TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. SUBDIVISION REGULATIONS

152. ZONING CODE

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Adopting various building codes by reference
150.02 Dangerous buildings
150.03 Residential Anti-Displacement and Relocation Assistance Plan

Cross-reference:

Administrative enforcement, see Ch. 35

§ 150.01 ADOPTING VARIOUS BUILDING CODES BY REFERENCE.

(A) Pursuant to authority granted by state statute, the village adopts by reference the following:

(1) The BOCA National Building Code/1996 (13th Edition);

(2) The National Electrical Code, 1996 Edition;

(3) The 1996 Edition, ICC International Mechanical Code, as referenced in the 1996 BOCA National Building Code, Section 2801.2;

(4) The CABO One- and Two-Family Dwelling Code, 1995 Edition second printing;

(5) The Illinois Plumbing Code, 2004 Edition, as amended and published by the Illinois Department of Public Health;

(6) (a) The ICC International Property Maintenance Code/2000, First Printing with Errata or Second Printing as published by the International Code Council, Inc.

(b) That the ICC International Property Maintenance Code is amended and revised in the following respects:

Section PM-101.1 *Insert:* Village of Rockton

Section PM-102.3 is amended to read as follows: Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Code, Plumbing Code, Mechanical Code, Electric Code, and Fuel Gas Code then adopted

by the Village of Rockton. Where any reference is made in this ICC International Property Maintenance Code to any other such codes, said reference shall be to the relevant code then adopted by the Village of Rockton or, if no comparable code has yet to be

adopted by the village, to the appropriate International Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code or the Village of Rockton Zoning Code.

Section PM-103.2 is amended to read as follows: Code Official. The code official referenced in this code shall be the Code Enforcement Officer appointed pursuant to Village of Rockton Code of Ordinance § 150.01(C).

Section PM-103.3 is amended to read as follows: Deputies. The deputy code officials, related technical officers and inspectors referenced in this Code shall be the Deputy Code Enforcement Officers appointed pursuant to Village of Rockton Code of Ordinance § 150.01(C).

Section PM-303.14 *Insert:* April 1 to November 1

Section PM-602.3 *Insert:* October 1 to May 1

Section PM-602.4 *Insert:* October 1 to May 1

(7) The most current version of the Illinois State Model Floodplain Ordinance-Level B, and as amended or modified from time to time. (The floodplain ordinance contained in Exhibit A attached to Ord. 2008-6 is incorporated as though set forth fully herein.)

(8) The most current version of the Winnebago County Surface Water Management Ordinance, and as amended or modified from time to time.

(a) That the Winnebago County Surface Water Management Ordinance is hereby amended and revised such that any references to Winnebago County and/or any of its boards, departments, committees or officers shall be replaced with the Village of Rockton and/or its corresponding boards, departments, committees or officers.

(B) Any and all previous building code restrictions, ordinances and resolutions to the contrary are repealed insofar as they are in conflict with the foregoing and are replaced as contained in Exhibit A attached to Ord. 1998-25, which is incorporated as though set forth fully herein.

(C) Code Enforcement Officer and Deputy Code Enforcement Officers.

(1) *Appointment of Code Enforcement Officer.* The Village President shall appoint a Code Enforcement Officer, who shall report directly to the Village President.

(2) *Appointment of Deputy Code Enforcement Officer(s).* The President may appoint any

Deputy Code Enforcement Officer(s), as needed, who shall report directly to the Village President or to any such person as directed by the President, including the Code Enforcement Officer.

(3) *Term.* The term for the Code Enforcement Officer and any Deputy Code Enforcement Officer(s) shall coincide with the term of the Village President, who shall retain the right to remove the

Code Enforcement Officer and said deputies and reappoint the replacement of any at any time at his or her sole discretion.

(4) *Compensation.* Compensation for the positions of Code Enforcement Officer and Deputy Code Enforcement Officer shall be set and from time to time amended by the Village Board of Trustees.

(5) *Responsibilities.* The Code Enforcement Officer and Deputy Code Enforcement Officer(s) shall be responsible for investigating any and all violations of this code, including but not limited to any Building Code, Electrical Code, Mechanical Code, Property Maintenance Code, Plumbing Code, and the like existing or hereafter adopted by the village.

(6) *Duties.* The Code Enforcement Officer's and Deputy Code Enforcement Officers' duties shall include, but are not limited to the following:

(a) Receive complaints;

(b) Identify and investigate municipal code violations;

(c) Issue correction notices and orders to comply;

(d) Meet with property owners to develop a plan to resolve violations;

(e) Maintain inspection files;

(f) Refer complaints and observed violations to the Village President and Village Attorney for enforcement; and

(g) Any other related duties as assigned.

(Ord. 1998-25, passed 11-2-98; Am. Ord. 2004-8, passed 5-18-04; Am. Ord. 2004-9, passed 3-20-04; Am. Ord. 2008-6, passed 3-4-08)

§ 150.02 DANGEROUS BUILDINGS.

(A) *Definitions.* The term ***DANGEROUS BUILDING*** as used in this section is defined to mean and include:

(1) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(2) Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes or creates a fire hazard;

(3) Any building, shed, fence or other man-made structure which, by reason of faulty construction, age, lack of proper repair or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure;

(4) Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

(B) *Declared a nuisance.* Any such dangerous building in the village is declared to be a nuisance.

(C) *Maintaining dangerous buildings unlawful.* It shall be unlawful to maintain or permit the existence of any dangerous building in the village; and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

(D) *Abatement.*

(1) Whenever the Building Inspector, or any other officer or employee of the village shall be of the opinion that any building or structure in the village is a dangerous building, he or she shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. The notice shall state that the building has been declared to be in dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the buildings or by demolishing it and that the condition must be remedied at once. The notice may be in the following form:

"To _____ of the premises known and described as
. You are hereby notified that _____ on the premises above described has been condemned as a nuisance and a dangerous building after inspection by

. The causes for this decision are _____. You must remedy this condition or demolish the building immediately, or the city will proceed to do so."

(2) If the person receiving the notice has not complied therewith within ten days from the time when this notice is served upon such person, by personal or by registered mail, the Building Inspector may, upon order of the President proceed to remedy the condition or demolish the dangerous building.

(E) *Fire limits.*

(1) Any building or structure within corporate limits of the village as hereinbefore prescribed by ordinance which has or may be damaged by fire, decay or other cause to the extent of 50% of its value shall be torn down and removed.

(2) Upon written notice by the Building Inspector, or any other village employee filed with the Village Clerk, the Clerk shall notify the President of the receipt of the notice. The President shall then appoint three persons to determine whether or not such building or structure has been damaged to the extent of 50% of its value. A copy of the notice filed by the village officer, together with a notice of the appointment of this board of three persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail to his or her last known address.

(3) The notice may be in substantially the following form:

"To _____ . You are hereby notified that _____ has determined that the building owned by you at _____ , located within the fire limits of the village has been damaged by fire, decay or otherwise to the extent of 50% of its value; and that a board of three members has been appointed to verify this finding, which board will hold its first meeting in the Village Hall on the _____ day of _____ at the hour of _____ o'clock, at which time it will determine whether this finding is correct. If this finding is verified by the board, you must tear down and remove said building."

(4) If the board of three members determines that the building in question has been damaged to the extent of 50% of its value, it shall be the duty of the owner to tear down or remove the building

2009 S-3

Rockton - Land Usage

within 20 days after the finding of the board; and it shall be unlawful to occupy or permit such building to be occupied after such finding.

(F) *Penalty.* Any person, firm or corporation violating any provision of this section or permitting any dangerous building or any building or structure to remain in a dangerous condition or to remain in the fire limits after it has been damaged to tho extent of 50% of its value shall be fined not less than $1 nor more that $100 for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

(G) *Unknown owners.* If the owner of the premises concerned is unknown, or if his or her address is unknown, service of any notice provided for in this section may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the village, or if no newspaper is published within the village, then a newspaper with a general circulation within the village.

(H) *Alternative action.* In addition to the actions authorized by other sections of this section, the Chief of the Fire Department or any other municipal official whose duty it is to investigate fires may make the investigations authorized by state law. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he or she shall order the dangerous condition removed or remedied and shall so notify the owner or occupant of the premises. Service of the notice may be in person or by registered mail, and any person so notified may appeal from the decision of the officer in the manner provided by law.
(Ord. 1957-2, passed 2-18-57)

§ 150.03 RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

(A) The village will replace all occupied and vacant occupiable low- to moderate-income dwelling units demolished or converted to a use other than as low- to moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended (42 USC 5301 *et seq.*), as described in 24 CFR 570.606(b)(1).

(B) All replacement housing will be provided within three years of the commencement of the

demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the village will make public and submit to DCCA the following information in writing:

(1) A description of the proposed assisted activity;

(2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low or moderate-income dwelling units as a direct result of the assisted activity;

(3) A time schedule for the commencement and completion of the demolition or conversion;

(4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

(5) The source of funding and a time schedule for the provision of replacement dwelling units; and

(6) The basis for concluding that each replacement dwelling unit will remain a low- or moderate-income dwelling unit for at least ten years from the date of initial occupancy.

(C) The village will provide relocation assistance, as described in 570.606(b)(2), to each low- or moderate-income household displaced by the demolition of housing or by the conversion of a low- or moderate-income dwelling to another use as a direct result of assisted activities.

(D) Consistent with the goals and objectives of activities assisted under the Act, the village will take the following steps to minimize the displacement of persons from their homes:

(1) Will attempt to minimize any activities such as acquisition or demolition which could be expected to result in the displacement of low- to moderate-income persons; and

(2) Will advocate and seek funds for housing rehabilitation, as opposed to demolition, especially for occupied housing.
(Ord. 1990- , passed 6-4-90)

2005 S-1

CHAPTER 151: SUBDIVISION REGULATIONS

Section

General Provisions

151.001 Title
151.002 Purposes
151.003 Intent
151.004 Scope
151.005 Jurisdiction
151.006 Interpretation
151.007 Consideration by Planning Commission
151.008 Unsuitable land
151.009 Vacation of a plat of subdivision
151.010 Subdivision created by successive divisions
151.011 Land abutting a private way outside the village
151.012 Definitions

Administration and Enforcement

151.020 Organization
151.021 Village Board of Trustees
151.022 Village Planning Commission
151.023 Plats Officer
151.024 Village Engineer
151.025 Winnebago County Health Department
151.026 Exceptions, variations and waivers
151.027 Amendments
151.028 Fees
151.029 Field inspection

Procedures for Approval

151.040 Land divisions
151.041 Subdivisions: Step 1 – Site assessment checklist and concept plan
151.042 Subdivisions: Site assessment checklist requirements
151.043 Subdivisions: Site assessment report requirements
151.044 Subdivisions: Concept plan requirements

151.045 Subdivisions: Step 2 – Pre-application meeting on concept
151.046 Subdivisions: Step 3 – Tentative plat

151.047 Subdivisions: Materials required with tentative plat submittal
151.048 Subdivisions: Application for approval of tentative plat
151.049 Subdivisions: Drawing of tentative plat
151.050 Subdivisions: Step 4 – Final plat
151.051 Subdivisions: Final plat coverage
151.052 Subdivisions: Application for approval of final plat
151.053 Subdivisions: Drawing of final plat
151.054 Subdivisions: Recording of final plat
151.055 Extraterritorial land divisions and subdivisions

Dimensional and Design Standards

151.060 Conformance to applicable rules and regulations
151.061 Streets and alleys
151.062 Easements
151.063 Blocks
151.064 Lots
151.065 Topographical and surface water studies
151.066 Erosion and sediment control
151.067 Design standards for planned unit developments
151.068 Subdivisions to accommodate conservation neighborhood design (CND)

Public Improvement and Construction Standards

151.070 Determination of adequacy of public improvements
151.071 Development agreement
151.072 Construction design requirements
151.073 Commencement of construction
151.074 Subdivider responsibilities during construction

Parks and Public Spaces

151.080 Dedication and fee requirements
151.081 Tentative plat to accommodate planned public spaces

151.999 Penalty Appendix 1: Certifications
Appendix 2: Site Assessment Checklist Form

Cross-reference:

Administrative enforcement, see Ch. 35

2015 S-9

GENERAL PROVISIONS

§ 151.001 TITLE.

This chapter shall hereafter be known, cited, and referred to as "The Village of Rockton Subdivision Code."
(Ord. § 100, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.002 PURPOSES.

This chapter is adopted for the following purposes:

(A) To promote the public health, safety, and general welfare;

(B) To further the orderly layout and use of the land;

(C) To guide the future growth and development of the village in accordance with its comprehensive plan, and in concert with its zoning code;

(D) To achieve individual lots of reasonable utility and livability;

(E) To avoid hazardous soil, drainage and topographic conditions;

(F) To secure adequate traffic circulation by means of coordinating street, highway, and pedestrian systems;

(G) To provide for adequate provisions for transportation, water, sewerage, schools, parks, recreational areas and other public ways and facilities;

(H) To provide for proper ingress and egress to properties and neighborhoods;

(I) To ensure that public facilities and services are available concurrent with subdivision development and will have a sufficient capacity to serve the proposed subdivision, and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;

(J) To facilitate the future re-subdivision of land into smaller or larger parcels of land;

(K) To establish reasonable standards of design and procedures for subdivisions and condominium plats in order to further the orderly layout and use of land, and to ensure proper legal description and proper monumenting of subdivided land;

(L) To provide administrative and review procedures for the attainment of these objectives.
(Ord. § 101, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.003 INTENT.

These regulations are established with reasonable consideration for the existing character of the village with a view toward conserving the value of buildings upon the land and providing the best possible environment for human habitation. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and development contained in the building codes, comprehensive plan and all elements therein.
(Ord. § 102, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.004 SCOPE.

(A) The provisions of this chapter excepting § 151.040 shall apply to any division of lands into three or more parts, including condominium plats but excepting instances noted in 765 ILCS 205/1(b) including the following instances:

(1) The division or subdivision of land into parcels or tracts of ten acres or more in size provided that such division does not involve any new streets or easements of access;

(2) The division of lots or blocks of less than one acre in any recorded subdivision provided that such division does not involve any new streets or easements of access;

(3) The sale or exchange of parcels of land between owners of adjoining and contiguous land;

(4) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines provided that such conveyance does not involve any new streets or easements of access;

(5) The conveyance of land owned by a railroad or other public utility provided that such conveyance does not involve any new streets or easements of access;

(6) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(7) Conveyances made to correct descriptions in prior conveyances;

(8) The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, provided that such sale or exchange does not involve any new streets or easements of access;

(9) The sale of a single lot of less than ten acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973.

(B) Section 151.040 of this chapter applies to any division of land into no more than two parts, one of which is less than ten acres in area, provided that such division does not create any new streets or easements of access. Section 151.040 of this chapter applies to items eight and nine of 765 ILCS 205/1(b) as noted above.
(Ord. § 103, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.005 JURISDICTION.

The subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the village and its extraterritorial jurisdiction, in accordance with Chapter 24 and Chapter 109, Illinois Revised Statutes.
(Ord. § 200, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.006 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the protection of the public health, safety, and general welfare.

(B) Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(C) This chapter is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this resolution are more restrictive or impose higher standards or regulations than such easements, covenant or other private agreement, the requirements of this chapter shall govern.

(D) No subdivision of land which was not lawfully existing at the time of the adoption of this chapter shall be made lawful solely by reason of the adoption of this chapter, and to the extent that said subdivision of land is in conflict in any manner with the requirements of this chapter, said subdivision of land remains unlawful hereunder.

(E) If the village fails to act upon the final plat within the time prescribed the applicant may as provided in 65 ILCS 5/11-12-8, after giving 5 days' written notice to the village, file a complaint for summary judgment in the circuit court and upon showing that the village has failed to act within the time prescribed the court shall enter an order authorizing the order to record the plat as finally submitted without the approval of the village. A plat so recorded shall have the same force and effect as though

that plat had been approved by the village. If the village refuses to act upon the final plat within the time prescribed and if its failure is willful, upon such showing and upon proof of damages the village shall be liable therefor.
(Ord. § 400, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.007 CONSIDERATIONS BY PLANNING COMMISSION.

(A) The Planning Commission in the examination of subdivision plats for approval and in the application of this chapter shall take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to width and location of streets, suitable sanitary utilities, surface drainage, lot sizes and playgrounds, schools and recreation sites and other public uses.

(B) No subdivision plat or condominium plat shall be approved or recorded for any parcel of land whose proposed subdivision or use would not substantially comply with the applicable standards of the village's comprehensive plan and zoning code, and all other ordinances.

(C) The Planning Commission shall not recommend for approval to the Village Board of Trustees any plat of subdivision which does not make adequate provisions for storm or floodwater runoff channels or basins.

(D) In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features.
(Ord. 2004-30, passed 11-16-04)

§ 151.008 UNSUITABLE LAND.

No land shall be subdivided for residential use which is held by the Planning Commission, after investigation by the Village Engineer, to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or welfare of the future residents in the proposed subdivision or of the community. However, the subdivision of land which is subject to stream overflow may be permitted if the special requirements described in § 151.072 have been completed or proper assurance given that they will be completed subject to approval by the Village Engineer.
(Ord. 2004-30, passed 11-16-04)

§ 151.009 VACATION OF A PLAT OF SUBDIVISION.

(A) Any plat or any part of a plat may be vacated by the owner of the premises, at any time before

the sale of any lot therein by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

(B) Such an instrument shall be approved by the Village Board of Trustees in like manner as plats of subdivisions. The Village Board of Trustees may reject any such instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be executed, acknowledged, or proved, and recorded, or filed, in the like manner as plats of subdivision; and being duly recorded, or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

(C) When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. The provisions of 765 ILCS 205/1 *et seq.* are also applicable.
(Ord. 2004-30, passed 11-16-04)

§ 151.010 SUBDIVISION CREATED BY SUCCESSIVE DIVISIONS.

Whenever a parcel of land is subdivided into lots containing one or more acres and there are indications that such lots will eventually be subdivided into small plats, the Village Board of Trustees may require that such parcel of land be divided so as to allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extensions of such streets may be made a requirement of the plat.
(Ord. 2004-30, passed 11-16-04)

§ 151.011 LAND ABUTTING A PRIVATE WAY OUTSIDE THE VILLAGE.

No person shall sell any parcel of land of one acre or less in size, located outside the corporate limits of the village, within the extraterritorial jurisdiction of the village, as it abuts a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the county or township. A minimum 20-foot wide circulation easement shall be recorded prior to the issuance of any building permits.
(Ord. 2004-30, passed 11-16-04)

§ 151.012 DEFINITIONS.

(A) The following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. A way or means of approach to provide vehicular or pedestrian entrances to a property.

ALLEY. A public way which affords only a secondary means of vehicular access to property abutting thereon.

ARTERIAL STREET. A street designed to carry a large volume of high speed traffic. Such streets are not intended to provide access to abutting property, and other street and driveway intersections with arterial streets will be limited.

BLOCK. A tract of land bounded by streets, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

BUILDING. Any structure having a roof supported by columns or walls for the sheltering or enclosure of persons, animals, chattels, or property of any kind; any structures with interior areas not normally accessible for human use, such as gas, oil or water tanks, grain elevator, coal bunkers, oil crackling towers and other similar structures, are not considered buildings.

BUILDING, SETBACK LINE. A line parallel to the street right-of-way line at a distance from it, regulated by the setback requirements set up in the zoning code.

COLLECTOR STREET. A street used, or intended to be used, to carry traffic from minor streets, abutting properties and generally takes direct access from collector streets to the major system of arterial streets.

COMPREHENSIVE PLAN. A policy document prepared and adopted by the Planning Commission and Village Board of Trustees that includes proposals for future land use, transportation and public facilities.

CONDOMINIUM PLAT. A plat or plats of survey of a parcel of land subject to the provisions of the Illinois Condominiums Property Act, 765 ILCS 605, which includes all condominium units in the property and which may consist of a three-dimensional horizontal and/or vertical delineation of all such units.

CUL-DE-SAC. A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEVELOPER. See ***SUBDIVIDER***.

EASEMENT. A nonprofitable interest in land owned by another that entitles its holder to a specific limited use.

EXTRATERRITORIAL JURISDICTION. A distance of 1½ miles from the corporate limits of the village in which the village exercises subdivision review powers.

FINAL PLAT. A map and any accompanying material prepared by the subdivider and

approved by the village in accordance with the provisions of §§ 151.050—151.054 to be recorded as a subdivision.

FLAG LOT. A lot with its widest point set back from the road, and having a thin, long strip ("flag pole") of land connected to the road to provide legal access and frontage.

FRONTAGE. The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway, or rural right-of-way.

GRADE. The slope of a road, street, or other public way, specified in percent and shown on street profile plans as required herein.

IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

LAND DIVISION. A division of a parcel of land into no more than two parts, at least one of which is less than ten acres in area, provided that such division does not create any new streets or easements of access.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in the zoning code, including one main building together with its accessory building, the open spaces and parking spaces required by the village zoning code, and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER. A lot located at the intersection of two streets or rights-of-way or a lot bounded on two sides by a curving street or right-of-way and two adjacent chords of which form an angle of 120 degrees or less measured on the lot side.

LOT, KEY. A lot located between two corner lots which are fronting on other streets.

LOT OF RECORD. A lot which is a part of a subdivision, the map or plat of which has been recorded in the office of the Recorder of Deeds of Winnebago County, Illinois; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to the adoption of this chapter.

LOT, THROUGH. An interior lot which has a pair of opposite lot lines extending between two substantially parallel streets. On a ***THROUGH LOT*** both street lines shall be deemed front lot lines.

MAJOR ARTERIAL. A street used, or intended to be used, primarily for fast or heavy through traffic. ***MAJOR ARTERIALS*** shall include freeways, and expressways as well as standard arterial streets, highways and parkways (see ***ARTERIAL***).

MINOR STREET. A street which has a primary purpose of serving abutting properties. Cul-de-sac streets are included in this definition.

NEIGHBORHOOD DEVELOPMENT PLAN. A detailed land use and transportation plan

for a specific neighborhood, district, or part of a community.

OWNER. Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under this chapter.

PEDESTRIANWAY or ***CROSSWALK.*** A right-of-way across or within a block, for use by pedestrian traffic and may include utilities where necessary.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, multi-use path, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term ***RIGHTS-OF-WAY*** for land platting purposes in the village shall mean that every plat is to be separated and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

ROADWAY. A surfaced portion of the street available to vehicular traffic.

SEWAGE DISPOSAL SYSTEM. Any physical construction in conformity with the Village Engineer, Winnebago County Health Department and State Environmental Protection Agency.

SIDEWALK. That portion of a street or crosswalk way, paved or otherwise surfaced, for pedestrian use only.

STREET. All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to any public easement therefrom but excepting an alley or driveway to buildings.

STREET, HALF. A street bordering one or more property lines of a tract of land in which the subdivider has only allocated a part of the ultimate right-of-way width. ***HALF STREETS*** are not permitted by this chapter.

SUBDIVIDER. Any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein. A developer of a condominium plat of three or more building sites is also considered a ***SUBDIVIDER*** for the purposes of this chapter.

SUBDIVISION. The division of any parcel of land into three or more parts, for the purpose of ownership transfer or building development or, if a new street is involved or easements of access, any division of a parcel of land. The term includes any division of land that attempts to avoid the requirements of this chapter. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided. A condominium plat of three or more building sites is also considered equivalent to a subdivision for the purposes of this chapter.

TENTATIVE PLAT. A map showing the salient features of a proposed subdivision, submitted initially to the Planning Commission for purposes of village consideration and approval as a precursor to a final plat.

WATER SUPPLY, COMMUNAL. A well and appurtenances supplying no more than three lots of record, and subject to the approval of the Village Engineer and the Winnebago County Health Department.

2005 S-1

WATER SUPPLY, GROUP. A well and appurtenances supplying four or more lots of record and subject to the approval of the Village Engineer, Winnebago County Health Department and the State Environmental Protection Agency.

WATER SUPPLY, INDIVIDUAL. A well and appurtenances supplying only one lot, and subject to the approval of the Village Engineer and the Winnebago County Health Department.

ZONING CODE. The village zoning code, and subsequent amendments thereto.

ZONING LOT. A parcel of land with uniform zoning considered or treated as a single unit. A ***ZONING LOT*** may or may not correspond with a lot of record.

(B) Words herein not defined shall be interpreted in accordance with definitions contained in Webster's Dictionary.
(Ord. § 301, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

ADMINISTRATION AND ENFORCEMENT

§ 151.020 ORGANIZATION.

The following offices of the government of the village are charged with the administration of this chapter.
(Ord. § 500, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.021 VILLAGE BOARD OF TRUSTEES.

The Village Board of Trustees is vested with the following responsibilities in regard to subdivision control:

(A) Approval or disapproval of all tentative and final plats and certified survey maps referred to it by the Planning Commission;

(B) Approval or disapproval of all variations and exceptions recommended by the Planning Commission;

(C) Amendment of the regulations of this chapter when found necessary and desirable;

(D) Initiation of appropriate proceedings to enforce the provisions of this chapter; and

(E) Maintenance of permanent and current records of this chapter including amendments thereto. (Ord. § 501, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.022 VILLAGE PLANNING COMMISSION.

The Planning Commission shall administer the provisions of this chapter, and in furtherance of said authority shall:

(A) Maintain working records of this chapter; including amendments thereto;

(B) Receive and file all tentative plats (together with applications);

(C) Forward copies of the tentative plat to appropriate offices and agencies for their recommendations and report;

(D) Receive all final plats, and check their compliance with the tentative plat;

(E) Forward all tentative and final plats with recommendations to the Board of Trustees;

(F) Make all other determinations required by the regulations therein and establish permanent files for all tentative and final plats;

(G) Recommend any approval or disapproval of requested variations and exceptions to the Board of Trustees; and

(H) Recommend the approval or denial of land divisions as defined in this chapter.
(Ord. § 502, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.023 PLATS OFFICER.

The Plats Officer appointed by the Board of Trustees is vested with the following responsibilities:

(A) Advise developers, subdividers and the public regarding local procedures and standards and actions of the Board of Trustees and/or Planning Commission regarding plats review;

(B) Notify the Village Board of Trustees whenever any provisions of this chapter have been violated;

(C) Act as technical administrator and coordinator to the Planning Commission and Board of Trustees; and

(D) Collect all plat fees due the village and transfer to the Village Clerk for deposit in the General Fund.

(Ord. § 503, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.024 VILLAGE ENGINEER.

The Village Engineer shall review all tentative and final subdivision plats and make determinations in the area of design standards and engineering specifications, as stipulated herein. His or her determinations and recommendations shall be forwarded in writing to the Planning Commission and the Board of Trustees.
(Ord. § 504, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.025 WINNEBAGO COUNTY HEALTH DEPARTMENT.

The Winnebago County Health Department shall review the water supply and sewage disposal facilities for privately-owned systems (not public water and sewage facilities) to be provided on all tentative and final plats referred to it by the Planning Commission. Determinations and recommendations shall be forwarded in writing to the Village Engineer and Plats Officer prior to plat approval.
(Ord. § 505, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.026 EXCEPTIONS, VARIATIONS AND WAIVERS.

In the event the appropriate village approval authority finds that the application of the provisions or procedures of this chapter to a particular land division or subdivision might create an unreasonable hardship or involve peculiar difficulties, including but not limited to prohibitive cost, that approval authority consider exceptions, variations, or waivers in accordance with the following procedure:

(A) *Submittal.* All exceptions, variations or waivers must be initiated by the subdivider and submitted in writing and shall include reasons, data, or justification.

(B) *Finding of facts.* All exceptions, variations, or waivers approved or denied shall be accompanied by findings of facts by the appropriate village approval authority.

(C) *Variance.* A developer may seek a variance from the design requirements for streets, storm sewers, curbs, gutters and water and sewer system placement if its engineer, the Village Engineer, and a third party engineer agreed to by the village and the developer, review and agree that providing one or more of these public services following the specified requirements is cost prohibitive (i.e., value engineering report). The cost for the review of the plans for the variance procedure by the Village Engineer and the third party engineer shall be borne solely and completely by the developer. The developer shall deposit with the village irrevocable securities in the amount of $1,000 to cover the costs of the Village Engineer's review. In the event that the Village Board of Trustees grants the variance or denies the variance, and the developer proceeds with the project, the village will return the security to

the developer after 25% of the development has occurred. If the development does not go forward, the village would return any unused portion of the $1,000 or bill for any amount that is above this deposit, within 60 days after the value engineering report is received or from the date when the developer notifies the village that the subdivision is not going forward, whichever is sooner. The third party engineer's cost

2005 S-1

shall be paid by the developer and the village shall not collect for, nor pay any fees to, that party; however, the village may require that the developer deposit sufficient irrevocable securities for the third party review.

(D) *Basis for requesting waiver.* A developer may seek to waive any design requirements of this chapter per the provisions set down in any written pre-annexation agreements between the developer and the village, or per the plans, provisions and conditions of any Planned Unit Development approved by the village.

(E) *General requirements.* Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, or under circumstances described under divisions (C) and (D) of this section, it may recommend to the Board of Trustees variations or exceptions to the regulations, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this chapter; and further provided the Commission shall not recommend variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally to other property.

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

(4) Cost to the developer of strict or literal compliance with the regulations shall not be the sole reason for granting a variation or exception.

(5) If any of the above criteria cannot be met, the subdivision was subject to a pre-annexation agreement or planned unit development that supports or directs the waiver or exception.

(F) *Conditions.* In recommending variations and exceptions, the Planning Commission may recommend and the Board of Trustees may require such conditions as will, in their judgement, secure substantially the objectives of the standards of requirements of the village subdivision code.

(G) *Procedure for a variation.* A petition for any such variation shall be submitted in writing by the subdivider at the time when the tentative plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all the facts taken into consideration by the

petitioner.

2005 S-1

(H) *Recommendation and approval.* Such variations and exceptions as may be recommended by the Planning Commission shall be forwarded to the Board of Trustees in writing, substantiating the recommended variations and/or exceptions. The Board of Trustees may approve such variations or exceptions from the requirements of this chapter in specific cases as listed on the final plat, which in its opinion, do not adversely affect the intent and purpose of this chapter.
(Ord. § 507, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.027 AMENDMENTS.

For the purpose of promoting the public health, safety, and general welfare, the Board of Trustees may from time to time amend the regulations imposed by this chapter. Public hearings on all proposed amendments shall be held by either the Board of Trustees or the Planning Commission in the manner prescribed by law.
(Ord. § 508, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.028 FEES.

(A) *Conditions.* In order to cover the costs of plat or certified survey map examination, filing, recording and other expenses incidental to the approval of a subdivision or land division, the subdivider shall pay a fee at the time of application for approval of a tentative plat or certified survey map. Such fee shall be based on the projected number of lots to be created. At the time of application for approval of the final plat or the last portion thereof, the required fee will be recalculated on the basis of the actual number of lots created and an adjustment of the fee will be made, the subdivider to pay an additional amount or to receive a refund. There shall be no refund of any portion of the fee if the subdivider fails to apply for final approval of the subdivision if a tentative map expires.

(B) *Amount.* To be collected by the Plats Officer by check or money order and made payable to the Village of Rockton and receipts given of same.

Number of lots	***Fee***
1 to 10 lots	$200 per lot
11 to 20 lots	$150 per lot, with a minimum fee of $2,000
Over 21 lots	$50 per lot, with a minimum fee of $3,000

(Ord. § 509, passed 1-15-74; Am. Ord. 1989-11, passed 12-4-89; Am. Ord. 1996-28, passed 12-16-96;

Am. Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 151.029 FIELD INSPECTION.

(A) *Field inspection.* All public improvements to be made under the provisions of this chapter shall be inspected during the course of construction by the Village Engineer or his or her designee. While inspection must be permitted at any time, it shall be the responsibility of the developer to call for formal inspections of the work at the completion of the plat and before village water and sewer utilities are covered. Failure to call for said inspections may result in the final plat not being accepted by the village and fines delineated in § 151.999(B).

(B) *Cost.* Cost of said inspections shall be borne by the developer. The developer shall pay the village a sum not to exceed 4% of the approved construction estimate for each plat. These monies would be paid prior to the commencement of construction.
(Ord. § 510, passed 1-15-74; Am. Ord. 1989-11, passed 12-4-89; Am. Ord. 1997-10, passed 9-15-97; Am. Ord. 2004-30, passed 11-16-04)

PROCEDURES FOR APPROVAL

§ 151.040 LAND DIVISIONS.

(A) *Scope.* The provisions of this section apply to divisions of land within the corporate limits of the village, into no more than two parts, one of which is less than ten acres in area, provided that such division does not create any new streets or easements of access and provided that the conditions of § 151.004(A)(8) and (9) are met.

(B) *Preliminary consultation.* At least 20 days prior to the submission of the certified survey map required herein, the divider shall consult the Plats Officer for the purpose of minimizing the risk of objections to, or rejection of, the prepared certified survey map, and for the purpose of ascertaining the problems and requirements affecting his or her property.

(C) *Procedure for approval.* The subdivider shall file a certified survey map with the Planning Commission, which shall recommend approval, approval conditionally, or rejection of the map. Following the Planning Commission recommendation, the Board of Trustees shall within 40 days approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any condition of approval or the reasons for rejection.

(D) *Requirements.*

(1) To the extent reasonably practicable, the division of land shall comply with the provisions

of this chapter governing general requirements, design standards, and required improvements.

(2) The survey shall be performed and the map prepared by a Registered Illinois Land Surveyor.

2005 S-1

(3) All land divisions within the village's corporate limits shall be served by public sewer and water facilities. All land divisions in areas not serviced by sanitary sewers shall conform to the minimum lot area requirements of § 151.064, the zoning code, and all regulations of the Winnebago County Health Department.

(4) All corners shall be monumented as follows:

(a) All lot corners shall be monumented in the field by iron pins at least 36 inches long and 5/8-inch in diameter, or by round or square iron bars at least 36 inches long of similar cross sections.

(b) The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least 48 inches long and 3/4-inch in diameter or by round or square iron bars at least 48 inches long of similar cross sections. These monuments shall be placed at the point of intersection of the river or stream lot line with a meander line established not less than 20 feet back from the bank of the river or stream.

(5) The survey map shall be prepared in accordance with § 151.049 on one or more sheets of durable white paper 8½ inches wide by 14 inches long. All lines shall be made with nonfading black ink on a scale of not more than 500 feet to the inch.

(E) *Certificates and affidavits.*

(1) The survey map shall include the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the United States Public Land Survey or some corner providing reference to a corner marked and established in the United States Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that he or she has fully complied with the requirements of this section.

(2) The certificate of approval of the Planning Commission shall be typed, lettered, or reproduced legibly with nonfading black ink on the face of the survey map.

(3) Certificate of dedications, easements and reservations shall be included when applicable.

(F) *Recording the survey map.* The survey map shall be filed by the Village Clerk for record with the County Recorder of Winnebago County, Illinois. All expenses for recording shall be paid by the subdivider.
(Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 151.041 SUBDIVISIONS: STEP 1—SITE ASSESSMENT CHECKLIST AND CONCEPT PLAN.

Figure 1 represents the typical subdivision review process in the village. Before filing an application for approval of a subdivision, or condominium plat with three or more building sites, the subdivider or condominium developer shall prepare the following, unless exempted by other sections of this chapter.

(A) A site assessment checklist per the requirements of § 151.042. A site assessment report per the requirements of § 151.043 may also be required, following village staff review of the site assessment checklist.

(B) A concept plan per the requirements of § 151.044. Concept plans are not required for planned unit developments (PUDs). For such projects, a PUD overall development plan (ODP) shall substitute for a concept plan.

Figure 1: Summary of Typical Subdivision/Condominium Plat Review Process

Subdivider submits site assessment checklist & concept plan (site assessment report may be required)
Village staff review concept plan submittal and schedule committee review, if necessary (within 30 days of submittal)
Subdivider submits tentative plat and associated plans and begins development agreement negotiations with village
Planning Commission recommends approval or denial of tentative plat and forwards plat to Board of Trustees (within 45 days of submittal), subdivider and village finalize development agreement as a condition of tentative plat approval
Board of Trustees approves or denies tentative plat (within 30 days of Planning Commission recommendation)
Subdivider submits final plat
Planning Commission recommends approval or denial of final plat and forwards plat to Board of Trustees (within 30 days of submittal)
Board of Trustees approves final plat (within 30 days of Planning Commission recommendation); subdivider records plat (within 90 days of approval)

(Ord. 2004-30, passed 11-16-04)

§ 151.042 SUBDIVISIONS: SITE ASSESSMENT CHECKLIST REQUIREMENTS.

(A) *Purpose.* The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new subdivisions, as well as condominium developments consisting of more than three individual building sites, upon the community in accordance with the principles and procedures of 765 ILCS 205.

2005 S-1

(B) *Coverage.* The site assessment checklist requirement shall apply to all subdivisions and condominium plats with three or more building sites.

(C) *Site assessment checklist form.* The subdivider or condominium developer shall complete the site assessment checklist form, found in Appendix 2 of this chapter, and submit the checklist to the Plats Officer prior to submittal of a tentative plat.
(Ord. 2004-30, passed 11-16-04)

§ 151.043 SUBDIVISIONS: SITE ASSESSMENT REPORT REQUIREMENTS.

(A) *Determination of need for site assessment report.* Prior to accepting a tentative plat for review, the Planning Commission or village staff may, for reasons stated in a written correspondence setting forth specific questions on which it requires research, data and input from the subdivider or condominium developer and other affected persons, decide that the site assessment checklist raises unusually significant questions on the effects on the environment and/or that review by other village committees and staff is required. The written request shall set a reasonable date for the return of the requested data and information from the subdivider or condominium developer and it may specify the format in which the data is to be presented.

(B) *Hearing on site assessment report.* Following response to the written request to the Plats Officer, the village shall distribute the report to all interested persons or agencies. The Planning Commission may schedule and hold a public hearing on the findings of the report. If scheduled, the hearing shall be preceded by a notice not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the village and by notifying the record title owners of the adjacent property by U.S. Mail at the address from the latest adopted tax roles. Persons attending such hearing shall be afforded an opportunity to comment on the report.

(C) *Review of site assessment report.* The Planning Commission shall review the site assessment report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 30 days after submission of the site assessment report by the subdivider or condominium developer, the Planning Commission shall decide whether the affected land is suitable for development per § 151.008. If determined unsuitable, the Planning Commission shall provide its reasons in writing, and the subdivider or condominium developer shall have the opportunity to remedy the reasons before a tentative plat or condominium plat may be filed.
(Ord. 2004-30, passed 11-16-04)

§ 151.044 SUBDIVISIONS: CONCEPT PLAN REQUIREMENTS.

(A) *Purpose.* The purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision or condominium development and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and

impact of the proposed subdivision, or condominium development, without the need for detailed engineering, surveying, and other time consuming and costly processes associated with the preparation of a tentative plat. The concept plan shall be drawn in general conformance with the recommendations of the village comprehensive plan and/or official map.

(B) *Coverage.* The concept plan shall indicate a proposed subdivision or building placement pattern for all contiguous lots or parcels owned or controlled by the subdivider or condominium developer. The Plats Officer may waive this requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the village's comprehensive plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan or to a concept plan, overall development plan, or tentative plat previously submitted and reviewed by the village.

(C) *Village review.* At its option, village staff may choose to present the concept plan to the Planning Commission and/or Park, Recreation and Conservation Committee for their review and comment within 30 days of its submittal. The concept plan shall be submitted and reviewed by the village prior to the filing of a tentative plat or condominium plat.
(Ord. 2004-30, passed 11-16-04)

§ 151.045 SUBDIVISIONS: STEP 2—PRE-APPLICATION MEETING ON CONCEPT.

(A) *Subdivider-village staff meeting.* Within 30 days of submittal of documents specified in §§ 151.042, 151.043 and 151.044, a pre-application meeting may be required by the Plats Officer and the Village Engineer to assist the subdivider or condominium developer in keeping apprised of the objectives of these regulations, the village's comprehensive plan and elements thereof, the village's official map and any pertinent ordinances and plans, and to reach conclusions regarding the objectives and general program for the proposed development.

(B) *Village commission reviews.* The Plats Officer may require, or the subdivider or condominium developer may request, Planning Commission and/or Park, Recreation and Conservation Committee review and comment on the submitted site assessment checklist and/or concept plan. The appropriate commissions shall have 30 days from the date of concept plan submittal to complete their reviews.
(Ord. 2004-30, passed 11-16-04)

§ 151.046 SUBDIVISIONS: STEP 3—TENTATIVE PLAT.

(A) *Scope.* The provisions of this section apply only to subdivisions as defined in § 151.012 and condominium plats that contain three or more individual building sites. All subdivisions within the village's corporate limits shall be served by public sewer and water facilities. All subdivisions in areas not serviced by sanitary sewers shall conform to the minimum lot area requirements of § 151.064 and all regulations of the Winnebago County Health Department.

(B) *Filing tentative plat.* The subdivider shall prepare a tentative plat of the proposed subdivision in accordance with the requirements of §§ 151.047 and 151.052, and shall file with the Plats Officer an application in writing for the tentative approval of said plat, accompanied by a reproducible subdivision drawing and 30 black and white prints or other acceptable reproductions at least 20 days prior to the meeting of the Planning Commission at which action is desired. A tentative plat shall not be submitted prior to village review of the site assessment checklist, the site assessment report when required, or the concept plan within the review period specified in §§ 151.042 through 151.045.

(C) *Coverage of a tentative plat.* The subdivider or condominium developer shall in all cases submit a tentative plat for the lands to be included in the first phase of the final plat. If the concept plan did not include all adjacent lands owned or controlled by the subdivider or condominium developer, then the tentative plat shall include the entire adjacent area owned or controlled by the subdivider or condominium developer. The Planning Commission may waive this second requirement in the case where the remainder of the area owned and controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the village's comprehensive plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan.

(D) *Action by the Plats Officer.*

(1) The Plats Officer shall transmit copies of the tentative plat to the Village Engineer and other village officials and other agencies as deemed necessary by the Planning Commission for their recommendations. These recommendations in respect thereto shall be submitted to the Planning Commission not later than five days before the meeting at which the tentative plat will be reviewed.

(2) The Plats Officer shall transmit a copy of the tentative plat and any additional pertinent information to the Winnebago County Soil and Water Conservation District in accordance with the Illinois Soil and Water Conservation District Law, as amended.

(E) *Action by the Planning Commission and Board of Trustees.*

(1) A tentative plat shall be reviewed by the Planning Commission to determine its conformity to this chapter, the comprehensive plan and all other ordinances and regulations in force which affect subdivisions.

(2) The Planning Commission shall, within 45 days of the receipt of a complete application for the approval of a tentative plat; approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. If agreed to in writing by the subdivider, the time may be extended for no more than 30 days after which one copy shall be returned to the subdivider with the date of the approval or disapproval, and the reason therefor, accompanying the plat.

(3) If the tentative plat as originally submitted, or as changed or modified, as required by the Planning Commission, meets the requirement of this chapter, the Planning Commission shall give it approval and it shall then be referred to the Board of Trustees for tentative approval. Within 30 days

of its receipt of the tentative plat from the Planning Commission, the Village Board of Trustees shall approve or disapprove the plat, or approve it with conditions. If the tentative plat is disapproved, objections to it shall be noted and it shall be returned to the Planning Commission; if it is approved, the Village Clerk shall affix his or her signature to it with the notation that it has received Village Board of Trustees approval and it shall then be returned to the subdivider for compliance with final approval requirements and conditions.

(4) Tentative approval by the Village Board of Trustees shall give the applicant the following rights for a 12-month period from the date of approval:

(a) That the general terms and conditions under which the tentative approval was granted will not be changed by the village;

(b) That the applicant may submit on or before the expiration date the whole or parts of the tentatively approved plat for final approval through a final plat as provided under this chapter.

(F) *Development agreement required.* At the time of submission of a tentative plat, the subdivider or condominium developer and Village Engineer shall negotiate and finalize a development agreement specifying responsibilities of both parties, as described in greater detail in § 151.071. A final development agreement shall be a condition of tentative plat approval. Prior to approval of the tentative plat by the Village Board of Trustees, the subdivider or condominium developer and Village Engineer shall be in substantial agreement as to the terms of the development agreement. Village Board of Trustees approval shall be conditioned upon the execution of the development agreement. (Ord. 2004-30, passed 11-16-04)

§ 151.047 SUBDIVISIONS: MATERIALS REQUIRED WITH TENTATIVE PLAT SUBMITTAL.

(A) Every proposed subdivision or condominium plat containing three or more building sites shall be submitted to the Planning Commission for tentative or conditional approval in the form of a tentative plat prior to the submission of a final plat. The tentative plat is not intended to be a final record plat and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the Planning Commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The tentative plat shall be prepared by a qualified professional, trained and experienced in the layout of subdivisions.

(B) The graphic and descriptive items laid out in §§ 151.048 and 151.049 are normally required to be shown on the tentative plat and the accompanying application for approval. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for

disapproval of a tentative plat.
(Ord. 2004-30, passed 11-16-04)

§ 151.048 SUBDIVISIONS: APPLICATION FOR APPROVAL OF TENTATIVE PLAT.

The owner or his or her agent shall file a "Declaration of Intent to Subdivide" on forms furnished by the Planning Commission and this shall include or be accompanied by the following information:

(A) *Declaration of intent.* The declaration of intent to subdivide shall take the following form:

"I, owner, sponsor, optionee of a parcel of land described as follows:

(General description, subdivision name, location by section-township and range, reference to roads) hereby formally announce my intention to subdivide said property and hereby submit a tentative plat of the subdivision to the Planning Commission.

Signed this____day of_____, 20__.

Signature_____

(B) *Name for file identification.*

(1) Name of subdivision if property is within an existing subdivision.

(2) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Winnebago County.

(3) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

(C) *Location and description of property.* Location of property by government lot, section, township, range and county.

(D) *Basic facts and proposals pertaining to the property.*

(1) Size of tract in gross and net acres. Existing lots, if any, in square feet;

(2) Existing zoning classification of property and any rezoning proposed to be requested;

(3) Number of lots, number of dwelling units if different, and land use types proposed in subdivision;

(4) Net area of lots proposed; with minimum and average lengths and widths;

(5) Lineal feet of streets in the subdivision;

(6) Proposed type of water and sewer facilities and other engineering plans required under § 151.073;

(7) Any other proposals, such as parcels of land intended to be dedicated, conveyed, or reserved for public use, and the conditions proposed for such disposal and use.

(8) A drawing of the tentative plat per the requirements of § 151.049 of this chapter.

(9) Topographic and surface water studies per the requirements of § 151.065 of this chapter.

(10) Erosion and sedimentation control measures to be taken during construction as required in § 151.066.

(E) *Information as to ownership, preparation of plat and submission thereof.*

(1) Name and address, including telephone number, of legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference;

(2) Citation of any existing legal rights-of-way or easements affecting the property;

(3) Existing covenants on the property, if any;

(4) Name and address, including telephone number, of professional responsible for subdivision design, Registered Professional Engineer of Illinois responsible for the design of public improvements, and Registered Land Surveyor of Illinois responsible for surveys, shown on tentative plat as submitted.
(Ord. 2004-30, passed 11-16-04)

§ 151.049 SUBDIVISIONS: DRAWING OF TENTATIVE PLAT.

