The Zoning Board of Appeals shall not vary the regulations of this Ordinance unless it shall make findings of fact based upon the evidence as presented that:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

2. The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

3. The alleged hardship has not been directly created by any person presently having a proprietary interest in the premises.

4. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

5. The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

6. The proposed variation will not alter the essential character of the locality.

7. The proposed variation is in harmony with the spirit and intent of this Ordinance.

(C) The Boards may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a variation as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and property values.
SECTION 11-706. DECISIONS AND VARIATIONS. The concurring vote of four members of the Board of Trustees or the Zoning Board of Appeals as the case may be, shall be necessary to grant a variation. A variation shall be granted by means of a conclusion or statement of relief granted, supported by findings of fact, which statement and findings shall be transmitted to the applicant not less than 35 days from the date of the decision thereon. In deciding requests for variations, the Board shall be governed by the limitations on time imposed by Section 11-404 of this Ordinance, provided, however, that the Boards upon their own motion, or the applicant upon his own motion, may each extend the period of time provided for in the said Section 11-404 for a period not to exceed 30 days per extension. (Ordinance 80-057, 10.07.80)

(A) The findings of fact shall specify the reason or reasons for making the variation, and shall refer to any exhibits containing plans and specifications for the proposed variation which have been made a part of the application or which were introduced at the public hearing as evidence. Such exhibits shall remain part of the permanent record of the Board of Appeals.

(B) The terms of relief granted shall be specifically set forth in conclusions or statements separate from the findings of fact.

SECTION 11-707. PERIOD OF VALIDITY. No decision granting a variation shall be valid for a period longer than twelve (12) months from the date of such decision unless:

(A) An application for a zoning certificate is obtained within such period and construction, reconstruction, moving and remodeling is started, or

(B) An occupancy certificate is obtained and a use is commenced.

The Boards may grant additional extensions of time not exceeding 180 days each, upon written application made within the initial twelve-month period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

Provided, however, that nothing in this Section shall limit or affect the validity of a variation granted under the terms of this Part 7 if the relief sought and obtained herein does not require the issuance of a zoning or occupancy certificate or the commencement of use, construction, reconstruction, moving or remodeling.

SECTION 11-708. ADMINISTRATIVE RELIEF FOR MINOR NON-COMPLIANCE. (Amended in its entirety by Ordinance 13-041, 06.11.13)

(A) The Planning and Zoning Administrator may provide administrative relief for noncompliance with the requirements of the Zoning Ordinance upon written application by the property owner. The Planning and Zoning Administrator must certify that the property will comply with the Zoning Ordinance if the following criteria are met:

1. The non-compliance is existing at the time of application and

2. The non-compliance is minor, being

   a. A lineal dimension of 12 inches or less, or
   b. An areal dimension of 2 percent or less, and

3. The non-compliance was neither intentional nor grossly negligent, and
4. The requested relief will conform to the intent of the Zoning Ordinance, and
5. The requested relief will neither be detrimental to the public welfare nor harmful to other properties or improvements, and
6. The requested relief will not confer upon the property owner any special privilege not available to others in the same or substantially similar circumstances, and
7. The non-compliance cannot be corrected without significant or substantial hardship disproportionate to the value of the affected improvement.

(B) The Planning and Zoning Administrator may confer with any department or agency which might be affected by allowing the non-compliance.

(C) The Planning and Zoning Administrator shall notify all persons who would be notified for a variance request for the affected property, seeking input on the propriety of accepting the non-compliance. If any written communication opposing the requested relief is received by the Village within seven (7) days of the notice, the matter shall be referred to the Zoning Board of Appeals and treated as an application for a variance. The Planning and Zoning Administrator shall so notify the applicant.

(D) If the Planning and Zoning Administrator finds that the application fulfills the criteria listed above and is not subject to objection by the consulted departments, agencies, or notified parties, the Planning and Zoning Administrator shall issue a Certificate of Substantial Compliance which grants relief with specificity.

(E) Any person seeking administrative relief shall complete the application form and pay the application fees applicable to a variance request.
PART 8 - AMENDMENTS.

SECTION 11-801. AUTHORIZATION. The regulations imposed and the districts created by this Ordinance may be amended by Ordinance from time to time in the manner provided by this Ordinance and the applicable Illinois Statutes.

SECTION 11-802. INITIATION OF AMENDMENTS. Amendments may be proposed in writing by the President and Board of Trustees, by the Zoning Board of Appeals, by the Plan Commission, by any person having proprietary interest in property in the Village, or by any interested citizen of the Village.