Along with the application and materials described in § 151.048, 30 copies of the tentative plat or tentative condominium plat shall be submitted to the Planning Commission. These may be blueline or blackline prints, 24 inches wide by 36 inches long, at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(A) Date, scale and north point;

(B) The proposed subdivision name, which must be the same as that specified in the application;

(C) The name and address of the owner, the subdivider and the surveyor responsible for surveys;

(D) Location of the subdivision by government lot, quarter section, section, township, range and county;

(E) A vicinity sketch and small scale drawing of the section or area within which the subdivision lies, with the location of the subdivision indicated thereon;

(F) The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot;

(G) Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;

(H) Zoning on lands adjacent to the subdivision;

(I) Location, width, and names of all existing and platted streets, alleys, and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, dry runs, marshes, wetlands, floodplains including lines denoting floodway and flood fringe boundaries, wooded areas (including individual trees with a diameter at breast height of six inches or more), steep slopes of 10% or greater grade, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Planning Commission;

(J) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to in the USGS datum plane;

(K) If the subdivision or condominium plat borders a lake, river or stream, the distance and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of such waterway, or FEMA Flood Insurance Maps or other reasonable source;

(L) Drainage calculations, cross sections, minimum building elevation for first floors, and easements associated the 100-year flood level from a registered professional engineer for all major waterways and drainageways;

(M) Layout, width, grades and proposed names of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains and other public utilities;

(N) Existing topography showing the elevation of the land within the proposed plat prior to the commencement of any change in elevations as a part of any phase of subdividing;

(O) Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated upon the tentative plat;

(P) Plans of proposed utility layouts (water, sewers, and storm drains) showing connections to any

existing or proposed utility systems;

(Q) Approximate dimensions and areas of lots. All lots over one acre in size shall have the area marked within the lot. Lot area shall be all area enclosed by the property lines not portions of adjacent roads but rights-of-way;

2005 S-1

(R) Proposed building setback lines based on the requirements of the zoning code;

(S) Approximate radii of all curves, length of tangents and central angles on all streets;

(T) Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision or condominium plat, with the conditions, if any, of such dedication or reservation;

(U) Street profile plans for all existing and proposed streets;

(V) Subsurface soil, rock and water conditions including depth to bedrock and average depth to groundwater table. Where a subdivider or condominium developer's subsoil investigation indicates potential for groundwater less than ten feet from the proposed street centerline elevation, the subdivider or condominium developer shall so note on the face of the tentative and final plat and indicate the lots affected;

(W) Location and approximate dimensions of any sites that are to be used for group housing, shopping centers, church sites or other non-public uses.
(Ord. 2004-30, passed 11-16-04)

§ 151.050 SUBDIVISIONS: STEP 4—FINAL PLAT.

(A) *Overview.* After Board of Trustees approval of the tentative plat, the subdivider or condominium developer may prepare and submit to the Planning Commission the final plat for the subdivision or condominium plat incorporating all required modifications to the tentative plat. During the final plat stage, the actions listed as follows shall be taken.

(B) *Filing of final plat.* The subdivider shall file with the Plats Officer, within 12 months of the date of approval or conditional approval of the tentative plat, unless such period is extended by the Board of Trustees, 30 copies of the final plat which shall conform to the requirements of §§ 151.052, 151.053 and 151.054 and 30 copies of related documents, plans and specifications. The Plats Officer shall forthwith transmit all copies of the final plat to the Planning Commission and the Board of Trustees.

(C) *Conformance with zoning code.* The Plats Officer shall not sign the final plat until the subdivider has met all conditions and requirements of the village zoning code.

(D) *Action of the Planning Commission.*

(1) Upon receipt thereof, the Planning Commission shall examine the final plat and all

necessary certificates to determine its conformance to the tentative plat and the requirements established in this chapter, and shall within 30 days of its submission, unless the time is extended by the Planning Commission in agreement with the developer, either approve or disapprove said final plat. If the final plat is not in substantial conformance with the tentative plat, the Planning Commission may require the preparation and submittal of a new tentative plat or disapprove said final plat.

(2) If the Planning Commission approves the final plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairman of the Commission and the Plats Officer and the plat shall be transmitted to the Board of Trustees for the necessary action on the final approval of the plat and on any proposed dedications.

(E) *Action of the Board of Trustees.*

(1) The Board of Trustees shall approve or disapprove the final plat and accept or reject the areas preserved for or dedicated to the public within 30 days of its recommendation for approval or denial by the Planning Commission, unless the subdivider is notified of objections to the plat or the time is extended by agreement with the subdivider.

(2) After the final plat shall have been approved by the Board of Trustees and all applicable engineering plans, conditions, and development agreements have been finalized, the Village Clerk shall sign the plat and cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted to the Planning Commission, Village Engineer, and Village Clerk for their files.

(F) *Action by the subdivider.* Upon receipt of the final plat approval by the Village Board of Trustees, and the placement of the Village Clerk's signature on the plat, the subdivider shall record the plat with the Winnebago County Recorder's Office within 90 days of the date of the Board action. Failure to record the final plat within 90 days will void the Board of Trustees' action and necessitate reinstitution of the final plat procedure in accordance with the provisions of this section.

(G) *Development agreement required.* Prior to Village Clerk signing of the final plat, the development agreement specified in § 151.071 shall be signed by both parties and all conditions of plat approval shall be satisfied to the extent possible. Prior to the signing of said agreement by the Village President and the Village Clerk, the subdivider or condominium developer shall pay the village all required fees, charges and deposits, and provide any required performance guarantees, except as otherwise provided for in the development agreement.
(Ord. 2004-30, passed 11-16-04)

§ 151.051 SUBDIVISIONS: FINAL PLAT COVERAGE.

The final plat shall include the entire area owned or controlled by the subdivider or condominium developer within the phase of the subdivision for which final approval is sought. A final plat may constitute only a portion of the area contained in the approved tentative plat provided that the public improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access to contiguous areas.

(Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 151.052 SUBDIVISIONS: APPLICATION FOR APPROVAL OF FINAL PLAT.

Thirty written copies of an application by the owner or his or her agent for approval, on forms furnished by the Plats Officer, shall accompany each final plat and contain the following information:

(A) Name of subdivision and the description of blocks and lots included on the plat. The subdivision name is subject to approval by the Board of Trustees and shall not duplicate any subdivision name previously recorded in Winnebago County;

(B) Location of subdivision by government lot, section, township, range and county;

(C) Name, date of approval and tile number of the tentative plat upon which the final plat is based;

(D) Zoning classification of the property;

(E) Total number of lots and/or parcels included on the plat;

(F) Total area (gross area) shown on the plat, including streets, and total area dedicated to public use, if any;

(G) Existing or proposed covenants, if any. Reference shall be made to any private restrictions, and plats shall contain proper acknowledgments of owners and mortgagees accepting said platting and restrictions;

(H) Name and address, including telephone number, of the owner or his or her agent and the surveyor responsible for the survey;

(I) A mathematical plat closure shall be submitted in conjunction with the final plat.
(Ord. 2004-30, passed 11-16-04)

§ 151.053 SUBDIVISIONS: DRAWING OF FINAL PLAT.

Along with the application and materials described in § 151.052, 30 copies of the final plat drawing shall be submitted with the following characteristics:

(A) The final plat shall be drawn with waterproof nonfading black ink, at a scale of not more than 100 feet to one inch, on mylar or its equivalent, 24 inches wide by 36 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets, and each sheet shall bear the name of the subdivision. The developer shall also be required to submit a

CD-ROM of the final plat in Auto-Cad format that is acceptable to the village before the plat is recorded.

(B) Each final plat shall show correctly on its face or be accompanied by the following information:

(1) *Map and engineering information.*

2005 S-1

(a) Date, scale and north point;

(b) The exterior boundaries of the land surveyed and divided;

(c) All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments as required by the statutes of the State of Illinois and § 151.072;

(d) The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines, except that when the lines in any tier of lots are parallel, it shall be sufficient to make the bearings of the outer lines on one tier thereof. Easements shall be shown by centerline and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown. Where the exterior boundary lines show bearings or lengths which vary from those recorded in butting plats or certified surveys, there shall be the following note placed along such lines "recorded as (show recorded bearing or length or both)" and name of the recorded plat or boundary map;

(e) Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through several additions;

(f) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block;

(g) The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way or enough information so that the length of these lines can be derived by simple calculations. Where a boundary line is an arc of a circle, the length of the chord shall be shown;

(h) The widths of all streets, alleys, easements and rights-of-way;

(i) A graphic presentation of the minimum building setback lines on all lots and parcels and a notation of the distance between such lines and the street right-of-way line;

(j) The area and dimensions of each lot or parcel containing an area of one acre or more;

(k) The street names of all public streets;

(l) Abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines;

(m) The exact width of all easements, streets and alleys;

(n) All lake or stream shore meander lines established by the surveyor, the distance and bearings thereof and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark;

(o) The centerline of all streets;

(p) The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle between the main chord;

(q) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the Planning Commission, upon the recommendations of the Village Engineer, may waive such strict compliance.

(2) *Name, location and position.* The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating the position and location of the subdivision shall be shown thereon:

(a) The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range, and county noted immediately under the name given the subdivision;

(b) The exact location of the subdivision, indicated by distances and bearings with reference to a corner or corners established in the U.S. Public Land Survey;

(c) The names of adjoining streets, state highways and subdivisions shown in their proper location underscored by a dotted line;

(d) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

(3) *Roads and public spaces.*

(a) The name of each road or street in the plat shall be printed therein in prominent letters.

(b) All lands dedicated to public use except roads and streets shall be clearly marked “Dedicated to the Public.”

(c) All roads or streets shown on the plat which are not dedicated to public use shall be clearly marked “Private Street.”

(d) Each lot within the plat must have access to a public or private street unless otherwise provided by local ordinance.

(4) *Site conditions and topography.*

(a) All existing buildings.

(b) All watercourses, drainage ditches and other existing features pertinent to proper subdivision.

(c) The water elevations of adjoining lakes, rivers, or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers, and streams. All elevations shall be referred to the village datum plane.

(d) The boundaries and labels for all designated floodplains and wetlands.

(e) Drainage easements and building elevations as indicated in § 151.065.

(f) For all lots, finish first floor elevations and top-of-curb elevations.

(5) *Engineering plans as described in § 151.073(C).*
(Ord. 2004-30, passed 11-16-04)

§ 151.054 SUBDIVISIONS: RECORDING OF FINAL PLAT.

To entitle a final plat to be entered in the proper record books in the Office of the County Recorder of Winnebago County, the certificates found in Appendix 1 of this chapter, together with the certificate of approval of the Board of Trustees, shall accompany it. These certificates shall be lettered or printed legibly on the face of the final plat.

(A) *Topographical and surface water studies.* All requirements and conditions of § 151.065 shall be adhered to in the processing of final subdivision plats.

(B) *Certificates.* The certificates found in the Appendix 1 to this chapter and affidavits shall appear on the final plat. They must be duly signed by the appropriate person before the plat is entitled to record.

(C) *Easement provision.*

(1) An easement is hereby reserved for and granted governmental bodies and other public utilities and their respective successors and assigns within the area as shown by dotted lines on the plat and marked “easement,” to install, lay, construct, renew, operate and maintain storm and sanitary sewers, pipes, conduits, cables, poles and wires, overhead and underground with all necessary braces,

guys, anchors and other equipment for the purpose of serving the subdivision and other property with telephone, electric and other utility service; also is hereby granted the right to use the streets for said purpose, the right to overhand lots with aerial service wires to serve adjacent lots, the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within the said easement area

2005 S-1

said storm and sanitary sewers, pipes, conduits, cables, poles, wires, braces, guys, anchors, and other equipment; and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with any of the said public utility equipment installed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights therein granted.

(2) If the grade of the subdivided property must be so altered or if storm and sanitary sewer facilities require that the underground utility be moved or otherwise altered, the owners, their respective successors and assigns, shall reimburse the utility company for the necessary expenses involved.
(Ord. 2004-30, passed 11-16-04)

§ 151.055 EXTRATERRITORIAL SUBDIVISIONS.

The following policies shall govern the village's approval and regulation of subdivisions and condominium plats consisting of three or more individual building sites within the village's extraterritorial jurisdiction.

(A) The village will attempt to achieve consistency with locally and county adopted plans. To the extent that the policies of the village are more restrictive, the village's policies shall prevail.

(B) All subdivisions as well as condominium plats that consist of over three individual building sites, within Rockton's designated utility service area shall be subject to the land reservation or dedication requirements of this chapter. This specifically means the following:

(1) All parklands proposed in adopted elements of the village's comprehensive plan shall be reserved or dedicated to the extent allowed under this chapter.

(2) Any waterway or stormwater management area identified on the village comprehensive plan or official map shall be dedicated and provided in conformance with the requirements of this chapter.

(3) Any lands falling within the limits of a floodplain or wetland, as mapped by the Illinois Department of Natural Resources, FEMA, Winnebago County or the village, will be required to be dedicated or located within a recorded public open space easement.

(C) All subdivision and condominium plats within the village's extraterritorial jurisdiction shall be required to follow erosion and sedimentation control plans in compliance with the requirements of § 151.066.

(D) All subdivision and condominium plats within the extraterritorial jurisdiction shall pay village-required review fees contained in this chapter.

(E) All subdivision and condominium plats located within the village's extraterritorial jurisdiction shall be designed to be served by public water facilities and sanitary sewer in the future. In addition,

the village shall not extend its sanitary sewer facilities to lands located outside of the village's corporate limits, except as otherwise provided through written intergovernmental agreements.

(F) All technical and performance standards of this chapter will apply to the extent practicable and allowed by Illinois Law.
(Ord. 2004-30, passed 11-16-04)

DIMENSIONAL AND DESIGN STANDARDS

§ 151.060 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

(A) The provisions of 65 ILCS and 765 ILCS;

(B) The village zoning code and all other applicable ordinances of the appropriate jurisdictions;

(C) The comprehensive plan and all elements thereof, and official map of the village or any portions thereof;

(D) The special requirements of this chapter and any rules of the Winnebago County Health Department and the Illinois State Environmental Protection Agency in relation to lot size and lot elevation if the subdivision is not served by public water or by a public sewer and provision for one or both of these services has not been made;

(E) The rules of the Illinois Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a state trunk highway or connecting street.
(Ord. § 1000, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.061 STREETS AND ALLEYS.

(A) *General considerations.*

(1) Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth (with a

desire to preserve trees greater than six inches in diameter), to public convenience and safety, and in appropriate relation to the proposed uses of land to be served by such streets.

(2) The Board of Trustees has the responsibility of determining the construction and design standards applicable to any and all segments of the village street system, since public improvements such as water, sewage disposal, drainage, street reconstruction, sidewalk installation, along with other utilities and traffic improvements, may eventually be undertaken and financed from public tax sources.

(3) The minimum IBR (Illinois Bearing Ratio) which would allow the stated pavement cross-section is 2.25. If soils in the area of designated roadways have a lower IBR then the pavement must be designed according to Illinois Department of Transportation standards which will take into account the lower IBR.

(B) *Public street arrangement.*

(1) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the comprehensive plan, detailed neighborhood development plan, or on the official map of the village.

(2) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities and to the pattern of existing and proposed land uses.

(3) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient safe access to property.

(4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, culs-de-sac, or U-shaped streets shall be encouraged where such use will result in a more desirable layout and/or the preservation of natural features or terrain.

(5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(6) In business and industrial developments, the street and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities and the provision of alleys, truck loading and maneuvering areas, fire protection and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

(C) *Railroad and highways.* Railroad rights-of-way and limited access highways, including arterial streets, where so located as to affect the subdivision of adjoining lands shall be treated as follows:

(1) In residential zoning districts, no site rearing on a railroad right-of-way or limited access highway shall have a depth of less than 130 feet. A strip of land at least 25 feet in depth at the rear of the lots shall be designated as a buffer strip. This strip shall be part of the platted lots and shall be

designated on the plot: "This strip is reserved for the planting of trees and shrubs by the owners. The placement of structures hereon is prohibited." A planting plan showing the locations, size and species of trees and other landscaping within the required 25-foot strip shall be required to be submitted with the tentative plat.

(2) In districts zoned for business or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for business or industrial sites and in no case be less than the minimum lot depth established in the village zoning code.

(3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(D) *Access to major streets.* Where a subdivision borders on or contains an existing or proposed major arterial or collector street, the Planning Commission or controlling jurisdiction may require that access to such streets be limited and/or require improvements to the arterial street or collector street by one of the following means:

(1) The subdivision of lots so as to back onto the major street and front onto one or more local streets: no access shall be provided from the major street and screen planting shall be provided by the subdivider or developer in a strip of land along the rear property line of such lots.

(2) A marginal access or service street (separated from the major street by a planting or grass strip and having access thereto at suitable points).

(3) The number of minor streets and driveways entering the major street shall be kept to a minimum, per division (M) of this section.

(E) *Public street design standards.* The following minimum standards shall apply to the design of all public streets including culs-de-sac:

	Minor Streets	***Arterial and Collector Streets***	***Cul-de-Sac Streets***
Right-of-way	66 feet	80–100+ feet (see below)	120 foot diameter
Pavement width (face-to-face)	30 feet	36 feet or more	88 foot diameter

Sidewalk width	5 feet	5 feet	5 feet
Sidewalk distance from right-of-way	1 foot	1 foot	1 foot

2005 S-1

(F) *Section line roads.* A 100-foot right-of-way shall be laid out on section and half-section lines, where possible. Where physical obstructions occur, or where a more appropriate location can be found, such roads may deviate from section and half-section lines, provided the required width of 100 feet is carried through to a suitable connection. Such deviation shall be made only with the consent and approval of the Plats Officer and the Superintendent of County Highways.

(G) *Arterial street standards.* The right-of-way width of all arterial streets, as defined in § 151.012, shall be that indicated on the official map of the village, or if no width is indicated there, such width and all other design standards shall be determined by the Planning Commission upon recommendations of the Village Engineer. In no case shall the right-of-way width of an arterial street be less than 100 feet.

(H) *Sidewalks.* All public streets within the corporate limits of the village shall be bordered by sidewalks on both sides of the street. The Planning Commission may allow the substitution of a multi-use path for a sidewalk on one side of the street, if applicable AASHTO (American Association of Street and Highway Transportation Officials) design standards are met.

(1) Sidewalks and walkways shall comply with the applicable requirements of the Americans with Disabilities Act.

(2) Intersections of sidewalks with streets shall be designed with clearly designed edges. Crosswalks shall be clearly marked with contrasting paving materials at the edges, raised pavement, and/or striping.

(3) Where necessary to maintain continuity of the pedestrian circulation system, such as for long blocks or at the ends of culs-de-sac, between-lot walkways or paths may be required. The Planning Commission may require additional connections wherever access to parks, schools, and other services is desired as identified through the plat development review process, with the goal of maximizing pedestrian and bicycle access internal to the subdivision and adjoining land.

(4) Concrete sidewalks shall be a minimum of five feet in width, and shall be required in accordance with the requirements of § 151.061(H). Paved, multi-use paths shall be a minimum of ten feet in width (applicable AASHTO standard).

(I) *Street grades.* The grade of arterial and collector streets shall not exceed 5% unless necessitated by exceptional topography and approved by the Planning Commission. The grade of all other streets shall not exceed 7%. The minimum grade of all streets shall be 0.4% grade.

(J) *Tangents.* A tangent at least 100 feet in length shall be introduced between reverse curves on major arterial streets and collector streets.

(K) *Culs-de-sac, dead-end streets, stub streets.*

(1) A cul-de-sac shall not be longer than 600 feet in residential subdivisions.

(2) All cul-de-sac streets designated to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 60 feet and a minimum outside pavement radius of 44 feet, curb-face to curb-face.

(3) All dead-end streets or stub streets shall be improved to the limits of the subdivision plat and terminated by a temporary turnaround or barricade improvement as recommended by the Village Engineer, approved by the Board of Trustees and installed by the developer at his or her own expense.

(L) *Half streets.* Street systems in new subdivisions shall be laid out so as to eliminate or avoid half-streets. Where a new subdivision abuts an existing street of inadequate right-of-way width, additional right-of-way width may be required to be dedicated by the subdivider or condominium developer to meet the requirements of this section.

(M) *Street intersections.*

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at any angle of less than 70 degrees shall not be allowed. Not more than two streets shall intersect at any one point unless specifically approved by the Planning Commission.

(2) The number of intersections along arterial streets and highways shall be held to a minimum. The distance between such intersections shall not be less than 400 feet, as measured from centerline to centerline.

(3) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major arterial and collector streets their alignment shall be continuous.

(4) Minimum curb radius shall be 20 feet for minor streets and 25 feet for collector streets. In any case, where more dedication is deemed necessary to provide safe sight distance or for traffic channelization, the Planning Commission may specify a greater cutoff than the normal cited above. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice, to permit safe vehicular movement.

(5) Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach of an intersection exceeds 7%, a leveling area shall be provided having not greater than 4% grade a distance of 25 feet, measured from the nearest right-of-way line of intersecting street.

(6) On a corner lot, no fence, wall, hedge or other obstruction, except the natural grade of a

site shall be allowed within a triangular area formed by the street property lines and a line connecting points on the street property lines equal to one-half the right-of-way width measured from the street intersection. In connection with the grading of a public right-of-way, the developer shall not cause any earth banks to be created on corner lots and shall cut such vegetation as found in the above mentioned area.

2005 S-1

(N) *Street names.* All street names are to be approved by the Planning Commission and the post office prior to final plat approval. No street names shall be used which will duplicate or be confused with the name of existing streets. New streets which are extensions of or obviously in alignment with existing streets shall bear the name of the existing streets.

(O) *Street paving.* The minimum requirement for lands within residential zoning districts shall be ten inches of compacted aggregate base course, type A or B; street surface shall consist of 1½ inches bituminous concrete binder course, and 1½ inches bituminous concrete surface course, Class I, Type 2, all in accordance with applicable sections of the Illinois Department of Transportation Standard Specifications. The minimum requirement for lands within commercial and industrial zoning districts shall be a minimum of 12 inches of aggregate base course, and two inches each of binder and surface courses. If poor soil conditions or high density truck traffic is found or expected, the street structure shall have higher requirements. All streets shall have a paved width of a minimum of 30 feet face to face.

(P) *Alleys.*

(1) Alleys shall be provided in all commercial and industrial zoning districts, unless the Planning Commission waives this requirement where other definite and suitable provisions are made for service access such as off-street loading and parking, consistent with, and adequate for the uses proposed and in accordance with the provisions of the zoning code.

(2) The width of alleys shall be not less than 25 feet.

(3) Dead-end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead-end.

(4) Alleys shall not connect to an arterial street.

(5) Alleys may be provided in new residential subdivisions to service garages and for refuse collection if approved by the Planning Commission and the Village Board of Trustees. All alleys must be paved with hard surfacing to the specifications of the Village Engineer.

(Q) *Storm sewers.* Consistent with the requirements of § 151.065, the stormwater drainage system shall be separate and independent of any sanitary sewer system. Storm sewers shall be designed by the rational method, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection in the gutter. Surface water drainage patterns shall be shown for each and every lot and block. Inlets shall be constructed in accordance with village and Illinois Department of Transportation Standards in order to accommodate anticipated drainage requirements. Storm sewers shall be designed to handle a minimum 5-year event

(1.3 inches/hour) and all retention areas shall be designed to handle a minimum 100-year event.

(R) *Private streets.* Private streets shall be permitted within the various subdivisions and condominium plats within the village under the following conditions:

(1) Any private street shall have a minimum pavement width of 25 feet along with a two-foot concrete curb and gutter or concrete gutter on each side.

(2) At any stage during development if either two access points or a permanent turnaround are not yet constructed, the developer must construct either a second temporary point of access or a temporary turnaround with minimum dimensions of 15 feet by 30 feet to accommodate exiting emergency or maintenance vehicles.

(3) The structural design specifications for private streets shall be submitted for review and approval by the Village Engineer.

(4) Every private street so designed and constructed shall grant an easement for access, for any and all public utilities, including but not limited to water, sewer, drainage, and any other required by ordinance or law. This easement shall be reflected upon any tentative and final plat or condominium plat.

(5) No private streets shall serve as minor or collector streets and must intersect with a public collector street or other public roadway.

(6) Every private street shall provide for and be maintained with adequate access and turn-around capacity for emergency vehicles, and may be required to provide for public transit access.

(7) The village shall not be responsible for maintenance, repair, snow removal or cleaning of said streets. The responsibilities for said items shall rest with and be guaranteed by an existing home owners' association, condominium association, or in the case of a new subdivision, the developer through the submittal, recordation, and enforcement of a maintenance agreement.
(Ord. § 1001, passed 1-15-74; Am. Ord. 1989-11, passed 12-4-89; Am. Ord. 1990-3, passed 4-16-90; Am. Ord. 1995-49, passed 12- -95; Am. Ord. 1996-5, passed 3-4-96; Am. Ord. 2004-30, passed 11-16-04)

§ 151.062 UTILITY EASEMENTS.

(A) *Utility placement underground.* In all new subdivisions and land divisions, utilities including gas, electric, telephone, and cable television systems or any other commercial service, must be laid underground within the public right-of-way or a dedicated easement. Exceptions may be granted for land divisions and subdivisions of seven lots or less, only by approval of the Planning Commission. The installation of such facilities shall be made in compliance with applicable orders, rules and regulations of the Illinois Commerce Commission now or hereafter effective.

(B) *Width and location.* Easements for electrical, telephone, and community television services

shall be a minimum of ten feet wide and be established where practicable at the rear of each lot and along other such lot lines as to provide continuity of alignment from block to block; to be installed underground within easements of dedicated public ways. Underground street light supply lines should be designated on the plat and necessary easements provided to furnish access to such positions. Easement provisions should appear on the face of each final plat.

2005 S-1

(C) *Waterway easements.* Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm sewer or drainage easement conforming substantially to the lines of such watercourse. The easement shall be labeled as non-buildable and non-fillable and for drainage purposes only. If calculations are not provided, the easement shall be established as an area 300 feet wide, with a width of 150 feet on each side of the waterway's centerline. Such easement shall be recorded on the final plat.
(Ord. § 1002, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.063 BLOCKS.

(A) *Residential blocks.*

(1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions of this prescribed block width shall be permitted in blocks adjacent to arterial streets, railroads, or waterways.

(2) The lengths, widths, and shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block length in residential areas shall not exceed 1,200 feet nor be less than 400 feet.

(3) Pedestrianways or crosswalks, within easements not less than ten feet wide, may be required by the Planning Commission at the ends of culs-de-sac and through the center of blocks more than 800 feet long to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. It shall be the responsibility of the developer to provide these facilities if so required.

(B) *Nonresidential blocks.* Blocks designed for commercial or industrial uses shall be of such length and width as may be determined suitable by the Planning Commission for the prospective use.
(Ord. § 1003, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.064 LOTS.

(A) *Dimensions.* In general, the size, shape and orientation of lots or condominium building sites shall be appropriate for the location of the subdivision and for the type of development and the use contemplated. New lot dimensions shall conform to the requirements of the zoning code. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of two to one shall be considered a desirable ratio. Depth and width of properties reserved or laid out for business or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the

zoning code.

(B) *Lots not served by public utilities.* For reasons of health and sanitation the density of residential subdivisions shall be directly related to the availability of public water and public sewer service.

Residential lots not served by either or both public water or sewerage facilities shall be at least 100 feet in width at the building line and one acre in lot area, and shall comply with the rules of the Winnebago County Health Department and the Illinois State Environmental Protection Agency.

(C) *Lots abutting major streets.* All lots in subdivisions developed adjacent to roadway designated as a limited access road shall be designed with access from an internal local street system. In cases where residential lots fronting or abutting on major streets or highways are permitted, they should be platted with extra depth to permit generous distances between the buildings and such trafficways.

(D) *Street frontage.* Every lot shall front on or abut a public street, not including sites for individual condominium units. Side lot lines shall be approximately at right angles or radial to street lines. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from major streets, or to overcome specific disadvantages of topography and orientation. Lots with access only to private drives or streets shall be permitted only with the approval of the Planning Commission and the Village Board of Trustees and shall meet the private street design requirements of § 151.061.

(E) *Lot drainage.* Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general stormwater drainage plan for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

(F) *Corner lots.* Corner lots for residential use shall have a minimum width 10% greater than the minimum width for the district as established in the village zoning code in order to permit appropriate building setback from and orientation to both streets. Lots on major arterial street intersections and at all other points likely to be dangerous shall have a radius of not less than 25 feet at the street corner. On business lots a chord may be substituted for the circular arc.

(G) *Follow municipal limits.* Lot lines shall follow municipal boundary lines whenever practicable, rather than cross them.

(H) *Lots along waterways.* Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision or condominium plat and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake, river or stream.

(I) *Flag lots.* Flag lots, as defined in § 151.012, shall be prohibited within the village limits and discouraged within the extraterritorial jurisdiction.
(Ord. § 1004, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 151.065 TOPOGRAPHICAL AND SURFACE WATER STUDIES.

(A) *Purpose.* The purpose of the topographical and surface water study is to establish permanent measures for controlling stormwater flows from a proposed subdivision or condominium plat site after

the plat has been constructed. This type of study shall be submitted at the tentative plat stage of the subdivision approval process.

(B) *Content of the studies.* There shall be submitted simultaneously with the tentative subdivision plat or tentative condominium plat, a study or studies which shall show topographically and by profile the elevation of the land prior to the commencement of any change in elevations as a part of any phase of subdividing. In addition, if it is contemplated that such elevations, or the flow of surface water from such land, will be changed as a result of any portion of such subdivision development, then such study or studies shall also show such proposed changes in the elevations and the flow of surface water from such land. The topographical and profile studies required hereunder shall be prepared as a subsidiary drainage plat or studies separate from, but of the same scale and size as the subdivision plat, and shall be prepared in such a manner as will permit the topographical study or studies to be used as overlays to the subdivision plat.

(C) *Certification.* Neither the Planning Commission, the Plat Officer, or the Board of Trustees shall approve a tentative plat unless the topographical and profile studies to be submitted with the subdivision plat have on their face the certification of a Registered Professional Engineer, and the owner of the land or his or her duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface waters into public areas, or drains, or basins, which the subdivider has a right to use, and that such surface waters will not be deposited on the property of the adjoining land owners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision.

(D) *Subsidiary drainage plat.*

(1) The developer's engineer shall prepare a subsidiary drainage plat, and shall submit the subsidiary drainage plat to the Village Engineer for approval. The subsidiary drainage plat shall be:

(a) Drawn or printed on paper 24 inches wide by 36 inches long at a minimum scale of 100 feet to one inch;

(b) Accompanied by a transmittal letter describing all requested variances;

(c) Signed and sealed by an Illinois Registered Professional Engineer;

(d) Consistent with the subdivision plat and proposed construction plans.

(2) Required content of the subsidiary drainage plat:

(a) Existing and proposed ground surface contours of the entire subdivision, including detention areas and roadways;

(b) Top-of-curb elevations in front of each lot centered between front yard property monuments. Where there will be no curb the top-of-the-pavement elevations shall be indicated;

(c) Proposed first floor elevations or finished yard grade of each house at the building setback yard. Generally, finished yard grades at building setback lines shall be a minimum of 12 inches and a maximum of 36 inches above the top of the street or curb. Should topography and/or parcel configurations characteristics make this rule impractical, a greater degree of variance may be permitted as authorized by the Village Engineer;

(d) Existing and proposed storm sewer system, including invert elevations of pipes, inlets and outlets;

(e) Arrows to indicate direction of ground surface water flows;

(f) Drainage easements;

(g) Proposed and existing roadway locations;

(h) Elevation views and detailed drawings as necessary to clearly show the proposed subdivision surface and subsurface draining system;

(i) Title block indicating subdivision name, date, revisions and legend; and

(j) An indication of total detention volume required and total detention volume provided, as well as locations and elevation of low-flow channels, outlet structures, and other detention facilities appurtenances.

(3) It is the responsibility of the developer and/or builder of each lot to assure that the grades and drainage of each lot is in compliance with the approved subsidiary drainage plat.

(4) Each lot owner shall be responsible for maintaining the integrity of the individual lot drainage pursuant to the approved subsidiary drainage plat after construction and shall comply with the drainage plat when constructing accessory structures, fences or landscaping.

(5) A final plat cannot be recorded until all requirements of this section have been met. Once the subsidiary drainage plat is approved by the village, the final plat will be signed and released for recording. The developer shall also record the subsidiary drainage plat as an attachment to the final plat. The developer shall also provide the village with a CD-ROM of the subsidiary drainage plat in Auto-Cad format.
(Ord. 2004-30, passed 11-16-04)

§ 151.066 EROSION AND SEDIMENT CONTROL.

(A) *Purpose.*

(1) The village declares that the purpose of this section is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and

controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated within the village jurisdiction. It is the intention of this section that the transport of sediment via wind or rainwater runoff from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its undisturbed state.

(2) The provisions of this section shall be held to be the minimum requirements adopted to lessen the threat to public health, safety, or welfare of land disturbing activities through protection of soil erosion and sediment control sought by the enactment of this section.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY. Any agency with regulatory powers.

BUILDING PERMIT. A permit issued by the permitting authority for the construction, erection, or alteration of a structure or building.

CERTIFY or ***CERTIFICATION.*** Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this section.

CLEARING. Any activity that removes vegetative ground cover.

DISTRICT. The Winnebago County Soil and Water Conservation District.

ENGINEER. The person(s) designated by the village to review, approve, or enforce erosion and sediment control plans or stormwater pollution prevention plans.

EXCAVATION. Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

EXISTING GRADE. The vertical location of the existing ground surface prior to excavation or filling.

FILL. Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved to a new location and shall include the conditions resulting therefrom.

FINAL GRADE. The vertical location of the ground or pavement surface after the grading

work is completed in accordance with the site development plan.

GRADING. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

HYDRIC SOIL. A soil having a seasonal high water table at or near the surface of the soil most of the year.

HYDROPHYTE. A plant growing in water or in soil too saturated with water for most plants to survive.

INSPECTOR. The person designated to review, approve, or enforce erosion and sediment control plans or stormwater pollution prevention plans.

NATURAL DRAINAGE. The existing runoff pattern of water on the ground surface prior to construction.

PARCEL. All contiguous land held in one ownership.

PERMITTING AUTHORITY. The Village of Rockton.

PERSON. Individuals, corporations, LLCs, associations, clubs, societies, firms, partnerships and all bodies politic.

REMOVAL. Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

RUNOFF. The portion of precipitation or irrigation on an area that does not infiltrate into the soils, but instead flows off the surface of the land.

SEDIMENT/SEDIMENTATION. Transported and deposited soil particles or aggregates, usually by wind or water.

SITE. A lot or parcel of land, or a contiguous combination thereof, where construction activity is performed.

STORMWATER CONVEYANCE AND STORAGE SYSTEM. Any river, stream, creek, brook, branch, flowage, ravine, or natural or artificial drainage way, lake, pond, wetland, roadway drainage, storm sewer, and the like in or into which surface or groundwater flows, either perennially or intermittently.

STRIPPING. Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

VACANT. Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

WASTE. An unwanted byproduct of the developing/building process including construction-generated litter.

WETLAND. According to the U.S. Fish and Wildlife Service, means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, ***WETLANDS*** must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

(C) *Applicability.* No person shall construct, enlarge, alter, repair, or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this section. This requirement will pertain to the following activities:

(1) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, offsite borrow areas, or any combination thereof) that will affect an area greater than or equal to one acre;

(2) Any land disturbing activity that may discharge soil and erosion into any stormwater conveyance system;

(3) The village reserves the right to require any non-agricultural, construction development activity, regardless of disturbed area or type of activity, to comply with this section if it is determined to be causing or contributing to existing or potential new erosion of soil or otherwise impacting the performance of an existing stormwater conveyance system.

(D) *General principles.* It is the objective of this section to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the village. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by wind erosion or a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the village and to the preparation of the submissions to the village required under this section.

(1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and existing contours should be followed as closely as possible.

(2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to existing watercourses, lakes, ponds, and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(3) Special precautions should be taken to prevent damages that occur due to any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures

must be commensurate with the sensitivity of these areas to erosion and sedimentation.

(4) The smallest practical area of disturbance should be exposed for the shortest practical time during development.

(5) Sediment basins or traps, filter barriers, diversions, and any other appropriated sediment or runoff control measures should be installed prior to site clearing and grading and maintained to control and remove sediment from run-off waters from land undergoing development.

(6) The selection of erosion and sedimentation control measures should be based on site limitations, project duration, and other factors to provide the necessary site protection during the construction development activity.

(7) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance shall be considered.

(8) Permanent vegetation and runoff control structures shall be installed and functional as soon as practical during development.

(9) All waste generated as a result of site development activity shall be properly disposed of and should be prevented from being carried off the site by either wind, water, or artificial means.

(10) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

(E) *Erosion and sediment control plan.*

(1) *In general.* Except as otherwise provided in this section, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land without having first obtained approval of an erosion and sediment control plan ("plan") as set forth below.

(2) *General plan requirements.*

(a) The owners of the property or his or her authorized designee shall prepare and submit, or shall cause the preparation and submittal of, a plan to the Village Engineer at least 60 calendar days before commencement of the proposed land disturbing activities. These submissions shall be prepared in accordance with the requirements of this section and the standards and requirements contained in the NPDES Permit No. ILR10 prepared by the Illinois Environmental Protection Agency and the Illinois Urban Manual prepared by the Natural Resources Conservation Service and adopted by the Winnebago County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this section by reference. General guidance can be found in the *Illinois Urban Manual*, under the section "Storm Water Management For Construction Activities, Developing Pollution Prevention Plans and Best Management Practices."

(b) The management practices, controls, and other provisions contained in the plan must be at least as protective as the requirements contained in the *Illinois Urban Manual-A Technical*

Manual for Urban Ecosystem Protection Enhancement, 2002, prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service.

2005 S-1

(c) If the applicant is required to comply with the requirements of a Phase II, NPDES permit, the applicant shall submit a copy of the Notice of Intent (NOI), a copy of the Illinois Department of Natural Resources Consultation Agency Action Report, and the approved stormwater pollution prevention plan (SWPPP) to the Village Engineer at least 30 calendar days before the planned commencement of construction will be accepted in lieu of an erosion and sediment control plan.

(3) *Other plan requirements.* Each plan shall contain the following information:

(a) The name(s), address(es), and telephone number(s) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principle contact at such firm. The owner must sign a copy of the certification statement. The certification must be included in the plan:

> "I certify under penalty of law that this document and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations."

(b) The name, address and telephone number of the general contractor(s) that have been identified at the time of the submittal. Identify the contractor(s) or subcontractor(s) implementing each measure of the plan. All contractor(s) and subcontractor(s) identified in the plan must sign a copy of the certification statement. All certifications must be included in the plan except for owners acting as contractor(s):

> "I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit No. ILR10 and the Village of Rockton Code § 151.066, Erosion and Sediment Control that authorizes the stormwater discharges associated with the construction activities and site identified as part of this certification."

(c) A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale;

(d) A development plan of the site showing:

1. Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two-foot contour intervals and clearly portraying the

conformation and drainage pattern of the area;

2. The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary;

3. A general description of the predominant soil types on the site, their location, and their limitations for the proposed use;

4. Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation, and filling; finished grades, and street profiles; provisions of storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.

(e) Erosion and sediment controls showing all measures necessary to meet the objectives of this section throughout all phases of construction and permanently after completion of development of the site, including:

1. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details;

2. Plans ensuring existing vegetation is preserved where attainable and disturbed portions of the site are stabilized. Stabilization practices may include, but not be limited to: temporary seeding, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;

3. Location and description of all runoff control measures, including diversions, waterways, and outlets;

4. Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate;

5. Description of dust and traffic control measures;

6. Locations of stockpiles and description of stabilization methods;

7. Description of off-site fill or borrow volumes, locations, and methods of stabilization;

8. Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

(f) The proposed phasing of development of the site, including stripping and clearing, rough grading and landscaping. Phasing should identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary

soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the village of any significant changes that occur in the site development schedule after the initial erosion and sediment control plan has been approved;

(g) A copy of the completed Notice of Intent (NOI) required by the Illinois Environmental Protection Agency;

(h) A copy of the completed Illinois Department of Natural Resources Consultation Agency Action Report.

(4) *Stabilization measures.* Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a) Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently snow cover precludes ease, stabilization measures shall be initiated as soon as practicable.

(b) Where construction activity will resume on a portion of the site within 21 days from when activity ceased, (i.e. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.

(F) *Exceptions.* Erosion and sediment control plans shall not be required for submittal for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in this section:

(1) Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of one acre for which the county has issued a building permit;

(2) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Winnebago County Soil and Water Conservation District, and including the construction of agricultural structures;

(3) Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.

(G) *Fees.* The cost of reviewing the erosion and sediment control plan and inspection of the

proposed measures during construction will be the responsibility of the owner or developer of subject property. The costs are set forth in § 151.030, whereby the owner or developer is required to pay the village a sum not to exceed 4% of the approved construction estimate to cover the cost of field inspections. The cost of reviewing the erosion and sediment control plan and inspection of the proposed measures during construction will be included in this required fee. The cost of the construction of the

erosion and sediment control measures will be included in the calculation of project construction costs by which the inspection fee is based.

(H) *Review and approval.*

(1) Each erosion and sediment control plan shall be reviewed and acted upon according to the following procedures:

(2) The Village Engineer will review each plan and determine its conformance with the provisions of this section. Within 15 days after receiving the plan, the designee shall in writing:

(a) Approve the erosion and sediment control plan if it is found to be in conformance with the provisions of this section;

(b) Approve the erosion and sediment control plan subject to such reasonable conditions as may be necessary to secure substantially the objectives of this section; or

(c) Disapprove the erosion and sediment control plan, indicating the deficiencies and the procedure for submitting a revised erosion and sediment control plan.

(I) *Conditions for approval.* Approval shall not be issued for an intended development site unless:

(1) The development, including but not limited to subdivisions and planned unit development, has been approved by the village where applicable; or

(2) The proposed earth moving is coordinated with any overall development program previously approved by the village for the area in which the site is situated; and

(3) All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.

(J) *Appeals.* The applicant, or any person or agency that received notice of the filing of the erosion and sediment control plan or the stormwater pollution prevention plan may appeal the decision of the Village Engineer. Upon receipt of an appeal, the Board of Trustees shall schedule and hold a public hearing, after giving 15 days' notice thereof. The Board of Trustees shall render a decision within 15 days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; nature and type of soil or rock, which

when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal or vegetation.

(K) *Site design requirements.* The following on-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavation, or fill activities on the site.

(1) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

(b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.

(c) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(2) Sediment traps or anchored filter barriers meeting accepted design standards and specifications outlined in the *Illinois Urban Manual* shall protect storm sewer inlets and culverts.

(3) Soil storage piles containing more than ten cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(4) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(5) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas a minimum of 50 feet long and 12 feet wide to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(6) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(7) All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(L) *Inspection.*

(1) The Village Engineer shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant wherein the work fails to comply with the erosion and sedimentation control plans as approved. In order to obtain inspections and to ensure

compliance with the approved erosion and sediment control plan and this section, the applicant shall notify the Village Engineer within two working days of the completion of the construction stages specified below:

(a) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;

(b) After stripping and clearing;

(c) After seeding and landscaping deadlines;

(d) After final stabilization and landscaping, prior to removal of sediment controls.

(2) If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the applicant shall give notice and request inspection at the completion of each of the above work states in each phase or area.

(3) The village shall also reserve the right to inspect disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater or equivalent snowfall.

(M) *Retention of plans.*

(1) The applicant shall retain copies of plans and all reports for a period of at least three years from the date the site is finally stabilized. The applicant shall also retain a copy of the plan at the construction site from the date of project initiation to the date of final stabilization.

(2) The village shall retain plans, specifications, and reports for all site developments in original form.

(N) *Special precautions.*

(1) If at any stage of the grading of any development site the Village Engineer determines by inspection that the nature of the site is such that further work authorized by an existing building permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Village Engineer may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. “Special precautions” may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist

which may be made requirements for further work.

(2) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the applicant may be required to install temporary structures or take such other measures to protect adjoining property or the public safety.

2005 S-1

(3) Major amendments of the erosion and sediment control plan shall be submitted to the village and shall be processed and approved or disapproved in the same manner as the original plans. The Village Engineer may authorize field modifications of a minor nature by written authorization to the applicant.

(O) *Enforcement.*

(1) Stop-work order. In the event any person holding an approved erosion and sediment control plan pursuant to this section violates the terms of the approval, or carries on site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the village may suspend or revoke approved construction activity including, but not limited to: any and all building permits, grading activity, road construction, or other construction related activities until such time the approved erosion and sediment control plan is satisfactorily implemented and/or maintained.

(2) Enforcement of violations of an approved plan shall be by a written stop-work order issued by the village and delivered to the permittee or his or her agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violation cited, and shall state the conditions under which work may be resumed. Failure to follow an approved erosion and sediment control plan may be just cause to permanently suspend or revoke authorized construction activity or building permit.

(P) *Violations and penalties.*

(1) Any person violating any of the provisions of this section will be fined not more than $500 for each offense. Each day during which any violation continues shall constitute an additional offense.

(2) Non-compliance of this section may constitute a violation of the Illinois Environmental Protection Act and Clean Water Act and is grounds for enforcement action, at which strict criminal, civil, and administrative penalties may be issued. Penalties are described in the *NPDES-Construction Site Activities* applications instructions and it is the duty of the petitioner to comply.
(Ord. 2004-30, passed 11-16-04)

§ 151.067 DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS.

(A) *Description.* The Planned Unit Development (PUD) District is established to promote conserve environmental features and improve the relationship between the design, and use of innovative mixes of land uses within the village. To this intent, this district allows variation in the

structures, lots, and open spaces in developments conceived and implemented as cohesive, unified projects.

(B) *Subdivision to accommodate a Planned Unit Development.*

(1) A development that is required to comply with this chapter and that is obtaining zoning approval for a planned unit development (PUD) may receive village subdivision approval as provided in this division (B) rather than pursuant to procedures found elsewhere in this chapter.

(2) An approved overall development plan (ODP) for a PUD project substitutes for a concept plan normally required under § 151.041, and a tentative plat that would otherwise be required under § 151.046.

(3) A final plat shall be required if the project involves creation of a subdivision as defined in this chapter. The final plat shall be reviewed for compliance with the approved overall development plan, the approved specific implementation plan, and the requirements of this chapter.

(4) Approval of the specific implementation plan of a PUD project shall authorize and direct the granting of exceptions and waivers to otherwise applicable standards in this chapter to allow the final plat to implement the approved specific implementation plan.