SECTION 11-803. APPLICATION FOR AMENDMENT. An application for an amendment shall be filed with the Zoning Administrator. The application shall be filed in such form and contain such information as the Plan Commission may prescribe from time to time. The Plan Commission shall conduct a public hearing and shall review the proposed amendment. The Plan Commission shall submit a recommendation to the Village Board within ninety (90) days of the date of the receipt of the application by the Zoning Administrator. (Ordinance 88-049, 07.26.88)

SECTION 11-804. NOTICE OF HEARING. (Ordinance 74-091 & Ordinance 74-101, 08.20.74)

(A) Publication of Notice. The Plan Commission shall publish notice of the hearing on each proposed amendment at least once, not less than 15 days nor more than 30 days before such hearing, in a newspaper published within the Village of Bolingbrook, or if no newspaper is published within the said Village, then in a newspaper of general circulation within the Village of Bolingbrook.

(B) Posting of Notice.

1. The applicant for an amendment or approval of a Special Use or Planned Development, shall publish notice of the public hearing on the proposed amendment by erecting at least one, but no more than four signs to be furnished by the applicant at his or her own cost on the land which is the subject of the application.

2. The applicant shall erect the sign or signs required by this Section at least fifteen (15), but not more than thirty (30) days prior to such public hearing and shall remove said signs within one (1) week after the public hearing date specified on the signs. In no event shall said signs be removed prior to or on the date for the public hearing specified on the signs unless the application is withdrawn.

3. The applicant shall submit a $50.00 refundable deposit with the application which shall be forfeited if the applicant fails to maintain or remove the signs required by this Section. The Zoning Administrator shall refund the deposit required by this Section upon receipt of a written statement by the applicant that he or she has properly maintained and timely removed said signs.

4. Upon submission of an application the Zoning Administrator shall designate the place or places on the land where said signs are to be erected, taking into consideration the location of land, the location of public streets, roads, rights-of-way and other means of access to the land, the placement of nearby buildings and the topography of the land.

5. The face of the sign required by this Section shall be at least 48 inches in height and 96 inches in length and shall read as follows:
PUBLIC NOTICE

CASE NO. _________

This land is being considered for (rezoning to ______, or approval of a Special Use, or Planned Development for ________, or to permit ________________). A Public Hearing will be held on the ________ day of _______, 20__ at 8:00 P.M. in the Bolingbrook Village Hall, 375 West Briarcliff Road, Bolingbrook, Illinois. For information call the Village Zoning Administrator at 226-8480.

Plan Commission
Village of Bolingbrook, Illinois

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The sign shall have a white background with 3 inch high black letters, except that the words "PUBLIC NOTICE" shall be in 5 inch high red capital letters.

(Ordinance 00-084, 05.23.00)

6. No hearing shall be held on an application unless the applicant complies with the requirements of this Section.

SECTION 11-805. REPORT OF HEARING. Following a public hearing held before the Plan Commission, the Plan Commission shall transmit to the Board of Trustees a report thereon containing its findings of fact and recommendations for action to be taken by the Board of Trustees.

SECTION 11-806. ACTION BY THE BOARD OF TRUSTEES. After receiving the recommendations and report of the Plan Commission, the Board of Trustees shall within 35 days review the recommendation and report and may pass the proposed amendment with or without change, may reject it, or may recommit it to the Plan Commission for further consideration. If a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent of the property proposed to be altered, or by the owners of 20 percent of the property immediately adjoining the property proposed to be altered or across an alley or street therefrom, is filed with the Village Clerk, such amendments shall not be passed except upon the favorable vote of two-thirds (2/3) of all of the members of the Board of Trustees.
ARTICLE 12 - FEES

Article 12 deleted in its entirety by Ordinance 90-065, 05.08.90.
ARTICLE 13 - VIOLATIONS AND PENALTIES

SECTION 13-101. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcements of this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than $25.00 nor more than $500.00 for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

SECTION 13-102. The owner or occupant of any building, structure, or any part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

SECTION 13-103. Nothing herein contained shall be construed to prevent the Village of Bolingbrook from taking such other lawful action as is necessary or appropriate to prevent or remedy any violation.
ARTICLE 14 - PUBLICATION AND EFFECTIVE DATE

SECTION 14-101. PUBLICATION. By authority of the President and Board of Trustees, this Zoning Ordinance shall be printed in pamphlet form and copies thereof shall be available at the Office of the Village Clerk.

SECTION 14-102. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after the date of its passage, approval and publication in the manner provided by law.
ARTICLE 15 - CONSTRUCTION AND DEFINITIONS

PART 1 - RULES OF CONSTRUCTION AND INTERPRETATION.

SECTION 15-101. CONSTRUCTION.

(A) In the construction of this Ordinance, the provisions and rules of this Section 15-101 shall be observed and applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future.

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

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

4. The word "shall" is mandatory.

5. The word "may" is permissive.

6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.

7. The word "Village" means the Village of Bolingbrook, Illinois.

8. The word "Board" means the Board of Zoning Appeals.

9. Unless otherwise specified, all distances shall be measured horizontally.

(B) Any word or phrase which is defined in this Article 15, or elsewhere in this Ordinance, shall have the meaning as so defined whenever the word or phrase is used in this Ordinance, unless such definition is expressly limited in its meaning or scope.

SECTION 15-102. INTERPRETATION.

(A) Minimum Requirements. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

(B) Overlapping or Contradictory Regulations. Where the condition imposed by any provision of this Ordinance upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

(C) Private Agreements. This Ordinance is not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the regulations of this Ordinance shall govern.
(D) **Unlawful Uses.** No structure or use which was not lawfully existing at the time of adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of this Ordinance, said structure or use remains unlawful hereunder.

(E) **Not a Licensing Ordinance.** Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

**SECTION 15-103. SEPARABILITY.** It is hereby declared to be the intention of the Village of Bolingbrook that the several provisions of this Ordinance are separable, in accordance with the following rules:

(A) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

(B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.

**SECTION 15-104. EFFECT ON EXISTING BUILDING PERMITS AND ZONING CERTIFICATES.** Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

(A) A building permit and a zoning certificate for such structure was lawfully issued prior to the effective date of this Ordinance, or the effective date of any amendment thereof, and

(B) Such permit and certificate had not by their own terms expired prior to such effective date, and

(C) Such permit and certificate were issued on the basis of an application showing complete plans for proposed construction, and

(D) There has been a substantial change of position, substantial expenditures, or incurrence of substantial obligations by the permit and certificate holder in reliance on such permit and certificate, and

(E) Such change of position, expenditures or incurrence of obligations were made prior to published or actual notice of a proposed amendment to this Ordinance which amendment would have made illegal the issuance of such permit or certificate, and

(F) Construction pursuant to such permit and certificate is completed prior to the expiration of such permit or certificate.

(G) When a structure is completed under a permit or certificate to which this Section 15-104 applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the building permit or zoning certificate was issued.
PART 2 - DEFINITIONS.

SECTION 15-201. The following definitions shall be used in the construction and interpretation of this Ordinance:

ACCESSORY USES: See Section 5-102.

ACTIVE TO INTENSE BURNING: A rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the Fire Department to have equivalent burning characteristics.

AGRICULTURE: The use of a tract of land of not less than five acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:

(A) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;

(B) Wholesale or retail sales as an accessory use unless the same are specifically permitted by this Ordinance;

(C) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line. Agriculture does not include the feed of garbage to animals, the raising of poultry or fur bearing animals as a principal use, or the operation or maintenance of a commercial stockyard or feed yard.

ALLEY: A dedicated public right-of-way, other than a street, that affords a secondary means of access to abutting property.

APPAREL STORES: Stores selling new clothing for men, women, or children at retail.

APPLIANCE SALES: The sale of common household appliances such as washing machines, television sets, power tools, electric razors, radios and refrigerators, and repair of the same types of appliances as are sold on the premises when such repairs are incidental or accessory to their sale.

AUCTION HOUSE: A use in which new and used durable and non-durable goods are sold at auction to the public. Merchandise could be sold at retail to the public, but said sales would be in addition to the scheduled auction activities. (Ordinance 83-007, 02.22.83)

AUTOMOBILE ACCESSORY STORES: Store engaged primarily in the business of selling tires, batteries, seat covers and other automobile accessories.

AUTOMOBILE SALES: The sale of new and used automobiles and other motor vehicles in operating condition; the storage of automobiles and other motor vehicles in operating condition, but not including storage of trucks of more than five tons in weight or buses; and, the repair and servicing of such vehicles, including body work, painting, or motor rebuilding, where conducted within a completely enclosed building.

AUTOMOBILE SERVICE STATION: A structure and surrounding land used for the storage and sale of petroleum fuel primarily to passenger vehicles and for accessory uses such as the sale of
lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs.

AWNINGS: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BANKS AND FINANCIAL INSTITUTIONS: Commercial banks, savings and loan associations, brokerage offices and other similar financial institutions, but not including pawn shops.

BASEMENT: A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by janitor employed on the premises.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, bulkhead lines or shore lines of waterways, or corporate boundary lines of the Village.

BOARDING OR LODGING HOUSE: A residential building or portion thereof, not qualifying as a community residence under state or federal law, that contains lodging rooms for the accommodation of two (2) or more persons who are not members of the keeper’s immediate family where lodging or lodging in combination with meals, including lunch and dinner, is provided in exchange for compensation. Boarding houses shall not provide meals to non-boarders and do not include establishments licensed by the State as motels, hotels, apartment hotels or restaurants. (Ordinance 03-111, 08.26.03)

BUILDING: Any covered structure built for the support, shelter or enclosure of persons, animals, or movable property of any kind, and which is permanently affixed to the land.