Below is an example of one design option for subdivisions in a planned unit development project:

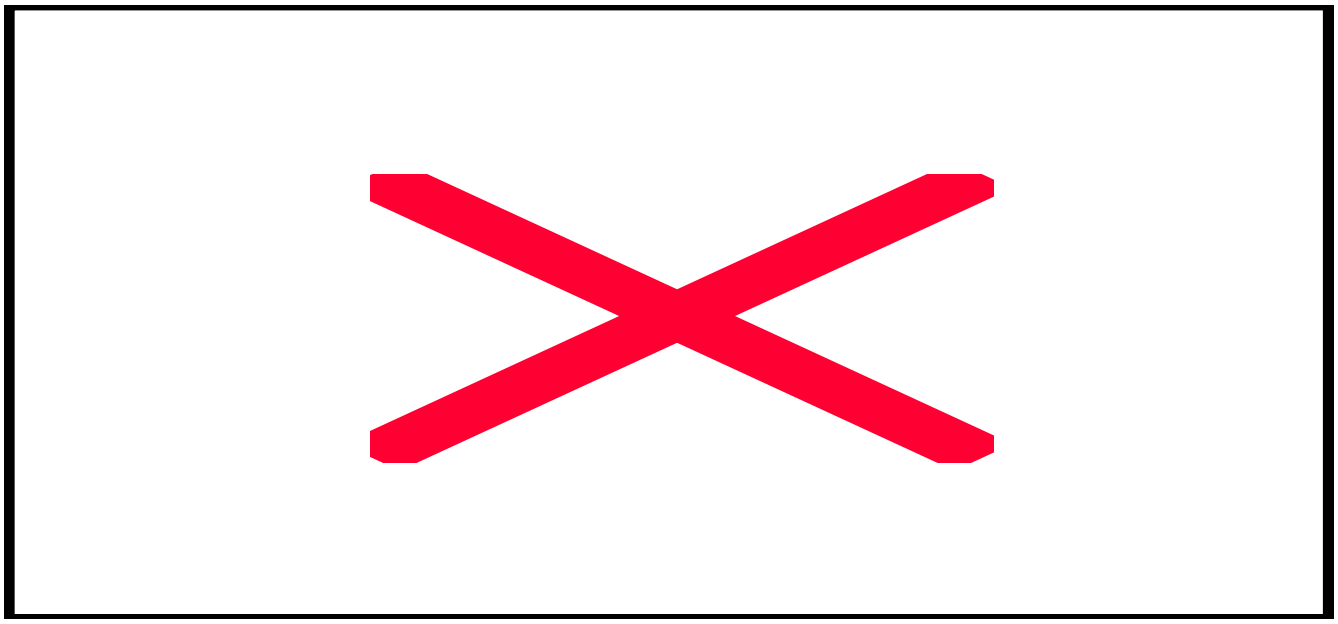


Figure 3: Conventional Subdivision (left) as Compared to Possible PUD Option (right)

(Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 151.068 SUBDIVISIONS TO ACCOMMODATE CONSERVATION NEIGHBORHOOD DESIGN (CND).

(A) *Purposes*. In addition to the purposes found in § 151.002, this section is adopted for the following purposes:

(1) To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas, as recommended by the Village of Rockton Comprehensive Plan, for development and conservation;

(2) To express a cultural and historic heritage of agricultural and rural character through the permanent preservation of open space and natural resources within and around the village;

(3) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;

(4) To provide buffering between residential development and non-residential uses;

(5) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;

(6) To preserve significant archaeological sites, historic buildings and their settings;

(7) To conserve those areas containing unique and sensitive natural features such as native and natural woodlands and grasslands, steep slopes, streams, floodplains, and wetlands, by protecting those areas from development;

(8) To provide greater design flexibility and efficiency in the provision of services and infrastructure, including the opportunity to reduce the length of roads, utility runs, and the amount of paving required for residential development;

(9) To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes;

(10) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and households with different housing demands, so that the community's population diversity may be maintained;

(11) To implement municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands for the benefit of present and future residents;

(12) To protect productive agricultural soils in the region for continued or future agricultural use by minimizing urban sprawl and promoting compact, environmentally sensitive neighborhood and community design;

(13) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

(14) To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, and culturally or historically significant buildings);

(15) To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and

(16) To conserve scenic views and elements of the village's small-town character and minimize perceived density, by using existing natural landforms, topography, and features to minimize views of new development from existing roads, where possible.

(B) *Definitions*. The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word "shall" is mandatory and the word "may" is permissive.

COMMON OPEN SPACE. Undeveloped land within a conservation neighborhood design that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. ***COMMON OPEN SPACE*** shall not be part of individual residential lots. It shall be substantially tree of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as are indicated on an approved development plan.

CONSERVATION EASEMENT. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

ENVIRONMENTALLY SENSITIVE AREAS. Includes all of the following:

(a) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Illinois Department of Natural Resources, or other public or private entity;

(b) All wetlands as defined in 20 ILCS 830, Interagency Wetland Policy Act of 1989, including a 75-foot buffer;

(c) All areas having slopes greater than 12% for a contiguous area of 5,000 square feet

or more;

(d) All areas within a distance of 75 feet of the ordinary high-water mark of navigable streams and lakes as identified by the Illinois Environmental Protection Agency;

(e) Areas that are documented to provide habitat for rare, threatened or endangered species;

(f) Burial sites and Indian mounds; or

(g) Existing drainage ways that contain running water during spring runoff and/or during storm events, including a 25-foot buffer, which may include features such as natural or man-made drainage swales, springs and brooks.

HOMEOWNERS ASSOCIATION. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

(C) *Applicability and compliance*. The provisions of this chapter shall apply to all divisions of land resulting in three or more new building parcels in the Village of Rockton and its extraterritorial area, provided that at least two of the following conditions are true:

(1) The subdivider, in compliance with the provisions found in §§ 151.041 through 151.045, proposes a concept to subdivide and develop the land in accordance with the principles of "Conservation Neighborhood Design" as defined in the Comprehensive Plan of the Village of Rockton, adopted January 15, 2001.

(2) Through the course of the optional review procedures outlined in §§ 151.043 and 151.045(B), the Village Planning Commission recommends and the Village Board determines, by a simple majority of the entire membership of the Board, that the land proposed for subdivision and development should be done so in accordance with the principles of "Conservation Neighborhood Design" as defined in the Comprehensive Plan of the Village of Rockton, adopted January 15, 2001.

(3) (a) The division of land is proposed for lands identified as "Planned Neighborhood" in Map 5 of the Comprehensive Plan of the Village of Rockton, as adopted January 15, 2001.

(b) The matrix below outlines when CND shall be applied, according to the provision above:

Subdivider proposes CND subdivision	Yes	Yes	Yes	Yes	No	No	No	No
Village Board determines CND should be utilized	No	Yes	No	Yes	No	Yes	No	Yes
Comprehensive Plan map 5 identifies area as "Planned Neighborhood"	No	No	Yes	Yes	No	Yes	Yes	No

CND Option pursued, use CND Ordinance to regulate	No	Yes	Yes	Yes	No	Yes	No	No

(D) *Required conditions.*

(1) *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

(2) *Conservation neighborhood design subdivisions: concept/sketch plan phase*. Upon determination, as outlined in division (C) above, that the conservation neighborhood design concept is appropriate for the proposed development, the applicant shall describe and illustrate how the four-step design process described below was used in determining the layout of the proposed subdivision of land, and present this information for Plan Commission review and comment in accordance with § 151.045(B).

(a) Step 1: Delineation of Open Space & Greenway Lands

(b) Step 2: Location of House Sites

(c) Step 3: Alignment of Streets and Trails

(d) Step 4: Drawing in the Lot Lines

(E) *Application requirements.*

(1) Following Village Plan Commission review and comment on a concept plan as described in division (C)(2) above, all applications for subdivisions which fall under this section shall meet the plat submission set forth in this chapter.

(2) *Community association document(s*).

(a) Shall be provided for all subdivision and land development applications that propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not dedicated to the municipality or deeded to another third party.

(b) Elements of documents shall include but not necessarily be limited to:

1. Description of all lands and facilities owned by the association, including map;

2. Statements of powers, duties, and responsibilities of the association, including services to be provided;

3. Declaration of covenants, conditions, and restrictions;

4. Statements prescribing the association's decision-making process;

5. Statements requiring each owner of property in subdivision to become a member of association;

6. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement;

7. Requirements for all property owners to provide a pro rata share of the cost of operation of association;

8. Process of collection and enforcement to obtain funds from owners who fail to comply;

9. Process for transition of control of association from developer to unit owners;

10. Statements describing how facilities and lands of association will be insured, including limit of liability;

11. Provisions for the dissolution of the association, in the event that the association should become unviable.

(F) *Requirements for design and improvements.*

(1) No land shall be developed for any proposed use other than common open space if identified as being environmentally sensitive, as defined in division (B)(3) above.

(2) *Number of dwelling units.* The applicant shall choose one of the following methods for calculating the base number of dwelling units that may be constructed on the property:

(a) Formula Approach: Under the formula approach, the base number of dwelling units is determined by using the following formula:

$$\text{Base \# Dwelling Units} = \frac{[(\text{Net Area x (Factor)}]}{[(\text{Conventional Minimum Lot Size}) \text{ x } (\text{\# Dwelling Units/Lot})]}$$

Where:

1. "# Dwelling Units/Lot" is the number maximum number of units allowed per lot under the village's Zoning Code (i.e,, "1" in single-family (R-l) districts, "2" in two-family (R-2) districts, and as consistent with allowable units/densities for multiple-family (R-M) districts).
2. "Net Area" is the total area of the parcel (in square feet) minus the "restricted area" on the parcel (in square feet).
3. "Restricted Area" is any area that is restricted from development by covenant, easement, or some other legally binding restriction.

4. “Conventional Minimum Lot Size” is the “Minimum Site Area” required in the underlying or proposed zoning district, as ordained by Table 1 in the Appendix of Chapter 152: Zoning Code of the Village of Rockton’s Code of Ordinances.
5. “Factor” is the number (expressed as a decimal) determined according to the following chart:

Percentage of Entire Parcel that is "Environmentally Sensitive"	***Factor***
≤ 15%	0.80
Between 15% and 20%	0.75
Between 20% and 25%	0.70
Between 25% and 35%	0.60
35% or more	Use yield approach

(b) Yield Plan Approach: The subdivider shall submit a sketch showing the maximum number of dwelling units that would be permitted under Chapter 152, the Zoning Code, consistent with the minimum lot size, lot widths, setbacks, and other provisions of Chapter 152. Land that is undevelopable because of other laws and ordinances that prohibit development (e.g. floodplains, wetlands, and drainage ways) shall be excluded from the development yield analysis, and anticipated right-of-way and storm water management needs shall be estimated and excluded from the development yield analysis, as well.

(c) Exceptions:

1. If more than 35% of the total parcel acreage consists of any combination of the elements listed as environmentally sensitive under division (B)(3) above, then the applicant shall use the yield plan approach to determine the allowable number of dwelling units.

2. The Planning Commission may recommend and the Village Board may require the use of the yield plan for determining the permitted number of dwelling units if it finds, upon review of the concept, that specific site characteristics (such as soil types, wetland and slope arrangement) support fewer than 75% of the number of dwelling units permitted by using the formula approach.

(d) Incentives: Additional dwelling units and/or lots, not to exceed 20% over and above the base number of dwelling units permitted, may be awarded at the recommendation of the Village Planning Commission and approval by the Village Board for any of the following:

1. Developments that provide enhanced conservation through designation of additional common open space (greater than 50% of the buildable area of the parcel) shall be eligible for a 5% increase, with approval by majority vote of the full Village Board, in the number of dwelling units allowed for each additional 10% of the parcel designated as open space, as detailed in the table below:

Designated Common Open Space (Percentage of Buildable Parcel Area)	***Incentive (Increase in Allowable Dwelling Units)***
Less than or equal to 50%	No Incentive
More than 50% and up to 60%	Up to 5% Increase
More than 60% and up to 70%	Up to 10% Increase
More than 70%	Up to 15% Increase

2. Developments that grant public access, i.e., not limited to residents of the subdivision, to the designated open space shall be eligible for up to a 10% increase, with approval by majority vote of the full Village Board, in the number of dwelling units allowed.

3. Development that provide for a permanent conservation easement and that include a stewardship fund payment, acceptable to the Planning Commission and held by the village, a legally recognized conservation organization, or land trust, shall be eligible for up to a 10% increase, with approval by majority vote of the full Village Board, in the number of dwelling units allowed.

(3) *Dimensional and design standards.*

(a) Public street design standards: Generally, the standards in this section are intended to work in concert with those in § 151.061 to guide the subdivision and development of lands in Rockton. Where found to be inconsistent with the standards found in § 151.061(E), the standards included in this division (F)(3)(a) shall prevail, and shall apply to the design of all public streets in a proposed conservation neighborhood design:

1. Except in cases where extreme topographic or environmental conditions preclude connection, streets in a conservation neighborhood design shall be interconnected, and private roads, cul-de-sac and deadend streets shall be avoided. As an alternative to cul-de-sac, innovative designs such as one-way loop streets (“closes”) with landscaped medians are encouraged.

2. All public streets shall be finished with a two-foot concrete curb and gutter on each side, with the following exceptions:

A. Alleys which provide service to garages and for refuse collection that are approved by the Planning Commission and the Village Board of Trustees.

B. One-way streets that are “single-loaded” (i.e., houses on only one side of the street) with houses facing common open space across the street, if determined by the Planning Commission that the elimination of curb and gutter on one or both sides of the street provides the greatest benefit to the function, accessibility, and/or natural character of the open space.

3. Parallel on-street parking lanes shall be provided on one or both sides of residential streets in a conservation neighborhood design. Such parking lanes shall be prohibited within 35 feet of any intersection of two or more streets.

4. The right-of-way width for each road in a conservation neighborhood design shall be wide enough to meet the Village Engineer’s approval for all public services, including roadway drainage, sidewalks, trails, walkways, utilities, and snow storage. If the Village Engineer finds that right-of-way widths cannot safely or feasibly accommodate all necessary public utilities, public

utility easements may be required beyond such rights-of-way. The minimum right-of-way shall be provided in accordance with the table below:

Right-of-Way	***Local/Neighborhood***	***Collector***	***Arterial***
One-way alley or roadway	28 feet	40 feet	N/A
Two-way roadway	50 feet	60 feet	Use existing standards

5. To best accommodate the safety and comfort of pedestrians, bicyclists, and motor vehicles while at the same time minimizing the impact on the village's environmental and financial resources, pavement widths (measured face-of-curb to face-of-curb) for roads in a conservation neighborhood design shall equal the following, unless a narrower pavement width is approved by the Plan Commission:

Pavement Width	***Local/Neighborhood***	***Collector***	***Arterial***
One-way service alley (no parking)	14 feet (service vehicles only) 20 feet (w/garage access)	N/A	N/A
One-way roadway (no parking)	14 feet	16 feet	N/A
One-way roadway (parking on one side)	18 feet	20 feet	N/A
Two-way roadway (no parking)	18 feet	20 feet	Use existing standards
Two-way roadway (parking on one side)	24 feet	26 feet	Use existing standards
Two-way roadway (parking on both sides)	28 feet	30 feet	Use existing standards

6. Minimum curb radius in a conservation neighborhood design shall be 15 feet for local/neighborhood streets and 20 feet for collector streets.

7. For all two-way roadways in a conservation neighborhood design, sidewalks shall be provided in accordance with § 151.061(H). One-way roadways in a conservation neighborhood design shall meet all standards in § 151.061(H) except in the case of "single-loaded: streets, in which case sidewalks can be limited to only the one side of the street that is developed with dwelling units with Plan Commission approval. Sidewalks should be located as far as practical from traffic lanes and no more than one foot inside the edge of the right-of-way.

(b) Lots: House lots shall not include environmentally sensitive areas as identified in

division (B)(3) of this section, and their layout shall respect secondary conservation areas as described in division (B)(5) above.

(c) Building footprints: Each proposed lot in a conservation neighborhood design shall include a proposed "building footprint," which shall identify an approximate outline of all exterior walls of primary and accessory structures proposed for that lot. Building footprints shall be situated on lots to comply with the following standards, which, coupled with the standards for lot dimensions and intensity as found in the proposed zoning ordinance amendments, minimize the disturbance and deterioration of the village's natural, cultural, and social resources:

1. Where residential structures are proposed on both sides of a planned public street in a conservation neighborhood design subdivision, the front-most exterior (street side) wall effacing structures shall maintain a maximum separation distance of 110 feet.

2. Where residential structures are proposed on both sides of a planned public street in a conservation neighborhood design subdivision, the front-most exterior (street side) wall of facing structures shall maintain an average separation distance of at least 100 feet.

3. Where a proposed street in a conservation neighborhood design subdivision is planned to be "single-loaded" (i.e., houses on only one side of the street) with houses facing common open space across the street, the front-most exterior (street side) wall of proposed residential structures shall maintain a maximum separation distance of 80 feet from the street-side property line of the common open space.

4. Where a proposed street in a conservation neighborhood design subdivision is planned to be "single-loaded" (i.e., houses on only one side of the street) with houses facing common open space across the street, the front-most exterior (street side) wall of proposed residential structures shall maintain an average separation distance of at least 70 feet from the street-side property line of the common open space.

5. The building footprint of any primary structures proposed on adjacent lots that are not separated by a public street (i.e., "next door" to one another) shall maintain a minimum separation distance of 18 feet.

(Ord. 2010-05, passed 2-16-10)

PUBLIC IMPROVEMENT AND CONSTRUCTION STANDARDS

§ 151.070 DETERMINATION OF ADEQUACY OF PUBLIC IMPROVEMENTS.

(A) *Purpose.* A tentative plat, condominium plat or final plat shall not be approved within the village or its extraterritorial jurisdiction unless the appropriate approving body determines that

adequate public facilities and public services are available to meet the needs of the proposed subdivision or condominium plat.

(B) *Submittal of requested data.* With or following the submittal of any tentative plat, condominium plat or final plat, the applicant shall furnish any data requested by the Village Engineer who shall transmit this information to appropriate agencies for review and shall act as coordinator for their reports to the Planning Commission and the Board of Trustees on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the tentative plat, condominium plat or final plat.

(C) *Determination of adequacy.* Public facilities and public services for a proposed subdivision or condominium plat shall be found to be adequate by the village when the following conditions exist:

(1) In cases where the proposed subdivision or condominium plat is located within the village's utility service area, main line interceptor sewer service is presently available to the subdivision or condominium plat area, or is designated by the appropriate sanitary district for extension and the subdivision or condominium plat is proposed to connect with such sanitary sewer service. The Planning Commission, Board of Trustees and Village Engineer shall also consider whether the capacity of collector lines and of sewerage treatment facilities is adequate.

(2) In cases where the proposed subdivision or condominium plat is located within the village's utility service area, public water service with adequate capacity for the proposed subdivision or condominium plat will be provided, or the water distribution system that is needed is under construction or scheduled for construction. The Planning Commission, Board of Trustees and Village Engineer shall also consider whether water line capacities, water sources and storage facilities are adequate.

(3) The Village Engineer recommends to the Planning Commission and the Village Board of Trustees that adequate facilities are available to ensure proper stormwater management.

(4) The Village Police and Fire Departments verify that timely and adequate service can be provided to the future residents and buildings.

(5) The proposed subdivision or condominium plat is accessible by existing, publicly-maintained, all-weather roads that are adequate to accommodate both existing traffic and new traffic to be generated by the subdivision or condominium plat or necessary additional roads and road improvements are budgeted for construction with public or private financing. The Planning Commission

2010 S-4

Rockton - Land Usage

and Village Board of Trustees shall consider recommendations of other consenting agencies and jurisdictions, and such factors as levels of service, average peak use, and any other information presented.

(D) *Conditional approval possible.* Where the Planning Commission and the Board of Trustees determine that one or more public facilities or services are not adequate for the proposed subdivision or condominium plat, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
(Ord. 2004-30, passed 11-16-04)

§ 151.071 DEVELOPMENT AGREEMENT.

At the time of submission of any tentative plat or tentative condominium plat located within the corporate limits of the village, the subdivider or condominium developer shall be required to enter into a contract with the village agreeing to install all required public improvements. The following shall also be required within or simultaneous to the execution of a development agreement:

(A) The subdivider or condominium developer shall file with said contract, subject to the approval of the Village Attorney, a bond, certificate of deposit, irrevocable letter of credit, certified check or other security issued by a bank chartered in the State of Illinois or in the state in which the subdivider otherwise conducts business in an amount equal to 125% of the cost of improvements required to serve the subdivision or condominium development, as estimated by the developer's engineer and approved by the Village Engineer.

(B) All required improvements shall be completed by the subdivider or condominium developer or his or her contractors not later than 24 months from the date of village approval of the engineering plans and specifications for the subdivision or condominium plat.

(C) As a further guarantee that all obligations for work on improvements are satisfied, the contractor and sub-contractors who are selected to construct utilities and street improvements on dedicated street rights-of-way shall be listed as qualified for such work by the Village Engineer and the Board of Trustees.

(D) The contract shall also require the subdivider or condominium developer to pay all outstanding assessments for public improvements previously installed and all area charges for sanitary sewer and water mains, force mains, pumping stations, and regional stormwater facilities previously installed by the village.

(E) The contract shall also establish minimum insurance requirements for the subdivider or

condominium developer and its subcontractors.

(F) All required public improvements shall be constructed to village standards.

(G) If the improvements are not completed or repairs are not made within the specified time period, the Board of Trustees may use all or any portion of the proceeds of the letter of credit or performance bond to complete or repair same. However, the Board of Trustees may, upon proof of difficulty, extend the bonding time.

(H) Upon completion of the required improvements guaranteed by the bond or letter of credit, and to ensure that such improvements have been installed in accordance with the approved final plat, a detailed "as built" set of construction drawings of the subdivision, indicating location, dimensions, construction materials, and other information required by the Village Engineer, shall be submitted to the Board of Trustees by the developer of the subdivision. "As built" construction drawings shall also be submitted on a CD-ROM in Auto-Cad format for the village's records.

(I) The subdivider shall protect, indemnify, hold and save harmless and defend the village and its officers, officials, employees, volunteers and agents against any and all claims, costs, causes, actions and expenses, including but not limited to attorney's fees incurred by reason of a lawsuit or claim for compensation arising in favor of any person including the subdivider, on account of personal injury or death, or damages to property occurring, growing out of and incident to or resulting directly or indirectly from the performance by the subdivider, the general contractor or any subcontractor, whether such loss, damage, injury or liability is contributed to by the negligence of the village or its officers, officials, employees, volunteers and agents or by the premises themselves or any equipment thereon, whether latent or patent, or from other causes, whatsoever, except that the subdivider shall have no liability for damages or costs incident thereto caused by the sole negligence of the village or its officers, officials, employees, volunteers and agents.

(J) Governmental units to which the bond and/or letter of credit provisions apply may file, in lieu of said contract or bond, a letter from officers authorized to act in their behalf agreeing to comply with the provisions of this subchapter.

(K) Where a subdivision is located in the path of urban development, as indicated by the official plan for the development of the village, improvements may be required of a size and capacity necessary to adequately serve adjacent growth. When such "oversized" improvements are required, the village shall reimburse the subdivider for any construction in excess of what is necessary to serve only his or her subdivision. Maximum requirements for subdivision improvements shall be determined by the Village Engineer and approved by the Board of Trustees.

(L) Where a subdivision is located in the path of urban development, as indicated by the comprehensive plan for the village, improvements may be required of a size and capacity necessary to adequately serve adjacent growth. When such "oversized" improvements are required, the village shall reimburse the subdivider for any construction in excess of what is necessary to serve only his or her subdivision. Maximum requirements for subdivision improvements shall be determined by the Village Engineer and approved by the Board of Trustees.

(Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 151.072 CONSTRUCTION DESIGN REQUIREMENTS.

(A) *Generally.* The subdivider, at his or her own expense, shall provide all improvements required by this chapter in the manner prescribed by this section pursuant to the recording of any lots or the sale of any lots or property within the platted subdivision, land division or condominium plat.

(B) *Stormwater.* Where public stormwater is available, the subdivider or condominium developer shall install stormwater management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels and detention or retention facilities as may be required by the Village Engineer, and as may be suggested by the topographic and surface water drainage studies. All such facilities are to be of adequate, size, grade, depth, and design as determined by the Village Engineer, or if no outlets are within a reasonable distance, adequate provision including the procurement of all necessary easements both downstream and on the plat for the disposal of stormwater, subject to the specifications and inspection of the Village Engineer. The cost of engineering and inspection by the Village Engineer will be charged to the developer at a rate not to exceed 4% of the approved construction estimate for each plat.

(C) *Street grading and surfacing.* The subdivider shall furnish drawings which indicate the existing and proposed grades of streets shown on the plat, and shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street right-of-way shall be graded to subgrade. The Village Engineer shall approve the plans prior to the time the Planning Commission recommends approval of the final plat. The Village Engineer shall determine and charge the subdivider a fee to cover the costs of inspections all street grading and surfacing installed.

(D) *Street and sidewalk surfacing.* The subdivider shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the standards prescribed in § 151.061. Adequate provision shall also be made for culverts, drains, and bridges. Dedicated walkways shall be improved by the subdivider. Such work shall be done in accordance with plans prepared by the developer and approved by the Village Engineer, with engineering and inspection costs determined on the basis of time devoted to the project not to exceed 4% of the approved construction estimate for each plat.

(E) *Water and sewer facilities within the village limits.* All subdivisions within the village limits must have centralized sewer and water systems, either municipally or privately owned. Individual wells will not be allowed. Centralized sewage treatment facilities must be provided. Individual septic or mound systems shall not be permitted. If allowed by variance, all private water and disposal systems shall comply with all requirements of the Winnebago County Health Department and the State Environmental Protection Agency. An order from the Village Engineer approving water and sanitation facilities proposed by the developer shall be submitted to the Board of Trustees.

(F) *Elevation of streets and lots in areas subject to stream overflow.* Whenever a plat is submitted

of an area which is subject to stream overflow in times of high water, the Planning Commission may approve such subdivision provided that the subdivider fills the affected area of said subdivision to an elevation sufficient to place the elevation of streets and lots at a minimum of 12 inches above the elevation of the maximum probable flood; except that a plat of such subdivision shall provide for an overflow zone along the bank of any stream or watercourse, in a width which shall be sufficient in times

of high water to contain or move the water, and no fill shall be placed in said overflow zone or shall any structure be erected or placed therein. The boundaries of such overflow zone shall be subject to approval by the Village Engineer.

(G) *Monuments.* The subdivider shall place permanent reference monuments in the subdivision as required herein and as approved by the Village Engineer.

(1) The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than 30 inches in length, not less than four inches square or five inches in diameter, and marked on top with an iron pin, or other durable material securely embedded; or by iron pins at least 48 inches long and 3/4-inch diameter. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line. Said points to be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

(2) All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a curve changes its radius and at all angle points in any line.

(3) All lot corners shall be monumented in the field by iron pins at least 24 inches long and 5/8-inch in diameter.

(4) The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least 30 inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than 20 feet back from the bank of the river or stream.

(5) All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

(6) All monuments shall be properly set in the ground by a registered Illinois Land Surveyor and verified by the Village Engineer.

(H) *Street signs.* Street signs, the design, shape, size and color to be established by the village are to be placed at all intersections within or abutting the subdivision, the location of which to be approved by the Village Engineer.

(I) *Combination concrete curb and gutter.*

(1) In all areas where the plat requires the zoning classifications of R1, R2, RM, RM-C, CR, CG, CH, IL or IH, combination concrete curb and gutter designed to the specifications currently accepted by the Illinois Department of Transportation shall be required to be constructed all the street frontage of all platted property.

2005 S-1

(2) In all the areas where the plat requires the zoning classification R1, the requirement of combination curb and gutter specified in this section may be waived by the Village Board if adequate drainage can be provided in the plat without the combination curb and gutter. A 24-inch curb and gutter shall be installed on each side of the roadway.

(J) *Street trees.* The subdivider or condominium developer shall install at least one street tree for every residential lot or for every 90 lineal feet, or fraction thereof, of frontage a property has on a public street right-of-way, whichever is greater. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be of a species acceptable to the village, and be at least two inches in diameter (caliper) upon planting.

(K) *Driveways.* Where driveways are to be provided, the subdivider or condominium developer shall install a hard surfaced driveway from all property lines to the pavement edge of adjacent streets and shall otherwise comply with the applicable requirements of this code. If concrete curb and gutter is existing or proposed, then all driveway aprons must be constructed of concrete.

(L) *Street lights.* The subdivider or condominium developer shall install street lights along all streets proposed to be dedicated, in locations required by the Village Engineer. Prior to installation, the proposed design of street lights shall be subject to the approval of the Planning Commission. Street lights shall be installed on metal poles, unless specifically approved otherwise by the Village Engineer and Planning Commission.

(M) *Other improvements.* It is also desirable to install other improvements such as electric lines, gas mains, cable television lines, and similar facilities in any subdivision. Whenever the Board of Trustees deems it necessary, they may require that any such improvements shall be installed as a condition of final plat approval.

(N) *Topsoil.* Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.
(Ord. 2004-30, passed 11-16-04)

§ 151.073 COMMENCEMENT OF CONSTRUCTION.

(A) *Generally.* Except for initial site preparation, no construction or installation or improvements shall commence in a proposed land division, subdivision or condominium plat until the certified survey map, final plat or condominium plat has been approved and the Village Engineer has given written authorization. Initial site preparation shall meet the applicable provisions of this section.

(B) *Building permits.* The village shall request that the county issue no building permits for the

erection of a structure on any lot not of record until all the requirements of this section have been met.

(C) *Approval of engineering plans required.* The following engineering plans and accompanying construction specifications shall be required by the Village Engineer before authorization of construction or installation of improvements:

(1) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements including: curb and gutter, sidewalks, walkways, and multi-use paths;

(2) Construction site erosion control and sedimentation plans;

(3) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities;

(4) Topographic and surface water studies as required in § 151.065 showing profiles, the locations, grades, sizes, cross-sections, elevations and materials of required storm-sewer and other facilities;

(5) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities;

(6) Street lighting plans showing all proposed locations, designs and specifications;

(7) Planting plans showing the locations, size and species of street trees and landscaping within any required landscaped buffer strip;

(8) Temporary fencing plans showing the location and fencing of all mature trees to be preserved and protected during and after construction;

(9) Additional special plans or information as required.

(D) *Pre-construction meeting.* The subdivider or condominium developer, prior to commencing any work within the subdivision or condominium plat, shall make arrangements with the Village Engineer for a pre-construction meeting, including all contractors. The purpose of such meeting shall be to establish expectations and schedules for project completion, erosion control, maintenance, and inspection.
(Ord. 2004-30, passed 11-16-04)

§ 151.074 SUBDIVIDER RESPONSIBILITIES DURING CONSTRUCTION.

(A) *Erosion control installation.* No construction or installation or improvements shall commence until all required erosion control measures are installed.

(B) *Ongoing inspection.* The subdivider or condominium developer, or his or her contractors, shall be responsible for inspection, repair, and/or replacement of erosion control devices during

construction. Inspections shall be completed twice per month at a minimum, with a written report of each inspection kept, indicating the date of the inspection and all repairs or replacements completed.

(C) *Mud and debris removal*. The subdivider or condominium developer, or his or her contractors, shall remove mud and debris from all public streets in and adjacent to the subdivision at least once per

week. Such materials shall be removed in a manner that the materials are not forced or directed down any storm sewer or stormwater management or drainage facility.

(D) *Maintenance of drainage easements/excavations.* The subdivider or condominium developer, or his or her contractors, shall maintain all drainage easements on lots from the time of initial grading until the associated dwelling unit is built and sold. Excavations for foundations shall not be placed in drainage easements or other locations where excessive grades will produce run-off of excavated materials. If no other location is available for this excavated material, proper erosion control measures shall be installed around all excavated materials.

(E) *Erosion control measures around certain lots.* The subdivider or condominium developer, or his or her contractors, shall install erosion control fencing around the perimeter of each building lot if the street grade profile exceeds 2%, with such installation occurring before lot grading commences.

(F) *Detention ponds.* The subdivider or condominium developer, or his or her contractors, shall establish mowable vegetation within detention or retention pond areas. Excess silt shall be removed from such ponds on a monthly basis, if determined necessary by the Village Engineer.

(G) *Mowing.* The subdivider or condominium developer, or his or her contractors, shall mow all properties under their ownership at least once per month between May and October, if such vegetation is in excess of 12 inches in height.

(H) *Paving around manholes.* The subdivider or condominium developer, or his or her contractors, shall place a bituminous pavement ring tapered to finish grade around all new manhole castings.

(I) *Final inspections.* At the expense of the subdivider or condominium developer, the Village Engineer shall inspect and approve all completed work prior to release of the performance guarantees.

(J) *Submittal of "as built" plans.* Following construction of improvements, the subdivider or condominium developer shall submit to the Village Engineer an "as built" set of plans showing all public improvements for the plat, both in digital and reproducible hard copy format.

(K) *Failure to comply.* Failure to comply with the provisions of this section will result in a minimum penalty of $750 per day for each separate violation, starting from the date of written notification from the village. Penalties per § 151.999 may also apply.
(Ord. 2004-30, passed 11-16-04)

2008 S-2

PARKS AND PUBLIC SPACES

§ 151.080 DEDICATION OR FEE REQUIREMENTS.

(A) *Plat approval.*

(1) As a condition of approval of a final plat of a subdivision, or of a final plat of a planned unit development, each subdivider or developer shall be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development and residents of the village. The village may, at its sole discretion, require a developer or subdivider to make a cash contribution in lieu of land dedication or a combination of both land dedication and cash contribution. The amount of land to be dedicated or the amount of cash contribution shall be in accordance with the following criteria and formulas set forth in this section.

(2) In determining whether the village will require a land dedication or cash in lieu of land dedication, the village will consider the following factors:

(a) The current and future needs of the village for parklands.

(b) The total amount of parklands that currently exists within the village.

(c) The amount of parklands within the surrounding vicinity of a proposed development.

(d) The effect that proposed developments, regardless of their size, will have on the amount of parklands in the village when those developments are looked at as a whole.

(e) The effect that a proposed development, regardless of its size, will have on the amount of parklands in the village when the proposed development is looked at as a whole with existing neighboring developments.

(B) *Criteria for determining the amount of required park and recreational land dedication.*

(1) *Proposal submission.* Any subdivider or developer may, at the village's option as an alternative to payment of the fee referenced above, submit a proposal to the village for dedication of land in lieu of payment of said fees. The final decision as to whether or not to accept a dedication of land in lieu of payment of fees shall rest with the Board of Trustees based on the village's park plans or as described in the Village Comprehensive Plan or other related documents. Under no circumstances shall land designated as water retention areas or land within floodplains be acceptable as property in lieu of payment of a fee. The Board of Trustees is free to enter into an agreement which would involve a combination of dedication of land and payment of a portion of assessed fees.

(2) *Requirement and population ratio.* The number of dwelling units in the development (single-family homes, townhouses, duplexes, condominiums or apartments) to be created by the proposed subdivision plat shall bear directly upon the amount of land required for dedication. The National Recreation and Park Association (NRPA) has developed minimum standards for park and open space

dedication requirements that communities can use to determine the amount of park land to be dedicated by new developments to serve community park and open space needs. This standard is 10 and 1/2 acres of park land or open space per 1,000 population.

(3) *Calculation.* The total amount of land dedicated shall be based upon the total number of units in the proposed development multiplied by 2.72 persons per dwelling unit, which is the average household size for the Village of Rockton according to the 2000 U.S. Census. This equals the total projected population of the proposed development. The total population of the proposed development divided by 1,000 will equal the ratio of park land to population required to serve that particular development. This ratio should be multiplied by 10 and 1/2 (the NRPA Park and Open Space Standard). This calculation will yield the total amount of park land required to serve the proposed development. For example, assume the village receives a new proposal for a 100 lot single-family residential subdivision.

(a) Step 1: 100 units multiplied by 2.72 (2000 Census Aver. Household Size) = 272 total projected population of proposed development;

(b) Step 2: 272 divided by 1,000 = 0.272;

(c) Step 3: 0.272 multiplied by 10.5 acres (NRPA standard) = 2.856 acres;

(d) Result: The proposed subdivision will require a dedication of 2.856 acres of park/open space land from the subdivider/developer, unless a fee is accepted.

(4) *Appropriateness of park land dedication.* The size, topography, soils and subsurface conditions of the dedicated site as well as its surroundings, must be suitable for its intended purpose. The developer shall provide grading, drainage, and such improvements as deemed necessary by the Board of Trustees. Floodplain and water retention areas shall comprise no portion of any park land to be dedicated. Public access to dedicated land shall be provided by adjoining street frontage of sufficient width to assure safe, comfortable access to the dedicated land with a minimum public street frontage of no less than 15% of the perimeter of the park. In unique situations, the Planning Commission may also permit access via a public easement to the dedicated parcel. The easement shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to the land.

(5) *Water and sewer connections.* It shall be a condition of the acceptance by the village of any land dedication in lieu of payment of fee that the developer shall be responsible for the placement of water and sewer lines to the edge of the property proposed to be dedicated to the village for use as public park lands, at a location approved by the village.

(6) *Credit for private open space and recreation areas.* When subdividers or developers develop their own space for recreational areas and facilities, the demand for public facilities is reduced.

Depending upon the size of the development, a portion of the park and recreation area and subdivisions may be, at the option of the Board of Trustees, provided in the form of private open space in lieu of public sites; but no part of the private open space shall be a part of a water retention area or flood area. Credit shall be given for land only, not for facilities. Prior to acceptance of this option, the Board of Trustees shall find as follows.

2008 S-2

(a) Private yards, open space and area regulations required by the zoning code shall not be included in the computation of such private open space; and

(b) Private ownership and maintenance of the open space shall be adequately provided for by written agreement and approved by the Village Attorney; and

(c) Use of a private open space shall be ensured for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract, and which cannot be eliminated without the consent of the Board of Trustees; and

(d) The proposed private open space site shall be reasonably adaptable for park use, taking into consideration such factors as size, shape, topography, geology, drainage, access and location; and

(e) No restriction may be placed on the land which would limit the use of the park or facilities to any person because of race, sex, religion, creed or require fees charged to the general public to exceed those charged to the residents of the subdivision or development.

(7) *When dedication not required.* Whenever a tentative plat includes a proposed dedication of land for public use and the Planning Commission finds that such land is not required or not suitable for public use, the Planning Commission may either refuse to approve such dedication or require the rearrangement of lots in a proposed subdivision to include such land. The Planning Commission shall make recommendations to the Board of Trustees as to whether a dedication of land should be accepted in lieu of fee. The final decision as to acceptance of land dedication in lieu of fee rests with the Village President and the Board of Trustees.

(8) *Acceptance of dedication.* Should the village agree to accept land dedication in lieu of cash, the dedication offer shall be made and accepted by the Board of Trustees concurrently with final plat approval by the Board. When a final plat of a subdivision has been approved by the Board of Trustees and Planning Commission and all other required approvals are obtained, required improvements completed, and the plat is recorded, that approval shall constitute acceptance for the purposes designated on the plat of all land shown on the plat as dedicated to the public for park land.

(C) *Criteria for determining the amount required for a cash contribution in lieu of land dedication.*

(1) (a) When the Board of Trustees has determined that it will require a cash contribution in lieu of land dedication, the cash contribution in lieu of the land dedication shall be determined by first determining the amount of acreage required to be dedicated pursuant to the formula established in division (B)(3) above. The amount of acreage required shall then be multiplied by the fair market value of an acre of land, as determined in either division (C)(2)(a) or (C)(2)(b) (Fair Market Value) of

this division (C) in the proposed development as defined herein, which shall then equal the amount of the cash contribution.

(b) The cash contributions shall be held in a special fund by the village and disbursed for use in the acquisition or improvement to park sites only. The cash contributions in lieu of park and recreational land dedication shall be held in trust by the village or other public body designated by the village solely for the acquisition of park and recreational land or improvements to existing property,

which will be available to serve the immediate or future needs of the residents of that subdivision or development, or for the improvement of other existing local parks or recreational lands which already service such needs. Any parkland fee required by the village shall be paid to the Village of Rockton prior to the signing of the plat by the Village President.

(2) *Fair market value.* The cash contributions in lieu of land shall be based upon the fair market value of the acres of land in the area improved as specified herein that otherwise would have been dedicated as park sites. The fair market value shall be determined by either of the following methods:

(a) A value of $20,000 per acre which the Board of Trustees of the Village of Rockton reasonably believes is supported by comparable sales within recent years. This equates to an amount of $571.20 per residential unit; or

(b) An appraisal prepared not more than one year prior to the approval of the proposed plat by a MAI designated real estate appraiser to be furnished by the developer. If the Board of Trustees of the village does not agree with the appraisal, it may submit its own MAI approved appraisal showing the fair market value of the tract in question after its proposed improvements. If the Board of Trustees and the subdivider cannot agree upon which appraisal shall prevail, the appraisers for the developer and the village shall pick a third MAI designated appraiser who will submit an appraisal. The average of the two closest of the three appraisals shall be the fair market value. In the event that the appraisers chosen by the village and the developer cannot agree upon a third appraiser, then the Circuit Court of the 17th Judicial Circuit for the County of Winnebago shall choose the third appraiser.

(D) *Disbursement of funds for park purposes.* Upon approval of the Village Board of Trustees, the village may utilize such park and recreational land funds only to serve an area of reasonable proximity to the subdivision from which the funds were collected. Local park and recreation plans shall be reviewed by the Board of Trustees prior to the disbursement of any land or fees dedicated to insure expenditure of funds as in compliance with adopted plans.

(E) *Objections.* All objections relating to land dedication or cash contribution requirements, determinations as to fair market value, or any other application of this section to a particular subdivision or planned development, shall first be referred to the Village Board for a hearing. An objection must be made, if at all, prior to the approval of the final plat of subdivision by the village. A failure to object by such time shall constitute a waiver of the right to object to the provisions of this section. The procedure for a hearing before the Village Board shall be as follows:

(1) *Duties of the Village Board.* The Village Board shall have the following duties:

(a) Resolve objections regarding the fair market value of the land used to calculate the cash contribution in division (C) herein, the amount of land dedication or cash contribution required or

any other application of this section to a particular subdivision or planned development.

(b) The village shall adopt procedural rules to be used in carrying out the duties imposed by division (E)(3) below.

(2) *Information and services to be used.* The village shall make available to the Village Board all professional reports relating to the fair market value of land used in calculating cash contributions. The Village Board may also retain the services of professionals (attorneys, appraisers, statisticians, etc.) to assist in its review of issues raised by any objection.

(3) *Procedure for resolving an objection.*

(a) Upon receipt of an objection, the Village President shall place same on the next regular meeting agenda of the Village Board. Thereafter, the Village Board shall consider the objection and by resolution, establish a hearing date.

(b) The Village Board shall post public notice of the hearing date to consider the objection and shall notify the objector via certified mail, return receipt requested.

(c) The objector shall publish notice of the hearing date once each week for three consecutive weeks, at least 30 days before but no more than 60 days before the scheduled date of the hearing. Notice shall be published in a newspaper of general circulation within the corporate limits of the village. The notice of public hearing shall appear in the part of the paper where legal notices appear. The notice shall not be smaller than one-quarter page of a standard size or tabloid-size newspaper. The objector shall send a copy of said notice to any person who has requested said notice by certified mail (stamped at a U.S. Postal Service facility showing the date of mailing) at least 30 days prior to the hearing date.

(d) The notice shall contain all of the following information:

1. The headline shall read:

"NOTICE OF PUBLIC HEARING ON OBJECTION TO APPLICATION OF ORDINANCE REQUIRING THE DEDICATION OF LAND OR PAYMENT OF THE CASH CONTRIBUTIONS IN LIEU THEREOF".

2. The date, time and location of the public hearing.

3. A statement that the purpose of the hearing is to consider the objection to a component of the application of the ordinance requiring the dedication of land or calculation of cash in lieu thereof.

4. A general description of the parcel(s), or areas within the village that are the subject of the hearing.

5. A statement that the village shall make available to the public, upon request, an

easily understandable and detailed map of the parcel(s), or areas to which the ordinance applies, and any other available information about the objection.

6. A statement that any member of the public affected by the ordinance or the parcel(s) or areas shall have the right to appear at the public hearing and present testimony and/or evidence in support of or against the objection.

(e) A public hearing shall be held for the consideration of the objection. The Village Board shall make a recommendation to adopt, reject in whole or in part, or modify the objection presented at the hearing by written report to the village, within 60 days after the hearing. The Village shall then have at least 60, but not more than 120 days to approve, disapprove or modify by ordinance or resolution, the findings as it pertains to the development in question.

(4) *Costs and fees.* The objector shall bear all costs of the hearing before the Village Board including, but not limited to, attendance fees paid to the Village Board members, publication costs, professional consultants and any other expenses of the village.

(5) *Waiver of right to object.* Failure by the objector to timely object before the Village Board pursuant to this section shall serve to waive any right to object at a later time before the Circuit Court of the 17th Judicial Circuit for the County of Winnebago.

(F) For all existing plats recorded prior to August 22, 2006, the fees are as follows:

Single-family residential development:	$500 per lot
Multi-family residential development:	$300 per unit payable at the same time that water and sewer connection fees are required.

(Ord. 2004-30, passed 11-16-04; Am. Ord. 2006-10, passed 9-8-06)

§ 151.081 TENTATIVE PLAT TO ACCOMMODATE PLANNED PUBLIC SPACES.

(A) *Generally.* Whenever a tract to be subdivided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use as indicated on the comprehensive plan or official map of the village, such space shall be suitably incorporated by the developer into his or her subdivision plat after proper determination of its necessity by the Planning Commission and/or other public agency involved in the acquisition and use of each such site.

(B) *Requirements for floodplain areas.* The Board of Trustees may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material or stumps.

(C) *Acquisition of land for public use.*

(1) *Use of acquired land.* The Planning Commission shall consider all tentative plats and adopted or proposed studies related thereto, to determine the need for additional acquisition for public use of any of the land included in the tentative plat beyond that required for dedication under § 151.080.

Land may be acquired for: public schools, parks, playgrounds or other public purposes available for acquisition as pursuant to law.

(2) *Referral to public body.* The Planning Commission shall refer the plat to the public body concerned with acquisition for its consideration and report. The Planning Commission may propose alternate areas for such acquisition and shall allow the public body or agency 30 days to reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

(3) *Notice to property owner.* Upon receipt of an affirmative report, the Planning Commission shall notify the property owner and shall designate on tentative and final plats that area proposed to be acquired and an estimate of the time required to complete the acquisition.

(4) *Duration of land reservation.* The acquisition of land reserved by a public agency on the tentative or final plat shall be initiated within 12 months of notification, in writing, from the owner that he or she intends to develop the land. Such letter of intent shall be accompanied by a sketch plan of the proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed 12 months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development. (Ord. 2004-30, passed 11-16-04)

§ 151.999 PENALTY.

(A) In any new subdivision or land division whoever sells, offers for sale, improves by construction of buildings or leases for any time exceeding five years, any lot, block, parcel, part or division of land in the village before all applicable requirements of this chapter have been complied with, shall be fined not less than $25 nor more than $250 a day for each lot, block, parcel, division or part thereof so disposed of, offered for sale, improved, or leased.