BUILDING HEIGHT: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof. (Ordinance 11-029, 05.10.11)

BUILDING LINE: The line nearest the front of and across a zoning lot, establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

BULK REGULATIONS: Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

(A) Maximum height.

(B) Maximum lot coverage.

(C) Maximum floor area ratio.

(D) Minimum size of yards and setbacks.

BURIAL BUILDING: Any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.

BUSINESS AND PROFESSIONAL OFFICE: The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.
BUSINESS DISTRICT: Any zoning district designated with a "B", for example, "B-1".

CANOPY: Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

CAPACITY IN PERSONS: The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort.

CAR WASH: A structure, or portion thereof, containing facilities for washing automobiles, and may utilize production-line methods using a conveyor, blower, steam-cleaning device, or other mechanical devices. (Ordinance 84-032, 08.14.84)

CELLAR: A story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

CLINIC OR MEDICAL CENTER: A medical center or medical clinic is an establishment where three or more licensed doctors of medicine engage in the practice of medicine, operating on a group or individual basis, with pooled facilities such as coordinated laboratory, x-ray and allied departments, for the diagnosis and treatment of humans, which need not but may include, a drug prescription counter (not a pharmacy) for the dispensing of pharmaceutical products, excluding medical marijuana, to the patients of the said organization. In addition to the above, the medical center or medical clinic may include the space for the practice of dentistry. (Ordinance 14-028, 04.22.14)

CLOSED CUP FLASH POINT: The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175°F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175°F and 350°F.

COCKTAIL LOUNGE: An establishment that provides drink, entertainment or dancing. (Ordinance 85-012, 02.26.85)

COMMERCIAL RECREATION: Establishment providing amusement or entertainment for a fee or admission charge including, but not limited to, activities such as dance studio, bowling alley, billiard establishment, sport arena, swimming pool, miniature golf, movie theater, health club and gymnasium. (Ordinance 12-013, 02.28.12)

COMMUNITY RESIDENCE: A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified or accredited by appropriate local, state or national bodies. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense or persons whose primary reason for placement is substance or alcohol abuse or for treatment of a communicable disease. (Ordinance 03-111, 08.26.03)

CONVENIENCE CENTER: A shopping area, intended primarily for walk-in trade, designed to provide for a concentration of a limited range of commercial uses needed to meet the daily convenience shopping needs of residents of nearby areas.

CORNER LOT: A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is 135° or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersections of the street line with the side lot line and with the
rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street.

COUNTRY CLUB: A private recreational facility operated for bona fide members paying annual dues for the use of a golf course and ancillary uses such as restaurants (including the sale of alcoholic beverages), residential uses for guests, managers and other employees, but not including commercially operated driving ranges or miniature golf courses.

db (A): Decibels are read on the sound level meter when set for the A-weighted filter. The A-weighted filter approximates the sensitivity of the human ear as to frequency response.

DENSITY: Restrictions on the number of dwelling units that may be constructed per acre or per square foot of zoning lot area.

DECIBEL: (sometimes abbreviated db): A unit which describes the sound pressure level or intensity of sound. A sound level meter is calibrated in decibels.

DISCOTHEQUE: A nightclub, cocktail lounge, or dance hall, or portion thereof, that is usually characterized by showy decor and special lighting effects and that features recorded, electronically amplified music for dancing. (Ordinance 85-012, 02.26.85)

DONATION DROP BOX: A receptacle used for collection of used clothing, shoes, books and similar small household items donated by the public for redistribution. (Ordinance 11-029, 05.10.11)

DOUBLE FRONTAGE LOTS: Any lot which has its rear yard as well as the front yard bordering on a street. (Ordinance 79-039, 06.19.79)

DRIVE-IN ESTABLISHMENT: An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business, or view motion pictures or other entertainment.

DRY CLEANING (Self-Service): An establishment providing facilities with which customers may dry-clean their own clothes or other fabrics.

DRY CLEANING ESTABLISHMENT (Retail): An establishment at which articles are received for dry cleaning to be done at a location other than such establishment and also an establishment at which articles are received for dry cleaning to be done on the premises of such establishment where any dry cleaning processing done on the premises is in conjunction with and devoted exclusively to the processing of articles received at such establishment. (Ordinance 74-054, 05.07.74)

DWELLING: A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

DWELLING, ATTACHED: A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY: A residential building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit only.
DWELLING, TWO-FAMILY: A residential building containing two dwelling units only.

DWELLING UNIT: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

EASEMENT: A grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

EFFICIENCY APARTMENT: A dwelling unit containing one or more rooms, but no bedroom, designed for occupancy by one family.

FAMILY: Either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit or (b) a group of not more than two persons who are not related by blood, marriage, or adoption living together as a common household in a dwelling unit, plus, in either case, usual domestic servants. A family may include gratuitous guests or minor children not related by blood, marriage or adoption. For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a community residence or nursing home. (Ordinance 03-111, 08.26.03)

FAMILY, IMMEDIATE: An individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit. (Ordinance 03-111, 08.26.03)

FENCE: A free-standing structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FENCE, DECORATIVE/OPEN DESIGN: A fence which is ornamental or embellished and shall include only the following types of fencing: post and rail; split rail and picket. (Ordinance 02-115, 09.10.02)

FLASH POINT: The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The closed cup flash point shall be authoritative and the test shall be run in accordance with the appropriate ASTM procedure.

FLOOR AREA: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows:

(A) For Determining Floor Area Ratio: The sum of the following areas:

1. The basement floor area when more than one-half of the basement height is above the finished lot grade level where curb level has not been established;

2. elevator shafts and stairwells at each floor;

3. floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof);

4. penthouses;

5. attic space having headroom of seven feet, ten inches or more;

6. interior balconies and mezzanines;
7. enclosed porches; and,

8. floor area devoted to accessory uses.

Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.

(B) For Determining Off-Street Parking and Loading Requirements:
The sum of the following areas:

1. floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;

2. any basement floor area devoted to retailing activities; and

3. floor area devoted to the production or processing of goods or to business or professional offices.

For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including aisles, ramps and maneuvering space or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

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

FOOD STORES: Stores which sell foods, fresh or frozen, and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as dairy stores, delicatessens, fruit and vegetable markets, grocery stores, health food stores, nut shops and supermarkets. Sales must be made at retail on the premises, but not for consumption on the premises.

FOOT CANDLE: A unit of illumination. Technically, the illumination at all points one foot distance from a uniform point source of one candle power.

FREE BURNING: A rate of combustion described by material which burns actively and easily supports combustion, for example: coal and charcoal.

FRONT LOT LINE: See Lot Line, Front.

FRONT YARD: See Yard, Front.

FRONTAGE: The length of a front lot line or lines.
GARAGE SALE: Usually conducted in a garage on a residential lot, sometimes referred to as a yard sale, basement sale, or attic sale, a temporary display and sale of unwanted household items and belongings, usually by the person(s) residing on the lot. (Ordinance 85-062, 10.22.85)

GARDEN STORES: Stores which sell growing plants, seeds, bulbs, shrubs and gardening and landscaping tools, implements, and supplies, including lawn furniture.

GRADE: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. (Ordinance 86-067, 11.25.86)

GROSS DENSITY: The ratio between the total number of dwelling units and the total acreage of the development.

GROSS FLOOR AREA: The sum of the areas of the several floors of a building measured between the exterior faces of the walls at each floor, excluding any floor area used as parking for motor vehicles. (Ordinance 86-067, 11.25.86)

GROSS RESIDENTIAL DENSITY: The ratio between the total number of dwelling units and the total acreage of the development devoted to residential use. (Ordinance 74-054, 05.07.74)

GROUND LEVEL: For purposes of building construction, the level of the ground measured from the highest point of said ground in a horizontal plane. (Ordinance No. 86-67, 11.25.86)

HEIGHT, MAXIMUM: A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through such plane, except:

(A) Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks, and similar roof structures needed to operate and maintain the building on which they are located;

(B) Flag poles, television aerials, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers and electric transmission line towers.

HOME OCCUPATIONS: See Section 5-301 through 5-304.

HOSPITAL, GENERAL: An institutional facility, public or private, for profit, or not, providing acute care and overnight accommodations of short or longer duration for persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, treating a wide variety of such conditions and may also include outpatient facilities, administrative offices, physicians' offices, laboratories, training facilities, emergency and trauma services and other uses accessory to that principal use. (Ordinance 05-002, 01.04.05)

HOSPITAL, SPECIALIZED: An institutional facility, public or private, for profit, or not, providing acute care and overnight accommodations of short or longer duration for persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, treating one or a few such conditions and may also include uses accessory to that principal use. (Ordinance 05-002, 01.04.05)

IMPACT NOISE: A short duration sound such as those from a forging hammer or punch press.

INDUSTRIAL DISTRICT: Any zoning district designated with an "I"; for example, "I-1".
INTENSE BURNING: A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly; for example, sawdust and magnesium (powder, flaked or strips).