(B) In any new subdivision or land division, whoever shall lay out, locate, open, widen, or extend or alter the location of any highway, road, street, alley, public ground, toll road, railroad, or canal and refuses or neglects to cause a plat thereof, showing the width, courses, and extent thereof and making such reference to known and established corners of monuments that the location thereof may be ascertained to be made and recorded in the office of the Recorder of Deeds six months after such highway, road, street, alley, public ground, toll road, railroad or canal is laid out, located, opened, widened or extended or the location thereof altered shall be fined not less than $25 nor more than $250 for every day he or she shall continue in such refusal or neglect after conviction and legal cost therefor, to be recovered before any magistrate of the county, in the name of the village.

(C) Whenever it shall come to the knowledge of the Plats Officer or employee of the village that any of the provisions of this chapter have been violated, it shall be his or her duty to notify the Board of Trustees who shall notify the Village Attorney of the fact. The Village Attorney shall institute the

necessary legal proceedings to enforce the provisions of this chapter, and is hereby authorized to institute appropriate action to that end.
(Ord. § 506, passed 1-15-74; Am. Ord. 1989-11, passed 12-4-89; Am. Ord. 2004-30, passed 11-16-04)

2008 S-2

Rockton - Land Usage

APPENDIX 1: CERTIFICATIONS

Section

1 Certification by the surveyor
2 Certification of dedication by the owner of the land
3 Certification by Notary Public
4 Certification by the County Clerk
5 Certification by the Village Engineer
6 Certification by Planning Commission Chairperson
7 Certification by the Plat Officer
8 Certification by the President of the Board of Trustees
9 Certification by Village Clerk
10 Form for certification of recording official

§ 1 CERTIFICATION BY THE SURVEYOR.

"I hereby certify that, at the request of the owner, I have surveyed and subdivided according to the annexed plat _____ of _____ Subdivision; a part of the _____ Principal Meridian, bounded and described as follows:

(Legal Description)

"Dimensions are given in feet and decimals of a foot. Iron pins 3/4-inch in diameter and 4 feet long have been found or set at all points marked on the plat with a
, and iron pins 5/8-inch in diameter and 3 feet long have been found or set at all other lot corners.

"Given under my hand and seal this _____ day of _____, 20
, at _____.

_____"
Registered Land Surveyor No.

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 2 CERTIFICATION OF DEDICATION BY THE OWNER OF THE LAND.

"As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided and mapped as presented on this plat. All streets, alleys,

walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the

public purposes, and all easements shown are subject to the easement provisions in Ch. 151 of the village code of ordinances."

Owner

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 3 CERTIFICATION BY NOTARY PUBLIC.

"I, _____, a Notary Public in and for the County of in the State of _____, do hereby certify that
personally known to me to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, appeared before me this day in person and severally (jointly) acknowledged that he (they) signed, sealed, and delivered said instrument as his (their) free and voluntary act for the uses and purposes therein set forth."

"Given under my hand and Notarial Seal this _____ day of _____, 20
."

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 4 CERTIFICATION BY THE COUNTY CLERK.

"I, _____, County Clerk of Winnebago County in the State of Illinois, do hereby certify that I find no delinquent general taxes, unpaid current general taxes, delinquent special assessments or unpaid current special assessments against the lands embraced within the annexed plat of
Subdivision.

"In witness whereof, I have hereunto set my hand and seal of the County of Winnebago this day of _____, 20_____."

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 5 CERTIFICATION BY THE VILLAGE ENGINEER.

"I hereby certify that I have reviewed and approved all engineering plans for the property embraced with Plat No._____ of _____ Subdivision. Construction plans have been submitted, and approved, improvements have been built as required, or a bond, or letter of credit in a sufficient amount has been provided for this

construction.

2005 S-1

Dated this _____ day of _____, 20_____."

Village Engineer

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 6 CERTIFICATION BY PLANNING COMMISSION CHAIRPERSON.

"This is to certify that the Planning Commission of the Village of Rockton did, at its meeting on the _____ day of _____, 20_____ approve the plat and forward it to the Board of Trustees."

Chairperson

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 7 CERTIFICATION BY THE PLAT OFFICER.

"Having reviewed the recommendations of the Planning Commission, and finding substantial conformity with all pertinent laws, rules and regulations including Chapter 151 of the village code of ordinance and the tentative plat of this subdivision as conditionally approved, this plat is given final approval this _____ day of
, 20_____."

Village of Rockton, Plat Officer

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 8 CERTIFICATION BY THE PRESIDENT OF THE BOARD OF TRUSTEES.

"This is to certify that the Village of Rockton has reviewed the attached plat of Subdivision. In witness thereof, I have hereto set my hand this _____ day of
, 20_____."

President of Village Board of Trustees

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

2005 S-1

§ 9 CERTIFICATION BY VILLAGE CLERK.

"This is to certify that the Board of Trustees of the Village of Rockton did, at its meeting on the _____ day of _____, 20_____ approve of the plat and authorize it to be recorded.

In witness thereof, I _____, Village Clerk of the Village of Rockton hereunto set my hand and affixed the seal of said Village of Rockton this day of _____, 20_____."

Village Clerk

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

§ 10 FORM FOR CERTIFICATION OF RECORDING OFFICIAL.

"Filed for record this _____ day of _____, 20_____, at o'clock ____M., recorded in Book _____ of plats, page _____ and examined."

County Recorder

Document Number

(Ord. § 903, passed 1-15-74; Am. Ord. 2004-30, passed 11-16-04)

2005 S-1

APPENDIX 2: SITE ASSESSMENT CHECKLIST FORM

(A) To be submitted in advance of a tentative plat:

ITEM OF INFORMATION	YES	NO
I. Land Resources. Does the project site involve:		
A. Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum, two-foot contour intervals)		
B. A landform or topographical feature including perennial streams		
C. A floodplain (If "yes," attach maps of the 100-year floodplain limits.)		
D. Prevention of future gravel extraction		
E. A drainage-way with a tributary area of five or more acres		
F. Lot coverage of more than 50% impermeable surfaces		
G. Prime agricultural land as depicted in the applicable "County Soils Survey" or adopted farm land preservation plans		
H. Wetlands as depicted on DNR wetland inventory maps or more detailed sources		
II. Water Resources. Does the project site involve:		
A. Location in an area traversed by a navigable stream, intermittent stream, or dry run		
B. Impact on the capacity of a stormwater storage system or flow of a waterway within one mile		
C. The use of septic systems for on-site waste disposal		
D. Lowering of water table by pumping or drainage		
E. Raising of water table by altered drainage		
F. Frontage on a lake, river, or other navigable waterway		
III. Biological Resources. Does the project site involve:		

A. Critical habitat for plants and animals of community interest per DNR inventory		

ITEM OF INFORMATION	YES	NO
B. Trees with a diameter of six or more inches at breast height (If yes, all trees of such size must be mapped.)		
C. Trees with a diameter of six inches or more or removal of over 40% of the trees on the site within woodland with a continuous canopy cover of one acre or more		
IV. Human and Scientific Interest. Does this project site involve:		
An area of historical interest, including historic buildings or monuments listed on the State or National Register of Historic Places		
V. Energy, Transportation and Communications.		
A. Would the development increase traffic flow on any arterial or collector street by more than 10% based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers (ITE)?		
B. Is the land traversed by an existing or planned roadway corridor, as shown on the village's official map or comprehensive plan?		
C. Is the land within a highway noise impacted area (within 500 feet of a state or federal highway)?		
D. Is the land traversed by an existing or planned utility corridor (gas, electrical, water, sewer, storm, and communications)?		
VI. Population.		
A. Which public school service areas (elementary, middle and high) are affected by the proposed development, and what is their current available capacity?	E:Cap: M:Cap: H:Cap:	
VII. Appendices and Supporting Material.		

(B) "Yes" answers must be explained in detail by attaching maps and supportive documentation providing additional detail and describing the impacts of the proposed development.
(Ord. 2004-30, passed 11-16-04)

2005 S-1

CHAPTER 152: ZONING CODE

Section

General Provisions

152.001 Objectives of the zoning code
152.002 Nature of the zoning code
152.003 Interpretation
152.004 Application
152.005 Establishment of districts
152.006 District boundaries
152.007 Conformity required
152.008 Definitions
152.009 Fee

Zoning District General Provisions

152.020 Basic requirements for all districts
152.021 Site area and dimensions: requirements and exceptions
152.022 Building height limits
152.023 Accessory structures
152.024 Screening and landscaping
152.025 Annexed and unzoned territory
152.026 Number of dwellings on a zoning lot
152.027 Swimming pools

Agricultural (AG) Districts

152.035 Purposes
152.036 Required conditions
152.037 Permitted uses
152.038 Special uses
152.039 Lot size
152.040 Yards

Urban Transitional (UT) Districts

152.050 Purposes
152.051 Required conditions
152.052 Permitted uses
152.053 Special uses
152.054 Lot size
152.055 Yard areas

Rural Estates (RE) Districts

152.065 Purposes
152.066 Required conditions
152.067 Permitted uses
152.068 Special uses
152.069 Lot size
152.070 Yard areas

Single-Family (R1) Districts

152.080 Purposes
152.081 Required conditions
152.082 Permitted uses
152.083 Special uses

Two-Family Residential (R2) Districts

152.100 Purposes
152.101 Required conditions
151.102 Permitted uses
152.103 Special uses

Multiple-Family Residential (RM) Districts

152.115 Purposes
152.116 Required conditions
152.117 Permitted uses
152.118 Special uses
152.119 Application and review procedures

Multiple-Family Residential Condo (RM-C) Districts

152.130 Purposes
152.131 Required conditions

152.132 Definition of RM-C condo
152.133 Permitted uses
152.134 Special uses
152.135 Application and review procedures
152.136 Recorded plat required
152.137 Guarantee of completion
152.138 Revocation
152.139 New application
152.140 Special uses

Commercial (C) Districts

152.150 Purposes
152.151 Required conditions
152.152 Permitted uses
152.153 Special uses

Industrial (I) Districts

152.165 Purposes
152.166 Required conditions
152.167 Permitted uses
152.168 Special uses
152.169 Setback and yard requirements
152.170 Performance standards

Special Districts

152.180 Special district purposes
152.181 Required conditions
152.182 Public Park and Conservation District
152.183 Cemetery District
152.184 Conservation Neighborhood Design (CND) Overlay District

Planned Unit Development

152.195 Planned unit development
152.196 General purpose
152.197 Definition of planned unit development
152.198 Allowable uses
152.199 Permitted density and specifications

152.200 Application and review procedures
152.201 Recorded plat required

152.202 Guarantee of completion
152.203 Time limits and revocation
152.204 New application
152.205 Changes or alterations

Parking and Loading

152.215 Parking and loading requirements
152.216 Interpretation
152.217 Proximity and location
152.218 Collective usage
152.219 Design
152.220 Publicly established parking
152.221 Loading standards

Outdoor Advertising and Signs

152.235 Purpose
152.236 Sign permits
152.237 Sign types and measurement
152.238 General signage standards
152.239 Regulations for residential districts
152.240 Regulations for nonresidential districts
152.241 Temporary signs
152.242 Structural requirements
152.243 Maintenance requirements
152.244 Nonconforming signs

Design Review

152.255 Purpose
152.256 Plans to be approved
152.257 Definitions
152.258 Anti-monotony construction standards for one-family dwelling units
152.259 Administration, variances and appeals
152.260 Drawings to be submitted—multiple family and non-residential projects
152.261 Standards for architectural review—multiple family and non-residential principal buildings
152.262 Action of the Planning Commission
152.263 Action of Village Board of Trustees
152.264 Time limits

2005 S-1

Landscaping, Screening and Buffering

152.275 Intent
152.276 Screening
152.277 Wall and fence materials
152.278 Landscaping standards
152.279 Required screening for trash areas
152.280 Vision clearance on corner and alley lots
152.281 Exceptions and interpretation

Performance Standards

152.295 Compliance required
152.296 Performance standards
152.297 Administration and enforcement of performance standards

Home Occupations

152.305 Required conditions

Mobile Home Park

152.315 Occupancy
152.316 Pre-application requirements
152.317 Required conditions
152.318 Design and performance standards

Determination as to Uses Not Listed

152.330 Purpose and initiation
152.331 Application
152.332 Investigation
152.333 Referral to Planning Commission
152.334 Determination of Planning Commission
152.335 Determination of Zoning Board
152.336 Effective date of determination
152.337 Appeal to the Village Board of Trustees
152.338 Determination by Village Board of Trustees

Special Uses

152.350 Purpose
152.351 Application for special use permit
152.352 Public hearing: notice
152.353 Referral to Planning Commission

152.354 Public hearing: procedure
152.355 Action by Zoning Board of Appeals
152.356 Conditions
152.357 Action by Village Board of Trustees
152.358 Lapse of special use permit
152.359 Revocation
152.360 New application
152.361 Special use permit to run with the land

Zoning Permit

152.375 Purpose and requirements
152.376 Application and issuance of zoning permit
152.377 Issuance of building permit
152.378 Issuance of a certificate of occupancy

Variances

152.390 Purpose and authorization
152.391 Application for variance
152.392 Public hearing: notice
152.393 Referral to Planning Commission
152.394 Public hearing: procedure
152.395 Action by Zoning Board of Appeals
152.396 Conditions
152.397 Action by Village Board of Trustees
152.398 Lapse of variance
152.399 Revocation
152.400 New application

Nonconforming Buildings And Uses

152.410 Continuance of use
152.411 Discontinuance of use
152.412 Change or conversion of nonconforming use
152.413 Termination and removal of nonconforming uses, buildings and structures in residential districts
152.414 Repairs and alterations
152.415 Damage and destruction
152.416 Additions and enlargements

2005 S-1

Administration

152.425 Office of Zoning Administration
152.426 Planning Commission
152.427 Zoning Board of Appeals
152.428 Appeal of Zoning Administrator's decision
152.429 Enforcement

Amendments

152.440 Purpose
152.441 Initiation
152.442 Application and fee
152.443 Action of Zoning Board
152.444 Action of the Village Board
152.445 New application
152.446 Development fees

152.999 Penalties
Appendix 1: Zoning schedule
Appendix 2: Schedule of required off-street parking spaces
Appendix 3: Uses allowed in commercial districts

Cross-reference:

Administrative enforcement, see Ch. 35

GENERAL PROVISIONS

§ 152.001 OBJECTIVES OF THE ZONING CODE.

The objectives of the village zoning code are as follows:

(A) To promote and protect the public health, safety, peace, comfort, convenience, prosperity and general welfare of the people residing within the limits of the village;

(B) To implement the policies and proposals of the village comprehensive plan prepared by the Planning Commission and adopted by the Village Board of Trustees and the Winnebago County Board of Supervisors;

2015 S-9

(C) To divide the village into zones or districts restricting and regulating herein the location, erection, construction, reconstruction, alteration, remodeling and use of buildings, structures and land for residential, commercial, industrial, recreational and other specified uses thereby providing a framework upon which the community can develop in a very orderly manner;

(D) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

(E) To conserve the taxable value of land and buildings throughout the village;

(F) To prevent the overcrowding of land and undue construction of structures in each district, by regulating the use and bulk of buildings in relation to land surrounding them;

(G) To provide adequate light and air protection of the public health by regulating the area of open spaces surrounding the buildings;

(H) To promote and protect the public health, safety, comfort and general welfare of the people by the appropriate regulation and land uses necessary to limit congestion on the public streets and traffic and pedestrian conflicts and by provision for off-street parking of motor vehicles and off-street loading and unloading of commercial vehicles;

(I) To protect the public health and safety through the regulation of development so that hazards to persons and damage to property resulting from the accumulation or runoff of storm or floodwaters may be lessened or avoided;

(J) To minimize bodily harm to the person and damage to personal property or chattel by fire, explosion, toxic fumes and other hazards;

(K) To provide for the control of and eventual elimination of prior uses, buildings and structures which are incompatible with the character and adversely affecting the value of desirable development in the district or zone in which they are located.
(Ord. 1994-3, § 100, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.002 NATURE OF THE ZONING CODE.

The zoning code shall consist of a zoning map designating certain districts and a set of regulations controlling the uses of land; the density of population; the uses and locations of structures; the height and bulk of structures; the open spaces about structures; the appearance of certain uses and structures; the areas and dimensions of sites; the location, size and illumination of signs; and requiring the provision of usable open space, screening and landscaping and off-street parking and off-street loading

facilities.
(Ord. 1994-3, § 101, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.003 INTERPRETATION.

(A) In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements. No provision of this chapter is intended to repeal, abrogate, annul, impair, or interfere with any existing ordinance of the village, except as is specifically repealed herein, provided that where this chapter imposes a greater restriction on the use of land or structures or in the height or bulk of structures, or requires greater open spaces about structures, or greater areas or dimensions of sites than is imposed or required by an existing ordinance, this chapter shall control.

(B) This chapter is not intended to abrogate, annul, impair or interfere with any easement or other agreement between parties, provided that where this chapter imposes a greater restriction on the use of land or structures or greater areas or dimensions of sites than is imposed or required by deed restriction, covenant, easement, or other agreement, this chapter shall control.
(Ord. 1994-3, § 102, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.004 APPLICATION.

This chapter shall apply to all property, regardless of ownership, within the village except for the following land uses:

(A) Railroad right-of-way;

(B) Underground utility lines and facilities;

(C) Telephone cable and supporting poles;

(D) Electric distribution lines (but not electric transmission lines); and

(E) Cable TV distribution lines.
(Ord. 1994-3, § 103, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.005 ESTABLISHMENT OF DISTRICTS.

In order to carry out the purposes of this chapter, the following districts are established:

AG Agricultural
UT Urban Transitional
RE Rural Estates District
R1 One-Family Residential District

R2 Two-Family Residential District

2005 S-1

RM Multiple-Family Residential District
RM-C Multiple-Family Residential Condo District
CR Central Retail and Commercial District
CG General Commercial District
CH Highway Commercial District
CN Neighborhood Commercial District
IL Light Industrial District
IG General Industrial District
IH Heavy Industrial District
PC Special Districts
PUD Planned Unit Development District
(Ord. 1994-3, § 104, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.006 DISTRICT BOUNDARIES.

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

(A) Where a boundary line is indicated as following a street, alley or watercourse, it shall be construed as following the centerline thereof;

(B) Where a boundary line follows or coincides approximately with a lot line or property ownership line, it shall be construed as following the lot line or property ownership line;

(C) Where a boundary line is not indicated as following a street or alley and does not follow or coincide approximately with a lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map;

(D) Where further uncertainty exists, the Zoning Board of Appeals, upon written application or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the zoning map and the objectives of the zoning code and the purposes set forth in the district regulations.
(Ord. 1994-3, § 105, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.007 CONFORMITY REQUIRED.

(A) No site or structure shall be used or designated for use for any purpose or in any number other than in conformity with the regulations for the district in which the site or structure is located.

(B) No structure shall be erected and no existing structure or use shall be moved, altered or enlarged except in conformity with the regulations for the district in which the structures or use is located.

(C) Except within approved PUD districts, no yard space provided in compliance with the regulations for the district in which it is located shall be deemed to provide a yard space for any other structure. No yard or usable open space on one site shall be deemed to provide a yard space or usable open space for a structure on any other site.

(D) No yard, court or usable open space shall be used, encroached upon or reduced in any manner except in conformity with the regulations for the district in which the yard, court or open space is located.

(E) No site held in one ownership at the time of the adoption of this chapter or any time thereafter shall be reduced in any manner below the minimum area, frontage, width or depth prescribed for the district in which the site is located.

(F) All nonconforming use shall be governed by the provisions of the subchapter of this zoning code relating to nonconforming buildings and uses.
(Ord. 1994-3, § 106, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.008 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires another meaning.

ABANDONMENT. A voluntary action to give up one's rights or interests in property.

ACCESSORY BUILDING OR STRUCTURE. An accessory building is one which:

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

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

(c) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;

(d) Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served;

(e) Includes, but is not limited to, a detached private garage, carport, storage shed, greenhouse, cabana, gazebo, or boathouse;

(f) Conforms to all requirements in § 152.023.

ACCESSORY USE. An accessory use is one which is subsidiary to the main use of the premises and is limited to the following:

(a) A children's playhouse, garden house and private greenhouse;

(b) A garage, carport, shed or building for domestic storage;

(c) Incinerators incidental to residential use;

(d) Storage of merchandise normally carried in stock on the same lot with any retail service or use, unless such storage is excluded by the district regulations;

(e) Storage of goods used in or produced by manufacturing activities, unless such storage is excluded by the district regulations;

(f) A house or rooms for nonpaying guests within an accessory building, or provided such facilities are used for the occasional housing of guests by the occupant of the principal building and not for permanent occupancy;

(g) Swimming pool, bathhouse, cabana, gazebo, for use by the occupant and his or her guests;

(h) Off-street motor car parking areas and loading and unloading facilities;

(i) Signs (other than advertising signs as defined in this section) as permitted and regulated in each district incorporated in this chapter;

(j) Public utility facilities–telephone, electric, gas, water and sewer lines, cable TV, their supports and incidental equipment;

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

ADULT ENTERTAINMENT ESTABLISHMENT. A business having as its substantial or significant business purpose the offering to the public or its members of a product or service including, but not limited to, entertainment, intended to provide sexual stimulation or sexual gratification, and which product or service is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ALLEY. A public way which affords only a secondary means of vehicular access to property abutting thereon.

APARTMENT. A room or suite of rooms in a multiple-family dwelling, including where one or more living units are established above nonresidential uses, intended or designed for use as a

residence by a single family. Complete kitchen and permanently installed bath facilities must always be included for each apartment.

APARTMENT HOTEL. An apartment building under resident supervision which maintains an inner lobby or lobbies through which all tenants must pass to gain access to the apartments and which may furnish for the exclusive use of its tenants by previous arrangement, but not to anyone who may apply, the services ordinarily furnished by hotels.

APARTMENT HOUSE. A building having accommodations for and occupied exclusively by more than two families. Complete kitchen and bath facilities, permanently installed, must be included for each apartment.

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

AUTOMOBILE REPAIR, MINOR. Incidental repairs, replacement of minor parts and motor service to automobiles, but not including any operation specified under ***AUTOMOBILE REPAIR, MAJOR***.

BABYSITTING SERVICE. A building or portion thereof used for the care of from one to seven children excluding the children of the occupant of the building residing in said building and subject to the home occupation permit requirements.

BASEMENT. A portion of a building or structure with the floor located below grade level. A basement shall be counted as a story for purposes of height measurement when one-half or more of its height is above grade level.

BED AND BREAKFAST. Exclusively indoor lodging facilities which provide meals only to paying lodgers, with no lodger staying greater than 31 days during any one stay. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

BLOCK. A tract of land bounded by street, or in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines of municipalities.

BOARDING HOUSE. Any residential use renting rooms which does not contain private bathroom facilities, with the exception of approved bed and breakfast facilities, and with such rooms provided for compensation to not more than six guests who are not members of the family.

BUILDABLE AREA. The space remaining on a lot after the minimum open space yards and setback requirements of this chapter have been complied with.

BUILDING. Any structure having a roof supported by columns or walls for the sheltering or

enclosure of persons, animals, chattels, or property of any kind; any structures with interior areas not normally accessible for human use, such as gas, oil or water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

BUILDING AREA. The maximum horizontal projected area of a building and its accessory buildings, excluding cornices projecting not more than 30 inches, open steps and unroofed terraces.

BUILDING HEIGHT. The vertical distance from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING LINE. A line running parallel to a street located at the minimum horizontal distance between the building and the street right-of-way line on any lot, tract or parcel of land.

BUILDING SETBACK LINE. A line parallel to the street right-of-way line at a distance from it, regulated by the setback requirements set up in this chapter.

BULK. The term used to indicate the size, height and for gross floor area of buildings or structures.

CAMPING APPARATUS. Includes but is not limited to tents, and all other temporary structures used for overnight camping.

CAMPING TRAILER. A canvas, material, or other metal folding structure, mounted on wheels, and designed for travel, recreational or vacation uses.

CLINIC, MEDICAL OR DENTAL. A building or complex in which an organization of physicians, dentists, chiropractors and/or individuals practicing acupuncture and/or holistic healing, work cooperatively and have their offices in a common building. A clinic shall not include in-patient care.

CLUB OR LODGE, PRIVATE. A nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. All private clubs or lodges as defined above shall be permitted to rent or lease their premises which are not inconsistent with the permitted uses of said facility of the private club or lodge.

COMMERCIAL TRUCK. A truck used primarily for commercial purposes. Commercial trucks, no larger than one ton, are permitted to be parked on residentially zoned lots. Semi trailers, full trailers and diesel cabs are considered to be commercial trucks.

COMPLETE KITCHEN AND BATHROOM FACILITIES. Kitchen facilities shall consist of a sink and electric or gas connections for cooking and refrigeration facilities. Bathroom facilities shall consist of a permanently installed water closet, lavatory and either shower or tub fixtures.

CONDOMINIUM. System of separate ownership of individual traits in a multiple-unit building with common walls.

2005 S-1

COURT. An open space on the same lot with a building surrounded by walls on two or more sides, and unoccupied and unobstructed from the lowest level upward, except as otherwise provided herein.

DAY CARE CENTER. A facility in which qualified persons provide care services for several children or adults. Examples include child care centers, nursery schools, and adult day care facilities.

DAY NURSERY SCHOOL. A building or portion thereof used for the care of eight or more pre-school-age children excluding the children of the occupant of the building residing in said building.

DECK. A flat wooden floor area attached to or adjoining a residence, which is not enclosed and does not contain a solid roof.

DISTRICT. A section of the village in all parts of which the regulations of this chapter governing height, area and use of buildings and premises are the same.

DISTRICT BOUNDARY. A line forming one of the boundaries of a given district.

DRIVE-IN RESTAURANT. A type of in-vehicle sales and service operation where food and/or beverages are sold to customers for consumption primarily in an automobile parked upon the premises.

DRIVE-THROUGH RESTAURANT. A type of in-vehicle sales and service operation where food and/or beverages are sold to customers for consumption primarily in an automobile parked upon the premises.

DWELLING. A building or portion thereof, but not including a travel trailer, mobile home, camper, or houseboat, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

DWELLING (MULTIPLE-FAMILY). A building having accommodations for and occupied exclusively by more than two families living independently of each other with separate and complete kitchen and bathroom facilities.

DWELLING (SINGLE-FAMILY). A building having accommodations for and occupied exclusively by not more than one family.

DWELLING (TWO-FAMILY). A building having accommodations for and occupied exclusively by two families living independently of each other with separate and complete kitchen and bathroom facilities.

FAMILY. An individual or two or more persons, each related by blood, marriage, legal guardianship, adoption or a foster care arrangement, living together as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

2005 S-1

FENCE, SOLID. A fence, including solid entrance and exit gates, which effectively conceals from viewers in or on adjoining properties and streets materials stored and operations conducted behind it.

FLOOR AREA, GROSS. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for purposes of measurement for off-street parking spaces, shall not include: Floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production of processing of goods, or to business or professional offices.

FRONT LOT LINE. The boundary of a lot along a street or right-of-way, and for a corner lot the front lot line shall be the shorter lot boundary along a street or right-of-way.

FRONT OF BUILDING. The side of a building most nearly parallel with and adjacent to the front lot line.

GARAGE, PRIVATE. An accessory building housing not more than four motor-driven vehicles.

GARAGE, PUBLIC. Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, renting, selling or storing motor-driven vehicles.

GARAGE, STORAGE. Any building or premises, used for housing only of motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which the vehicles are equipped, repaired, hired or sold.

GRADE. The average level of the ground adjacent to the exterior walls of the building.

GROSS DENSITY. The result of dividing the number of dwelling units located on a site by the gross site area. See ***MAXIMUM GROSS DENSITY***.

GROSS SITE AREA. The total land area on a lot prior to development or additional development on the lot, available for inclusion in calculations of the maximum permitted density or intensity of development.

GROUP DEVELOPMENT. Any development containing two or more structures containing

principal land uses on the same lot or within a single commercial development project.

GUEST HOUSE. Living quarters within an accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall not be rented or otherwise used as a separate dwelling.

2005 S-1

HOME OCCUPATION. Any gainful occupation conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the structure as a residence.

HOTEL. A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contra-distinction to a boarding house, an apartment house or an apartment hotel, which are herein separately defined.

HOUSEBOAT. A free-floating or permanently anchored device intended for use upon water and including kitchen, bath and/or bedroom accommodations sufficient to allow one or more persons to permanently reside therein.

IN-VEHICLE SALES AND SERVICE. All land uses which perform sales and/or service to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity, except motor vehicle repair services. Examples of such land uses include drive-in and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant, or bank), in-vehicle sales and service land uses shall be considered an accessory use.

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

KENNEL. Any zoning lot or premises on which four or more dogs and/or cats at least four months of age are kept, boarded or trained, whether in special buildings, runways or not.

LIMITED ACCESS HIGHWAY. A traffic-way, including toll roads, for through-traffic, in respect to which owners or occupants of abutting property or land and other persons have no legal right of access to or from the same, except at such points and only in such manner as may be determined by the public authority having jurisdiction over such roadway.

LODGING HOUSE. See ***BOARDING HOUSE***.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building or principal use except where otherwise allowed in this chapter, together with its accessory building, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER. A lot located at the intersection of two streets or rights-of-way or a lot

bounded on two sides by a curving street or right-of-way and two adjacent chords of which form an angle of 120 degrees or less measured on the lot side.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, IRREGULAR. Any lot or parcel of land which is not square or rectangular in shape.

LOT OF RECORD. A lot which is a part of a subdivision, the map or plat of which has been recorded in the office of the Recorder of Deeds of Winnebago County, Illinois; or a parcel of land, the deed to which was recorded in the office of the Recorder of Deeds prior to the adoption of this chapter.

LOT, REVERSED CORNER. A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

MANUFACTURED HOUSING. A residential dwelling for one family, fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 USC § 5401 to 5426, and built after June 15, 1976. A manufactured housing unit shall be considered equivalent to a single-family dwelling for the purposes of this chapter only where it meets the following criteria applicable to all single-family dwellings:

(a) All wheels, axles, transportation lights, and other related towing apparatuses shall be removed;

(b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement, which complies with the requirements of the State of Illinois Uniform Dwelling Code;

(c) The minimum floor area shall be not less than 850 square feet, exclusive of an attached garage, carport, or open deck;

(d) The dwelling shall include a roof pitch of at least three feet in rise for every 12 feet in run.

MANUFACTURED HOUSING that does not meet one or more of the criteria listed above shall be deemed equivalent to a mobile home for purposes of this chapter.

MAXIMUM GROSS DENSITY. The maximum number of dwelling units permitted per acre of gross site area. See ***GROSS DENSITY***.

MOBILE HOME. A transportable factory-built structure designed for long-term occupancy by one family, and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. A ***MOBILE HOME*** is not considered to be a type of single-family dwelling for the purposes of this chapter. Also referred to as ***TRAILER HOME***.

MOBILE HOME PARK. Any lot or parcel of land where mobile home spaces are rented,

leased or offered for rent or lease for one or more mobile homes for residential living.

MODULAR HOME. Manufactured housing assembled in units on site.

MOTEL. A building or group of buildings in which lodging or board and lodging are provided and offered to the public for compensation and in which rooms are directly accessible from an outdoor area.

NEIGHBORHOOD DEVELOPMENT PLAN. A detailed land use and transportation plan for a specific neighborhood, district, or part of a community.

NON-RESIDENTIAL PRINCIPAL BUILDING. Any principal building that is not a dwelling.

NONCONFORMING LOT. A lot of record existing at the date of the passage of this chapter which does not have the minimum width or certain the minimum area for the zone in which it is located.

NONCONFORMING STRUCTURE. A lawful structure which exists upon the adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure, or its location on the lot.

NONCONFORMING USE. A use of a building or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located, by reason of adoption of this chapter or amendment of this chapter, or by reason of annexation of territory to the village.

NURSING HOME, REST HOME, CONVALESCENT HOME. A private facility for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities used primarily for the treatment of sickness, injuries or surgical care.

OUTDOOR LIGHT FIXTURE. An outdoor artificial illuminating device, either permanent or portable, used for illumination or advertisement of parking lots, architecture, signage, landscaping, entryways, or areas requiring security.

PARKING AREA, PRIVATE. Any open, hard-surfaced area with a dustless and durable, hard, all-weather surface, such as concrete, asphalt, or brick pavers, and other than a street or public way, designated, arranged and made available for the storage of private passenger automobiles and pickup trucks, but not including trailers, mobile homes or boats, of occupants of buildings for which parking is developed and is accessory.

PARKING AREA, PUBLIC. An open, hard-surfaced area with a dustless and durable, hard, all-weather surface, such as concrete, asphalt, or brick pavers, and other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under 1½ tons

capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE. An area with a dustless and durable, hard, all-weather surface, such as concrete, asphalt, or brick pavers, adequate for parking a vehicle with room for opening doors on both sides, together with a clear, properly related access to a public street or alley and maneuvering room which shall be located totally outside of any street or alley right-of-way. Driveways for single-family uses in any zoning district are exempt from the hard-surface requirements of this definition.

2005 S-1

PLANNED UNIT DEVELOPMENT. A development occupying two or more gross acres, including all land within the project boundaries plus one-half of all of the adjacent public rights-of-way, to be constructed by a single owner or group of owners acting jointly, located on one or more lot(s) of record; involving a related group of single or mixed uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

PORCH, COVERED. A roofed structure, projecting out from the wall or walls of a main structure.

PRINCIPAL BUILDING. A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot in which it is located.

RECREATIONAL VEHICLE. A boat, boat with trailer, motor home, motor coach, pickup camper, all-terrain vehicle, snowmobile, camping trailer, travel trailer, fifth-wheel trailer, utility trailer, race car and its trailer, canoe or kayak and its trailers, tent camper, folding camper, utility trailer, carnival equipment and their trailers, and a case or box used to transport a recreational vehicle or its equipment, and any similar equipment or vehicle.

ROOMING HOUSE. See ***BOARDING HOUSE***.

SERVICE STATIONS. A type of in-vehicle sales and service operation including any building, structure, premises, enclosure or other place used for the dispensing, sale or offering for sale of any motor vehicle fuels or oil, having pumps and underground storage tanks, of a total capacity of not more than 40,000 gallons, located wholly within the lot lines. When such dispensing, sale or offering for sale of any fuels or oils is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

SHIELDED LIGHT FIXTURE. An outdoor lighting fixture which through design is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected by at least 15 degrees below a horizontal plane running through the lowest point on the fixture where light is emitted. Except for ground- and sign-mounted light fixtures, that horizontal plane shall be parallel to the surface of the ground.

SIGN. Any object, device, display, structure, or part thereof, situated outdoors or within a window and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, color, lighting, or projected images. ***SIGNS*** do not include the flag or emblem of any nation, organization of nations, state, city or village, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or

scoreboards located on athletic fields. Building colors and outline lighting which do not convey a log or message specific to the use, as determined by the Zoning Administrator, are not considered ***SIGNS***. Definitions of particular types of signs are included in § 152.235.

STORAGE SHED. An accessory building used for storing garden and lawn equipment and other items associated with the dwelling or other principal building on the lot.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there be no floor above it, then the space between the floor and the next ceiling above it. A basement shall be counted as a story for purposes of height measurement when one-half or more of its height is above grade level.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60% of the floor area is finished off for use. A ***HALF STORY*** may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

STREET. All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to any public easement therefrom.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, ball diamonds, bleachers of any kind, fences and freestanding walls.

STRUCTURAL ALTERATIONS. Any change, addition, or replacement of the supporting members of a building or structure.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT. A compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other; with interconnected circulation and open space systems; and with careful attention to the design, layout, and relationships between different land uses.

TRAILER CAMP. Any lot or parcel of land where trailer spaces are rented, leased or offered for rent or lease for one or more trailers for recreational purposes.

TRAILER COACH and ***MOTOR HOME.*** A vehicle with self-contained motor power used or adaptable for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, which does not meet building requirements and has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place. The term ***TRAILER COACH*** or ***MOTOR HOME*** shall include ***CAMP CAR*** and ***HOUSE CAR***. A permanent foundation shall not change its character unless the entire structure is erected in accordance with prevailing village laws.

TRAILER HOME or ***MOBILE HOME.*** See ***MOBILE HOME***.

TRAVEL TRAILER, DEPENDENT. A travel trailer, as defined herein, which is not equipped with self-contained kitchen, toilet, bath and shower facilities.

TRAVEL TRAILER, INDEPENDENT. A travel trailer, as defined herein, which is equipped with self-contained kitchen, toilet, bath and shower facilities.

TRUCK PARKING AREA OR YARD. Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, which exceed 1½ tons in capacity.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported up a highway, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks.

WHOLESALE ESTABLISHMENT. A business engaged in the storage and sale of goods to other firms for resale, which may involve significant movement and storage of products or equipment.

YARD. An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the minimum horizontal distance between the lot lines and the main building shall be used.

YARD, FRONT. A yard extending across the front of the lot between the side yard lines, and being the minimum horizontal distance between the street lines and the main building or any projections thereof other than the projection of the usual steps, entrance-way, unenclosed balconies or open porch.

YARD, REAR. A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot lines, and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimensions. On both corner lots and interior lots the ***REAR YARD*** shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

YARD OR SETBACK. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this chapter, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD OR SETBACK, FRONT. The area extending along the full length of the front lot line between the side lot lines.

YARD OR SETBACK, REAR. The area extending along the full length of the rear lot line between the side lot lines.

YARD OR SETBACK, SIDES. The area extending along side lot lines to the rear yard line.

ZONING LOT. A parcel of land with uniform zoning considered or treated as a single unit. A ***ZONING LOT*** may or may not correspond with a lot of record.

(B) Words herein not defined shall be interpreted in accordance with definitions contained in Webster's Dictionary.
(Ord. 1994-3, § 107, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.009 FEE.

For the purpose of obtaining the following documents, the following charges shall be established:

Document	***Fee***
Zoning book	$20
Subdivision book	$20
Comprehensive plan	$20
Zoning map	$10
Planning map	$20
Zoning permits	$20
Sign permits	$20 if village approval is obtained prior to display of sign. $50 if sign displayed prior to village approval.

Note: This table is not intended as a comprehensive list of fees that may be required under this chapter.
(Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04)

ZONING DISTRICT GENERAL PROVISIONS

§ 152.020 BASIC REQUIREMENTS FOR ALL DISTRICTS.

(A) *Zoning schedule.* The zoning schedule (see Appendix) prescribes the basic site, yard, bulk,

usable open space and screening and landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this subchapter.

(B) *Other required provisions.* All uses either permitted or by special use permit, as provided for by this chapter, shall provide for:

(1) Off-street parking as prescribed in the respective subchapter of this zoning code relating to off-street parking.

(2) Off-street loading as prescribed in the respective subchapter of this zoning code relating to off-street loading;

(3) Erection or placing of no sign or outdoor advertising structure of any character except as prescribed in the subchapter of this zoning code relating to signs;

(4) Compliance with the design review provisions as prescribed in the subchapter of this zoning code relating to design review;

(5) Compliance with the screening and buffering sections as provided for by this chapter. (Ord. 1994-3, § 200, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.021 SITE AREA AND DIMENSIONS: REQUIREMENTS AND EXCEPTIONS.

(A) *Measurement.*

(1) On a site which is not rectangular or approximately rectangular in shape, required yards shall be measured in the manner prescribed by the Zoning Board of Appeals.

(2) On a corridor access lot with an average width that exceeds its average depth, the longer dimension may be considered the depth for purposes of measuring front, side and rear yards.

(B) *Exemption: nonconforming sites.* A site having an area frontage, width or depth less than the minimum prescribed for the district in which the site is located, which is shown on a duly approved and recorded subdivision map, or for which a deed or valid contract of sale was on record prior to the adoption of this chapter or amendment thereto, and which had a legal area, frontage, width and depth at the time that the subdivision map, deed or contract of sale was recorded, may be used for any permitted use, but shall be subject to all other regulations for the district in which the site is located.

(C) *Yards: requirements and exceptions.*

(1) (a) Required yards adjacent to street rights-of-way shall be measured as the horizontal distance from the property line of the site or street line parallel thereto on the site.

(b) Where an official street right-of-way has been adopted by the Village Board, site area and required yards shall be measured from the future right-of-way line and no provision of this chapter shall be construed to permit a structure or use to extend beyond such line.

(c) Where a site abuts on a street having only a portion of its required width dedicated or reserved for street purposes, site area and required yards shall be measured from a line drawn on the boundary of the additional width required for street purposes abutting the site.

(2) In Residential Districts where the existing right-of-way is less than 66 feet, building setback lines shall be a minimum of 63 feet from the existing roadway's centerline. An exception to this requirement shall be made for those developments which are part of a conservation neighborhood design area.

(3) In the General Commercial District where the existing right-of-way is less than 66 feet, building setback lines shall be a minimum of 53 feet from the existing roadway's centerline.

(4) In the Retail Commercial District where the existing right-of-way is less than 66 feet, building setback lines shall be a minimum of 33 feet from the existing roadway's centerline.

(5) On a reversed corner lot, the minimum rear yard may not be less than the side yard prescribed in the zoning schedule, in the appendix to this chapter, provided that the side yard adjoining the street shall not be less than the required front yard on the adjoining key lot.

(6) Where the side or rear lot line of the site of a use other than a residential use adjoins or is across a street from a Residential District, the minimum side or rear yard adjoining or opposite the Residential District shall be ten feet greater than the minimum yard prescribed in the zoning schedule, in the appendix to this chapter.

(7) Architectural features, including projecting balconies, sills and chimneys, cornices and eaves may extend into a required side yard or a space between structures not more than 18 inches from the main structure and may extend into a required front or rear yard not more than four feet from the main structure, provided that no projection shall extend into a public utility easement.

(8) Open, unenclosed, uncovered balconies, decks, landings, platforms, porches, stairways and terraces, of which no part is more than four feet above the grade of the ground and unenclosed, uncovered porches and decks with floors not higher than eight inches above the grade shall not extend into a required rear yard or into a required front or side yard or space between buildings more than four feet, provided, however, that pedestrianways or walks at ground level shall not be reduced below three feet in unobstructed width.

(9) Open, unenclosed, uncovered metal fire escapes may project into any required yard or space between buildings not more than three feet, provided that no project shall extend into a public utility easement.

(10) Fences, walls and hedges not over six feet in height; and walks, driveways and retaining

walls may occupy a required side or rear yard; and fences, walls and hedges not over three feet in height may occupy front yards unless provided for by a special use permit or by another part of this chapter.

(D) *Vision clearance: corner lot.* On a corner lot, no fence, wall, hedge or other obstruction, except the natural grade of a site shall be allowed within a triangular area formed by the street property lines
and a line connecting points on the street property lines equal to one-half the right-of-way width measured from the street intersection.

(E) *Width: corner lots.* The minimum width of corner lots in a Residential District shall be 10% greater than the minimum width for the district given in the zoning schedule, in the appendix to this chapter.

(F) *Depth adjoining freeway or railroad.* No site rearing on a freeway or railroad right-of-way shall have a depth of less than 130 feet.

(G) *Irregular lots.* All setbacks shall be determined by the village according to principles as set forth for yard setbacks in this chapter after having first been reviewed by the Village Planning Commission and Zoning Board of Appeals.

(H) *Culs-de-sac.* No parcel or tract of real estate where there is division of land, subdivided, platted or replatted, shall contain more than two culs-de-sac within each 40 acres of land. For every additional 20 acres which is part of the original parcel, there may be an additional cul-de-sac. A cul-de-sac that exists in more than one quarter-quarter section shall be deemed to be located in the quarter-quarter section wherein most of the length of the cul-de-sac is located. Under no circumstances shall there exist more than two culs-de-sac per quarter-quarter section. All culs-de-sac must comply with the requirements of the subdivision code of the village.
(Ord. 1994-3, § 201, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2010-06, passed 2-16-10)

§ 152.022 BUILDING HEIGHT LIMITS.

(A) *Limits.* All main structures may not exceed the height limits prescribed in the zoning schedule (see the appendix to this chapter).

(B) *Measurement.* The height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the highest point of the structure or to the coping of a flat roof, to the deck line of a mansard roof, or to the mean height between eaves and ridges for a hip, gable or gambrel roof.

(C) *Exceptions.* Towers, spires, cupolas, chimneys, penthouses, water tanks, flagpoles, monuments, scenery lofts, radio and television aerials and antennas, transmission towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than 10% of the

ground area covered by the structure may be erected to a height of not more than 100 feet or not more than 25 feet above the height limits prescribed by the regulations for the district in which the site is located, whichever is less. Utility poles and towers shall not be subject to the height limits prescribed in the district regulations.
(Ord. 1994-3, § 202, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.023 ACCESSORY STRUCTURES.

(A) *Construction before principal structure is erected.* No accessory structure shall be erected prior to the construction of the principal structure unless a special use permit as per the subchapter of this zoning code relating to special uses is first obtained in each case.

2010 S-4

(B) *Placement.*

(1) No accessory structure shall be located in a required front yard.

(2) In no case shall an accessory structure be located closer to a side or rear lot line than the minimum distances prescribed in the zoning schedule (Appendix 1).

(3) Overhanging eaves or gutters on an accessory building may project no more than eight inches into the minimum required setbacks or yards specified below.

(4) In all Residential Districts, or in any zoning district in which the property is used primarily for residential purposes, a detached accessory building shall not be located within 12 feet from the principal building on the property. In all other districts, accessory buildings located closer than ten feet from the principal building shall be required to comply with the same side yard setbacks as required for the principal building in the zoning district in which the property lies.

(5) Accessory buildings within ten feet of the principal building must have a one-hour fire rating wall on the side nearest the residentially used building, provided the accessory use is one defined in subsection (b), (d) or (f) of the definitions of "accessory use" found in § 152.008.

(C) *Height.* Accessory structures shall not exceed the height limits prescribed in the zoning schedule, in the appendix to this chapter.

(D) *Special provisions and exceptions in residential districts.*

(1) The total square footage of all detached accessory structures located on a lot shall not exceed the square footage of the principal structure and shall not occupy more than 10% of the lot area to a maximum of 900 square feet of accessory structure space per residential lot.

(2) On a reverse corner lot, an accessory structure shall not be located closer to the rear property line than the required side yard of the lot adjoining the rear property line and not closer to the street than the required front yard of the lot adjoining the rear property line.

(3) There shall be a maximum of one detached private garage on a residential lot, plus a maximum of one additional accessory structure that is not a detached private garage on that same lot. (Ord. 1994-3, § 203, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.024 SCREENING AND LANDSCAPING.

See §§ 152.275 *et seq*.

(Ord. 1994-3, § 204, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.025 ANNEXED AND UNZONED TERRITORY.

(A) All territory which is annexed to the village or which is unzoned through abandonment of a public street or railroad right-of-way shall be classified in the Agricultural District.

(B) Within 60 days from the classification in the Agricultural District, the Zoning Board shall make a study of the territory to determine in which zoning district it should be classified in order to carry out the objectives of the zoning code prescribed in §§ 152.001 *et seq*. If the Zoning Board finds that a change of district is required, it shall initiate the change as prescribed in the subchapter of this zoning code relating to amendments. The owner of annexed property or the authorized agent of the owner may file an application for a change in district as prescribed in the subchapter of this zoning code relating to amendments.
(Ord. 1994-3, § 205, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.026 NUMBER OF DWELLINGS ON A ZONING LOT.

(A) In all districts except the PUD, RM, RM-C, and Agricultural Districts, not more than one dwelling shall be permitted on a zoning lot or parcel.