KENNEL, COMMERCIAL: A use conducted within a structure or structures and/or on a lot or parcel of land where two or more dogs, cats or other household domestic animals or any combination thereof are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale. (Ordinance 87-061, 08.11.87)

LABORATORY, MEDICAL: A use established for scientific experimentation, research or testing in the field of human medicine.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAUNDRY: An establishment in which clothing and other fabrics are laundered professionally.

LAUNDRY (SELF-SERVICE): An establishment providing facilities with which customers may launder their own clothes or other fabrics.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER: See Corner Lot.

LOT COVERAGE: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof areas.

LOT DEPTH: The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

LOT LINE: See Lot Line, Front; Lot Line, Rear; Lot Line, Side.

LOT LINE, FRONT: A street right-of-way forming a boundary of a lot. On a corner lot, the owner or developer shall designate which of the two lot lines abutting a street right-of-way shall be considered a front lot line and which shall be considered a side lot line. (Ordinance 74-133, 12.03.74)

LOT LINE, REAR: The lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front lot line.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds of Will County, or a parcel of land the deed to which was recorded prior to adoption of this Ordinance.

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of lots including minimum lot area, width and depth; and maximum density. Minimum lot area, width and depth establish the size of the zoning lot on which a structure or use, or two or more structures or uses, may be constructed or established.
LOT WIDTH: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front building line.

LOT, ZONING: A parcel of land that is designated by its owner or developer, at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

(A) A single lot of record, or

(B) A portion of a lot of record,

(C) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

MEDICAL CLINIC: See Clinic or Medical Center. (Ordinance 14-028, 04.22.14)

MEDICAL MARIJUANA: All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition. (Ordinance 14-028, 04.22.14)

MEDICAL MARIJUANA DISPENSARY CENTER OR CLINIC: An entity that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients. (Ordinance 14-028, 04.22.14)

MENU BOARD: A sign at a remote location on a lot giving product and price information about products sold on the lot to motorists in a waiting vehicle. (Ordinance 85-012, 02.26.85)

MINIMUM CONTIGUOUS AREA: The area that may constitute a separate or detached part of any zoning district classification as set forth in this Ordinance.

MOTEL: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist court or otherwise.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi trailers, including tractor and/or trailer units, and other trucks are parked or stored.

NET RESIDENTIAL DENSITY: The ratio between the total number of dwelling units and the total acreage devoted to residential uses minus all public and private rights-of-way and other non-residential uses including any flood plain. (Ordinance 74-054, 5.07.74)

NIGHTCLUB: An establishment that stays open late at night and provides food, drink and entertainment or dancing. (Ordinance 85-012, 02.26.85)

NON-COMMERCIAL RECREATION: Recreational uses including, but not limited to, parks, playgrounds, and athletic fields, provided that no charge for the purpose of obtaining a profit is made for the use of the area or any accessory structures thereon. (Ordinance 12-013, 02.28.12)

NON-CONFORMING STRUCTURE: A structure which does not comply in some respect with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.
NON-CONFORMING USE: An existing use of a structure or land which does not comply in some respect with the use regulations applicable to new uses in the zoning district in which it is located.

NURSING OR CONVALESCENT HOME: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OCTAVE BAND: A prescribed interval of sound frequencies which classifies sound according to its pitch.

ODOR THRESHOLD: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

PARTICULATE MATTER: Material other than water which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

PAWNBROKER OR PAWNSHOP: An individual or business that engages in the business of lending or advancing money on the security of personal property pledged or deposited in his/her/its possession. (Ordinance 10-065, 09.28.10)

PLANNED DEVELOPMENT: A parcel or tract of land, initially under single ownership or control to be developed as a unified project and single entity which contains two or more principal buildings and more than one principal use - the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one district established by this Zoning Ordinance.

PLANNED OPEN SPACE: A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned residential development which is conveyed to a public body or to a homeowner's association or similar organization. Planned open space may contain such complimentary structures and improvements as clubhouses, pools, tennis courts and similar facilities, but shall not include:

(A) Areas reserved for the exclusive use or benefits of an individual tenant or owner, such as fenced yards of private residential yards;

(B) Dedicated streets and other public rights-of-way;

(C) Vehicular drives, parking, loading and storage areas, except those incidental to recreational facilities. (Ordinance 77-033, 05.17.77)

PREFERRED FREQUENCY OCTAVE BANDS: A standardized series of octave bands prescribed by the American National Standards Institute in S1.6, 1960, Preferred Frequencies for Acoustical Measurements.

PRECIOUS METAL DEALER: An individual, corporation, partnership or association that primarily engages in any transaction of buying, selling, or exchanging secondhand jewelry or other items made of sterling silver or gold, or silver coins, or bullion to and from the public within the Village from a fixed and regular place of business. A business primarily engages in buying, selling or exchanging secondhand jewelry or other items made of sterling silver or gold, or silver coins, or bullion to and from the public if 50 percent or more of its business transactions during any month involve the aforesaid activities. (Ordinance 10-065, 09.28.10)
PRINCIPAL STRUCTURE: A structure in which a principal use of the lot on which the structure is located is conducted.