(B) In the AG District, more than one dwelling shall be permitted on a zoning lot, provided, that the site for each dwelling shall not be less than five acres in area and shall have not less than 250 feet of frontage on a public highway.
(Ord. 1994-3, § 206, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.027 SWIMMING POOLS.

(A) *Applicability.* The provisions of this section shall control the installation, alteration, repairs, enlargement and maintenance of all outdoor swimming pools and artificial recreational ponds, whether pre-existing or hereafter erected. The provisions of this section shall not apply to pools or artificial recreational ponds having a depth capacity of less than two feet or to ponds specifically designed and approved by the village for stormwater management.

(B) *Permits.* No person shall proceed with any installation, alteration or enlargement of an outdoor swimming pool or artificial recreational pond to which this section is applicable without having first obtained a zoning permit.

(C) *Location.* No portion of an outdoor swimming pool, including pumps, filters, and disinfection equipment, shall be located within the minimum yard required in the zoning district in which the lot is located, as described in Appendix 1 of this chapter.

(D) *Fences, gates and stairs.* Each outdoor swimming pool and artificial recreational pond to which this section is applicable shall be completely enclosed by a fence not less than five feet in height above the ground level directly below, including the height of any portion of the pool wall above ground level.

2005 S-1

Where gates are provided, they shall be at least the minimum height required for the fence and shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fences and gates shall be constructed of materials with the strength of not less than 11 gauge corrosion resistant woven wire. Fence and gate posts shall be resistant to decay and corrosion and shall be set in concrete bases. No stool, step of any stair, rung of any ladder, or similar leverage device shall be within five feet of the top of the fence or gate when the pool is not in active use.

(E) *Purification.* Circulation water and make-up water shall conform to regulations controlling plumbing. All outdoor swimming pools shall be equipped with facilities for completely emptying the pool. The rate of discharge shall not exceed 200 gallons per minute. Equipment shall be provided for the disinfection of all pool water, but may not include gaseous chlorination systems. Disinfection equipment using other chlorine compounds shall have the capacity to maintain a free chlorine residual of 0.5 parts per million.

(F) *Electrical requirements.* All electrical installations provided for and used in conjunction with any outdoor pool shall conform with regulations controlling electrical supply and equipment, and shall be subject to approval by the Winnebago County Electrical Inspector. No current carrying electrical conductors shall be less than 15 feet from any pool. Metal fences, enclosures, railings and pool walls shall be effectively grounded to prevent accidental electrical charging.

(G) *Lifelines.* Each outdoor swimming pool having a depth capacity of four feet or greater shall be equipped with not less than one throwing ring buoy. Such buoy shall be not less than 15 inches in diameter and shall be attached to a line which shall not be less than 3/16 inch thick and 1½ times the maximum reach of the pool.
(Ord. 2004-29, passed 11-16-04)

AGRICULTURAL (AG) DISTRICTS

§ 152.035 PURPOSES.

(A) To permit nonagricultural uses that require large land areas that will not detract or adversely affect the normal agricultural pursuits of the rural area.

(B) To give primary consideration to agricultural pursuits and secondary consideration to large urban supporting uses.
(Ord. 1994-3, § 300, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.036 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq*.

2005 S-1

(B) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 301, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.037 PERMITTED USES.

Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the AG District except for one or more of the following uses:

(A) One-family detached dwelling;

(B) All uses commonly classed as agricultural, horticultural or forestry, including crop and tree farming, truck gardening, gardening, together with the operation of any machinery or vehicles incident to the above uses; provided that the permitted agricultural pursuits are conducted in accord with good practice so as not to be deemed a nuisance;

(C) Parks, forest preserves and recreational areas when publicly-owned and operated;

(D) Temporary buildings for construction purposes, not for human habitation and not to exist after termination of project;

(E) Accessory uses as defined in § 152.008;

(F) Railroad right-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities;

(G) The sale of products produced on the premises from temporary stands or from existing farm buildings;

(H) Golf courses, regulation size, but not including “Par 3” golf courses, commercially operated driving ranges or miniature golf courses, provided that no clubhouse or accessory building shall be located nearer than 200 feet to any dwelling;

(I) Schools: Public, denominational or private; elementary and high, including playgrounds and athletic fields auxiliary thereto;

(J) Churches, rectories and parish houses;

(K) Public service uses:

(1) Filtration plan, pumping station and water reservoir;

(2) Sewage treatment plant;

(3) Police and fire station;

(4) Telephone exchange;

(5) Electric and gas substations and booster stations;

(6) Other governmental uses.

(L) Wind operated energy devices, for site service only, provided the lot area has a minimum of 2½ acres.
(Ord. 1994-3, § 302, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.038 SPECIAL USES.

The following uses may be allowed by special use permit in accordance with the provisions of the schedule of special uses in residential districts of this zoning code (see Appendix):

(A) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(B) Feed, seed and farm implements but excluding sales of farm implements used for tillage and harvesting of crops;

(C) Outdoor theaters and indoor theaters which are an integral part of an outdoor theater complex;

(D) Private and public recreational facilities and commercial entertainment and tourist establishments, museums, dining and dancing establishments, archery clubs, gun clubs, “Par 3” golf courses, automobile, cycle, snowmobile race tracks or courses, commercial stables and riding trails, commercial fishing ponds or lakes and/or similar tourist facilities;

(E) Extraction and removal of sand, gravel, topsoil or other aggregate, but not including equipment, buildings or structures for screening, mixing, washing or storage, except as may be specifically authorized for a limited period of time;

(F) Radio and television towers and accessory facilities;

(G) Airports, landing strips and heliports;

(H) Veterinary office and hospital; medical or dental office or clinic;

(I) Manufacturing of asphalt and asphalt products and/or concrete and concrete products, provided that the same is performed within the excavated portion of the same site where gravel or crushed stone aggregate is extracted therefrom;

(J) Institutions for the rehabilitation, education or training of handicapped persons;

(K) Day nursery schools;

(L) Bed and breakfast;

(M) Use of buildings previously allowed under § 152.037(J) and (K) provided that:

(1) The building and premises will be in compliance with all the applicable state and county building, health and fire regulations;

(2) There is no enlargement or expansion of the buildings; and

(3) There is no alteration of the external appearance of the premises unless approved in accordance with the procedures of the special use section of this zoning code.
(Ord. 1994-3, § 303, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.039 LOT SIZE.

(A) Every principal permitted use in this subchapter shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than 250 feet. This requirement shall not apply to railroad right-of-way.

(B) The lot size requirements set forth herein may be reduced by special use permit.

(C) Every special use authorized in the AG District shall be located on a tract of land the minimum size of which shall be specified in the special use permit.
(Ord. 1994-3, § 304, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.040 YARDS.

No building shall be erected or enlarged unless it is in compliance with the distances specifically enumerated within this subchapter for specific uses, or established when a special use permit is approved as follows:

(A) *Front.* One-half the existing right-of-way when right-of-way has been established by adopted comprehensive plans, not to exceed 60 feet or be less than 30 feet.

(B) *Side.*

(1) Corner lot: Same as front yard.

(2) Interior lot: 12 feet.

(C) *Rear*. Seventy-five feet.
(Ord. 1994-3, § 305, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

URBAN TRANSITIONAL (UT) DISTRICTS

§ 152.050 PURPOSES.

(A) To permit the conduct of certain agricultural pursuits on land that may be or already have been annexed to the village.

(B) To prevent premature urban development of certain lands which eventually will be appropriate for urban use, until the installation of streets, utilities and community facilities make orderly development possible.

(C) To ensure adequate light, air and privacy for each dwelling unit, and to provide adequate separation between dwelling units and facilities for housing animals.
(Ord. 1994-3, § 400, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.051 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq.*

(B) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 401, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.052 PERMITTED USES.

Unless otherwise provided in this chapter, no building or land may be used, and no building may

be erected, converted, enlarged or structurally altered in the UT District except for one or more of the following uses:

(A) All uses commonly classed as agricultural, horticultural or forestry, including crop and tree farming, truck gardening, gardening, together with the operation of any machinery or vehicles incident

to the above uses; provided that the permitted agricultural pursuits are conducted in accord with good practice so as not to be deemed a nuisance;

(B) Home occupations, as defined in this chapter;

(C) Parks, forest preserves and recreational areas when publicly-owned and operated;

(D) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(E) Churches, convents, monasteries, parish houses, parsonages and other religious institutions;

(F) Golf courses, regulation size, but not including "Par 3" golf courses, commercially operated driving ranges or miniature golf courses, provided that no clubhouse or accessory building shall be located nearer than 200 feet to any dwelling;

(G) A single one-family detached dwelling.
(Ord. 1994-3, § 402, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2010-16, passed 8-17-10)

§ 152.053 SPECIAL USES.

The following uses may be allowed by special use permit in accordance with the provisions of the special use subchapter of this zoning code:

(A) Wholesale nursery operations;

(B) Animal husbandry and livestock farming, other than hog farms, providing the zoning lot is not less than five acres in area and subject to the following limitations:

(1) One horse, mule, cow or steer, regardless of age, for every acre;

(2) Two goats, sheep or miniature pony regardless of age, for every acre;

(3) Turkey farming, poultry farming, small animal and fowl specialty farms, including but not limited to: chinchillas, rabbits, pigeons, ducks, geese, aviaries provided they are maintained in suitably designed structures and further provided such uses when approved are continually conducted in accordance with good practice as not to be deemed a nuisance;

(4) The keeping of four or more dogs or cats on the premises in kennel facilities provided the

animals are maintained in soundproof structures between the hours of 6:00 p.m. to 8:00 a.m.;

(C) Public service uses:

(1) Filtration plant, pumping station and water reservoir;

(2) Sewage treatment plant;

(3) Police and fire station;

(4) Telephone exchange;

(5) Electric and gas substations and booster stations;

(6) Other governmental uses.

(D) Accessory structures and uses located on the same site with a permitted use including barns, stables, coops, tank houses, storage tanks, windmills, silos, other farm outbuildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for the use of persons residing on the site;

(E) Bed and breakfast;

(F) Museums.

(Ord. 1994-3, § 403, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2010-16, passed 8-17-10)

§ 152.054 LOT SIZE.

(A) Every principal permitted use in this section shall be located on a tract of land having an area of not less than five acres and a width at the established building line of not less than 250 feet.

(B) Every special use permitted in the UT District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.

(Ord. 1994-3, § 404, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.055 YARD AREAS.

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

(A) *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor more than 60 feet.

(B) *Side yard.* A side yard on each side of the zoning lot of not less than 25 feet, except where a

side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street with a maximum of 60 feet.

(C) *Rear yard.* A rear yard of not less than 75 feet.

(Ord. 1994-3, § 405, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

RURAL ESTATES (RE) DISTRICTS

§ 152.065 PURPOSES.

In addition to the objectives prescribed in § 152.001, the RE District is included in the zoning code to achieve the following purposes:

(A) To reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health and safety;

(B) To ensure adequate light, air, privacy and open space for each dwelling;

(C) To protect one-family dwellings from the congestion and lack of privacy associated with multi-family dwellings;

(D) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;

(E) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(F) To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

(G) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;

(H) To protect residential properties from fire, explosion, noxious fumes and other hazards;

(I) To provide for single-family structures in areas where no public sanitary sewer and/or water facilities are provided or planned for provision with the immediate future while attempting to protect ground water and other aspects of the environment.
(Ord. 1994-3, § 500, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.066 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq.*

(B) All uses shall comply with the appropriate regulations prescribed in the subchapters herein

concerning off-street parking, off-street loading, signs, home occupations, nonconforming buildings and uses and any other applicable portions of this chapter.

(C) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity

or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 501, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.067 PERMITTED USES.

The following uses shall be permitted in the RE District:

(A) One-family dwelling units;

(B) Home occupations in accord with the regulations prescribed in the home occupations subchapter of this zoning code;

(C) An accessory structure located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms and swimming pools;

(D) Raising of fruit and nut trees, vegetables and horticultural specialties;

(E) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 12 feet from a property line.
(Ord. 1994-3, § 502, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.068 SPECIAL USES.

The following special uses may be permitted in the RE District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Churches, convents, monasteries, parish homes, parsonages and other religious institutions;

(B) Golf courses, public parks and playgrounds;

(C) Hospitals, sanitariums and nursing homes, (not including those hospitals, sanitariums or nursing homes for mental, alcohol dependency or chemical dependency cases);

(D) Nursery schools and child day care centers;

(E) Private recreation parks and swim clubs;

(F) Public and parochial schools and colleges;

(G) Public utility, public facility and public services; pumping stations, equipment buildings and installations, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;

(H) Accessory structures and accessory uses located on the same site as a special case;

(I) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(J) Bed and breakfast;

(K) Mobile home park;

(L) Museum.
(Ord. 1994-3, § 503, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.069 LOT SIZE.

(A) Every principal permitted use in this section shall be located on a tract of land having an area of not less than 2½ acres and a width at the established building line of not less than 200 feet.

(B) Every special use permitted in the RE District shall be located on a tract of land the minimum size of which shall be specified at the time a special use permit is authorized.
(Ord. 1994-3, § 504, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.070 YARD AREAS.

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement:

(A) *Front yard.* A front yard equal to at least one-half the right-of-way of the street on which the lot fronts. However, in no case shall the front yard be less than 30 feet nor more than 60 feet.

(B) *Side yard.* A side yard on each side of the zoning lot of not less than 12 feet, except where a side yard adjoins a street, the minimum width shall be increased to one-half the right-of-way of the adjoining street with a maximum of 60 feet.

(C) *Rear yard.* A rear yard of not less than 75 feet.
(Ord. 1994-3, § 505, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

2005 S-1

SINGLE-FAMILY (R1) DISTRICTS

§ 152.080 PURPOSES.

In addition to the objectives prescribed in § 152.001, the R1 District is included in the zoning code to achieve the following purposes:

(A) To reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health and safety;

(B) To ensure adequate light, air, privacy and open space for each dwelling;

(C) To protect one-family dwellings from the congestion and lack of privacy associated with multi-family dwellings;

(D) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;

(E) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(F) To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

(G) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;

(H) To protect residential properties from fire, explosion, noxious fumes and other hazards;

(I) To provide by special use permit for single-family structures in areas where no public sanitary sewer and/or water facilities are provided or planned for provision with the immediate future while attempting to protect ground water and other aspects of the environment.
(Ord. 1994-3, § 600, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.081 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq.*

(B) All uses shall comply with the appropriate regulations prescribed in the subchapters herein

concerning off-street parking, off-street loading, signs, home occupations, nonconforming buildings and uses and any other applicable portions of this chapter.

(C) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity

or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 601, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.082 PERMITTED USES.

The following uses shall be permitted in the R1 District:

(A) One-family dwelling units;

(B) Home occupations in accord with the regulations prescribed in the home occupations subchapter of this zoning code;

(C) An accessory structure located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms and swimming pools;

(D) Raising of fruit and nut trees, vegetables and horticultural specialties;

(E) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 12 feet from a property line.
(Ord. 1994-3, § 602, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.083 SPECIAL USES.

The following special uses may be permitted in the R1 District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Churches, convents, monasteries, parish homes, parsonages and other religious institutions;

(B) Golf courses, public parks and playgrounds;

(C) Hospitals, sanitariums and nursing homes, not including hospitals, sanitariums or nursing homes for mental, alcohol dependency or chemical dependency cases;

(D) Nursery schools and child day care centers;

(E) Private recreation parks and swim clubs;

(F) Public and parochial schools and colleges;

(G) Public utility, public facility and public services; pumping stations, equipment buildings and installations, water storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;

(H) Accessory structures and accessory uses located on the same site as a special use;

(I) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(J) Bed and breakfast;

(K) Museum.
(Ord. 1994-3, § 603, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

TWO-FAMILY RESIDENTIAL (R2) DISTRICTS

§ 152.100 PURPOSES.

In addition to the objectives prescribed in § 152.001, the R2 District is included in the zoning code to achieve the following purposes:

(A) To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;

(B) To preserve as many of the desirable characteristics of the Single-Family Residential District, but still permitting higher population densities;

(C) To ensure adequate light, air, privacy and open space for each dwelling unit;

(D) To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;

(E) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(F) To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

(G) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;

(H) To protect residential properties from fire, explosion, noxious fumes and other hazards. (Ord. 1994-3, § 700, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.101 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq.*

(B) All uses shall comply with the appropriate regulations prescribed in the subchapters herein concerning off-street parking, off-street loading, signs, home occupations, nonconforming buildings and uses and any other applicable portions of this chapter.

(C) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.

(D) Design review and approval must be obtained as specified in § 152.260 prior to issuance of a building permit.
(Ord. 1994-3, § 701, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06)

§ 152.102 PERMITTED USES.

The following uses shall be permitted in the R2 District:

(A) One-family dwelling units;

(B) Two-family dwelling units;

(C) Home occupations in accord with the regulations prescribed in the home occupations subchapter of this zoning code;

(D) An accessory structure located on the same site with a permitted use including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms and swimming pools;

(E) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 12 feet from a property line.
(Ord. 1994-3, § 702, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.103 SPECIAL USES.

The following special uses may be permitted in the R2 District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Lodging houses in which not more than six paying guests may be lodged or boarded;

(B) Churches, convents, monasteries, parish houses, parsonages and other religious institutions;

(C) Golf courses, public parks and playgrounds;

(D) Hospitals, sanitariums and nursing homes, (not including those hospitals, sanitariums or nursing homes for mental, alcohol dependency or chemical dependency cases);

(E) Nursery schools and child day care centers;

(F) Private recreation parks and swim clubs;

(G) Public and parochial schools and colleges;

(H) Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;

(I) Accessory structures and accessory uses located on the same site as a special use;

(J) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(K) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than 12 feet from a property line;

(L) Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or industrial districts;

(M) Museum.

(Ord. 1994-3, § 703, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICTS

§ 152.115 PURPOSES.

In addition to the objectives prescribed in § 152.001, the RM District is included in the zoning code to achieve the following purposes:

(A) To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;

(B) To preserve as many of the desirable characteristics of the Single-Family Residential District, but still permitting higher population densities;

(C) To ensure adequate light, air, privacy and open space for each dwelling unit;

(D) To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;

(E) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(F) To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

(G) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;

(H) To protect residential properties from fire, explosion, noxious fumes and other hazards.
(Ord. 1994-3, § 800, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.116 REQUIRED CONDITIONS.

(A) All uses shall comply with the dimensional regulations prescribed in §§ 152.020 *et seq.* and Appendix 1 of this chapter.

(B) All uses shall comply with the appropriate regulations prescribed in the subchapters herein concerning off-street parking, off-street loading, signs, landscaping, lighting, building design, home occupations, nonconforming buildings and uses and any other applicable portions of this chapter.

(C) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 801, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.117 PERMITTED USES.

The following uses shall be permitted in the RM District:

(A) Single-family dwellings;

(B) Two-family dwellings;

(C) Multi-family dwellings with up to eight units per building and with a maximum gross density of up to eight dwelling units per acre;

(D) Home occupations in accord with the regulations prescribed in the home occupations subchapter of this zoning code;

(E) An accessory structure located on the same site with a permitted use including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and swimming pools. (Ord. 1994-3, § 802, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.118 SPECIAL USES.

The following special uses may be permitted in the RM District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Multi-family dwellings with nine to 24 dwelling units per building and/or with a gross density of more than eight but less than or equal to 16 units per acre, provided that the project includes the following characteristics:

(1) All design requirements in § 152.261 shall be met;

(2) Not less than 50% of the front facade of the principal building(s) shall be covered with brick or another decorative material if approved by the village;

(3) Not fewer than one parking space per unit shall be provided within a fully enclosed garage, either at grade or sub-grade;

(4) Whether attached or detached from the principal building, garages shall not be the dominant visual element from public rights-of-way. Where large garages are necessary, their facades shall be broken up with foundation landscaping, varied facade setbacks, and/or recessed garage doors;

(5) Surface parking lots shall be located so they are not the dominant visual element, screened from public view, and broken up with landscape islands or peninsulas;

(6) Pedestrian access shall be provided through sidewalks and private walkway connections between public sidewalks, parking areas, and the principal building(s);

(7) All refuse containers shall be located indoors or screened from public view through an

opaque fence or wall;

(8) No building with greater than 24 dwelling units and no project with a gross density greater than 16 units per acre shall be permitted within the RM district.

(B) Bed and breakfast establishments meeting the requirements of § 152.151(G) and boarding houses;

(C) Churches, convents, monasteries, parish houses, parsonages and other religious institutions;

(D) Golf courses, public parks and playgrounds;

(E) Hospitals, sanitariums and nursing homes, not including hospitals, sanitariums or nursing homes for mental, alcohol dependency or chemical dependency cases;

(F) Nursery schools and child day care centers;

(G) Private recreation parks and swim clubs;

(H) Public and parochial schools and colleges;

(I) Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;

(J) Accessory structures and accessory uses located on the same site as a special use;

(K) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(L) Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or industrial districts;

(M) Museum.

(Ord. 1994-3, § 803, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.119 APPLICATION AND REVIEW PROCEDURES.

(A) For all lands rezoned or zoned upon annexation to RM following January 1, 2004, the approval process, required submittals, review criteria, requirement to build in accordance with approved plans, and subsequent plan amendment process shall be identical to similar requirements for Planned Unit Development projects under § 152.200. This approval process must be completed prior to the issuance of a building permit.

(B) For all lands already zoned RM as of January 1, 2004, design review and approval must be obtained as specified in § 152.260 prior to issuance of a building permit.
(Ord. 2004-29, passed 11-16-04)

MULTIPLE-FAMILY RESIDENTIAL CONDO (RM-C) DISTRICTS

§ 152.130 PURPOSES.

In addition to the objectives prescribed in § 152.001, the RM-C Condo District is included in the zoning code to achieve the following purposes:

(A) To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of densities consistent with sound standards of public health and safety;

(B) To preserve many of the desirable characteristics of the Single-Family Residential District, but still permitting higher population densities;

(C) To ensure adequate light, air, privacy and open space for each dwelling unit;

(D) To provide space for semi-public facilities needed to complement urban residential areas and space for institutions that require a residential environment;

(E) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

(F) To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;

(G) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;

(H) To protect residential properties from fire, explosion, noxious fumes and other hazards;

(I) To permit and foster condominium developments in accord with the provisions of the "Condominium Property Act," effective June 1963, as amended, State of Illinois;

(J) To provide an administrative procedure and standards to facilitate and utilize imaginative design and subdivision technology which may necessitate variation to traditional yards, setbacks, lot shapes and sizes.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.131 REQUIRED CONDITIONS.

(A) All uses for the RM-C Condo District shall comply with the dimensional regulations prescribed in the RM District in §§ 152.020 *et seq*. and Appendix 1 of this chapter.

(B) All uses shall comply with the appropriate regulations prescribed in the subchapters herein concerning off-street parking, off-street loading, signs, landscaping, lighting, building design, home occupations, nonconforming buildings and uses and any other applicable portions of this chapter.

(C) No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board of Trustees to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or traffic or to involve any hazard of fire or explosion.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.132 DEFINITION OF RM-C CONDO.

A development including all land within the project boundaries to be constructed by a single owner or group of owners acting jointly; located on a lot of record; involving a related group of residential uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.133 PERMITTED USES.

The following uses shall be permitted in the RM-C Condo District:

(A) Single-family condo dwellings;

(B) Two-family condo dwellings;

(C) Multi-family condo dwellings with up to eight units per building or with a maximum gross density of up to eight dwelling units per acre;

(D) Home occupations in accord with the regulations prescribed in the home occupations subchapter of this zoning code;

(E) An accessory structure located on the same site with a permitted use including private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and swimming pools;

(F) Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in a RM-C Condo District except for those

permitted in § 152.117 and § 152.118 for the RM Multiple-Family Residential District.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.134 SPECIAL USES.

The following special uses may be permitted in the RM-C Condo District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Multi-family condo dwellings with nine or more dwelling units per building and/or with a gross density of more than eight units per acre, provided that the project includes the following characteristics:

(1) All design requirements in § 152.261 shall be met;

(2) Not less than 50% of the front facade of the principal building(s) shall be covered with brick, or with another decorative material if approved by the village;

(3) Not fewer than one parking space per unit shall be provided within a fully enclosed garage, either at grade or sub-grade;

(4) Whether attached or detached from the principal building, garages shall not be the dominant visual element from public rights-of-way. Where large garages are necessary, their facades shall be broken up with foundation landscaping, varied facade setbacks, and/or recessed garage doors.

(5) Surface parking lots shall be located so they are not the dominant visual element, screened from public view, and broken up with landscape islands or peninsulas;

(6) Pedestrian access shall be provided through sidewalks and private walkway connections between public sidewalks, parking areas, and the principal building(s);

(7) All refuse containers shall be located indoors or screened from public view through an opaque fence or wall.

(B) Bed and breakfast establishments meeting the requirements of § 152.151(G);

(C) Churches, convents, monasteries, parish houses, parsonages and other religious institutions;

(D) Golf courses, public parks and playgrounds;

(E) Nursery schools and child day care centers;

(F) Private recreation parks and swim clubs;

(G) Public and parochial schools and colleges;

(H) Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks found by the Board of Trustees to be necessary for the public health, safety or welfare;

(I) Accessory structures and accessory uses located on the same site as a special use;

(J) Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or industrial districts.
(Ord. 2004-29, passed 11-16-04)

§ 152.135 APPLICATION AND REVIEW PROCEDURES.

(A) For all lands rezoned or zoned upon annexation to RM-C Condo following October 1, 2004, the approval process, required submittals, review criteria, requirement to build in accordance with approved plans, and subsequent plan amendment process shall be identical to similar requirements for planned unit development projects under § 152.200. This approval process must be completed prior to the issuance of a building permit.

(B) For all lands already zoned RM-C Condo as of January 1, 2004, design review and approval must be obtained as specified in § 152.255 prior to issuance of a building permit.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.136 RECORDED PLAT REQUIRED.

A plat of subdivision shall be recorded. Such plat will show building lines, common land, streets, easements and other applicable features required by the subdivision code. All applicable procedures, standards and requirements of the subdivision code shall be followed except those in conflict with this section. No building permits shall be issued until after final approval of the RM-C Condo Development and recording of the subdivision plat as finally approved by the Village Board of Trustees.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.137 GUARANTEE OF COMPLETION.

Before final approval of a RM-C Condo Development, the Board of Appeals, on recommendation of the Planning Commission or on its own initiative, may recommend and the Village Board of Trustees may require a contract with safeguards satisfactory to the Village Attorney guaranteeing completion of the RM-C Condo Development in a period specified by the Zoning Board of Appeals, but which period shall not exceed five years unless extended by the Village Board of Trustees.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.138 REVOCATION.

A RM-C Condo Development granted subject to a condition or conditions shall be temporarily revoked by the Village Board of Trustees if the condition or conditions are not complied with. The Zoning Board of Appeals shall hold a public hearing within 45 days in accord with the regulation, general provision or condition not being complied with, may recommend permanent revocation of the

RM-C Condo Development or the taking of such action as may be necessary to ensure compliance with the regulation, general provision or condition. In any case when construction of a RM-C Condo Development has not commenced within one year after the date of approval, the Zoning Board of Appeals shall review said RM-C Condo Development and recommend to the Village Board of Trustees whether or not the RM-C Condo Development should be revoked or continued.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.139 NEW APPLICATION.

No application for a RM-C Condo Development which has been denied wholly or in part by the Village Board of Trustees shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.
(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.140 SPECIAL USES.

The following special uses may be permitted in the RM-C Condo District upon the granting of a special use permit, in accordance with the provisions of the special use subchapter of this zoning code:

(A) Lodging houses in which not more than six paying guests may be lodged or boarded;

(B) Churches, convents, monasteries, parish houses, parsonages and other religious institutions;

(C) Golf courses, public parks and playgrounds;

(D) Hospitals, sanitariums and nursing homes, not including hospitals, sanitariums or nursing homes for mental, alcohol dependency or chemical dependency cases;

(E) Nursery schools and child day care centers;

(F) Private recreation parks and swim clubs;

(G) Public and parochial schools and colleges;

(H) Public utility, public facility and public services; pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks found by the Village Board of Trustees to be necessary for the public health, safety or welfare;

(I) Accessory structures and accessory uses located on the same site as a special use;

(J) Cemeteries, including crematories and mausoleums in conjunction therewith, if not located within 500 feet of any dwelling;

(K) Off-street parking areas, provided there is a need for this facility in the interest of public necessity and convenience, and that no appropriate site is available in nearby business or industrial districts;

(L) One-family dwelling units;

(M) Museum.

(Ord. 1996-18, passed 9-3-96; Am. Ord. 2004-29, passed 11-16-04)

COMMERCIAL (C) DISTRICTS

§ 152.150 PURPOSES.

(A) *Purposes generally.* In addition to the objectives prescribed in § 152.001, the C Districts included in the village are CR Central Retail and Commercial District, CG General Commercial District, CH Highway Commercial District, and CN Neighborhood Commercial District and are included in the zoning code to achieve the following purposes:

(1) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments and wholesale businesses, offering commodities and services required by residents of the village and its surrounding market area;

(2) To provide opportunities for retail stores, offices, service establishments, amusement establishments and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;

(3) To provide space for housing, community facilities and institutions that may be located in commercial areas;

(4) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(5) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(6) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;

(7) To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(B) *Special purposes of CR Central Retail and Commercial District.*

(1) To encourage consolidation and maximize the efficiency of the village's most intensively developed retail district by limiting or prohibiting uses that break the continuity of commercial frontage or are incompatible with an attractive pedestrian shopping area;

(2) To facilitate the future establishment of off-street parking facilities by limiting or prohibiting in-vehicle sales and service uses that would not benefit substantially from public off-street parking facilities;

(3) To promote retention of the historic character of Rockton's downtown, revitalization, and an appropriate mix of uses to serve both residents and visitors.

(C) *Special purposes of CG General Commercial District.*

(1) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;

(2) To provide for the appropriate location of certain light industries as special uses.

(D) *Special purposes of CH Highway Commercial District.*

(1) To provide appropriately located areas for establishments catering to highway travelers;

(2) To enhance the appearance of the village and to protect commercial patrons from nuisances by limiting or prohibiting certain commercial uses that often are unsightly or have nuisance features;

(3) To provide appropriately located areas for establishments that generally require large sites and do not require close proximity to other retail uses;

(4) To facilitate the protection of natural scenic and recreational resources while providing for their use as tourist and recreation-oriented facilities;

(5) To protect recreational commercial areas from nuisances by limiting or prohibiting certain commercial and other land uses that are often unsightly or have nuisance features;

(6) To facilitate the development of tourist-oriented recreational facilities requiring a significant land area.

(E) *Special purposes of the CN Neighborhood Commercial District.*

(1) To permit small-scale commercial development compatible with the desired

neighborhood character and adjacent residential areas, outside of the historic downtown area;

(2) To limit uses that are generally not compatible with a neighborhood environment.
(Ord. 1994-3, § 900, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.151 REQUIRED CONDITIONS.

(A) *Dimensional standards.* All uses shall comply with the regulations prescribed in §§ 152.020 *et seq*. and Appendix 1 of this chapter.

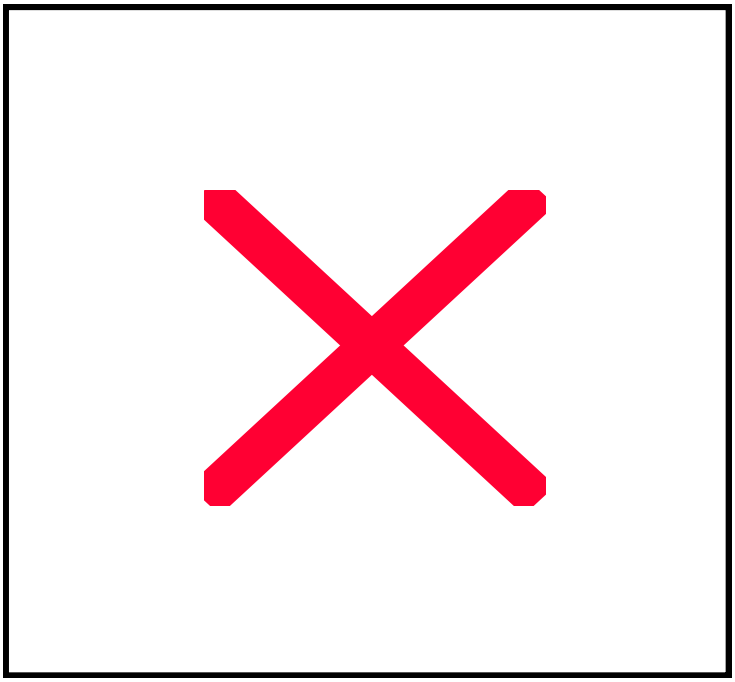
(B) *Design standards.* All uses shall comply with the appropriate regulations prescribed in the respective subchapter of this zoning code relating to off-street parking; off-street loading; signs; landscaping; lighting; building design; design review; nonconforming buildings and uses; and any other applicable portions of this chapter.

(C) *Standards applicable in CR and CN Districts.* In the CR and CN Districts, all businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold or manufactured on the premises not exceeding 100 square feet in area, in-vehicle sales and service operations in the CN District, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and utility substations and equipment installations.

(D) *Standards applicable in CR District.* In the CR Central Retail and Commercial District, nonresidential construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall conform with the following requirements:

(1) The setback of buildings from street-yard and side-yard property lines shall be compatible with existing buildings in the immediate area;

(2) The height of buildings shall be compatible with existing buildings in the immediate area. In no instance shall buildings be more than one story taller or shorter than the height of a building of similar use on one of the immediately adjoining properties (see figure);



2005 S-1

(3) The mass of buildings shall be compatible with existing buildings in the immediate area. The characteristic proportion (relationship between facade height and width) of the general design theme shall be maintained. Building mass for structures with a facade area exceeding 5,000 square feet shall be disguised through the use of facade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings;

(4) Selected building materials shall be compatible with predominant building materials in the downtown prior to 1950. In addition, the following material requirements shall apply:

(a) Stone or brick facing should be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted;

(b) Wood or thin board textured vinyl or textured metal clapboard siding may be appropriate, particularly if the proposed non-masonry exterior conforms to the historic materials used on the building or surround buildings. Asphalt siding shingles shall not be permitted;

(c) Clear or slightly tinted glass shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted.

(5) Awning size, color and placement shall complement the architectural character of the building. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Aluminum or suspended metal canopies shall be prohibited. Signage applied to awnings shall be simple and durable;

(6) Exterior colors for structures and appurtenances, including fixtures and signs, shall be compatible and harmonious with those of existing buildings in the immediate area which conform to the historic character of the area. Specifically, throughout the district:

(a) Primary (red, blue, green and yellow) colors, black, and fluorescent, “day glow,” and/or neon colors shall not be permitted as main building colors. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used;

(b) High gloss paints, lacquers, varnishes, or other shiny non-glazing surfaces shall not be used;

(c) Aside from permitted signage, color combination schemes shall be limited to no more than three different colors for the principal building. Varying shades, tints, or intensities of a color shall count as a different color for this purpose;

(d) Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all facades of a building or structure.

(7) On-site landscaping is not required within the CR District, except to provide vegetated ground cover for pervious (non-paved or roofed) surfaces, and to provide screening and shading of on-site paved areas (see §§ 152.276 and 152.278);

(8) Signage shall be as regulated in § 152.235;

(9) On-site exterior lighting shall comply with § 152.296(G) and be compatible and harmonious with the historic character of the area. The design, color, height, location and light quality of on-site lighting shall be compatible with the public lighting fixtures in the district;

(10) All other design standards in § 152.261 shall also apply.

(E) *Standards for in-vehicle sales and service operations.* The following design standards shall be applicable for in-vehicle sales and service operations, in districts where they are allowed as a special use. In-vehicle sales and service land uses include all principal or accessory land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity, except for automobile repair services. Examples of such land uses include drive-in, drive-up and drive-through facilities; gas stations; and car washes. For the purposes of this chapter, principal uses engaged in the sales of motor vehicles or boats shall not be considered in-vehicle sales and service operations. In-vehicle sales and service operations often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Because of their potential impact on community character, aesthetics, noise, parking, and traffic, special design regulations for such uses are appropriate, where such uses may be allowed as special uses. The following detailed standards must be satisfied before a special use permit may be granted for such uses:

(1) Clearly marked pedestrian walkways and crosswalks shall be provided to the site and to each walk-in customer building access;

(2) Any drive-through facility shall be designed to not impede or impair vehicular and pedestrian movement and safety. This generally requires unimpeded stacking space for a minimum of four vehicles behind all stations where transactions occur;

(3) The setback of any overhead canopy, menu board, or similar structure shall be a minimum of ten feet from all street right-of-way lines, 20 feet from all residentially-zoned property lines, and ten feet from all other property lines;

(4) The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure, unless taller structures are required to meet community character desires of the village;

(5) Any text or logo identifying the business conducted on the site which is larger than one square foot per side on an overhead canopy, menu board, or other accessory structure shall be considered a freestanding sign subject to regulation under § 152.235;

(6) All vehicular areas of the facility shall provide a surface paved with concrete or

bituminous material designed to meet the requirements of a four-ton axle load;

(7) Facility shall provide a landscaped buffer yard along all property borders abutting a residentially zoned or used property per the requirements of § 152.278;

(8) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design;

(9) Access to the property from the public street network shall be approved by the Village Engineer. To assure the proper number, location, and design of vehicular access points, the Village Engineer may require that the applicant supply a traffic study from a qualified professional before the special use permit is granted.

(F) *Standards for retail and commercial service buildings in excess of 40,000 square feet of area.* The following requirements are applicable to all new retail and commercial service buildings in excess of 40,000 gross square feet, and to all additions to existing retail and commercial service buildings, built either before or after the adoption of this section, which brings the total building size to over 40,000. The following standards are intended to ensure that large retail and commercial service buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the village. Such projects shall also be subject to the non-residential building design standards found in § 152.261.

(1) *Building materials.* Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.

(2) *Building design.* The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of 20% of all of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet for buildings over 50,000 square feet. Roofs with particular slopes may be required by the village to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are within 100 feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50% of their horizontal length. The integration of windows into building design is strongly encouraged.

(3) *Building entrances.* Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios,

display windows, distinct architectural details. All sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the village shall not require building entrances on more than two sides of any building or along facades abutting roads where vehicular access is not provided.

2005 S-1

(4) *Building color.* Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on facades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.

(5) *Building location.* Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.

(6) *Screening.* Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality. All regulations in § 152.276 shall also be followed.

(7) *Traffic impact.* All projects that include buildings over 20,000 square feet shall have direct access to an arterial street, or shall dedicate public roads which have direct access to an arterial or major collector street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number, and traffic control devices, and sidewalks. See § 152.215 for parking and loading requirements. The site design shall provide direct connections to adjacent land uses if required by the village. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following generally accepted standards of the profession. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the village may require that the developer construct and/or pay for required off-site improvements, deny the application, or require a size reduction in the proposed development.

(8) *Parking.* Not more than 50% of the off-street parking spaces shall be located directly between the front facade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required in the Schedule of Required Off-Street Parking Spaces in this chapter shall be allowed only with specific and reasonable justification. Parking lot design shall employ interior, curbed landscape islands at all parking aisle ends. In addition, the project

shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every 20 spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of 300 square feet in area. Landscaped medians shall also be used to break large parking areas into smaller pods, with a maximum of 100 spaces in any pod.

(9) *Natural features and landscaping.* In general, existing natural features shall be integrated into the site design as a site and community amenity. On-site landscaping shall be provided per the landscaping requirements of § 152.278 of this chapter. The project shall feature:

(a) Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building;

(b) Extensive paved area landscaping for all parking, driveway, and loading areas to screen and provide visual breaks in the size of such paved areas. Canopy/shade trees shall be emphasized within landscaped islands, with shrubs, ground cover, or grass preferred to mulch or stones.

(10) *Lighting.* On-site exterior lighting shall meet all the standards of § 152.296(G). The color and design of pole lighting standards shall be compatible with the building and the village's public lighting in the area, if a particular public lighting theme has been established for the area.

(11) *Signage.* Signage shall meet all the standards in § 152.235. The plan for exterior signage shall provide for modest, coordinated, and complementary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall complement on-building signage. Consolidated signs for multiple users are strongly preferred over multiple individual signs. The village may require the use of muted corporate colors on signage if proposed colors are not compatible with the village's design objectives for the area.

(12) *Bicycle and pedestrian access.* The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties. Sidewalks shall be provided along the entire length of any facade containing a public entrance, leaving room for foundation planting beds. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. Internal pedestrian walkways must be distinguished from driving surfaces. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location. The building shall provide awnings or other weather protection features within 30 feet of all customer entrances.

(13) *Central areas/features.* Each development which contains a building over 40,000 square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

(14) *Cart returns.* A minimum of one cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, all-season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of the building.

(15) *Waiver of standards.* The Village Board may waive any of the above standards by a three-quarters vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver of the particular standard.

(G) *Standards for bed and breakfast establishments.* Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

(1) All such facilities shall be required to obtain a permit to serve liquor, if applicable. They shall be inspected annually at a fee as established by a separate ordinance, to verify that the land use continues to meet all applicable regulations.

(2) One sign, with a maximum area of 20 square feet, shall be permitted on the property, and all other sign requirements of § 152.235 shall be met.

(3) Facility shall provide a buffer yard in compliance with § 152.278.

(4) No premises shall be utilized for a bed and breakfast establishment unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the building code. One lavatory and bathing facility shall be required for every ten occupants, in addition to the owner/occupant's personal facilities.

(5) The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.

(6) Only the meal of breakfast shall be served to overnight guests.

(7) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by village officials at any time.

(8) The maximum stay for any occupants of a bed and breakfast establishment shall be 14 days.

(9) Applicants for a license or special use permit to operate a bed and breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with

the village zoning code as amended, and other applicable village codes and ordinances.

(10) In the village's determination of the number of bed and breakfast establishments required to provide for public convenience and necessity, the village shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.

(H) *Prohibited uses.* No use shall be permitted and no process, equipment or material shall be employed which is found by the Village Board to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
(Ord. 1994-3, § 901, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.152 PERMITTED USES.

Appendix 3 lists the uses that shall be permitted by right within the various districts in which they are listed. Any other use not listed in Appendix 3 but determined by the Board of Trustees to be substantially similar to a listed permitted by right use shall also be permitted by right.
(Ord. 1994-3, § 902, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.153 SPECIAL USES.

Appendix 3 lists the uses that shall be allowed upon the granting of a special use permit within the various districts in which they are listed. Any other use not listed in Appendix 3 but determined by the Board of Trustees to be substantially similar to a listed special use shall also be allowed following issuance of a special use permit.
(Ord. 1994-3, § 903, passed 5-16-94; Am. Ord. 1996-27, passed 11-18-96; Am. Ord. 1997-1, passed - -97; Am. Ord. 2004-29, passed 11-16-04)

INDUSTRIAL (I) DISTRICTS

§ 152.165 PURPOSES.

(A) *Purposes.* In addition to the objectives prescribed in § 152.001, the I Districts included in the village are IL Light Industrial District, IG General Industrial District and IH Heavy Industrial District and are included in the zoning code to achieve the following purposes:

(1) To reserve appropriately located areas for industrial plants and related activities;

(2) To protect areas appropriate for industrial use from intrusion by dwellings and other inharmonious uses;

(3) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from: noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat, cold, glare, truck and rail traffic, fire, explosion, noxious fumes, radiation and other objectionable influences and hazards incidental to certain industrial uses;

(4) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;

(5) To provide adequate space to meet the needs of modern industrial development, including off-street parking and truck loading areas and landscaping;

(6) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;

(7) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

(B) *Special purposes of IL Light Industrial District.* The IL District is intended to accommodate light manufacturing, wholesale and research establishments. The IL District may be located in various areas throughout the community and may be in close proximity to residential neighborhoods and not be detrimental to residential uses because of its limited nature. While most often applied to areas where the location of particular industries has no direct relationship to other nearby business or industrial districts, it may also be formed as an adjunct to these established districts.

(C) *Special purpose of the IG General Industrial District.* The purpose of the IG District is intended to accommodate those manufacturing and industrial uses which may not or cannot meet the performance standards of the IL District yet do not have the objectionable influences of those uses found in the IH District. The IG District should not, where possible, be located in close proximity to an "R" district.

(D) *Special purpose of the IH Heavy Industrial District.* The purpose of the IH District is to accommodate those heavier manufacturing and other industrial uses which have objectionable influences, but which, nevertheless, should be provided for somewhere in the community. The IH District is, insofar as possible, applied to locations removed from the R Districts on the basis of linear distance or natural or manmade features.
(Ord. 1994-3, § 1000, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.166 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq*.

(B) All uses shall comply with the appropriate regulations prescribed in the respective subchapters of this zoning code relating to off-street parking; off-street loading; signs; design review; nonconforming buildings and uses; and any other applicable portions of this chapter.

(C) All uses shall comply with the performance standards as cited in the “Environmental Protection Act” effective July 1, 1972 as amended, State of Illinois.

(D) No use shall be permitted which emits dangerous radioactivity.

(E) No use shall be permitted which creates insect nuisances beyond the boundaries of the site.

(F) Adult entertainment establishments as defined by this chapter may be permitted as a special use in the districts in which they are allowed, subject to the following conditions:

(1) An adult entertainment establishment shall not be located less than 1,000 feet from a residential dwelling, day nursery, school, place of worship, playground or park. This distance limitation shall be measured in a straight line from the main public entrance of the adult entertainment establishment to the nearest zoning district boundary of a residence district, or to the nearest property line of the premises of any residential dwelling, day nursery, school, place of worship, playground or park.

(2) An adult entertainment establishment shall not be located less than 1,000 feet from another adult entertainment establishment. This distance limitation shall be measured in a straight line from the closest exterior structural wall of each existing or proposed adult entertainment establishment. (Ord. 1994-3, § 1001, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.167 PERMITTED USES.

The following uses shall be permitted:

(A) *IL Light Industrial District.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the IL District except for one or more of the following uses:

(1) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conforms to the performance standards established for this section, but not including any of the uses listed as permitted in the IH Heavy Industrial District;

(2) Wholesaling and warehousing; local cartage and express facilities (but not including motor freight terminals);

(3) Public and community service uses, as follows:

Electric substations
Fire stations
Municipal or privately-owned recreation buildings or community centers

Police stations
Radio and television towers

Sewage treatment plants
Telephone exchanges
Water filtration plants
Water pumping stations
Water reservoirs

(4) Temporary buildings for construction purposes for a period not to exceed the duration of such constructions;

(5) Accessory structures and accessory uses;

(6) Paper mills not involving wood pulping operations;

(7) Wind-operated energy devices;

(8) Offices and/or office complexes.

(B) *IG General Industrial District.* Unless otherwise provided in this chapter, no building or land use may be used, and no building may be erected, converted, enlarged or structurally altered in the IG District except for one or more of the following uses:

(1) Any use permitted in the IL District;

(2) Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which conforms to the performance standards established for this section, but not including any of the uses listed as permitted in the IH Heavy Industrial District;

(3) Bus terminals, bus garages, bus lots, street railway terminals, but not including motor freight terminals;

(4) Machinery sale rentals;

(5) Wind-operated energy devices.