PRINCIPAL USE: The main use of land or structures as distinguished from a subordinate or accessory use.

PRIVATE CLUB: An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are typically conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals, and beverages may be served on such premises, provided, adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the common objectives of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws and ordinances.

REAR LOT LINE: See Lot Line, Rear.

REAR YARD: See Yard, Rear.

RECREATIONAL FACILITY, COMMERCIAL: A use which may contain indoor or outdoor swimming pools, tennis courts, gymnasium, handball court, pool and billiard rooms, bowling alleys and other similar uses when operated for profit.

REMODELING: Any change in a structure, including a structural alteration (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

RESIDENCE DISTRICT: Any zoning district designated with an "R", for example, "R-2".

RESIDENTIAL BUILDING: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, and lodging houses.

RESTAURANT: A public eating house, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains.

RESTAURANT, CARRY-OUT: A restaurant whose principal business operation is the dispensing of edible foodstuff and/or beverages served in one-way containers. (Ordinance 76-104 - 09.21.76)

RETAIL SALES: The sale of goods, merchandise and commodities for use or consumption.

RINGLEMANN NUMBER: The shade of smoke as it appears on the standard Ringlemann Chart published by the U.S. Bureau of Mines Information Circular No. 8333 (1967).

ROADSIDE STAND: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

SCREENING: Decorative, solid faced fencing, walls, earthen berms, or dense vegetation used individually or in combination for the purpose of concealing from view the area behind such fencing, walls, berms or vegetation. (Ordinance 92-175, 12.22.92)
SECONDHAND STORE: A business that engages in the business of buying, selling, exchanging or trading secondhand goods. (Ordinance 10-065, 09.28.10)

SETBACK: The distance between the front lot line and the principal building on the lot.

SHOPPING CENTER: A group of more than six commercial establishments planned, developed and managed as a unit, located on a zoning lot of at least five (5) acres, with off-street parking provided on the property.

SHRUB, LARGE: Deciduous or evergreen, self supporting woody plant with an expected mature height of not less than five (5) feet, and generally not more than fifteen (15) feet, with multiple trunks or multiple leaders. (Ordinance 92-175, 12.22.92)

SHRUB, SMALL: Deciduous or evergreen, self supporting woody plant with an expected mature height of less than five (5) feet, with multiple trunks or multiple leaders. (Ordinance 92-175, 12.22.92)

SIDE LOT LINE: See Lot Line, Side.

SIDE YARD: See Yard, Side.

SIDEWALK SALE: Temporary and incidental outdoor display and sale of merchandise, usually conducted on the sidewalk immediately adjacent an established retail establishment. (Ordinance 85-062, 10.22.85)

SIGN: (Changed by Ordinance 15.032, 05.26.15) Any writing (including letter, words or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols, or trademarks), flag, banner, streamer, pennant, string of lights (including other similar linear lighting), or display calculated to attract the attention of the public, or any other figure of similar character which:

(A) Is a structure or any part thereof, or a portable display, or is attached to, painted on, or in any other manner represented on a building, window or other structure or on the ground, and

(B) Is used to announce, direct attention to, or advertise.

SMOKE: Small gas-borne particles other than water that form a visible plume in the air.

SMOKING MATERIALS: Any lighted or unlighted cigarette, including but not limited to clove, bidis, or kreteks, electronic or e-cigarettes, cigars, cigarillos, pipes, hookah products, and any other smoking products; and any smoking, smokeless, spit or spit-less, dissolvable or inhaled tobacco products, including but not limited to dip, chew snuff or snus, in any form; and all nicotine delivery devices that are not FDA-approved as cessation products. (Ordinance 14-028, 04.22.14)

SOUND LEVEL METER: An electronic instrument which includes a microphone, an amplifier, and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

SOUND PRESSURE LEVEL: The intensity of a sound measured in decibels mathematically described as 20 times the logarithm to the base 10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.
STANDARD CUBIC FEET (SCF): Standard cubic feet, which is the measure of the volume of a gas reduced to 14.73 pounds per square inch pressure absolute and 60°F.

STORY, FIRST: The lowermost story entirely above grade. (Ordinance 86-067, 11.25.86)

STORY, ONE: A structure which has only a first story and no other full or partial stories above or below said first story. Included in this definition is a residential structure commonly known as a "ranch". (Ordinance 86-067, 11.25.86)

STORY, TWO: A structure which has a first story and a second full story directly above, and having the exterior walls of said first story continue vertically upwards to the top of the ceiling joists or when there is not a ceiling, to the top of the roof rafters of said second full story. (Ordinance 86-067, 11.25.86)

STORY, SPLIT: A structure which has a first story and above or below said first story another story or stories which do not encompass the same gross floor area as does the first story. Included in this definition are residential structures commonly known as bi-level, split levels, slit entry and raised ranch. (Ordinance 86-067, 11.25.86)

STRUCTURE: Anything constructed or erected with a fixed location on the ground. With reference to the foregoing, a structure shall include buildings, fences, walls and signs.

SWIMMING POOL, PRIVATE: A body of water in an artificial receptacle or other container, located indoors or outdoors, above or below the surface of the ground, having an inside wall depth at any point of two (2) feet and at least twelve (12) feet in perimeter, or containing an electrical filtering system. The definition includes any children’s pool of solid molded plastic or inflated rubber that meets with the above criteria. (Ordinance 02-115, 09.10.02)

SWIMMING POOL, PUBLIC: Any swimming pool available for use by the general public. (Ordinance 02-115, 09.10.02)

SWIMMING POOL, SEMI-PUBLIC: Any swimming pool not open to the general public and available primarily for use by the members of an association, club, organization or residents of a residential development. (Ordinance 02-115, 09.10.02)

TAVERN: An establishment in which alcoholic beverages are sold or served to customers for consumption on the premises, including establishments, commonly known as key clubs, in which alcoholic beverages are served, only to members and their guests.

TEMPORARY USE: See Section 5-201.

THREE-COMPONENT RECORDING SYSTEM: A complement of instruments or seismograph which can record simultaneously vibration vectors in three (3) mutually perpendicular directions.

THRESHOLD LIMIT VALUE: The maximum allowable airborne concentration of a toxic material, as established by the American Conference of Governmental Industrial Hygienists.

TOXIC MATTER: Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRAFFICWAY: A public way other than an alley, intended for vehicular traffic and affording a primary means of access to abutting property.
TRAILER: A vehicle standing on wheels or on rigid supports which is used for transporting boats, cargo, or property.

TRAVELER COMPLEX: A group of highway-oriented establishments which are intended to primarily serve the needs of the automobile traveling public, including restaurants, motels, automobile laundries, and automobile service stations.

TREE, EVERGREEN: Coniferous, needle bearing, self-supporting woody plant with a single leader with an expected mature height of thirty (30) feet or more and expected mature spread of twenty (20) feet or more. (Ordinance 92-175, 12.22.92)

TREE, ORNAMENTAL: Deciduous self supporting woody plant with an expected mature height of fifteen (15) to thirty-five (35) feet, with limbs sometimes occurring on the trunk less than six (6) feet above the ground, and sometimes possessing multiple trunks. (Ordinance 92-175, 12.22.92)

TREE, OVERSTORY: Deciduous self supporting woody plant with an expected mature height of thirty-five (35) feet or greater, with a single straight trunk and limbs occurring on the trunk not less than six (6) feet above the ground. (Ordinance 92-175, 12.22.92)

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USE REGULATIONS: The provisions of this Ordinance which identify permitted uses, impose use limitations, require adherence to performance standards and regulate home occupations and accessory and temporary uses.

VEHICULAR USE AREA: All areas used for the display or parking of four (4) or more vehicles, including boats and heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon which vehicles traverse the property as a function of the primary use, including but not limited to driveways, parking lot aisles, drive-thru window lanes, stacking areas for car washes and gas stations. (Ordinance 92-175, 12.22.92)

VIBRATION: The periodic displacement or oscillation of the earth.

WHOLESALE SALES: The sale of goods, merchandise and commodities for resale.

WIDTH, LOT: See Lot Width.

YARD: Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in Section 3-405.

YARD, CORNER SIDE: A yard extending between a side lot line abutting a street and a line drawn parallel thereto at a distance therefrom equal to that established by the corner side yard requirements of this Ordinance and also extending the full depth of the lot but excluding any area included in a front yard. (Ordinance 88-072, 09.27.88)

YARD FRONT: A yard extending along the full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. Each yard that abuts a front lot line shall be considered a front yard. (Ordinance 74-133, 12.3.74)

YARD, REAR: A yard extending along the length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard, but excluding any portion of a corner side yard. (Ordinance 88-072, 09.27.88)
YARD, SIDE: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of the required minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yard specified in the district regulations of this Ordinance refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

YARD, TRANSITIONAL: The required front, side, or rear yard between a business, office or industrial district and a residential district. (Ordinance 92-175, 12.22.92)

(Parts deleted by Ordinance 80-044, 08.12.80; Ordinance 80-057, 10.10.80; and Ordinance 77-033, 05.20.77)