(C) *IH Heavy Industrial District.* Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, converted, enlarged or structurally altered in the IH District except for one or more of the following uses:

(1) Any use permitted in the IL or IG District;

(2) Production, processing, cleaning, servicing, testing and repair, including the service and manufacturing of the following products:

Coal, coke and tar products, including gas manufacturing
Electric central station, power and steam-generating plants
Explosives, when not prohibited by other ordinances
Feed and fuel stores
Fertilizers
Film, photographic
Flour, feed and grain–milling and processing
Freight forwarding terminals
Gelatin, glue and size–animal
Incineration or reduction of garbage, offal and dead animals
Linoleum and oil cloth
Magnesium foundries
Matches
Metal and metal ores (except precious and rare metals)–reduction, refining, smelting and alloying
Packing and crating
Paint, lacquer, shellac, varnishes, linseed oil and turpentine
Petroleum products, refining–such as gasoline, kerosene, naphtha, lubricating oil and liquified petroleum gases
Ready-mix cement plants
Rubber (natural or synthetic)
Sanitary treatment facilities
Soaps, including fat and oil rendering
Starch
Stock yards, slaughter houses and abattoirs

2005 S-1

Storage yards for commercial vehicles
Trucking terminals
Veterinarians' offices and animal hospitals
Wood, coal and bones, distillation
Wood, pulp and fiber, reduction and processing, including paper mill operations
Any other production, processing, cleaning, servicing, testing and repair which conforms with the performance standards established hereinafter for the IH District

(3) Storage, including the following uses and materials or products:

Goods used in or produced by manufacturing activities permitted in this district
Dumps and slag piles
Explosives when not prohibited by other ordinances
Grain
Manure, peat and topsoil
Petroleum and petroleum products

(4) Miscellaneous uses, as follows: railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses;

(5) Temporary buildings for construction purposes for a period not to exceed the duration of such constructions;

(6) Accessory structures and accessory uses;

(7) Wind-operated energy devices.

(Ord. 1994-3, § 1002, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.168 SPECIAL USES.

The following special uses shall be permitted upon the granting of a special use permit in accord

with the provisions of the respective subchapter of this zoning code relating to special uses:

(A) *IL Light Industrial District.*

(1) Any use which may be allowed as a permitted use in the CG and CH Commercial Districts except residential uses including those indicated in § 152.152(C)(3);

(2) Airport or aircraft landing fields;

(3) Bus terminals, bus garages, bus lots, street railway terminals, including motor freight (trucking) terminals;

(4) Machinery sale rentals;

(5) Museums;

(6) Sewage treatment plants;

(7) Stadiums, auditoriums and arenas;

(8) Storage of fuel, explosives and flammable liquids;

(9) Theaters, outdoor drive-in.

(B) *IG General Industrial District.*

(1) Any use which may be allowed as a special use in the IL Districts;

(2) Junkyards and automobile wrecking yards, provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least 12 feet high;

(3) Railroad roundhouses, maintenance buildings and switching yards;

(4) Sewage treatment plants;

(5) A trailer and/or modular unit may be used temporarily in conjunction with a use already allowed and in existence for a period not to exceed one year following the date on which the special use permit became effective when it shall lapse and become void;

(6) Museums.

(C) *IH Heavy Industrial District.*

(1) Any use which may be allowed as a special use in the IL or IG District, unless already permitted under division (B) above may be allowed by special use permit in accordance with the provisions of the subchapter of this zoning code relating to special uses;

(2) Junk yards and automobile wrecking yards, provided they are contained within

completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least 12 feet high;

(3) Production, processing, testing and manufacturing of the following products unless specifically prohibited to the village:

(a) Chemicals, including acetylene, aniline dyes, ammonia, carbine, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, proxylin, rayon yarns and acids (hydrocholoric, nitric, sulphuric and derivatives);

(b) Live storage, killing or dressing of poultry or rabbits;

(4) Stone and gravel quarries; crushing, grading, washing and loading equipment and structures;

(5) Museums;

(6) Adult entertainment establishment (see standards in § 152.166(F)).
(Ord. 1994-3, § 1003, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.169 SETBACK AND YARD REQUIREMENTS.

No building or structure shall hereafter be erected or structurally altered in the IL, IG or IH Districts unless the following setbacks are provided and maintained in connection with such buildings:

(A) *Front.* In the IL Light Industrial, IG General Industrial and IH Heavy Industrial Districts, a front setback of at least one-half adjacent right-of-way or 50 feet, whichever is greater for buildings under 25 feet in height. For buildings which exceed 25 feet in height, the minimum front setback 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 setback of more than 60 feet be required.

(B) *Side.* In the IL Light Industrial, IG General Industrial and IH Heavy Industrial Districts, side setbacks equal to at least 10% of the lot width to a maximum of 20 feet, except on corner lots where the side setback adjoins a street, the side setback shall be the same as the front setback.

(C) *Rear.* Rear setbacks of at least 30 feet for buildings in the IL District and at least 50 feet for buildings in the IG and IH District.
(Ord. 1994-3, § 1004, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.170 PERFORMANCE STANDARDS.

All uses shall comply with the performance standards as cited in the “Environmental Protection Act” effective July 1, 1972, as amended, State of Illinois.

(Ord. 1994-3, § 1005, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

SPECIAL DISTRICTS

§ 152.180 SPECIAL DISTRICT PURPOSES.

The special districts are established to provide protection to unique resources and features in the community which are not included within the other standard zoning classifications and to designate publicly-held lands which provide recreational and open space areas to the community.
(Ord. 1994-3, § 1100, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.181 REQUIRED CONDITIONS.

(A) All uses shall comply with the regulations prescribed in §§ 152.020 *et seq*.

(B) All uses shall comply with the appropriate regulations prescribed in this zoning code.
(Ord. 1994-3, § 1101, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.182 PUBLIC PARK AND CONSERVATION DISTRICT.

(A) *Generally.* The Park and Conservation District is intended to preserve public parks and those natural features and environments which are unique community assets so they will be protected from adverse urban development activities.

(B) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the Park and Conservation District except for one or more of the following uses:

(1) Public parks;

(2) Community recreational facilities;

(3) Conservation;

(4) Golf courses and playgrounds;

(5) Accessory structures located on the same site as the principal structure or principal use.

(C) *Special uses.* The following uses may be allowed by a special use permit in accordance with the provisions of this chapter relating to special uses:

(1) Amusement and recreational services;

(2) Clubhouses or lodges;

(3) Public service uses;

(4) Educational institutions;

(5) Historical sites and landmarks;

(6) Swimming pools;

(7) Concession stands.

(Ord. 1994-3, §§ 1102–1104, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.183 CEMETERY DISTRICT.

(A) *Generally.* The Cemetery District is intended to designate publicly-held lands that provide burial sites to the community.

(B) *Permitted uses.* Unless otherwise provided in this chapter, no building or land may be used and no building may be erected, converted, enlarged or structurally altered in the Cemetery District except for one or more of the following uses:

(1) Cemeteries;

(2) Accessory structures located on the same site as the principal structure or principal use.

(C) *Special uses.* The following uses may be allowed by a special use permit in accordance with the provisions of this chapter relating to special uses:

(1) Crematories and mausoleums;

(2) Public service uses;

(3) Historical sites and landmarks.

(Ord. 1994-3, §§ 1105–1107, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.184 CONSERVATION NEIGHBORHOOD DESIGN (CND) OVERLAY DISTRICT.

(A) *Purposes*. In addition to the objectives found in § 152.001, this section is adopted for the following purposes:

(1) To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas, as recommended by the Village of Rockton Comprehensive Plan, for development and conservation;

(2) To express a cultural and historic heritage of agricultural and rural character through the permanent preservation of open space and natural resources within and around the village;

(3) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;

(4) To provide buffering between residential development and non-residential uses;

(5) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;

(6) To preserve significant archaeological sites, historic buildings and their settings;

(7) To conserve those areas containing unique and sensitive natural features such as native and natural woodlands and grasslands, steep slopes, streams, floodplains, and wetlands, by protecting those areas from development;

(8) To provide greater design flexibility and efficiency in the provision of services and infrastructure, including the opportunity to reduce the length of roads, utility runs, and the amount of paving required for residential development;

(9) To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes;

(10) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and households with different housing demands, so mat the community's population diversity may be maintained;

(11) To implement municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands for the benefit of present and future residents;

(12) To protect productive agricultural soils in the region for continued or future agricultural use by minimizing urban sprawl and promoting compact, environmentally sensitive neighborhood and community design;

(13) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

(14) To provide multiple options for landowner in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical

wildlife habitats, and culturally or historically significant buildings);

(15) To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and

(16) To conserve scenic views and elements of the village's small-town character and minimize perceived density, by using existing natural landforms, topography, and features to minimize views of new development from existing roads, where possible.

(B) *Definitions*. The following definitions shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used hi the plural form shall include the singular. The word "shall" is mandatory and the word "may" is permissive.

COMMON OPEN SPACE. Undeveloped land within a conservation neighborhood design that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. ***COMMON OPEN SPACE*** shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as are indicated on an approved development plan.

CONSERVATION EASEMENT. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

ENVIRONMENTALLY SENSITIVE AREAS. Includes all of the following:

(a) All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Illinois Department of Natural Resources, or other public or private entity;

(b) All wetlands as defined in 20 ILCS 830, Interagency Wetland Policy Act of 1989, including a 75-foot buffer;

(c) All areas having slopes greater than 12% for a contiguous area of 5,000 square feet or more;

(d) All areas within a distance of 75 feet of the ordinary high-water mark of navigable streams and lakes as identified by the Illinois Environmental Protection Agency;

(e) Areas that are documented to provide habitat for rare, threatened or endangered species;

(f) Burial sites and Indian mounds; or

(g) Existing drainage ways that contain running water during spring runoff and/or during

storm events, including a 25-foot buffer, which may include features such as natural or man-made drainage swales, springs and brooks.

HOMEOWNERS ASSOCIATION. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

(C) *Required conditions.*

(1) *Applicability of regulations.* The Conservation Neighborhood Design Overlay option is available in the Village of Rockton's R-l, R-2, R-M, RM-C, and PUD districts as a use by right. The applicant shall comply with all other provisions of the underlying zoning district, Chapter 152 (the Zoning Code), this chapter (the Subdivision Code (specifically § 151.068)), and all other applicable laws, except as those provisions are incompatible with the provisions contained herein.

(2) *Open space management plan required.* Prior to the issuance of a zoning permit, the applicant shall prepare or cause to be prepared an open space management plan, which follows the standards outlined in this division (C).

(3) *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed over the open space concurrent with the issuance of a zoning permit, and shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the open space. The instrument shall be one of the following:

(a) A permanent conservation easement in favor of either:

1. A land trust or similar conservation-oriented non-profit organization with legal authority and capacity to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

2. A governmental entity with an interest in pursuing goals compatible with the purposes of this section. If the entity accepting the easement is not the Village of Rockton, then a third right of enforcement favoring the Village of Rockton shall be included in the easement.

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(c) An equivalent legal tool that provides permanent protection, if approved by the Village of Rockton.

(D) *Open space.* Open space is the portion of the conservation neighborhood design subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument

(1) *Standards to determine open space*.

(a) The minimum restricted open space shall comprise at least 40% of the total area of the development tract.

(b) The following are considered "environmentally sensitive" areas and, whether individually or collectively, are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and would be counter to the purposes of this section.

1. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Illinois Department of Natural Resources, or other public or private entity;

2. All wetlands as defined in 20 ILCS 830, Interagency Wetland Policy Act of 1989, including a 75-foot buffer;

3. All areas having slopes greater than 12% for a contiguous area of 5,000 square feet or more;

4. All areas within 75 feet of the ordinary high-water mark of navigable streams and lakes as identified by the Illinois Environmental Protection Agency;

5. Areas that are documented to provide habitat for rare, threatened or endangered species;

6. Burial sites and Indian mounds; or

7. Drainage ways that contain running water during spring runoff and/or during storm events, including a 25-foot buffer.

(c) Above-ground utility rights-of-way may be included within the protected open space but cannot be counted towards the 40% minimum area requirement.

(d) At least 50% of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(2) The open space shall be directly accessible to the largest practicable number of lots within the subdivision, but in no case shall less than two-thirds of all lots directly abut, or face across a street, common open space areas. Non-adjoining lots shall be provided with safe, convenient pedestrian access to the open space.

(3) *Permitted uses of open space.* Use of open space shall include the following:

(a) Conservation of natural, archeological or historical resources;

(b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(c) Walking or bicycle trails;

(d) Passive recreation areas;

(e) Active recreation areas, provided that they are limited to no more than 50% of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit shall be located outside of the designated open space;

(f) Agriculture, horticulture, or silviculture, provided that such operations do not involve the breeding, raising, keeping, or tending of livestock (including fish and fowl) and all applicable best management practices are used to minimize environmental and neighborhood impacts, and such activities are not conducted within primary conservation areas;

(g) Nonstructural storm water management practices;

(h) Easements for drainage, access, and underground utility lines; and

(i) Other conservation-oriented uses compatible with the purposes of this section.

(4) *Prohibited uses of open space.*

(a) Golf courses;

(b) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous divisions of this section;

(c) Agricultural and forestry activities not conducted as otherwise allowed above in this section and according to best management practices; and

(d) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

(5) *Ownership and management of open space*.

(a) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon.

(b) *Management plan.* The applicant shall submit a plan for management of all open space and common facilities ("plan") that:

1. Allocates responsibilities and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for

long-term capital improvements;

2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

3. Provides that any changes to the plan be approved by the Village Board and applicable homeowners' association(s); and

4. Provides for enforcement of the plan.

(c) In the event the party or parties responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the Village of Rockton may issue an order to cure such condition within 60 days of issuance. Should the responsible party or parties fail to cure such condition within 60 days, the Village of Rockton may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowners' association, or to the individual property owners that make up the homeowners' association, and will include administrative costs and penalties as applicable.

(6) *Legal instrument for permanent protection*. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed, as defined in division (B)(3) above.

(7) *Creation of special service areas*.

(a) Owner and/or developer must establish, as a condition of platting, one or more special service areas ("SSA") to be utilized as a funding mechanism for the maintenance of open space, including but not limited to mowing, replanting, or reseeding ("maintenance"). The SSA shall be utilized in the event owner and/or developer fail to maintain the open space within a conservation neighborhood design area.

(b) The village has no obligation to perform said maintenance but may do so by right, and will be reimbursed for those funds expended for maintenance through assessments levied against all dwelling units in the property. The SSA shall provide for the authority of the village to levy the amount necessary to fund the payment of all costs and expenses associated with the SSA which are incurred by the village, including but not limited to, administrative costs, legal fees, and third-party engineering fees.

(E) *Dimensional, intensity, and design standards*.

(1) *Single-family residential uses.*

(a) Maximum density: one dwelling per 12,500 square feet, except for density incentives as approved by the Planning Commission using the standards in § 151.068(F)(2)(d).

(b) Minimum lot area: 6,000 square feet.

(c) Average lot area: 10,000 square foot minimum; 15,000 square foot maximum.

(d) Minimum lot width: 60 feet.

(e) Maximum lot width: 100 feet.

(f) Minimum lot depth: 100 feet.

(g) Maximum lot depth: 200 feet.

(h) Minimum front and corner side yard:

1. Principal buildings: 15 feet minimum (12 feet to front porches/steps).

2. Attached garages (front-loaded): minimum five feet behind plane of house.

3. Attached garages (side-loaded or rear-loaded): minimum 15 feet.

4. Detached garages: 40 feet minimum.

(i) Maximum front and corner side yard (principal buildings): 33 feet.

(j) Minimum interior side yard: 18-foot separation for principal buildings, no side yard less than five feet.

(k) Minimum rear yard (primary structure): 20 feet.

(l) Minimum rear yard (accessory structure): ten feet, except detached garages accessing a public alley shall be set back a minimum of two feet.

(m) Maximum site coverage (impervious area): 50% on each residential lot.

(n) Maximum height - main structure: 35 feet.

(o) Maximum driveway width at right-of-way line (one- or two-car garage): 18 feet.

(p) Maximum driveway width at right-of-way line (three-car garage): 20 feet.

(2) *Two-family residential uses*.

(a) Maximum density: one dwelling per 6,250 square feet, except for density incentives as approved by the Planning Commission using the standards in § 151.068.

(b) Minimum lot area: 7,500 square feet.

(c) Minimum lot width: 60 feet.

(d) Maximum lot width: 125 feet.

(e) Minimum lot depth: 100 feet.

(f) Maximum lot depth: 200 feet.

(g) Minimum front and corner side yard:

1. Principal buildings: 15 feet minimum.

2. Attached garages (front-loaded): minimum five feet behind plane of house.

3. Attached garages (side-loaded or rear-loaded): minimum 15 feet from street right-of-way.

4. Detached garages: 40 feet minimum.

(h) Maximum front and corner side yard (principal buildings): 33 feet.

(i) Minimum interior side yard: 18-foot separation for principal buildings, no side yard less than five feet.

(j) Minimum rear yard (primary structure): 20 feet.

(k) Minimum rear yard (accessory structure): ten feet, except detached garages accessing a public alley shall be set back a minimum of two feet.

(l) Minimum rear yard: 20 feet.

(m) Maximum site coverage (impervious area): 50% on each residential lot.

(n) Maximum height - main structure: 35 feet.

(o) Maximum driveway width at right-of-way line: 20 feet.

(3) *Multi-family residential uses (including condominium residential).*

(a) Maximum density: one dwelling per 5,400 square feet (one per 2,700 square feet as special use), except for density incentives as approved by the Planning Commission using the standards in § 151.068(F)(2)(d).

(b) Minimum lot area: 15,000 square feet.

(c) Minimum lot width: 100 feet.

(d) Minimum lot depth: 125 feet.

(e) Minimum front and corner side yard:

1. Principal buildings: 15 feet minimum.

2. Attached garages (front-loaded): minimum five feet behind plane of principal structure - “shall not be the dominant visual element from public rights-of-way.” (See § 152.261(K))

3. Attached garages (side- or rear-loaded): minimum 15 feet from street right-of-way - “shall not be the dominant visual element from public rights-of-way.” (See § 152.261(K))

4. Detached garages: 40 feet minimum - “shall not be the dominant visual element from public rights-of-way.” (See § 152.261(K))

(f) Maximum front and corner side yard (principal buildings): 33 feet.

(g) Minimum interior side yard: 20-foot separation for principal buildings, no side yard less than ten feet.

(h) Minimum rear yard (primary structure): 25 feet.

(i) Minimum rear yard (accessory structure): ten feet, except detached garages accessing a public alley shall be set back a minimum of two feet.

(j) Maximum site coverage (impervious area): 65% on each residential lot.

(k) Maximum height - main structure: 35 feet (up to 75 feet as special use).

(4) All new dwellings shall meet the following additional setback requirements:

(a) From all exterior roads ultimate right-of-way: 100 feet.

(b) From all other tract boundaries: 50 feet.

(c) From cropland or pastureland: 100 feet.

(d) From buildings or barnyards housing livestock: 500 feet.

(e) From active recreation areas, such as courts or playing fields (not including tot-lots): 150 feet.

(5) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping that meets the landscaping requirements of §§ 152.275 through 152.281, the village’s landscaping ordinance.

(6) House lots shall generally be accessed from interior streets rather than from roads bordering the tract.

(Ord. 2010-06, passed 2-16-10)

PLANNED UNIT DEVELOPMENT

§ 152.195 PLANNED UNIT DEVELOPMENT.

Planned Unit Developments may be permitted in accordance with the provisions of this subchapter, and under a distinct zoning district. Lands developed as Planned Unit Developments shall be rezoned to the PUD Planned Unit Development zoning district and labeled “PUD” on the zoning map. As of

2010 S-4

the date of adoption of this subchapter, Planned Unit Developments will no longer be created under the special use permit process. Planned Unit Developments existing before January 1, 2004 created by special use permit shall continue to be considered conforming uses in the district where they are located. However, any substantial alteration of such developments shall require rezoning to the PUD Planned Unit Development zoning district.
(Ord. 1994-3, § 1200, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.196 GENERAL PURPOSE.

The Planned Unit Development District is developed in order to:

(A) Encourage unique design and site planning of land areas through the use of criteria, which, when properly implemented allows for certain flexibility and density bonuses;

(B) Permit and foster condominium developments in accord with the provisions of the "Condominium Property Act," effective June 1963, as amended, State of Illinois;

(C) Provide an administrative procedure and standards to facilitate and utilize imaginative design and subdivision technology;

(D) Forward both the aesthetic and economic development objectives of the village by employing more flexible requirements for land uses, density, intensity, bulk, building arrangements, yard areas, setbacks, landscaping, and parking than normally required in other zoning districts. In exchange for such flexibility, projects in the Planned Unit Development district shall provide a much higher level of site design, architectural control, and other aspects of aesthetic and functional excellence than normally required for other developments and in other zoning districts. These projects must be developed in accordance with detailed plans approved by the village, following a careful review process;

(E) Allow for traditional neighborhood developments as defined in § 152.008.
(Ord. 1994-3, § 1201, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.197 DEFINITION OF PLANNED UNIT DEVELOPMENT.

A development occupying six or more gross acres, including all land within the project boundaries plus one-half of all adjacent public rights-of-way, to be constructed by a single owner or group of owners acting jointly; located on one or more lot(s) of record; involving a related group of single or mixed uses, planned as an entity and, therefore, acceptable for development and regulation as one complex land use unit, rather than as a mere aggregation of individual buildings located on separate unrelated lots.

(Ord. 1994-3, § 1202, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.198 ALLOWABLE USES.

In the PUD District, any permitted or conditional use in any of the other districts in this title, or mix of uses, may be permitted if approved by the village as a component of an overall development plan and specific implementation plan. Uses not specified in such approved plans shall not be allowed in that particular Planned Unit Development district.
(Ord. 1994-3, § 1203, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.199 PERMITTED DENSITY AND SPECIFICATIONS.

(A) The Planned Unit Development district may allow variety in development intensity and density. There shall be no pre-specified building size, number of units, lot area, lot width, yard, height, parking or open space requirements. Instead, such standards shall be proposed by the developer in the required plans, and approved by the village, with adjustments as necessary to meet village conditions of approval.

(B) Maximum site intensity, density, and dimensional standards in the Planned Unit Development district shall be based on similar standards in the nearest comparable residential, commercial, or industrial zoning district. Any variations from such standards shall be specifically requested by the petitioner and approved by the Planning Commission. Individual uses and structures in a Planned Unit Development district shall comply with the specific use, building location, height, building size, lot size, and landscaping requirements as set forth by the Planning Commission as conditions and restrictions of approval.
(Ord. 1994-3, § 1204, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.200 APPLICATION AND REVIEW PROCEDURES.

(A) *Applicant.* The applicant for a Planned Unit Development shall be the owner of the site, or if more than one, all owners of the site acting jointly. For the purposes of this provision, ***OWNER*** shall mean and include any public body, corporation or a holder of a written option to purchase.

(B) *Pre-application Planning Commission review.* The Planning Commission will preliminarily review the proposed Planned Unit Development according to the following process:

(1) *Pre-application conference.* Each prospective applicant shall confer with the Planning Commission in connection with preparation of the application prior to the submission of such application. At this conference, the following basic information and data shall be considered:

(a) The boundaries of the property;

(b) Existing easements and covenants affecting the property;

(c) Land characteristics, such as natural drainage, swamp areas, and wooded areas;

(d) Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities; and

(e) The proposed layout, including the location and extent of the various types of uses, parks, playgrounds and other community facilities.

(2) *Planning Commission review and advice.* The Planning Commission shall review the proposed Planned Unit Development to determine its conformity with residential land development trends in the community; standards of the official comprehensive plan and recognized principles of design, land use, planning and landscape architecture.

(a) The Planning Commission shall convey in writing to the applicant its impressions on the concept plans and project, and advice on modifications if the concept is generally acceptable. Formal approval or rejection of plans is not required in this phase.

(b) This communication must be made within 60 days of receipt of the request to review the proposed Planned Unit Development concept.

(C) *Rezoning and overall development plan (ODP) review.*

(1) *Application.* After receipt of a written report or minutes from the Planning Commission on the concept plan, the applicant may petition for a rezone to the Planned Unit Development district. An application for a Planned Unit Development zoning shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator and provided for that purpose, as described in § 152.440 *et seq*. Along with the proper form, the applicant shall submit to the Zoning Administrator 30 copies of an ODP showing:

(a) All information and data required by the subdivision code of the village;

(b) Kind, location, bulk and capacity of proposed structures and uses;

(c) A site inventory and analysis map with topography at two foot contours to identify site assets, resources, and constraints, including but not limited to floodplains, wetlands, soils with limitations for building development, utility easements, slopes greater than 15%, and existing trees over four inches in diameter;

(d) Preliminary engineering and improvement plans, including a utility feasibility analysis with a map showing the general locations of proposed public utility and street connections and a conceptual stormwater management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater management features;

(e) The location of recreational and open space areas to be reserved or dedicated to the public;

(f) A conceptual landscape plan showing general locations and types of proposed landscaping, including maintenance of existing vegetation where appropriate;

(g) A conceptual site plan or neighborhood development plan, at a scale of no less than one inch equals 100 feet, which indicates existing and proposed building outlines, location of streets, driveways, parking areas, loading areas, sidewalks and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces;

(h) Typical proposed building elevations identifying the proposed architectural style(s) and building sizes of the development. For proposed residential developments where lot sizes are less than typically required in standard residential zoning districts in the village, the developer shall also submit elevations of proposed residence sizes, styles, setbacks, and square footages to assure the village that the proposed residences will match village expectations and be consistent with the character of the lots being proposed;

(i) Written statement of facts explaining in detail the proposal and justifying the project at this location. Included also shall be the proposed provisions for service, maintenance and continued protection of the Planned Unit Development and adjoining territory;

(j) Such other pertinent information as the Zoning Administrator shall prescribe.

(2) *Planning Commission review of application.*

(a) The Zoning Administration shall refer the completed application for a Planned Unit Development rezoning and ODP approval to the Chairman of the Planning Commission. The Zoning Administrator shall provide adequate public notice of the meeting at which a recommendation is possible or anticipated.

(b) Upon receipt in proper form of a complete application and complete ODP submittal, the Planning Commission, within 60 days, unless the time period is extended by joint approval of the applicant and Planning Commission, shall review the application and submit a written recommendation to the Chairman of the Rockton Zoning Board of Appeals. The recommendation of the Commission shall become a part of the permanent record to be reviewed by the Zoning Board of Appeals and Village Board of Trustees.

(c) The Planning Commission shall use the following criteria in its review and recommendation on the rezoning and ODP:

1. The establishment of a Planned Unit Development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

2. The manner in which the overall design of the proposed Planned Unit Development relates to the natural and man-made features in the immediate and surrounding area;

3. The Planned Unit Development will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

4. The Planned Unit Development will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district;

5. Adequate utilities, access roads, drainage and/or other necessary facilities will be provided;

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

7. The development will create an attractive environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood;

8. The proposed PUD district is consistent in all respects to the purpose of this section and to the spirit and intent of the zoning code, and is in conformity with the comprehensive plan, and elements thereof, for community development;

9. The development will be carried out according to a construction submittal satisfactory to the village;

10. Common open space designed, intended, and properly managed for the use and enjoyment of residents of a PUD district will be provided;

11. There is a community need for the proposed project at the proposed location in light of existing and proposed uses of a similar nature in the area, and the development will provide or maintain a proper mix of uses within the village and within the immediate area of the proposed use.

(d) The Commission may recommend reasonable conditions regarding the layout, circulation and performance of the proposed development. The Planning Commission may recommend approval of private streets for unique developments that may utilize condominium development techniques, cluster housing concepts and other imaginative and unique development methods when consistent with the purpose of this subchapter. The Planning Commission may recommend that a Planned Unit Development site be divided into two or more parts with densities, heights, and other characteristics determined for each part if such division will improve the total character of the development and make it more compatible with the general development of the area.

(3) *Action of Zoning Board of Appeals.* Within 60 days after the Planning Commission

provides a recommendation on the proposed Planned Unit Development rezoning and ODP, the Board of Appeals shall make written findings of fact and shall submit same together with its recommendation,

including recommended conditions, to the Board of Trustees. For the Board of Appeals to make an affirmative recommendation, it must find that the criteria listed in division (C)(2)(c) of this section are met. The Zoning Administrator shall provide adequate public notice of the meeting at which a recommendation is possible or anticipated.

(4) *Action by Village Board of Trustees.*

(a) *Public hearing notice.* The Board of Trustees shall hold a public hearing within 45 days of the receipt of a recommendation from the Zoning Board of Appeals, following the guidelines for public hearing notice and procedures set forth in § 152.440 *et seq.*

(b) *Public hearing procedure.* At the public hearing, the Board of Trustees shall review the application and the reports of the Zoning Board of Appeals and Planning Commission and may receive additional evidence.

(c) *Findings of fact and action of the Village Board.* Within 45 days after the Board of Trustees' public hearing, the Board shall make a specific finding as to whether the rezoning is consistent with the objectives of the zoning code prescribed in § 152.001, and with the criteria in division (C)(2)(c) of this section. If the Board finds that the rezoning is consistent, it shall enact an ordinance that shall rezone the lands to PUD and approve the ODP. Such ordinance may include conditions and/or restrictions upon the location, design and construction as deemed necessary to secure the general objectives of this chapter. If the Board finds that the rezoning is not consistent with the criteria in (C)(2)(c), it shall reject the zoning request and ODP.

(d) *Three-quarter vote required in some circumstances.* A rezoning request to PUD which fails to receive a favorable recommendation of the Zoning Board of Appeals shall not be granted by the Board of Trustees except by the favorable vote of three-quarters of all of the Trustees who are present. In the event that written protest against a proposed Planned Unit Development is made by the owner or owners of 20% of the frontage immediately adjoining or across a street, alley or public easement and filed with the Village Clerk, such Planned Unit Development rezoning shall not be granted except by an affirmative vote of at least three-quarters of all the members of the Board of Trustees.

(e) *Right to build and timeframe.* Approval of rezoning to the PUD district shall confer, subject to specific implementation plan (SIP) approval, the right to build only the project specifically described in the ODP, and any village conditions, subject to the timeframe provided in § 152.204 and allowable amendments under § 152.206.

(D) *Specific implementation plan (SIP) approval.*

(1) *Plan submittal.* Detailed plans, described below under the specific implementation plan

(SIP) submittal requirements, are not required to be submitted at the time the Planned Unit Development ODP and rezoning to PUD is considered; however, the ODP and SIP review process may be combined and made faster by doing so. Before any building permit is issued, the village shall review and approve an SIP. If the approved ODP specified that development of the site would proceed in phases, the village

may approve an SIP covering only a portion of the previously approved ODP area. The applicant shall file 30 copies of the SIP including the following information with the Zoning Administrator. The Zoning Administrator shall refer the drawings to the Planning Commission for their revision and approval. In addition to meeting all plan submittal requirements for site plan review under § 152.255 *et seq.*, the SIP application shall include the following:

(a) Where a land division or lot consolidation is proposed, a final plat or certified survey map of the entire development area included in the SIP, meeting all requirements of the village's subdivision code showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways, and parking facilities;

(b) Typical elevations or detailed design standards for single- and two-family residential buildings and detailed elevations of all proposed non-residential, mixed-use, and multi-family residential buildings. Such detailed elevations shall identify all wall signs, the percentage of ground floor commercial facade in windows, and the location, height and materials for screening walls and fences, including those proposed to surround outdoor trash and recyclable storage areas, electrical, mechanical, and gas metering equipment, and rooftop equipment; where building construction is not imminent, detailed design standards that will apply to all non-residential buildings may substitute for detailed elevations, if approved by the village;

(c) For projects including single- and two-family residences, description of proposed house designs, house areas, house widths, garage placements, and proposed binding protective covenants, to demonstrate, to the satisfaction of the village, that future homes will be appropriate for the size of the lots and the quality of the proposed development;

(d) Signage plans demonstrating a unified or compatible sign design theme for major signage in the Planned Unit Development;

(e) Arrangements, bylaws, provisions or covenants which govern the organizational structure, use, architectural standards, maintenance and continued protection of the Planned Unit Development.

(2) *Action of the Planning Commission.* Within 30 days of receipt of a complete application, the Planning Commission shall approve the SIP, conditionally approve the SIP with changes consistent with the approved ODP, reject the SIP, or request that the applicant revise the plans. Failure of the Planning Commission to act within 30 days of the date of receipt of a complete application shall be deemed to be Planning Commission approval of the application. A time extension may be requested by the applicant and granted by the Planning Commission. The Planning Commission shall use the approved ODP, all applicable village ordinances, and the village's comprehensive plan as bases for its decision. A final plat or certified survey map associated with the development is also subject to Planning Commission and Village Board approval under the provisions of the village subdivision

regulations.

(3) *Recording of agreements.* Upon final approval of the SIP, the applicant shall file with the Zoning Administrator all plans and documents associated with the SIP with amendments as required to address any conditions of approval. Such plans and documents shall be referred to in regard to

enforcement of modification of the development plans. All covenants, restrictions or contractual agreements with the village shall be recorded with the register of deeds before final issuance of building permits.

(4) *Time limitation.* If applicant does not submit and have approved a SIP for a PUD within one year of village approval for a rezoning to the PUD district, the previously approved ODP shall be considered null and void. A new petition and approval process shall be required to obtain approval of the same or a revised ODP.
(Ord. 1994-3, § 1205, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.201 RECORDED PLAT REQUIRED.

A plat of subdivision shall be recorded. Such plat will show building lines, common land, streets, easements and other applicable features required by the subdivision code. All applicable procedures, standards and requirements of the subdivision code shall be followed except those in conflict with this section. No building permits shall be issued until after final approval of the Planned Unit Development and recording of the subdivision plat as finally approved by the Village Board of Trustees.
(Ord. 1994-3, § 1206, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.202 GUARANTEE OF COMPLETION.

Before final approval of a Planned Unit Development, the Board of Appeals, on recommendation of the Planning Commission or on its own initiative, may recommend and the Village Board of Trustees may require a contract with safeguards satisfactory to the Village Attorney guaranteeing completion of the Planned Unit Development in a period specified under the approval, but which period shall not exceed five years unless extended by the Village Board of Trustees.
(Ord. 1994-3, § 1207, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.203 TIME LIMITS AND REVOCATION.

(A) An approved Planned Unit Development granted subject to a condition or conditions shall be temporarily revoked by the Village Board of Trustees and all work on the project shall stop if the condition or conditions are not complied with, the project is not developed or operated in accordance with the approved SIP, or compliance with village ordinances is not achieved. The Zoning Board of Appeals shall hold a public hearing within 45 days of such temporary revocation and may recommend permanent revocation of the permit for the Planned Unit Development or the taking of such action as may be necessary to ensure compliance with the regulation, general provision or condition. Following such recommendation, the Board of Trustees may seek such remedies as are available under village

ordinance and state statute.

(B) In any case when construction of a Planned Unit Development has not commenced within one year after the date of approval of an SIP for a Planned Unit Development, or complete construction

within two years of approval of the SIP, the previously approved SIP shall be considered null and void; except where the village approves an alternative phasing plan with the SIP. A new petition and approval process shall be required to obtain SIP approval and commence construction following such time periods.
(Ord. 1994-3, § 1208, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.204 NEW APPLICATION.

No application for a Planned Unit Development special use permit which has been denied wholly or in part by the Village Board of Trustees shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.
(Ord. 1994-3, § 1209, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.205 CHANGES OR ALTERATIONS.

(A) Any change of the Planned Unit Development ODP or SIP subsequent to approval of the Planned Unit Development shall be submitted to the Zoning Administrator. If the Administrator determines that the change constitutes a substantial modification, the developer will be required to amend the Planned Unit Development in compliance with the procedures set forth in this section for original review and approval of the ODP or SIP, whichever is affected.

(B) If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the village on the Planned Unit Development.
(Ord. 2004-29, passed 11-16-04)

PARKING AND LOADING

§ 152.215 PARKING AND LOADING REQUIREMENTS.

(A) *Purpose.* The purpose of the village's parking and loading requirements is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.

(B) *Amount and location of parking.* Except as may be approved by the Planning Commission within the CR district, all parking and loading space needs generated by development shall be accommodated off-street. Such spaces shall not be less in number than the parking and loading space requirements of the schedule contained in the appendix to this chapter, and all required parking shall be maintained for the life of the use.

2005 S-1

(C) (1) *Potential reductions of required off-street parking spaces and the provision of reserve off-street parking area.* The Planning Commission may decrease the required number of off-street parking spaces by up to 25% of the requirement based upon one or more of the following criteria:

(a) Technical documentation furnished by the applicant which indicates, to the satisfaction of the Planning Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in Appendix 2 of this chapter.

(b) Bicycle parking facilities will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.

(c) A public transportation route is located within 500 feet of the property.

(2) In the event the number of required off-street parking spaces is reduced as allowed under this section, the Planning Commission may also require that sufficient area on the property be held in reserve for the potential future development of off-street parking to meet the requirements of Appendix 2. If required by the Zoning Administrator or Planning Commission, such reserve off-street parking area shall be shown and noted on the site plan, maintained as open space, and developed with off-street parking spaces when the village determines that such off-street parking is necessary. The property owner or applicant shall provide the village with a financial surety in a form acceptable to the Village Attorney and in an amount of 125% of the cost to construct the additional off-street parking spaces prior to the issuance of a certificate of occupancy.
(Ord. 1994-3, § 1300, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.216 INTERPRETATION.

(A) *Interpretation by Zoning Administrator.* Parking spaces for uses not listed in Appendix 2 of this chapter shall be determined by the Administrator based on the requirements for comparable uses.

(B) *Fractional numbers.* Fractional numbers shall be increased to the next whole number.

(C) *Preexisting parking and loading spaces.* Parking and loading spaces which were in existence on the effective date of this chapter or were provided voluntarily after such date shall not hereafter be reduced in number except to conform to the requirements herein.

(D) *Use exclusively for parking and loading.* Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, or of vehicles which are inoperable. Except for approved car sales, lease, or rental lots, only vehicles registered to the owner of a lot may be displayed on that lot for sale, rent, or lease.

(E) *Parking and storage.* All motor vehicles shall be parked or stored on a delineated, hard-surfaced or gravel parking area, or within an enclosed structure. Vehicles shall not be parked or stored on a lawn or other non-hard-surfaced or non-graveled area.
(Ord. 1994-3, § 1302, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.217 PROXIMITY AND LOCATION.

(A) *Location.* Parking and loading spaces generated by development shall be located on the same parcel as the use which they are intended to serve, except where shared parking is allowed by the village, subject to a shared parking easement or agreement recorded against all affected properties (see the requirements of § 152.219). Properties located in the CR District are exempt from this requirement. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan. Generally, each parking space designed to serve as required parking shall not be located farther than 300 feet in distance from the access to all of the various areas it is designed to serve, except in cases of shared parking (see § 152.218(C)(5)(a)).

(B) *Parking on public right-of-way.* No private parking that is required by this chapter shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Village Engineer.
(Ord. 1994-3, § 1303, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.218 COLLECTIVE USAGE.

(A) *Mixed occupancies.* In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as approved specifically by the Administrator for joint but alternative uses.

(B) *Cooperative parking facility.* Up to 15% reduction in the number of required parking spaces for four or more separate uses; 10% for three separate uses; and 5% for two separate uses may be authorized by the Administrator following approval of a plan which provides for a collective parking facility of no less than 15,000 square feet, serving two or more buildings or under any parking district which may hereafter be provided by law.

(C) *Joint but alternate use.* The Administrator may authorize the joint use of parking facilities under the following conditions:

(1) Up to 50% of the parking facilities by nighttime uses may be supplied by the off-street parking facilities by daytime uses.

(2) Up to 50% of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.

(3) Up to 100% of the parking facilities of a church or auditorium incidental to a graded school may be supplied by the off-street parking facilities of daytime uses.

(4) For the purposes of this section, ***DAYTIME USES*** are defined as offices, banks, retail stores, personal service or repair shops, household equipment or furniture stores, manufacturing or wholesale or similar, primarily, daytime uses; and ***NIGHTTIME USES*** are defined as auditoriums incidental to graded schools, churches, bowling alleys, dance halls, theaters; bars or restaurants, motels, or similar, primarily, nighttime or Sunday uses and R-8 and R-9 non-elderly, multi-family housing.

(5) *Conditions required for joint use.*

(a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

(b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

(c) A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the Village Attorney, shall be filed with the Administrator. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this chapter.
(Ord. 1994-3, § 1304, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.219 DESIGN.

(A) *Plot plan.* Any application for a building permit 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 chapter, excluding required parking of four spaces or less. The plot plan shall be approved by the Administrator, or if the project requires submittal of a site plan under § 152.256, the Planning Commission. A garage stall shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said plot plan.

(B) *Traffic circulation and traffic control.* Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the *Manual of Uniform Traffic Control Devices*.

(C) *Surfacing and drainage.* Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of such water to public

facilities shall be subject to approval of the Village Engineer. All required parking and loading spaces and access drives shall be paved with a dustless and durable, hard, all-weather surface such as pavement or bituminous concrete, except for parking areas for single family dwellings, which may be graveled. Parking areas intended for five or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

2005 S-1

(D) *Lighting.* Any lighting used to illuminate off-street parking or loading areas shall be directed away from residential properties in such a way as not to create a nuisance to either residential properties or oncoming vehicles. All off-street parking and traffic circulation areas serving five or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. Lighting illumination levels shall not exceed the standards of § 152.296(G).

(E) *Landscaping.* Three percent of the area devoted to the parking area shall be developed with natural landscaping and maintained in good condition, in accordance with the paved area landscaping standards in §152.278(C)(2).

(F) *Maintenance.* All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times for the life of the use. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by any other section of this chapter.

(G) *Curbing.* All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project closer than three feet from any lot line, except where a shared parking lot crosses a lot line.

(H) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses. Off-street parking spaces for residential uses may be stacked or in front of one another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

(I) *Signage.* All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of §§ 152.235 *et. seq.*

(J) *Handicapped parking spaces.* Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by state and federal regulations.

(K) *Snow storage.* Required off-street parking and traffic circulation areas shall not be used for snow storage, unless the number of parking spaces exceeds the required number of spaces for the use(s) depicted in the appendix to this chapter.

(L) *Parking space design standards.* Other than parking required to serve the handicapped, every

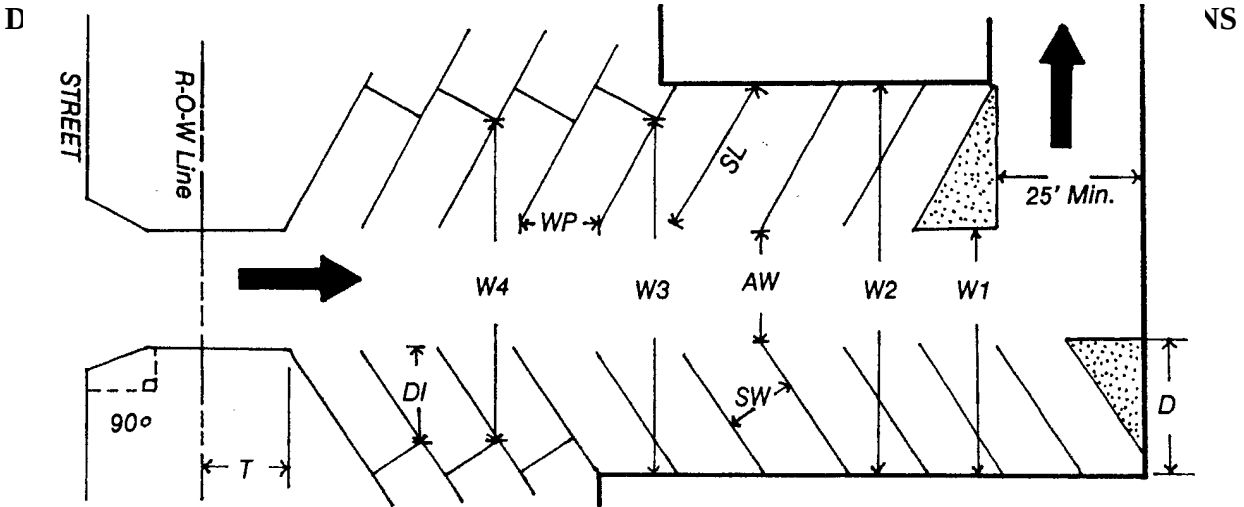
and all provided off-street parking space shall comply with the minimum requirements found in the appendix to this chapter. The minimum required length of parking spaces shall be 17 feet, plus an additional 1½ foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.

TABLE 152.219(L)(a): PARKING LAYOUT DIMENSIONS

Minimum Permitted Dimensions	*Parking Angle in Degrees (°)*				
	0 (parallel)	*45*	*60*	*75*	*90*
Stall width at parking angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall width parallel to aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall depth to wall (D)	9.0'[1]	17.5'[1]	19.0'[1]	19.5'[1]	18.5'[1]
Stall depth to interlock (DI)	—	15.3'	17.5'	18.8'	—
Stall length, including 1.5' curb overhang (SL)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle width (AW)	12.0'[2]	12.0'[2]	16.0 [2]	17.20 [2]	24.0'
Throat length (right-of-way to parking angle) (T)	Refer to requirements in Table 152.219(M)(a).				
Parking module width (PMW)					
Wall to wall (single-loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to wall (double-loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to interlock (double-loaded) (W3)	—	44.8'	52.5'	61.3'	—
Interlock to interlock (double-loaded) (W4)	—	42.6'	51.0'	60.6'	—

[1] Parking spaces located behind an enclosed garage shall be at least 30 feet deep.

[2] This dimension (AW) is for one-way traffic. For two-way, add 8 feet to a maximum (AW) of 26 feet.



2005 S-1

(M) *Minimum permitted throat length.* Table 152.219(M)(a) shall be used to determine the minimum permitted throat length of access drives serving parking lots (dimension T in diagram for Table 152.219(L)(a)), as measured from the right-of-way line along the centerline of the access drive:

TABLE 152.219(M)(a): MINIMUM PERMITTED THROAT LENGTH

		Type of Access Street	
Land Use	***Scale of Development***	***Collector***	***Arterial***
Residential (4+ units)	4-100 dwelling units	25 feet	25 feet
	101-200 dwelling units	25 feet	50 feet
	201+ dwelling units	50 feet	75 feet
Commercial	0-25,000 gross sq. ft.	25 feet	50 feet
	25,001-100,000 gross sq. ft.	25 feet	75 feet
	100,000-500,000 gross sq. ft.	50 feet	100 feet
	500,001+ gross sq. ft.	75 feet	200 feet
Industrial	0-100,000 gross sq. ft.	25 feet	50 feet
	100,001-500,000 gross sq. ft.	50 feet	100 feet
	500,000+ gross sq. ft.	50 feet	200 feet
All other uses		25 feet	50 feet

(Ord. 1994-3, § 1305, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.220 PUBLICLY ESTABLISHED PARKING.

An exception to parking space requirements in Appendix 2 of this chapter may be made in commercial districts or whenever required parking and loading spaces cannot be located on the parcel because of development restrictions imposed by the presence of an existing principal structure which is to continue in use, such as within the CR District. Required parking may then be provided off the parcel, for permitted uses only, subject to the following requirements:

(A) If the use is residential, hotel, motel or tourist home, the off-lot spaces shall be within 200 feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved.

(B) If the use is other than residential, hotel, motel or tourist home, the farthest portion of the parking lot shall be within 1,000 feet of an entrance to the establishment.

(C) Distances indicated above shall be measured along routes generally available to the pedestrians involved.

(D) Parking spaces may be at greater distances than those indicated above when approved by the Administrator.

(E) Such off-lot spaces shall be located only in AG districts in which similar off-street parking is permitted.

(F) The off-lot parking area shall be held in fee simple by the same owner as the use requiring the off-street parking space, or under lease, rental or other form of agreement satisfactory to the Administrator as assuring continuing availability for required off-street parking for the use.
(Ord. 1994-3, § 1306, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.221 LOADING STANDARDS.

(A) *Purpose.* The purpose of this section is to promote the safety and general welfare of the public by alleviating or preventing congestion of public rights-of-way, vehicular damage, and personal injury through minimum requirements for off-street loading facilities applicable to private and public land uses.

(B) *Applicability.* Any use which has a gross floor area of 10,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this section, except for all uses in the CR District.

(C) *Required loading plan.* Where a site plan is required for any project under § 152.256, any and all loading and associated circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan.

(D) *Location.* All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required minimum front yard or street yard setback area, or within 50 feet of any property zoned or used for residential purposes. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way. Loading berths in the CR District shall be exempt from the requirements of this division. There shall be no loading or unloading on Main Street.

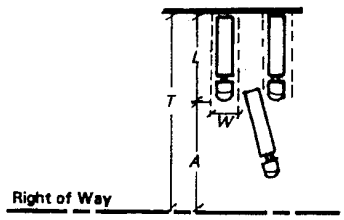
(E) *Size of loading areas.* The first required loading berth shall be designed in accordance with Table 152.221(E)(a). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

2005 S-1

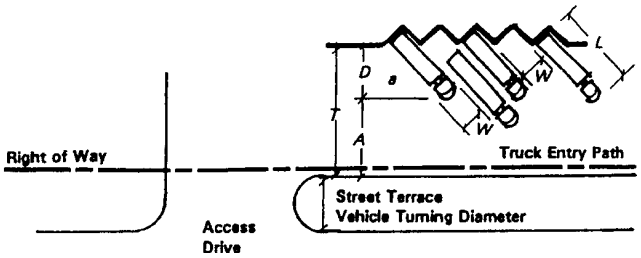
TABLE 152.221(E)(a): LOADING STANDARDS

Design Vehicle	*Length in Feet*	*Dock Angle (a)*	*Clearance in Feet (D)*	*Berth Width in Feet (W)*	*Apron Space in Feet (A)*	*Total Offset in Feet (T)*
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

90 DEGREE DOCKS



SAWTOOTH DOCKS



(F) *Access to loading area.* Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic or the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

(G) *Surfacing and marking.* All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.

(H) *Use of required loading areas.* The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(I) *Signage.* All signage located within, or related to, loading areas shall comply with the requirements of § 152.235.

(J) *Calculation of required loading spaces.*

(1) *Commercial (except offices) and industrial land uses.* One loading berth shall be required for each building having a gross floor area of 10,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.

(2) *Office and institutional land uses.* One loading berth shall be required for each building having a gross floor area of 10,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.
(Ord. 2004-29, passed 11-16-04)

OUTDOOR ADVERTISING AND SIGNS

§ 152.235 PURPOSE.

(A) The purpose of this subchapter is to establish standards for the fabrication, erection, and use of signs for all properties within the village. This subchapter regulates the location, type, size, and height of signage based on the finding that such regulation furthers six compelling governmental interests:

(1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and rights-of-way within the village to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(2) To advance the aesthetic goals of the village throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;

(3) To aid in the proper development and promotion of business and industry;

(4) To reduce the visual clutter caused by advertising signage that the village has determined is a significant cause of unsafe traffic and visibility conditions;

(5) To limit the spread of unattractive strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas;

(6) To implement signage recommendations contained within the village's comprehensive plan.

(B) Furthermore, the village advocates that this subchapter leaves ample and adequate channels of commercial speech communication for the messages portrayed on such advertising signage—including but not limited to print media, broadcast media, and point-of-purchase display—and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.
(Ord. 2004-29, passed 11-16-04)

§ 152.236 SIGN PERMITS.

(A) *General requirements.* Except as otherwise provided in division (I) below, no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit. This subchapter shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure. This subchapter shall not apply to repainting with the same sign copy, changing movable parts of signs which are designed for changes, cleaning, repair, or other normal maintenance of the sign or sign structure. No new permit is required for signs which are in place as of the date of the adoption of this subchapter, and such signs may remain as legal nonconforming uses. Any alteration or relocation of such signs shall conform to the requirements of this subchapter.

(B) *Permit requirements.*

(1) A sign permit fee shall be required for any new sign and any modifications of any existing sign face or sign structure in an amount established in § 152.009.

(2) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

(3) Only those permanent or temporary signs which have been granted a permit from the appropriate village approval authority, in accordance with the provisions of this chapter may be erected, installed, constructed or maintained, except those signs specifically exempted from permit requirements in division (I), below.

(4) The owner or tenant may include all such signs at one premise under one permit.

(C) *Application procedure.* Each initial application for a sign permit shall be filed with the Zoning Administrator on a form provided by that office, prior to installation of a new sign or modification of an existing sign face or sign structure. Each application shall include:

(1) The name and address of the permit applicant;

(2) The approved site plan for the subject property, per § 152.255 *et seq.*, or if not previously required, a site plan or plot plan for the subject property showing, at a minimum, the location of the proposed sign, the location of all existing signs on the subject property and within 100 feet of the proposed sign, all property lines, parking areas, driveways, public roads, and buildings;

(3) A diagram of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;

(4) The subject property's zoning designation;

(5) The total area of all signs on the subject property both before and after the installation of the proposed sign;

(6) The estimated value of the proposed sign;

(7) Proof of payment of the appropriate sign permit fee, when required;

(8) Any other item of information that may be reasonably required by the Zoning Administrator for the purpose of application evaluation.

(D) *Granting and issuance.*

(1) The Zoning Administrator shall review the submitted application for compliance with the requirements of division (C). Upon the receipt of a complete application, the Zoning Administrator shall review said application for compliance with the requirements of the remainder of this subchapter, and shall:

(a) For submittals involving change of copy or changes to sign structure that do not enlarge the sign and for sandwich board signs, the Zoning Administrator shall, in writing, approve or deny a sign permit based on the submitted application within ten working days of the acceptance of the complete application and payment of the required fee;

(b) For submittals that are part of larger projects subject to design review under § 152.255 *et seq.*, the Zoning Administrator shall forward the submittal to the Planning Commission, and the process for design review and approval in that section shall be followed for the approval of the proposed sign;

(c) For submittals involving a new sign (except sandwich board signs) but not subject to design review under § 152.255 *et seq.*, the Zoning Administrator shall forward the submittal to the

Planning Commission. Within 30 days of the date the submittal was forwarded from the Zoning Administrator, the Planning Commission shall approve or disapprove the submittal, or shall request the owner to revise it.

(2) Denial of a sign permit shall not result in total or partial reimbursement of permit fees paid.

2005 S-1

(E) *Basis for granting.* In deciding whether or not to grant the issuance of a sign permit, the appropriate village approval authority shall determine whether the proposed sign is in compliance with the provisions of this chapter and with all provisions of this code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

(F) *Enforcement and revocation.*

(1) Upon notice and after a public hearing conducted by the Planning Commission, any permit may be revoked by the Planning Commission in the event that the applicant has failed to comply with the provisions of this subchapter or any conditions that may have accompanied the permit at the time of granting.

(2) Any sign permit issued by the appropriate village approval authority shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the granting of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

(3) The sign(s) subject to any revoked permits shall be removed by the licensee within 45 days of such revocation.

(4) Revocation shall not result in total or partial reimbursement of permit fees paid.

(G) *Appeals.*

(1) Any person affected by a decision of the Zoning Administrator or Planning Commission may petition for a hearing before the Village Board within ten days after the decision is served upon the applicant. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board decides whether to sustain, modify or withdraw the notice. This decision shall be made by the Board at a public hearing, of which the owner of the sign and petitioner for the appeal shall have reasonable written notice. At the hearing, all persons shall have a reasonable opportunity to show cause why the decision of the Zoning Administrator or Planning Commission should be overturned or upheld.

(2) Any person, including the village, aggrieved by the Village Board's decision may seek judicial review thereof in any court of competent jurisdiction as provided by Illinois Statutes.

(H) *Removal of defective or dangerous signs by the village.*

(1) If the Zoning Administrator determines that any sign exists in violation of § 152.242 or §

152.243, then the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located that such violation must be corrected within ten days of receipt of such notice on penalty of automatic revocation of any sign permit previously granted and summary removal of the sign by the village at the expense of the owner of the property.

2005 S-1

(2) If the Zoning Administrator causes such notice to be sent and the violation is not corrected within ten days, the Zoning Administrator shall revoke any sign permit for the defective or dangerous sign and it shall be the duty of the Zoning Administrator to remove such sign. The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefor, or has not made arrangement for payment satisfactory to the Village Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll.

(I) *Signs allowed without permit.* The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Table 152.240.

(1) Signs in the nature of cornerstone or commemorative or historical markers erected by a public or nonprofit organization.

(2) Signs required or authorized by any law, statute, or ordinance, or which are designed to identify any public area or installation or which give notice of any traffic regulation or hazard.

(3) Nameplates or address plates of not more than two square feet in area.

(4) Informational signs placed in or upon telephone booths by the telephone company owning such booths.

(5) On-premise directional signs which bear only the business name or logo and if under four square feet in area.

(6) Temporary signs which conform to the requirements of § 152.241.

(7) Auxiliary signs if under four square feet in area.
(Ord. 2004-29, passed 11-16-04)

§ 152.237 SIGN TYPES AND MEASUREMENT.

The following standards and terms shall be used in this section to assist in the establishment of clear signage regulations.

(A) *Definition.* The general definition of a ***SIGN*** is as provided in § 152.008. Definitions of particular functional, locational, and structural types of signs are listed in this subchapter. Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this subchapter.

(B) *Sign purposes.*

(1) *Advertising sign, off-premise.* A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign

is displayed. Advertising signs include billboards. No new off-premise advertising signs shall be permitted within the village, as provided by § 152.238(A)(10).

(2) *Auxiliary sign.* A sign which provides special information such as price, hours of operation, parking rules, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure.

(3) *Business sign, on premise.* A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. Refer to § 152.240 for more detailed regulations.

(4) *Community information sign.* A permanent sign approved with a special use permit which may have changeable copy and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities. Refer to § 152.238(B) for more detailed regulations.

(5) *Directional sign, off-premise.* A sign which indicates only the name, direction, and/or distance of an institutional facility. Refer to § 152.238(A)(7) for more detailed regulations. This definition does not pertain to off-premise advertising signs, which are prohibited under § 152.238(A)(10).

(6) *Directional sign, on premise.* A sign which indicates only the name or logo of the business (if under two square feet) and/or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located. Refer to § 152.238(A)(12) for regulations.

(7) *Group sign.* A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more non-residential tenants, and shall limit information to the name and logo of the development and its businesses.

(8) *Identification sign.* A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed. Refer to § 152.239(A) for regulations.

(9) *Temporary sign.* A sign or advertising display (including festoons, pennants, banners,

pinwheels and similar devices) intended to be displayed for a certain limited period of time. Included in the definition of ***TEMPORARY SIGNS*** are retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer. If a sign display area is permanent but the message

displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to § 152.241 for more detailed regulations.

(C) *Sign configurations.*

(1) *Advertising vehicle sign.* No vehicle or trailer shall be parked on public rights-of-way or on private properties so as to be seen from a public right-of-way, which attached to or located thereon is any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Business vehicles which contain typical business signage and which are actively used for business purposes are exempt from this prohibition. Refer also to § 152.238(A)(9).

(2) *Awning sign.* A sign mounted to an awning or canopy on the side of a building. Such signs shall be counted as a projecting sign and the message shall not exceed 5% of the awning/canopy area.

(3) *Freestanding sign.* A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground, sometimes referred to as a ground-mounted sign. This type of sign includes monument signs and pylon signs, where permitted (refer to division (C)(6) and (9), below). The height of a freestanding sign shall be measured per division (D). Refer also to § 152.238(A)(13).

(4) *Marquee sign.* A type of projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.

(5) *Mobile sign.* A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. These are prohibited. Refer also to § 152.238.

(6) *Monument sign.* A type of freestanding sign with a bottom edge located within one foot of a ground-mounted pedestal. The base or support(s) of any and all monument signs shall be securely anchored to a concrete base or footing. The sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, and the like shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or landscaping. See also § 152.238(A)(1) and § 152.238(C)(1).

(7) *Personal greeting and congratulatory sign.* A temporary sign which is limited to 32 square feet, and to a non-commercial, personal greeting or message used to announce, congratulate, or

greet members of a family, friends, or work staff.

(8) *Projecting sign.* A type of on-building sign, other than a wall sign, which is attached to a building face, shall not be greater than 12 square feet in area, and shall not project more than three feet generally perpendicular from a building face. The bottom edge of such sign shall be located a minimum of eight feet from ground level directly under the sign. Such sign shall be mounted directly to the

building. In no instance shall such sign be projecting into and over public right-of-way or private street, drive or parking area, except within the CR District. Refer also to § 152.238 (C) (4).

(9) *Pylon sign.* A type of freestanding sign the bottom edge of which is located more than one foot above a ground-mounted pedestal, or whose top edge is located more than six feet high. The height of a pylon sign shall be measured from the average ground level adjacent to the sign to the top of the sign. Pylon signs may not be permitted in all areas.

(10) *Roof sign.* A type of on-building sign attached to the roof of a structure. No roof signs are allowed, except where specified in § 152.238(C)(2).

(11) *Sandwich board sign.* A sign designed to be self-supporting by means of an easel construction, and displayed on the ground or paved surface, with a minimum height of three feet, and not to exceed six feet in height or 2½ feet in width. Placement of a sandwich board sign must allow safe passage on the sidewalk per ADA requirements. The total sign area of a sandwich board sign, when combined with that of existing signs, shall not exceed the maximum allowable total signage area per Table 152.240.

(12) *Wall sign.* A type of on-building sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not project more than 12 inches beyond the edge of any wall or other surface to which they are mounted. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted, except where specified in § 152.238(C)(2).

(D) *Sign measurement.*

(1) *Ground level.* The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(2) *Sign area.* Sign area shall be measured in the following manner:

(a) In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of freestanding signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a freestanding sign has two or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign face area.

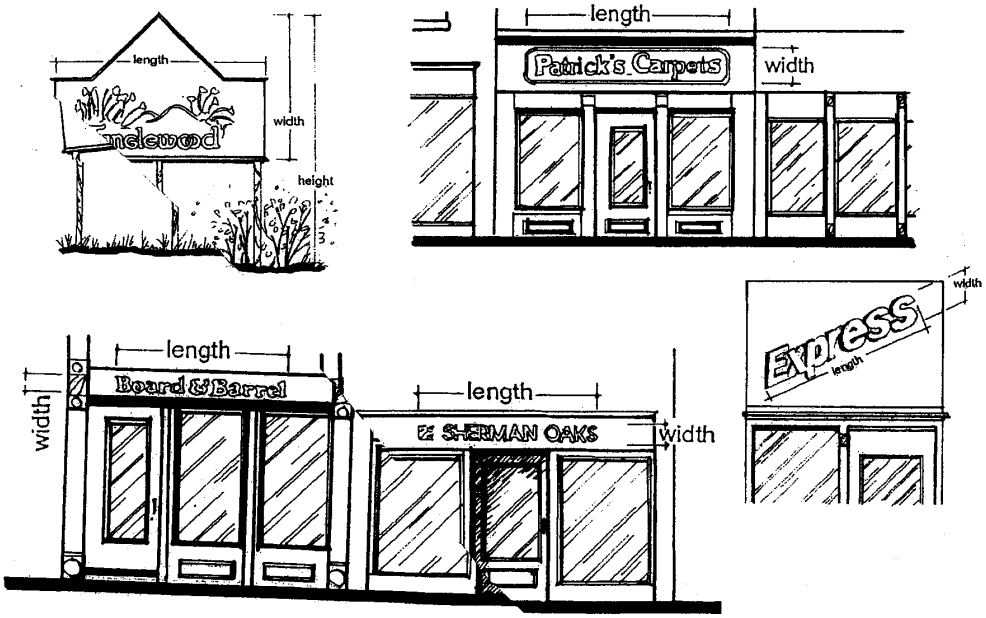
(b) In the case of a sign on which the message is fabricated together with the background

which borders or frames that message, sign face area shall be the total area of the entire background.

(c) In the case of a sign on which message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the

combined areas of the smallest rectangles which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the appropriate village approval authority. Where such drawing is not provided, said area shall be the smallest area enclosed in a single rectangle.

(d) The following illustration demonstrates how sign face area is measured.



(Ord. 2004-29, passed 11-16-04)

§ 152.238 GENERAL SIGNAGE STANDARDS.

These regulations apply to signs in all zoning districts.

(A) *Sign prohibitions and limitations.*

(1) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.

(2) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, public utility pole, public light pole or traffic regulatory structure, except for “no trespassing” signs placed on utility poles or trees.

(3) No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations shall be permitted.

(4) No illuminated flashing signs shall be permitted. Flashing signs are those which change their appearance more than once every 30 seconds. Electronic message center signs and time/temperature signs require Planning Commission approval as described in § 152.236(D)(1)(c). Chasing lights shall not be allowed.

(5) No illuminated sign shall be permitted unless the illumination of the sign is so designed where the lighting element (except for neon signs) is visible from any property within a residential zoning district.

(6) No mobile or portable signs shall be permitted.

(7) No off-premise directional signs shall be permitted for non-governmental or non-institutional uses. See also § 152.238(B) for more detailed regulations.

(8) No inflatable signs shall be permitted as a permanent sign.

(9) No advertising vehicle signs shall be permitted. Refer also to § 152.237(C)(1).

(10) No off-premise advertising signs shall be permitted except for highway information signs per applicable State of Illinois Statutes. Existing legal off-premise advertising signs made nonconforming by this subchapter shall be permitted to continue as legal, nonconforming structures. These signs may not be relocated, structurally modified, or replaced if damaged to over 50% of the original construction value.

(11) Window obstruction by interior signs shall not exceed more than 50% for any one window, nor more than 10% for all combined window areas on the same facade of the structure. Area devoted to signage within windows shall not count toward the sign area maximum permitted for the use.

(12) For each parking area that has a capacity for more than five cars, one sign, not more than four square feet in area shall be allowed to designate each entrance and/or exit; and one sign, not more than nine square feet in area, shall be allowed to designate the conditions of use of the parking area. Signs designating handicapped parking stalls shall be exempt from this provision.

(13) The base or support(s) of any and all freestanding signs shall be securely anchored to a concrete base or footing, except for public and institutional street and directional signs installed in public rights-of-way. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, and the like shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or landscaping.

(B) *Community information signs.*

(1) Community information signs shall be permitted only by Zoning Administrator approval within all zoning districts and upon any private property. The proposed size, configuration, and design of the sign shall be described as part of the application.

(2) Such sign shall only display information regarding events and information of general interest to the residents of Rockton. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.

(3) Such sign may be located on private or public property, including rights-of-way if allowed by the specific special use permit granted.

(4) Such sign shall conform to the visibility requirements of § 152.238(C) and § 152.242.

(5) Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per § 152.240.

(C) *Sign location requirements.*

(1) No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “drive-in,” “danger,” or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse users of streets or highways. Freestanding signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility.

(2) No sign shall be mounted on, displayed on, or extend above the roof, if attached to the building. The appropriate village approving authority may make exceptions for roof signs in the CR District which are used to and contribute to greater streetscape continuity among buildings of differing heights (e.g., on top of one story building adjacent to two-story buildings).

(3) Private signs shall be allowed over street pavement only by permission of the Planning Commission, in consideration of the advice and rules of the appropriate village, county, and state authorities.

(4) Projecting signs located over a vehicle circulation area shall not be permitted.

(5) Freestanding sign setbacks from right-of-way lines vary by zoning district, as provided under § 152.239 and § 152.240. On-premise directional signs less than three feet tall shall be located a minimum of one foot from a property line.

(6) Aside from freestanding signs, all signs shall have a minimum clearance from grade of eight feet to the bottom of the sign and shall not project beyond the curb line.
(Ord. 2004-29, passed 11-16-04)

§ 152.239 REGULATIONS FOR RESIDENTIAL DISTRICTS.

In all residential zoning districts, signage shall be permitted per the requirements of §§ 152.235 to 152.238 and §§ 152.241 to 152.244 and per the following:

(A) *Identification sign.*

(1) For one-family, two-family, three-family or four-family dwelling:

(a) Permitted sign type: Wall sign;

(b) Maximum permitted number per lot: One;

(c) Maximum permitted area per sign: Two square feet.

(2) For a multi-family dwelling of five or more units:

(a) Permitted sign type: Wall sign or monument sign;

(b) Maximum permitted number per lot: One monument or one wall per dwelling unit;

(c) Maximum permitted area per sign: 12 square feet.

(3) For multi-building residential development, subdivision or institutional use:

(a) Permitted sign type: Wall sign or monument sign;

(b) Maximum permitted number per development: One per development, subdivision or use;

(c) Maximum permitted area per sign: 32 square feet;

(d) Maximum permitted sign height: Eight feet;

(e) Minimum permitted sign setback from all property lines: Eight feet.

(B) *Auxiliary sign (such as "Beware of Dog" or "No Trespassing").*

(1) Permitted sign type: Wall or freestanding sign;

(2) Maximum permitted number per lot: Two;

(3) Maximum permitted area per sign: Two square feet;

(C) *On-premise directional sign (for multi-family, multi-building development, or institutional use).*

(1) Permitted sign type: Wall sign or monument sign;

(2) Maximum permitted number per lot: One sign for each vehicular entrance, one sign for each vehicular exit (if one-way), and one sign for each parking area conditions list;

(3) Maximum permitted area per sign: Four square feet for general directional signs, and nine square feet for parking area conditions list.

(D) *Temporary sign.* Temporary signs are allowed per the requirements of § 152.241.

(E) *On-premise business sign.* As allowed for a legal, nonconforming business only, signs shall comply with the provisions otherwise applicable to the CN District in § 152.240.

(F) *Off-premise directional sign (for institutional use only).*

(1) Permitted sign type: Wall sign or monument sign;

(2) Maximum permitted area per sign: Four square feet. A special use permit is required for off-premise directional signs larger than four square feet in area.

(G) *Community information sign.* Community information signs shall comply with the provisions of § 152.238(B).
(Ord. 2004-29, passed 11-16-04)

§ 152.240 REGULATIONS FOR NONRESIDENTIAL DISTRICTS.

In all nonresidential zoning districts, signage shall be permitted per the requirements of §§ 152.235 to 152.238 and §§ 152.241 to 152.244 and per the following:

(A) *Signage for residential uses.* Signage for all residential and institutional land uses (e.g., churches, schools, government buildings) within nonresidential zoning districts shall comply with provisions of § 152.239.

(B) *Signage for nonresidential uses (all office, commercial and industrial land uses).*

(1) On-premise business signs (also see Table 152.240):

(a) For AG and UT Districts:

1. Permitted sign type: On-building (wall) sign.

a. Maximum permitted number per lot: One.

b. Maximum permitted area per sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 50 square feet per building,

whichever is greater.

2. Permitted sign type: Freestanding (monument) sign.

a. Maximum permitted number per lot: One.

b. Maximum permitted area per sign: 32 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses on the same lot will be at the discretion of the property owner.

c. Maximum permitted sign height: Eight feet.

d. Minimum permitted sign setback from all property lines: Eight feet.

(b) For CG District:

1. Permitted sign type: On-building (wall, projecting or awning) sign.

a. Maximum permitted number per lot: One per each business located on the lot.

b. Maximum permitted area per sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.

c. Permitted location: On the facade which includes the main customer entrance to the business, except that if such facade is directly adjacent to a residentially zoned property, another wall may be selected.

2. Permitted sign type: Freestanding sign.

a. Maximum permitted number per lot or group development: One.

b. Maximum permitted area per sign: One square foot for every one linear foot, up to 32 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses within the same lot will be at the discretion of the property owner.

c. Maximum permitted sign height: Eight feet.

d. Minimum permitted sign setback from all property lines: Eight feet.

(c) For CH District:

1. Permitted sign type: On-building (wall, marquee or awning) sign.

a. Maximum permitted number per lot: Two per each business located on the lot, with no more than one sign per business per facade.

b. Maximum permitted area per sign: One and one-half square feet of signage for every linear foot of exposed exterior wall length on that supporting wall. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.

2005 S-1

c. Permitted location: On any facade which is visible from a public street except facades which are directly adjacent to a residentially zoned property.

2. Permitted sign type: Freestanding sign.

a. Maximum permitted number per lot or group development: One.

b. Maximum permitted area per sign: One square foot of signage for every one foot of adjacent public street frontage of the lot, up to a maximum sign area of 96 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses on the same lot will be at the discretion of the property owner.

c. Maximum permitted sign height: 20 feet. Signs exceeding 20 feet in height may be allowed by special use permit.

d. Minimum permitted sign setback from all property lines: Ten feet.

(d) For CN District:

1. Permitted sign type: On-building (wall, projecting or awning) sign.

a. Maximum permitted number per lot: One per each business located on the lot.

b. Maximum permitted area per sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, with a maximum of 50 square feet per business. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.

c. Permitted location: On the facade which includes the main customer entrance to the business, except that if such facade is directly adjacent to a residentially zoned property, another wall may be selected.

2. Permitted sign type: Freestanding sign.

a. Maximum permitted number per lot or group development: One.

b. Maximum permitted area per sign: One square foot for every one linear foot, up to 32 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to individual businesses within the same lot will be at the discretion of the property owner.

3. Maximum permitted sign height: Six feet.

4. Minimum permitted sign setback from all property lines: Six feet.

(e) For CR District: In order to maintain the historic character of downtown Rockton, unique standards in relation to size, color, material, and illumination for the CR District are as follows:

1. Permitted sign type: On-building (wall, awning or projecting) sign.

a. Maximum permitted number per lot: Two per each business located on the lot.

b. Maximum permitted area: No more than one square foot of signage for every 20 square feet of the total area of the building facade on which the sign is to be located, up to a maximum of 32 square feet per business. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.

2. Permitted sign colors: Fluorescent, "day glow," neon and other loud colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used. Color schemes and lettering styles shall be used consistently on all signage throughout the property. Preferred lettering colors are ivory, white or gold, and with preferred background colors being darker shades.

3. Permitted sign materials: Permitted sign materials include wood, brass, metal leaf, metal plates, canvas or related fabric, etched glass, stone or concrete. High-quality, textured, low reflectance plastic may be allowed, but internally illuminated plastic signs are not permitted. High gloss paints, lacquers, varnishes or other shiny non-glazing surfaces, including smooth plastics and related materials shall not be used.

4. Permitted sign illumination: Illumination of exterior signage shall be limited to direct illumination from a shielded light fixture or individual solid letters with internal lighting tubes that backlight the wall in a "halo" effect. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties. Internally illuminated signs, including illuminated awnings with or without messages, are not permitted, including neon and related illumination systems.

5. Permitted sign location: Signs shall not be located on any portion of upper stories, except for roof signs or wall signs exceeding the roofline used to and contribute to greater streetscape continuity among buildings of differing heights (e.g., on top of one story building adjacent to two-story buildings). The location of signs shall be integrated with, and not cover, architectural elements and details. Projecting signs and awning signs shall not be located to impede visibility of other signs. The following illustration shows permitted wall sign locations.

(f) For IL, IG, and IH Districts:

1. Permitted sign type: On-building (wall) sign.

a. Maximum permitted number per lot: Two per each business located on the lot, with no more than one sign per business per facade.

b. Maximum permitted area per sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, with a maximum of 64 square feet per sign. The assignment of permitted sign area to individual businesses within the same building will be at the discretion of the property owner.

c. Permitted location: On any facade which is visible from a public street except facades which are directly adjacent to a residentially zoned property.

2. Permitted sign type: Freestanding sign.

a. Maximum permitted number per lot: One.

b. Maximum permitted area per sign: One square foot per one linear foot, up to 64 square feet for all combined sign faces seen at one time. The assignment of permitted sign area to

individual businesses within the same lot will be at the discretion of the property owner.

c. Maximum permitted sign height: Eight feet.

d. Minimum permitted sign setback from all property lines: Eight feet.

3. Permitted sign type: Identification sign (for industrial park).

a. Permitted sign type: Monument sign.

b. Maximum permitted number per development: One per entrance to an industrial park.

c. Maximum permitted area per sign: 32 square feet.

d. Maximum permitted sign height: Eight feet.

e. Minimum permitted sign setback from all property lines: Eight feet.

(g) For PUD Districts: Permitted sign types, number, area, location and other characteristics shall be per an approved specific implementation plan under § 152.200. No signage which is not shown on an approved specific implementation plan for a planned unit development project, or an amendment thereto, shall be located on any site zoned PUD.

(2) Auxiliary signs (such as required gas price signs or "no trespassing" signs).

(a) Permitted sign type: Wall sign or freestanding sign.

(b) Maximum permitted number per lot: Per approved site plan and the requirements of § 152.237(B)(2).

(c) Maximum permitted area per sign: Combined area of all auxiliary signs on any lot shall not exceed 50% of the permitted freestanding or on-building sign area for the lot, whichever is greater.

(3) On-premise directional signs.

(a) Permitted sign type: Wall sign or freestanding sign.

(b) Maximum permitted number per lot: One sign for each vehicular entrance, one sign for each vehicular exit (if one-way), and one sign for each parking area conditions list.

(c) Maximum permitted area per sign: Four square feet for general directional signs, and nine square feet for parking area conditions list.

(d) Maximum height: Eight feet.

(e) Minimum permitted sign setback from all property lines: Eight feet.

(4) Temporary signs. Temporary signs are allowed per the requirements of § 152.241.

(5) Off-premise directional signs (for institutional facility only):

(a) Permitted sign type: Wall sign or monument sign.

(b) Maximum permitted area per sign: Four square feet. A special use permit is required for off-premise directional signs larger than four square feet in area.

(c) Maximum height: Eight feet.

(d) Minimum permitted sign setback from all property lines: Eight feet.

(6) Community information signs. Community information signs shall comply with the provisions of § 152.238(B).

TABLE 152.240: SUMMARY OF MAXIMUM SIGN AREAS AND NUMBERS FOR NONRESIDENTIAL DISTRICTS

Zoning Districts	***Maximum Sign Area/Height***		***Maximum Number of Signs***
	On-Building Signs	***Freestanding Signs***	
AG, UT	Wall only: 1 square foot of sign area per 1 foot of exposed exterior wall length on that wall or 50 square feet per building, whichever is greater	Up to 32 square feet for all combined sign faces seen at one time Maximum height: 8 feet	1 on-building sign and 1 freestanding sign per lot
CG	Wall, projecting or awning: 1 square foot of sign area per 1 foot of exposed exterior wall length on that wall	1 square foot per linear foot, up to 64 square feet for all combined sign faces seen at one time Maximum height: 8 feet	1 on-building sign per business 1 freestanding sign per lot
CH	Wall, marquee, or awning: 1½ square feet of sign area per 1 foot of exposed exterior wall length on that wall	1 square foot per 1 foot of the adjacent public street frontage selected for the lot, up to 96 square feet for all combined sign faces seen at one time Maximum height: 20 feet (greater than 20 feet by special use permit)	2 on-building signs per business 1 freestanding sign per lot or group development

CR	Wall, awning or projecting: 1 square foot of sign area per 20 square feet of building facade area on that wall, up to 32 square feet for each business in the building	New freestanding signs not permitted	2 on-building signs per business or group development

Zoning Districts	***Maximum Sign Area/Height***		***Maximum Number of Signs***
	On-Building Signs	***Freestanding Signs***	
CN	On-building: 1 square foot of sign area per 1 foot of exposed exterior wall length on that wall; maximum of 50 square feet/business	Up to 32 square feet for all combined sign faces seen at one time Maximum height: 6 feet	1 on-building sign per business 1 freestanding sign per lot or group development
IL, IG, IH	Wall only: 1 square foot of sign area per 1 foot of exposed exterior wall length on that wall	1 square foot per 1 linear foot, up to 64 square feet for all combined sign faces seen at one time Maximum height: 8 feet	2 on-building signs per business 1 freestanding sign per lot

NOTE: This table is only a summary of the sign regulations applicable in nonresidential zoning districts. The text for this subchapter contains more detailed and specific requirements.

(Ord. 2004-29, passed 11-16-04)

§ 152.241 TEMPORARY SIGNS.

Temporary signs may be erected without a sign permit. However, before erecting any temporary sign, the owner or tenant must notify the Zoning Administrator and provide the name and address of the applicant, a description and location of the sign, and the time frame for its placement. Only two temporary signs may be displayed on a lot at any one time. Except as provided under divisions (A) through (F) below, any one lot is permitted to display temporary signs for a maximum of 30 days within any 12-month period. Furthermore, any one lot is limited to a maximum of two temporary signs in any 12-month period, with the exception of political signs. No temporary sign shall count against the requirements for permanent signs as listed in the previous sections of this subchapter. A mobile or portable sign is not a temporary sign. The following are allowable temporary signs:

(A) *Temporary commercial signs.* One commercial sign per lot, indicating a special or seasonal sale or limited-time occurrence, including “For Sale,” “For Rent,” or “Garage Sale” signs, not more than six square feet in area for residentially zoned properties, and 32 square feet for all other properties. “For Sale” and “For Rent” signs may exceed the 30-day limit.

(B) *Construction signs.* One construction or project identification sign per project less than five acres, and two construction signs per project over five acres, listing only the names of the project, the owner, the architects, contractor and the building. Such signs shall not exceed six feet in height or 32

square feet in area. Such sign shall be removed at completion of the project.

(C) *Temporary event signs.*

(1) For a temporary event of public interest, such as a neighborhood garage sale or fair operated by a nonprofit organization, one sign may be located upon the site of the event. Additional signs for such a temporary event may be placed on a separate private property with written permission of the property owner submitted to the Zoning Administrator. Each such sign shall not be over 32 square feet in area. Additional signs for directional purposes only may be placed on separate private properties with written permission of the property owner submitted to the Zoning Administrator. Such signs shall not be erected more than 30 days before the event and shall be removed within five days after the event.

(2) For a temporary event of public interest hosted by and/or held at an institutional facility, up to four temporary off-premises directional signs are permitted. Such signs shall not be located in the vision triangle for an intersection or a driveway. Such signs shall not be attached to natural features such as trees or rocks, utility poles, street signs, or fire hydrants. Such signs shall not exceed three feet in height (if ground mounted) and six square feet in area and the content of the sign shall be limited to the name of the event, location, direction, and/or distance to the event. Such signs shall be erected on the first day and removed within two days following the final day of the event being promoted. No off-premise directional signs shall be permitted for non-governmental or non-institutional events.

(3) Banners promoting public events of village-wide interest displayed over a public street, alley or highway may be approved by the Zoning Administrator for a period not to exceed two weeks prior to said public event. The sponsoring person, firm, organization, or corporation shall provide to the village a certificate of liability insurance in the amount of not less than $100,000 each person and $300,000 each occurrence, bodily injury liability; and $100,000 each occurrence, property damage liability. Banners shall be removed within two days following the final day of the event being promoted. No such banners shall be permitted for non-governmental or non-institutional events.

(D) *Political signs.* Temporary political signs are permitted without restriction so long as they locate per the requirements of this subchapter. Such sign shall not be erected more than 60 days before the election and shall be removed within ten days after the election. Such signs shall not exceed ten square feet in any residential zoning district.

(E) *Personal greeting signs.* One personal greeting/congratulatory sign per premises shall be permitted for up to seven days, limited to eight feet in height and 32 square feet in area and which is not intended for commercial purposes.
(Ord. 1994-3, § 1406, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.242 STRUCTURAL REQUIREMENTS.

(A) All signs shall be constructed and mounted so as to comply with State Building Codes.

(B) No sign or any part thereof, or anchor, brace, or guide rod shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe.

(C) No sign or any part thereof, or anchor, brace or guide rod shall be attached, erected, or maintained which may cover or obstruct any door, doorway, or window of any building which may

hinder or prevent ingress or egress through such door, doorway, or window, or which may hinder or prevent the raising or placing of ladders against such building in the event of fire.

(D) No signs shall create a traffic visibility or other safety hazard.

(E) All signs must be designed and constructed to withstand winds during typical Illinois storm events.

(F) All freestanding signs shall be designed and constructed with footings for support of such sign which extend more than 42 inches below the existing ground level.

(G) All signs attached to buildings which are permitted to project away from the building wall shall be designed and constructed in which the attachment to such wall extends above a point of bearing with the roof rafters.

(H) No illuminated sign shall be erected at any location which is not designed and constructed to meet the following requirements:

(1) All signs shall be constructed and maintained to conform with State Electrical Codes. All sign permit applications in which electrical wiring and connections are proposed shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications submitted for the proposed sign and may require additional information relating to the proposed electrical installation from the applicant. If the Electrical Inspector determines that the proposed installation complies with local ordinances relating to the electrical wiring and construction, then the Electrical Inspector shall approve the application and submit the approved application to the Zoning Administrator. The appropriate village approval authority may not approve a sign permit application for an illuminated sign unless and until approval is received from the Electrical Inspector.

(2) Unless an illuminated sign bears the label of approval of a recognized testing laboratory, all illuminated signs shall be inspected and approved by the Electrical Inspector on the site prior to the erection of the sign. No illuminated sign, despite issuance of the sign permit, shall be erected until the site inspection has been made or waived by the Electrical Inspector and the sign permit initialed or stamped to show the Electrical Inspector’s approval.

(3) All illuminated signs shall be equipped with a watertight safety switch, located where electric current enters the sign. All parts covering service openings to the electrical supply shall be securely fastened.

(4) No illuminated sign shall be connected to an electric power source except by an electrical contractor, unless the only connection to the electric power source is through a grounded three-prong heavy-duty plug.

(5) All freestanding illuminated signs shall be supplied power only by underground wiring.

2005 S-1

(I) Signage found to be in violation of the provisions of this chapter shall be subject to the provisions of applicable building codes, and § 152.236(H).
(Ord. 2004-29, passed 11-16-04)

§ 152.243 MAINTENANCE REQUIREMENTS.

(A) All signs and structures appurtenant thereto shall be maintained in a neat and proper state of appearance.

(B) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(C) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this subchapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(D) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.

(E) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(F) A sign which is improperly maintained or is abandoned or is unsafe or otherwise exists in violation of this subchapter, shall be removed by the sign permit holder or the owner of the property on which the sign is located within three months from the date of disrepair, abandonment, or unsafe condition unless the sign permit holder or owner receives actual notice from the Zoning Administrator of the problem, per the requirements of § 152.236(H).
(Ord. 2004-29, passed 11-16-04)

§ 152.244 NONCONFORMING SIGNS.

(A) *General.*

(1) Signs lawfully existing at the time of the adoption or amendment of this subchapter may be continued although the use, size, or location does not conform with the provisions of this subchapter. However, it shall be deemed a nonconforming use or structure; and the provisions of this

subchapter shall apply. Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this subchapter. Refer also to division (B)(1) of this section.

(2) Business signs on the premises of a nonconforming use or building may be continued per division (B), but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable sign areas under this subchapter, may be erected only upon the complete removal of all other signs existing at the time of adoption of this subchapter.

(3) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per division (B). Closing businesses must remove their signs within 60 days of closing.

(4) Signage not in compliance with the provisions of this subchapter shall be subject to the provisions of division (B).

(5) Whenever there is a change in the sign user (excluding off-premise signs existing prior to adoption of this subchapter), sign owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered nonconforming.

(B) *Removal of nonconforming signs.*

(1) Alteration of signs.

(a) For the purpose of this subchapter, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including changing the message (except for marquee, community information, or preexisting off-premise advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator.

(b) Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee or community information sign; or changing the face of an off-premise advertising sign.

(c) A tenant sign which comprises part of a group sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire group sign, or any of its parts, into compliance with the provisions of this chapter.

(2) All non-conforming signs found not to be in compliance with the provisions of this subchapter shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator, except as otherwise provided for in § 152.236(H).

(3) The penalties of the village zoning code or state building code may be applicable to violations of the provisions of this subchapter.
(Ord. 2004-29, passed 11-16-04)

DESIGN REVIEW

§ 152.255 PURPOSE.

In order to preserve the natural beauty of the village, design review is implemented under municipal authority to promote the public health, safety and welfare. More specifically, design review is intended to enhance the aesthetic environment and assure that larger development projects are compatible with neighboring properties and existing development elsewhere within the village. (Ord. 1994-3, § 1500, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.256 PLANS TO BE APPROVED.

(A) *Application.* No zoning permit or building permit for a new structure or exterior alteration, enlargement or major remodeling of an existing structure shall be issued until the elevations, the site plan and building plan have been approved. For projects including new and expanded two-family residential buildings, multiple-family residential buildings (three or more units) and nonresidential buildings, the application for plan approval shall be accompanied by plans as specified in § 152.260.

(B) *Sign requirements.* No permit for a new permanent sign or change of the design or enlargement of an existing permanent sign shall be issued until the drawings have been approved per the requirements of § 152.235 *et seq*.

(C) *Fees.* If the design review is done in conjunction with a zoning petition there will be no fee. If the design review is not done in conjunction with the zoning petition there will be a fee of $100.

(D) *Security for public property/improvements.*

(1) No zoning permit or building permit shall issue for any new construction until the owner or contractor applying therefor shall have filed in the office of the Village Clerk a construction bond with a corporate surety to secure the owner's or contractor's obligation to complete construction without causing damage to any public improvements or public property. This security shall be valid for a period of at least one year in amounts to be required as follows:

(a) For construction of a residential property, security for $5,000 shall be submitted;

(b) For construction of a commercial property, security for $10,000 shall be submitted.

(2) In the event that construction takes in excess of one year, the security shall be renewed until such time as the project is completed and approved. Should damage be caused to any public

improvements or public property and the same not be repaired to the satisfaction of the village within 30 days of notice being given thereof to the owner or contractor, the security called for in this section shall be turned over to the village to defray the costs to the village in completing such repairs. The turn

over of such funds shall be in addition to any other remedies available to the village and shall not relieve the owner or contractor of liability in excess of the security.
(Ord. 1994-3, § 1501, passed 5-16-94; Am. Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06; Am. Ord. 2011-3, passed 2-8-11)

§ 152.257 DEFINITIONS.

The words contained in §§ 152.258 through 152.259 shall have the common meaning ascribed to them or such meanings as are contained within other sections of the code of the village, provided, however, that the following words shall be interpreted to mean as follows:

ADJACENT LOTS. Adjacent lots shall be lots which adjoin or share side property lines or lots in which, although separated by a street, front property lines overlap another by more than 30%.

STREETSCAPE. A streetscape is the facades of single-family dwellings on both sides of a street. The length of a streetscape shall be limited to no more than 20 lots per side of a street. When more than 20 lots per street side exists without an intervening cross street, the village shall, through one of its officers or employees, establish those lots which shall constitute a separate streetscape. In making that determination, the official shall consider that configuration of lots which shall be most influenced and

2011 S-5

affected by adjacent lots. Where possible, physical demarcations such as topography, road configuration or landscaping shall be utilized in establishing the appropriate streetscapes. In general, the front orientation of the residence will determine the applicable streetscape.
(Ord. 1994-3, § 1502, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.258 ANTI-MONOTONY CONSTRUCTION STANDARDS FOR ONE-FAMILY DWELLING UNITS.

(A) *Similar elevations prohibited on adjacent lots.* No two single-family dwellings of similar front elevation or facade, shall be constructed or located on adjacent lots; nor shall there be constructed or located single-family dwellings of similar front elevation or facade constituting more than 20% of the single-family dwellings in any streetscape. Front elevations or facades shall be deemed to be similar when there is no substantial difference in roof lines; and no substantial change in windows of either size, location, or type; and either no change in the color of materials used (rather than a change in shade), or no substantial change in the kind of materials.

(B) *Roof lines.*

(1) For the purpose of this section, the following differences in the roof lines of single-family dwellings as seen from the front of the dwelling shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:

(a) Changing gable roofs to hip roofs;

(b) Changing hip roofs to gable roofs;

(c) Providing an intersection gable roof on the main gable roof, provided that the height of the intersecting roof is at least 50% of the height of the main roof;

(d) Providing an intersecting hip roof on the main hip roof, provided that the height of the intersecting hip roof is at least 50% of the height of the main roof;

(e) Subject to review by the building official, a shed roof when used as a front porch roof for a minimum of 50% of the entire width of the house, excluding area of garage;

(f) Subject to review by the building official, a substantial difference in roof line shall be deemed to exist if the front soffit is increased significantly and is combined with columns at least six inches in width or other architectural features of a similar magnitude which reach the roof line of the highest story;

(g) Rotating gable roofs 90 degrees on the building;

(h) On a tri-level residence or other building type which has three independent major roof areas, the changing of two out of three roof lines shall be acceptable as a substantial change.

Acknowledging certain design elements may prevent the changing of all three roof lines, it is desired that the roofs with the greatest impact on the streetscape be changed.

(2) The following changes shall not be deemed sufficient to make adjacent structures dissimilar:

(a) Gable roof atop hip roof;

(b) Hip roof atop gable roof;

(c) Small gable or hip projections above windows;

(d) Window dormers;

(e) Change in soffit overhang or minor variation in eave height;

(f) Skylight and cupola.

(C) *Windows.*

(1) For the purpose of this section, the following differences in the size, location, or type of windows shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar:

(a) Changing from single windows to a multiple window arrangement (ganged units);

(b) Changing from multiple window arrangement to single window;

(c) Changing the type of windows (e.g. casement to double hung);

(d) Providing a bay or bow window in the area of the predominant window.

(2) The addition or subtraction of muntin bars (dividing lights) shall not be deemed sufficient change to constitute a substantial change in windows:

(3) Where because of its size, location or design, one window is the predominant window on the front elevation or facade, if the size, location or type of that window is changed to render the dwelling dissimilar, then no other window need be changed.

(D) *Construction material or color.*

(1) For the purpose of this section, the following differences in construction material between adjacent single-family dwellings as seen from the front of the dwellings shall be deemed sufficient to render buildings containing such changes and built on adjacent lots to be dissimilar. When materials are changed, the change must occur throughout the front facade or elevation for a minimum of one story in height.

2005 S-1

(a) Four-inch exposure horizontal siding;

(b) Eight-inch exposure horizontal siding;

(c) Brick facing;

(d) Vertical siding;

(e) Stone facing;

(f) Stucco/stuccato board and trim.

(2) Color change shall be made by significant changes in adjacent colors. The change must be one of color rather than merely of the shade.
(Ord. 1994-3, § 1503, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.259 ADMINISTRATION, VARIANCES AND APPEALS.

(A) *Administration.* The provisions of this section shall initially be administered by the Zoning Administrator of the village. The Zoning Administrator shall find single-family dwellings to be similar or dissimilar utilizing the general standards established in this section. The examples of similarity or dissimilarity set forth in this section are not intended to categorize all dwelling designs which may be presented to the Zoning Administrator. To aid the Zoning Administrator and applicants in the interpretation of this section, the Zoning Administrator may prepare illustrative drawings and written descriptions of the manner in which those provisions have or will be administered.

(B) *Variances and appeals.* In the event a building permit is denied to any applicant by reason of ordinance, he or she shall have the right to appeal to the President and Board of Trustees of the village seeking either to overrule the decision of the official who denied the permit or to seek a variance in the provisions of this chapter. Upon such appeal being made, and after reasonable notice to the applicant, a public hearing shall be held by the President and Board of Trustees of the Village where evidence shall be received from both the applicant and any other interested parties. After receiving and carefully considering such evidence, the President and Board of Trustees may:

(1) Order the permit to be issued;

(2) Order the permit to be issued if modifications are made in the design of the building to bring it into conformity with the provisions of this zoning code;

(3) Order the permit to be issued after granting a variance, provided that such variance shall

be limited to those deviations from that section as shall not affect the general intent of providing streetscapes without monotonous architectural design; or

(4) Deny the petition of the applicant. Along with other factors to be considered by the Village Board, shall be whether or not the applicant only desires a variance for a single structure where the request for the variance is filed or concurred in by an individual who will actually reside within the single-family home for which the variance is sought.
(Ord. 1994-3, § 1504, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.260 DRAWINGS TO BE SUBMITTED—MULTIPLE FAMILY AND NON-RESIDENTIAL PROJECTS.

(A) *Applicability.* For projects that include two-family residential buildings, multiple-family residential principal buildings (three or more unit buildings) and nonresidential principal buildings, or additions thereto, the owner of the site or his or her authorized agent shall submit plan materials to the Zoning Administrator prior to or with the application for a building permit. Submittal of such plan materials will enable the Planning Commission to determine whether the proposed application meets all the requirements in this chapter applicable to the project.

(B) *Required plans.* The submittal shall include a site plan, landscape plan, grading plan, stormwater plan, erosion control plan, public utility plan, lighting plan, and sign plan, which may be combined on plan sheets as appropriate. All plans shall include the name of the project; name and contact information for the developer; name and contact information for the architect, designer, or engineer; a date; a north arrow; and a scale indicator. All site, landscape, lighting, grading/stormwater, erosion control and public utility plans shall be drawn to a scale of at least one inch equals 50 feet, except where the Zoning Administrator allows reduced scales. All building elevations shall be drawn to a recognized architectural scale. In total, the petitioner shall submit 30 copies of submitted plans, at least three of which are full-sized, for all nonresidential and multiple-family residential principal buildings, or additions thereto, which shall include the following information:

(1) Parcel dimensions and total parcel size;

(2) Locations, dimensions, and uses of existing and proposed buildings and structures, including walls, fences, signs, exterior light fixtures, and dumpster areas;

(3) Locations and dimensions of streets, walkways, and off-street parking and loading areas, per the provisions of §§ 152.215—152.221;

(4) Proposed number of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;

(5) Locations, sizes, and species of existing and proposed landscape plantings per the

provisions of § 152.278;

(6) Design and materials of trash dumpster enclosures per the provisions of § 152.281;

(7) Locations, dimensions, areas, heights, materials, message and illumination of all signs, per the provisions of §§ 152.235—152.244;

(8) Exterior lighting plan, per the provisions of § 152.296(J);

(9) Public utility plan showing the locations, dimensions, and materials proposed for all sanitary sewer and water mains and laterals;

(10) Grading/stormwater plan indicating proposed land contours, finish floor elevations of all principal buildings, top-of-curb elevations, proposed drainageways and basins, and storm sewer system meeting all requirements of the village's stormwater management regulations;

(11) Construction site erosion control plan;

(12) Architectural elevations showing the proposed dimensions, materials and colors for all exterior surfaces of all proposed buildings and wall and roof mounted lighting and mechanical units;

(13) Any other data as required to permit the Planning Commission or village staff to make their findings.

(C) The Zoning Administrator shall refer the drawings to the Planning Commission, Zoning Board of Appeals and Village Board of Trustees.
(Ord. 1994-3, § 1505, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06)

§ 152.261 STANDARDS FOR ARCHITECTURAL REVIEW—MULTIPLE FAMILY AND NON-RESIDENTIAL PRINCIPAL BUILDINGS.

All multiple-family residential and non-residential principal buildings shall meet the following design requirements:

(A) *Building scale and mass.* The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be designed with consideration of the buildings, public ways, and places to which they are visually related. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

(B) *Building facade continuity.* Building facades and appurtenances such as walls, fences, and landscape masses shall, when it is a characteristic of the area, form cohesive walls of enclosures along

a street to ensure visual compatibility with the buildings, public ways, and places to which such elements are visually related.

(C) *Building height and roofs.* The height of the proposed buildings and structures shall be visually compatible with adjacent buildings and not exceed zoning district height requirements. The visual

continuity of roofs and their contributing elements, such as parapet walls, coping, and cornices, shall be maintained in building development or redevelopment.

(D) *Building design proportions.* The following shall be used as guidelines for evaluating building design proportions:

(1) The relationship of the width to the height of the front elevation shall be visually compatible with buildings, public ways, and places to which it is visually related.

(2) The relationship of the width to height of windows shall be visually compatible with buildings, public ways, and places to which the building is visually related.

(3) The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings, public ways, and places to which it is visually related.

(4) The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(5) The relationship of entrances and other projections to sidewalks shall be visually compatible with the buildings, public ways, and places to which it is visually related.

(E) *Directional expression.* A building shall be visually compatible with the buildings, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

(F) *Materials.* Material selection for architectural design shall be based on the prevailing material already used on existing buildings in the area, or a different character if identified in the village's comprehensive plan. No building shall be permitted where any exposed facade is constructed or faced with a finished material that is aesthetically incompatible with other building facades in the area or which presents an unfinished appearance to the public and surrounding properties. Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable-end wall treatments, siding design and accent panels, or other architectural design treatments consistent with the principal building design. Within the IL Light Industrial District, a minimum of 30% of the front facade shall be surfaced with masonry, decorative concrete, or wood.

(G) *Colors.* Color shall be selected in general harmony with the existing area or neighborhood buildings.

(H) *Story distinctions.* The first story of the building should be distinguished from the second story by means of a horizontal lintel, second floor overhand or setback, or similar detail.

(I) *Corner lot buildings.* Buildings on corner lots shall continue the major front elevation design elements around the corner elevation.

(J) *Vents and mechanical units.* All chimney and fireplace vents shall be enclosed in a chase constructed of materials similar to those materials used on the building elevations; metal housings designed by the vent manufacturer to enclose the chimney vents are acceptable. All building-mounted heating, ventilating, and air-conditioning equipment or changes to existing heating, ventilating, and/or air-conditioning equipment shall be designed to be integral with the building architecture and screened from view from public rights-of-way.

(K) *Garages and loading docks.* Garages and loading docks shall be designed as integral elements to the building and site, and shall not be the dominant visual element from public rights-of-way. All loading docks shall be completely screened from view from public rights-of-way.

(L) *Design standards in comprehensive plan.* The Planning Commission shall refer to the village's comprehensive plan or components thereof for building design recommendations for specific neighborhoods, districts, or building types.

(M) *Waiver of standards.* The Planning Commission may waive any of the above standards by a three-quarters vote of members in attendance, but only if supplemental design elements or improvements, in accordance with the guidelines of the village's comprehensive plan, are incorporated into the project to compensate for the waiver of the particular standard.
(Ord. 2004-29, passed 11-16-04)

§ 152.262 ACTION OF THE PLANNING COMMISSION.

(A) Within 30 days of the date a completed application is submitted, the Planning Commission shall approve or disapprove, require the owner to make revisions to, or table action on the site plan, the landscape plan, the architectural elevations and the site drawings for all applicable projects. The Planning Commission may obtain the advice of persons trained in the fields of architecture, landscape architecture and city planning to aid it in reaching its decision.

(B) Revised drawings shall be reviewed as prescribed in this section and shall be approved or disapproved by the Planning Commission or additional revision may be requested.

(C) Failure of the Planning Commission to act within 30 days of the date of submission shall be deemed approval of the drawings. A time extension may be requested by the applicant and granted by the Planning Commission.

(D) In acting on any site plan submittal, the Planning Commission may recommend conditions upon the issuance of design approval as it deems necessary to address the following issues:

(1) Compliance with the village's comprehensive plan and applicable ordinances.

(2) The appropriateness of the site layout and buildings in relation to the physical character of the site and the use of adjoining land uses.

(3) The layout of the site with regard to entrances and exits to public streets, the arrangement and improvement of interior roadways, the location, adequacy and improvement of areas for parking and for loading and unloading.

(4) The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.

(5) The landscaping, building design, and appearance of the completed site.
(Ord. 1994-3, § 1506, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.263 ACTION OF VILLAGE BOARD OF TRUSTEES.

(A) Within 30 days following an appeal of a decision of the Planning Commission, the Village Board of Trustees shall affirm, reverse or modify the decision, provided however, that if a decision is reversed or modified, the Village Board of Trustees shall make a finding that the decision is not in accord with the purpose prescribed in this chapter.

(B) Failure of the Village Board of Trustees to act within 30 days of the date of a Planning Commission decision shall be deemed approval of the drawings approved by the Planning Commission. A time extension may be requested by the applicant and granted by the Village Board of Trustees.
(Ord. 1994-3, § 1509, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.264 TIME LIMITS.

If an applicant does not commence construction within one year after Village Board approval of the drawings associated with the design review process, or complete construction within two years after such approval, unless an alternate development phasing plan has been approved by the Village Board, the applicant may not commence or complete construction until and unless drawings are resubmitted and approved under the requirements of this section.
(Ord. 2004-29, passed 11-16-04)

LANDSCAPING, SCREENING AND BUFFERING

§ 152.275 INTENT.

The intent of this subchapter is to provide minimum landscaping, screening and buffering standards to protect and improve community appearance, mitigate the environmental and aesthetic impacts of new development, prevent the creation of nuisances and health hazards, and improve quality of life in the village.
(Ord. 1994-3, § 1600, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.276 SCREENING.

(A) Whenever development cannot be placed in harmony with its surroundings, adequate screening and distance buffering shall be provided to make it so. Screening shall be an obscuring wall or fence or other method approved by the Administrator. The table below indicates those conditions which are considered inherently disharmonious. Adequate screening shall be provided at the side of the parcel between conflicting uses by the owner of the potential disharmonious use.

(B) The following uses shall be screened by a solid decorative fence or compact evergreen hedge not less than six feet in height, with solid gates where necessary, and shall not be located within a required front yard: In the General Commercial District or Industrial Districts a use not conducted entirely within a completely enclosed structure if on a site directly across a street or alley from the CR District and if found by the Zoning Board of Appeals to be unsightly.

(C) Minimum screening requirements.

Use or District	***Potential Disharmonious Use***	***Height in Feet***
Residential	Commercial Districts	6 feet
Residential	Industrial Districts	6 feet
Residential	Commercial Parking Lots	6 feet
Residential	Loading Areas	6 feet
Residential	Utility Station	6 feet

(Ord. 1994-3, § 1601, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.277 WALL AND FENCE MATERIALS.

(A) *Durable materials.* All walls and fences hereafter erected shall be durable, weather resistant, rust proof and easily maintained. All walls and fences shall be kept in good condition, plumb and true, and without damage. All walls and fences shall be designed and constructed to withstand winds during typical Illinois storm events.

(B) *Masonry walls.* Masonry walls shall be erected on foundations which are a minimum of 54 inches below grade.

(C) *Limitation on open grid metal fences.* Metallic cyclone-type or other open grid fences may not be used as required screening between residential uses and nonresidential uses. Such metallic

fences may not be used in front yards except in industrial districts, and all barbs or prongs shall face toward the ground.

(D) *Finished side out.* All fences with two sides of different quality and/or with posts on one side shall be erected in a manner as to face the adjoining property owners with the higher quality and/or non-post side facing the adjacent property owner.

2005 S-1

(E) *Fences in Residential Districts.* In all Residential Districts, the front or street yard shall not have any fence in excess of four feet in height and may be constructed only of wood, brick, decorative stone, split rail or wrought iron, except where comparable alternative materials are approved by the Zoning Administrator. No chain link or other open grid metal fences will be permitted in the front or street yard areas. Any fence within a front or street yard shall be a maximum of 60% opaque.

(F) *Swimming pool fencing.* See § 152.027.
(Ord. 1994-3, § 1602, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.278 LANDSCAPING STANDARDS.

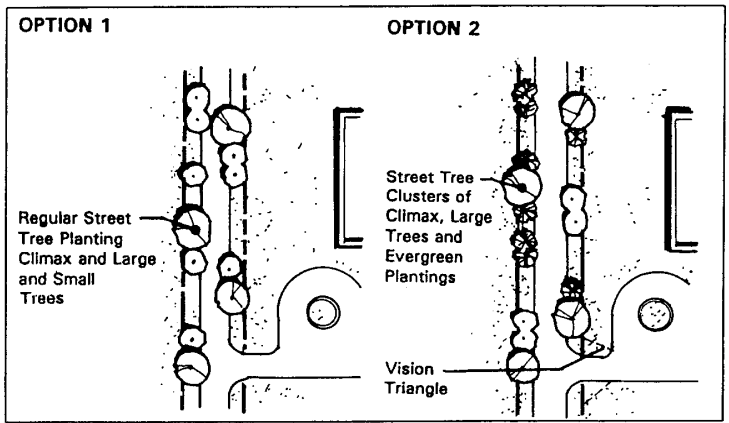
Landscaped berms or planting strips may be substituted for obscuring walls or fences when approved by the Administrator. Landscaped berms and planting strips shall be landscaped with evergreen plants. Plant materials shall be of such size when planted as to reach the necessary screening height within three years of planting.

(A) *Applicability.* Any use for which design review is required under § 152.256, or for which a variance is required, shall provide landscaping in accordance with the regulations of this section, and of § 152.276, except for additions to existing buildings where insufficient dimensions exist on site.

(B) *Required landscape plan.* All proposed landscape plantings to be located on the subject property shall be depicted as to their location, type, and size at time of planting and maturity.

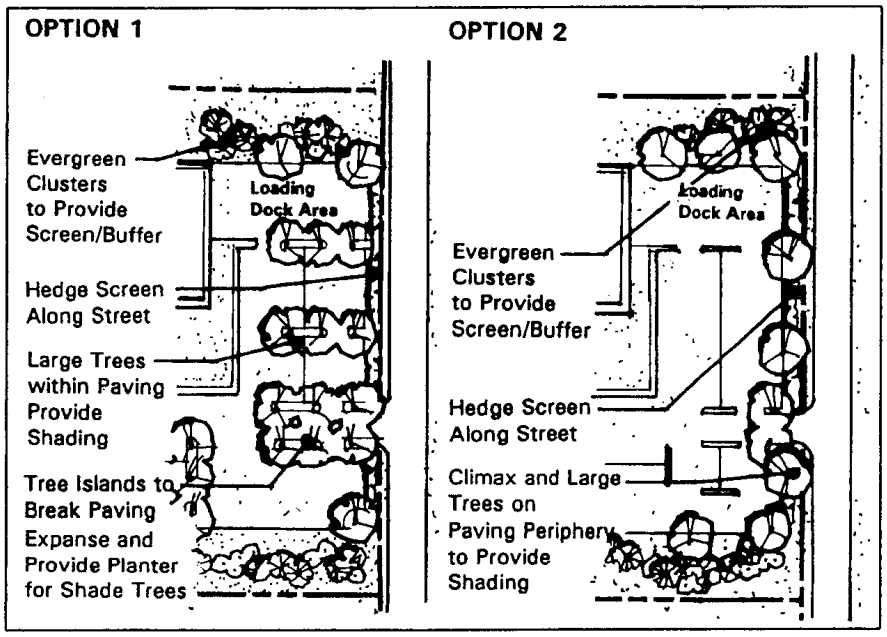
(C) *Landscape planting requirements.* Landscaping, "living plants," shall be provided based on the following requirements for street frontages, paved areas, building foundations, buffer yards, and general yard areas. These requirements are additive to each other and any other landscaping or screening requirements in this chapter. Credit for existing landscape plantings that are retained and protected with the development of this site shall be allowed. The point system is described in greater detail in division (E) of this section.

(1) *Street frontages.* One large deciduous tree shall be planted for each 50 feet of property line along a public street right-of-way and private streets. Said trees shall be planted in the public terrace equidistant from the curb and the normal sidewalk line or on the private site within ten feet of the property line adjoining the public right-of-way, at the discretion of the village.

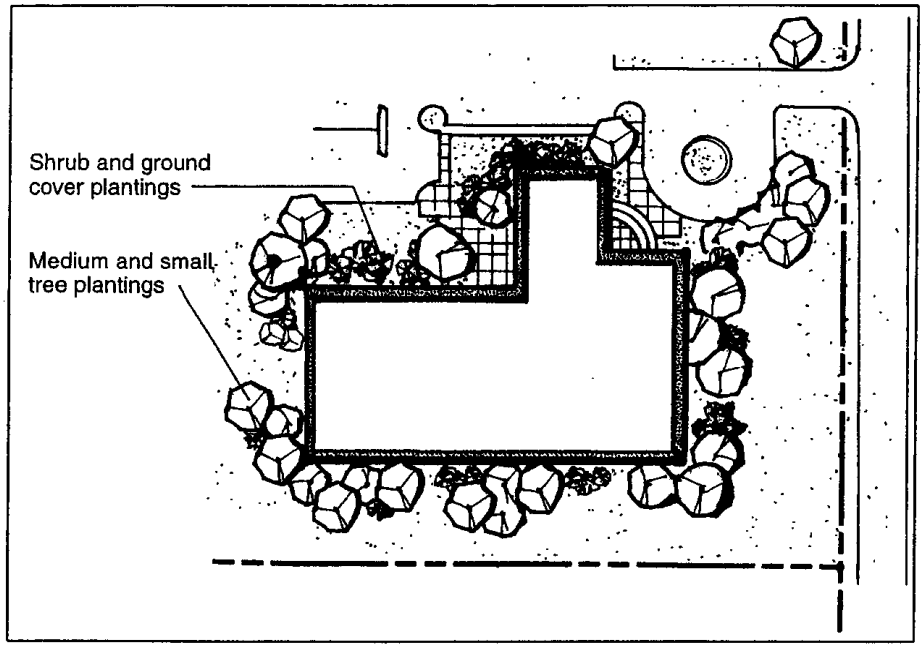


2005 S-1

(2) *Paved areas.* One large deciduous tree and 60 points of additional landscaping shall be planted for each 1,500 square feet of paving. Paving is defined as all hard surfaced areas within the ground plane including but not limited to parking stalls, driveways, trash enclosure pads, loading docks, sidewalks, plazas and patios. Plants required in this section shall be installed within landscaped islands within the paved area or within 15 feet of the edges of the paved area.



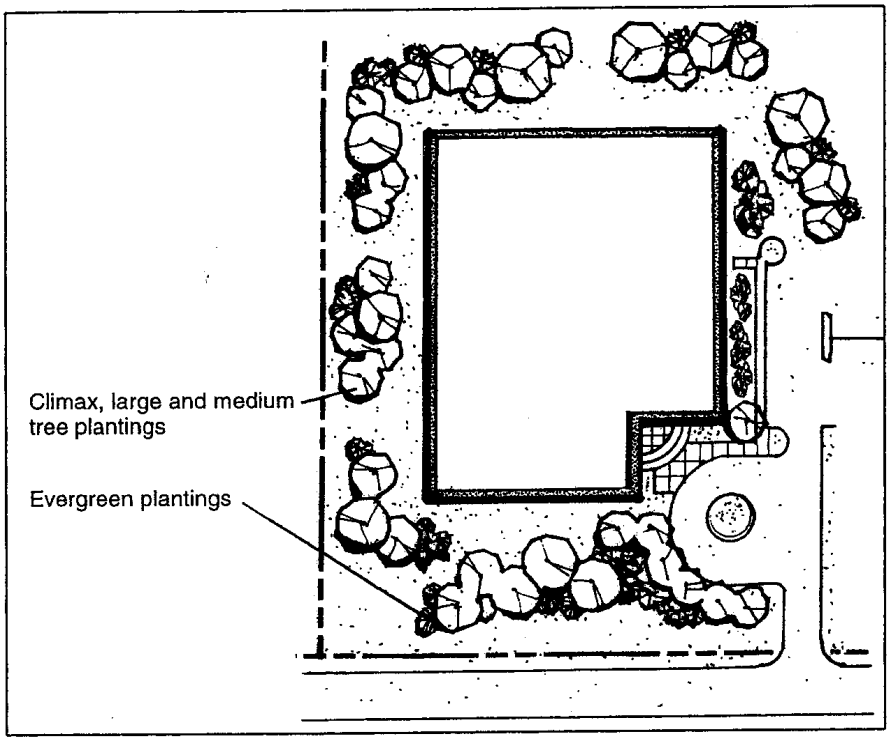
(3) *Building foundations.* One hundred fifty points of landscaping shall be planted for each 100 lineal feet of exterior building wall. Plants required by this section must be installed within 20 feet of the building foundation, and should not include large deciduous shade trees.



2005 S-1

(4) *Buffer yards.* There shall be provided and maintained a permanent buffer yard screen planting along any boundary of a nonresidential zoning district which adjoins any residential district or use. The plantings shall be designed to provide an all-season screen, with an opacity of at least 60% at maturity (80% for outdoor storage facilities). Buffer yard landscaping shall have a minimum height of three feet at time of planting. The use of berming or an opaque fence constructed of materials compatible with the building on the site may be approved by the Plan Commission in addition to or in lieu of landscaping, per the standards of §§ 152.276 and 152.277. The location of buffer yard plantings shall be within 25 feet of the property line, except where necessary to avoid utility easements.

(5) *General yard areas.* Two hundred additional points of landscaping shall be planted for each 5,000 square feet of total lot, site or parcel area. Landscaping required by this standard should be placed where appropriate on the site, but generally in those areas not covered by other provisions of this section. At least 50% of the general landscaping yard should be located in street yards.



(6) *Other green areas.* Green areas of the site not used for landscape plantings shall be graded and seeded or sodded with an acceptable maintainable lawn seed mix. Mulch of plantings or planting beds is acceptable provided that such mulching consists of organic or natural materials. Mulches shall be installed so that they will not erode, fall, be plowed or otherwise transported into

walks, drives, streets or other hard surfaced portions of the site. Functional weed barriers shall be installed in all areas to be mulched.

(D) *Landscaping point credits.* Credit for landscape plantings will be granted based on the following schedule:

(1) Large deciduous tree (mature height 25-plus feet): 150 points;

(2) Small deciduous tree (mature height less than 25 feet): 60 points;

(3) Evergreen tree: 40 points;

(4) Shrub (deciduous or evergreen): 20 points;

(5) Annual/perennial bed: 20 points per 20 square feet of bed.

(E) *Minimum landscaping size.* At time of planting, plants must be the following size:

(1) Large deciduous tree: 2-inch diameter at breast height;

(2) Small deciduous tree: 1½-inch diameter breast height or 5 feet in height for clump varieties;

(3) Evergreen tree: 4 feet in height;

(4) Shrub: 18 inches in height;

(5) Annual/perennial bed: Minimum 20 contiguous square feet in area.

(F) *Installation.* All landscaping shall be installed consistent with industry accepted standards, and shall be guaranteed by the applicant or the applicant's contractor for two years. Installation shall occur prior to occupancy or commencement of operations, unless doing so would result in unsatisfactory plant survival. In this case, landscaping shall be installed within six months of occupancy or commencement of operations, and the village may require a performance guarantee, such as a letter of credit, before a permit for building occupancy is granted and until such landscaping is installed according to plan.

(G) *Maintenance.* Landscaping required by this section is intended to be a permanent site improvement. As such, all landscaping shall be continually maintained in a live state. Maintenance shall include periodic and timely watering, fertilizing, pruning and any other such normally required horticulture activity necessary to keep all landscaping in a healthy, safe and aesthetically pleasing state. Recognizing that over time plants may mature and die or otherwise expire because of natural or unnatural causes, maintenance shall include the removal and replacement of dead or dying plants. Such replacement shall occur within the same year in which a plant dies or in the spring planting season of the following year.

(H) *Location in utility easements.* Planting in utility easements is at the risk of the property owner. Any plants that must be removed because of utility work within such easements shall be replaced by the property owner at his or her cost.

(Ord. 1994-3, § 1603, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.279 REQUIRED SCREENING FOR TRASH AREAS.

The following requirements shall be met for outdoor trash and garbage storage, except where residential (curbside) service is provided:

(A) *Required plan.* Where a design review is required for any project under § 152.256, any and all proposed outdoor trash and garbage storage on the subject property shall be depicted as to its location, configuration, and screening on the site plan.

(B) *Enclosure.* All garbage cans, dumpsters, trash and recycling containers, and other storage devices situated on any property shall be closed containers with lids. Where such containers are located outside a building, they shall be completely concealed or screened from public view on at least three sides by opaque fencing and gates at least six feet in height, supplemented by screen landscaping. Such fence enclosure shall be constructed of materials compatible with the materials on the front building wall of the main building. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind. Any existing screens not meeting the height requirements need not be replaced solely as a result of the height requirement. However, once the screening requires substantial repair or replacement, it must conform with the height requirement of this chapter.

(C) *Maintenance.* Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents properly disposed of not less than once every seven days.

(D) *Concrete slab.* All new outside trash dumpsters shall be placed upon a dustless, all-weather hard surface such as concrete or asphalt.
(Ord. 1994-3, § 1606, passed 5-16-94; Am. Ord. 2003-1, passed 1-7-03; Am. Ord. 2004-29, passed 11-16-04)

§ 152.280 VISION CLEARANCE ON CORNER AND ALLEY LOTS.

Within a triangle formed by two intersecting public street right-of-way lines and a third line joining a point along each right-of-way line 15 feet from their intersection:

(A) No wall, fence or earth mound shall be permitted which materially impedes vision above the height of 2½ feet.

(B) No greenbelt or vegetation shall be permitted which materially impedes vision between the height of 2½ feet and 8 feet.
(Ord. 1994-3, § 1607, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

2005 S-1

§ 152.281 EXCEPTIONS AND INTERPRETATION.

(A) *Permanent waivers.* In the event that terrain or other natural features are such that the erection of obscuring berms or planting strips, walls or fences will not serve the intended purpose, as determined by the Planning Commission, then no such screening, fences or wall shall be required.

(B) *Variance.* Other modifications of this subchapter may be obtained by application for a variance.
(Ord. 1994-3, § 1608, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

PERFORMANCE STANDARDS

§ 152.295 COMPLIANCE REQUIRED.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premise.
(Ord. 1994-3, § 1700, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.296 PERFORMANCE STANDARDS.

The following provisions, standards and specifications shall apply to all districts:

(A) *Fire and explosion hazards.* All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any point. Fire and explosion hazards shall be further subject to applicable federal, state and local laws and regulations.

(B) *Radioactivity or electric disturbances.* No activities shall be permitted which emit dangerous radiation. Radioactive emissions shall be further subject to applicable federal, state and local laws and regulations.

(C) *Vibration.*

(1) In nonindustrial districts, no vibration shall be permitted which is discernible without instruments beyond the property line of the source.

(2) In industrial districts, there shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth below at the boundary of this district under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Maximum Vibration Levels	
Frequency Cycles per Second	***Maximum Permitted Displacement at Industrial District Boundaries (in inches)***
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

(3) Vibrations shall be further subject to applicable federal, state and local laws and regulations.

(D) *Odors.*

(1) No emission of odorous gases or other odorous matter in such quantities as to be readily detectable shall be permitted beyond the property lot lines of the source. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

(2) Odors shall be further subject to applicable federal, state and local laws and regulations.

(E) *Smoke.* No emission shall be permitted of visible grey smoke of a shade equal to or darker than No. 2 on the Ringlemann chart, except that visible grey smoke of a shade to No. 3 of such chart may be emitted four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity. Smoke shall be further subject to applicable federal, state and local laws and regulations.

(F) *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission shall be permitted which can cause any damage to health, to animals, to vegetation or other forms of property, or which can cause any excessive soiling, at any point. No sulfur compound shall be emitted which would result in a ground level concentration of sulfur dioxide at the property line or beyond in excess of 1.0 part per million in a 20-minute period of any hour or average exposure in excess of 0.1 part per million in any eight-hour period, nor shall any gas be emitted which contains sulfur dioxide in excess of 2,000 parts per million. Fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be further subject to applicable federal, state and local laws and regulations.

(G) *Glare or heat.* All lighting shall be arranged so as to deflect light away from any adjoining

residences. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lot line of the source shall be permitted. Glare and heat shall be further subject to applicable federal, state and local laws and regulations.

(H) *Liquid and solid waste.* No wastes shall be discharged in the public sewer system which are dangerous to the public health and safety. No waste shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. Liquid and solid waste shall be further subject to applicable federal, state and local laws and regulations.

(I) *Noise.*

(1) The maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from a facility is shown below.

Maximum Sound Levels		
Frequency Bank Cycles/Second	***Maximum Sound Pressure Level Decibels: 0.002 dyne/cm2***	
	7:00 a.m. to 10:00 p.m.	***10:00 p.m. to 7:00 a.m.***
0–75	72	67
75–150	67	62
150–300	59	54
300–600	52	47
600–1200	46	41
1200–1400	40	35
2400–4800	34	29
Over 4800	32	27

(2) Frequencies and sound levels shall be measured with an Octave Band Analyzer and Sound Level Meter which comply with the USA Standards prescribed by the United State of America Standards Institute. All noise shall be muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

(3) Noise shall be further subject to applicable federal, state and local laws and regulations.

(J) *Lighting.* All lighting shall be arranged so as to provide for adequate and safe lighting of private property, while limiting light spillover and glare onto adjacent properties and public streets. Such limitations are intended to prevent the creation of nuisances, promote traffic safety, conserve energy, preserve the area's dark sky, and support astronomy activities. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lot line of the source, shall be permitted. Glare and heat

shall be further subject to applicable federal, state and local laws and regulations.

(1) *Applicability*. This section shall be applied to the installation of all new and replacement private outdoor lighting fixtures, and any interior lighting fixtures that may create a distraction visible

from the exterior. Outdoor lighting fixtures legally installed prior to the effective date of this section shall not be required to comply with these outdoor lighting standards; however, any replacement of said lighting fixtures shall comply with all outdoor lighting standards as set forth in this section.

(2) *Required lighting plan.* Where a development requires site plan review under § 152.296, all outdoor lighting fixtures shall be depicted and described on the required site plan or on a separate lighting plan. Depending on the complexity of the proposal or projected impact of lighting, the village may also require the following information:

(a) A catalog page, cut sheet, or photography of the outdoor lighting fixtures(s) including the mounting method and light cut-off angles;

(b) A photometric plot plan, drawn to the same scale as the site plan, and indicating the location of all lighting fixtures proposed, mounting and/or installation height in feet, the average illumination level (in footcandles) within the parking lot, and illumination levels at regular intervals around the site and at property lines.

(3) *Maximum luminaire height.* The maximum permitted luminaire height shall be 25 feet in all residential districts and 35 feet in all other zoning districts. The height of both the pole and base shall be considered in the measurement of luminaire height.

(4) *Maximum illumination levels.* Average illumination levels within parking lots shall not exceed one footcandle within residential districts and three footcandles within all other districts. The illumination level at any property line shall not exceed one-half footcandles above the ambient lighting conditions on a cloudless night where the property is within or adjoins land in a residential district and two footcandles above the ambient lighting conditions on a cloudless night where the property is in or adjoins land in any other zoning district. The Planning Commission may agree to allow greater lighting levels based on specific and reasonable written justification provided by the applicant, provided that the purpose of this division (J)(4) is not compromised.

(5) *Use of shielded light fixtures.* All outdoor lighting fixtures shall be shielded as defined in § 152.008, except incandescent fixtures of 150 watts or less, lighting within public street rights-of-way, and lighting required for a specialized security or safety purpose. No searchlights shall be permitted.

(6) *Types of light source.* No new mercury vapor lighting fixtures shall be installed, and no replacement equipment or bulbs for pre-existing mercury vapor lighting fixtures shall be installed. No flickering or flashing lights shall be permitted, except low wattage seasonal lighting between November 1 and January 31 and lighting required for a specialized security or safety purpose.

(7) *Location.* No exterior light fixture shall be located within any required buffer yard or within three feet of any property line.

(8) *Distracting lighting.* Flashing, flickering, and/or other lighting which may distract motorists, including both exterior lights and interior lights visible from the exterior, are prohibited.

2005 S-1

(9) *Hours of illumination.* Within one hour after closing of the store, completion of the final work shift, or completion of specific activities associated with an institutional use, only building mounted security lighting and up to 25% of all other outdoor lighting fixtures may remain illuminated.

(10) *Exterior lighting for outdoor recreational uses.* Ball diamonds, playing fields, golf driving ranges, tennis courts, parks, and similar outdoor recreational uses may be exempted from one or more of the outdoor lighting standards of this section if approved by the Planning Commission through design review.

(11) *Street lighting.* Street lighting shall conform to the standards set forth by the State of Illinois for state and federal highways, Winnebago County for county highways, and the Village of Rockton of Township of Rockton for other streets and highways located within the village.

(12) *Nonconforming lighting.* All lighting fixtures existing prior to the effective date of this section which do not comply with the provisions of this section shall be considered as legal nonconforming structures. All replacement fixtures shall fully comply with the requirements of this section.
(Ord. 1994-3, § 1701, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.297 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS.

(A) *Measurement.* The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards set forth in this subchapter shall be taken at property line boundaries.

(B) *Notification.* The Administrator shall give written notice, by registered mail or other means ensuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Administrator within a time limit set by the Administrator. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Administrator within the time limit set constitutes admission of violation of the terms of this chapter.

(C) *Costs of determination.* The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the costs of the determination will be paid by the village.

(D) *Violation corrections.* If there is no reply within the time set, but the alleged violation is corrected to the satisfaction of the Administrator, he or she shall note "violation corrected" on his or her copy of the notice and shall retain it among his or her official records, taking such other action as may be warranted.

2005 S-1

(E) *Enforcement.* If there is no reply within the time limit set (thus establishing admission of violations) and the alleged violation is not corrected to the satisfaction of the Administrator within the time limit set, he or she shall proceed to take or cause to be taken such actions as are warranted by continuation of a violation after notice to cease.

(F) *Extensions.* If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Administrator, but requesting additional time, the Administrator may grant an extension if he or she deems it warranted in the circumstances of the case and if the extension will not, in his or her opinion, cause imminent peril to life, health or property.

(G) *Expert findings.* If a reply is received within the time limit set requesting technical determination as provided in this chapter and if the alleged violations continue, the Administrator may call in properly qualified experts to make the determinations. If the expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the provisions of this code. If no violation is found, the costs of the determinations shall be paid by the village without assessment against the properties or persons involved.

(H) *Additional enforcement provisions.* Even though compliance with performance standards procedure in obtaining a development permit is not required for a particular use, initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Administrator against any use, if there are reasonable grounds to believe that performance standards are being violated by such use.

(I) *Open burning.* This chapter shall not be interpreted to prohibit open burning of yard waste that has accumulated upon the property where the burning is occurring in Residential Districts. The fire must be supervised by an adult and shall be fully extinguished. The burning shall only occur on days when weather conditions are such that the fire can be contained and that the smoke, ash and fumes dissipate.

(J) *Special events.* For special events, occasions or circumstances a burning permit may be issued by the Village Board of Trustees.
(Ord. 1994-3, § 1702, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

HOME OCCUPATIONS

§ 152.305 REQUIRED CONDITIONS.

Home occupations or professions in the Residential Districts shall comply with the following regulations:

(A) There shall be no stock-in-trade other than products manufactured on the premises unless otherwise recommended by the Zoning Board of Appeals by special use permit as provided for in the respective section of this zoning code relating to special uses.

2005 S-1

(B) A home occupation or profession shall be conducted within a dwelling or within an accessory building and shall not exceed 500 square feet in area.

(C) There shall be no outdoor storage of supplies of equipment outside the building.

(D) There shall be no external alteration of the dwelling or accessory building in which a home occupation is conducted, and the existence of a home occupation shall not be apparent beyond the boundaries of the site, except for a nameplate in accord with the provisions of the section of this zoning code relating to signs in Residential Districts.

(E) No other than a resident of the dwelling shall be employed in the conduct of a home occupation or profession unless otherwise recommended by the Zoning Board of Appeals by a special use permit as provided for in the respective section of this zoning code relating to special uses. The special use permit shall state the specific number of nonresident employees that will be working in the home occupation in question. Any increase in this number shall require the issuance of a new special use permit as provided for in the respective section of this zoning code relating to special uses.

(F) No motor power other than electricity operated motors shall be used on connection with a home occupation.

(G) A home occupation or profession shall not create any radio or television interference or create noise in excess of the standards set forth in this chapter.

(H) No odor, liquid or solid waste shall be emitted.

(I) No more than one pick-up truck of not more than one ton capacity and no other trucks or semi-tractors or semi-trailers incidental to a home occupation or profession shall be kept on the site.

(J) A home occupation or profession shall not create pedestrian, automobile or truck traffic significantly in excess of the normal amount in the district.
(Ord. 1994-3, § 1800, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

MOBILE HOME PARK

§ 152.315 OCCUPANCY.

No mobile home shall be occupied or used for living or sleeping purposes unless it is located in a mobile home park, provided that a mobile home may be used as an office for a construction project,

circus or carnival, and provided that one mobile home may be used for the temporary residence of a watchman on the site of a construction project, and mobile homes may be used as temporary residences for circus or carnival personnel, for up to five days in any 365-day period, when recommended by the

Zoning Board of Appeals by a special use permit as provided for by the subchapter in this zoning code relating to special uses. The special use permit for a temporary mobile home location shall state the maximum time the mobile home shall be located upon the site in question.
(Ord. 1994-3, § 1900, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.316 PRE-APPLICATION REQUIREMENTS.

(A) A mobile home park may be permitted only in the RE Rural Estates District, subject to obtaining a special use permit in accordance with the provisions of the respective subchapter in this zoning code relating to special uses and additional provisions of this section.

(B) Prior to filing for a special use permit, all mobile home parks shall be reviewed by the Planning Commission to determine if they are being located and designed consistent with the provisions of this subchapter.

(C) The Planning Commission may recommend variations to the design requirements in the interest of achieving good design and better environmental living conditions for the residents of the mobile home park. In such cases, the Planning Commission shall submit a written finding of fact to the Zoning Board of Appeals in the same manner that the Zoning Board of Appeals is required to make a finding of facts for variation in the respective section and subchapter of this zoning code relating to action by Zoning Board of Appeals variation.
(Ord. 1994-3, § 1901, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.317 REQUIRED CONDITIONS.

(A) A mobile home park may be permitted as a special use in the RE Rural Estates District subject to the regulations as prescribed in §§ 152.020 *et seq.*, and as further provided in this section.

(B) Mobile home parks may be permitted in the RE Rural Estates District on parcels or lots of record of not less than 400,000 square feet of area.

(C) In addition to divisions (A) and (B), all mobile home parks shall be developed in accordance with design standards set forth in this subchapter.
(Ord. 1994-3, § 1902, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.318 DESIGN AND PERFORMANCE STANDARDS.

(A) There shall be a maximum of four mobile homes per gross acre.

(B) There shall be a minimum of 10,000 square feet of site area per mobile home.

(C) A mobile home park shall provide indoor and outdoor community use facilities and recreational open spaces of which not less than 5,000 square feet in area for each ten acres or portion thereof shall be developed for recreational use. The aggregate community use facilities and open spaces shall not be less than 200 square feet for each mobile home space.

(D) Not more than one permanent dwelling unit shall be located in a mobile home park.

(E) All mobile homes or dwelling units shall comply with the residential requirements for front yard setbacks, side yard, and the like.

(F) All accessory structures and accessory uses located on the same site as a special use shall be permitted upon the granting of a use permit, in accordance with the provisions of the subchapter of this zoning code relating to special uses.

(G) All streets for automobile circulation shall be a minimum of 30 feet in width and surfaced with two-inch asphalt or its equivalent and six-inch compacted aggregate base.

(H) A minimum of two improved parking spaces shall be provided for each mobile home. These parking spaces shall be located on the mobile home site they are intended to serve.

(I) All utilities, including television service, shall be underground.

(J) Adequate landscaping shall be provided including trees and shrubs around the perimeter of the mobile home park.

(K) Additional fencing and landscaping, including perimeter fencing along interior, side and rear lot lines and decorative fencing along street rights-of-way may be recommended by the Zoning Board of Appeals as part of the mobile home park special use permit required in § 152.316.

(L) A designated storage area for boats, trailers and other items shall be provided with an aggregate area of 50 square feet per mobile home space and shall be properly fenced or screened.

(M) All units must be connected to public water and sanitary supply systems.

(N) Unless a basement or underground area is available to each dwelling unit, the developer or park must have a common building which is suitable and capable of holding all residents as a shelter in the event of a tornado or other natural disaster.

(O) All units must be attached to a cement slab.

(Ord. 1994-3, § 1903, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

2005 S-1

DETERMINATION AS TO USES NOT LISTED

§ 152.330 PURPOSE AND INITIATION.

In order to ensure that the zoning code will permit all similar uses in each district, the Village Planning Commission and/or Zoning Board of Appeals, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a special use in a Residential or Commercial District shall be deemed a permitted use or a special use in one or more districts on the basis of similarity to uses specifically listed.
(Ord. 1994-3, § 2100, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.331 APPLICATION.

Application for determination that a specific use should be included as a permitted use or a special use in a Residential or Commercial District shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Planning Commission and/or Zoning Board of Appeals to facilitate the determination.
(Ord. 1994-3, § 2101, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.332 INVESTIGATION.

The Planning Commission and/or Zoning Board of Appeals shall make or have made such investigations as it deems necessary to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the code and to make a determination of its classification.
(Ord. 1994-3, § 2102, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.333 REFERRAL TO PLANNING COMMISSION.

The Zoning Administrator shall refer the application for a use determination to the Planning Commission at least 15 days before the public hearing for consideration.
(Ord. 1994-3, § 2103, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.334 DETERMINATION OF PLANNING COMMISSION.

The determination of the Planning Commission shall include findings and shall be rendered in

writing within 60 days from the date an application for a use determination was filed, but not less than 15 days prior to the Zoning Board of Appeals' public hearing.
(Ord. 1994-3, § 2104, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.335 DETERMINATION OF ZONING BOARD.

The determination of the Zoning Board of Appeals shall include findings and shall be rendered in writing within 120 days from the date an application for a use determination was filed, but not less than 15 days prior to the Zoning Board of Appeals' public hearing.
(Ord. 1994-3, § 2105, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.336 EFFECTIVE DATE OF DETERMINATION.

Within five days following the date of a decision of the Zoning Board of Appeals on a request for a determination as to a use not listed, the Secretary of the Zoning Board of Appeals shall transmit to the Village Board of Trustees written notice of the decision. A decision shall become effective ten days following the date on which the determination was made or on the day following the next meeting of the Village Board of Trustees, whichever is later, unless an appeal has been taken to the Village Board of Trustees, or unless the Village Board of Trustees shall elect to review the decision of the Zoning Board of Appeals.
(Ord. 1994-3, § 2106, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.337 APPEAL TO THE VILLAGE BOARD OF TRUSTEES.

Within ten days following the date of a decision of the Zoning Board of Appeals on a request for a determination as to a use not listed, the decision may be appealed to the Village Board of Trustees by the applicant or by any other person. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Board of Appeals or wherein its decision is not supported by the evidence in the record.
(Ord. 1994-3, § 2107, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.338 DETERMINATION BY VILLAGE BOARD OF TRUSTEES.

The determination of the Village Board of Trustees shall include findings supporting the conclusion and shall be rendered in writing within 60 days from the date of appeal or from the date the Village Board of Trustees elects to review the decision of the Zoning Board of Appeals unless the applicant consents to an extension of the time period.
(Ord. 1994-3, § 2108, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

2005 S-1

SPECIAL USES

§ 152.350 PURPOSE.

In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the zoning code, in certain districts special uses are permitted, subject to the granting of a use permit. Because of their unusual characteristics, special uses require careful consideration so that they may be located properly with respect to the objectives of the zoning code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Village Board of Appeals, with final decision by the Village Board of Trustees, is empowered to grant and deny applications for such special uses in such districts as are prescribed in the district regulations and to impose conditions upon the granting of use permits.
(Ord. 1994-3, § 2200, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.351 APPLICATION FOR SPECIAL USE PERMIT.

An application for a special use permit shall be filed on a prescribed form with the Zoning Administrator. The Zoning Administrator shall refer the completed application for a special use to the Zoning Board of Appeals. The application shall contain information as prescribed by the Zoning Administrator including the following information and material:

(A) Name and address of applicant;

(B) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the special use permit is proposed;

(C) Address or description of the property;

(D) Statement and adequate evidence showing that the proposed special use will conform to the standards set forth in this chapter;

(E) An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines;

(F) The application shall be accompanied by a fee to cover the cost of processing the application as prescribed:

Number of Acres	*Fee*

Less than 1 acre	$75
1 acres to 5 acres	$250
Over 5 acres	$10 for each acre or part thereof over 5 acres not to exceed $600

2005 S-1

(G) The application shall specify the proposed duration that is being sought for the special use.
(Ord. 1994-3, § 2201, passed 5-16-94; Am. Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.352 PUBLIC HEARING: NOTICE.

The Zoning Board of Appeals shall hold at least one public hearing on each application for a special use permit within 45 days of the date the application is filed. Notice of the hearings shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the village and by notifying the record title owners of the adjacent property by U.S. Mail at the address from the latest adopted tax roles. Failure to make said notice by U.S. Mail shall not invalidate the proceedings.
(Ord. 1994-3, § 2202, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.353 REFERRAL TO PLANNING COMMISSION.

The Zoning Administrator shall refer the application for a special use to the Chairman of the Planning Commission at least 15 days before the public hearing for consideration. If the Planning Commission desires to submit a report and recommendation, it may do so at the time of the public hearing.
(Ord. 1994-3, § 2203, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.354 PUBLIC HEARING: PROCEDURE.

At the public hearing, the Zoning Board of Appeals shall review the application and the drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with regard to the findings prescribed in § 152.355.
(Ord. 1994-3, § 2204, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.355 ACTION BY ZONING BOARD OF APPEALS.

(A) Within 45 days after the close of the public hearing on a proposed special use, the Board of Appeals shall make written findings of fact and shall submit the same together with its recommendation to the Village Board of Trustees.

(B) For the Board of Appeals to make an affirmative recommendation on any proposed special

use, it must find that each of the following items are met:

(1) That the proposed location of the special use is in accord with the objectives of the zoning code and the purposes of the district in which the site is located;

(2) That the proposed location of the special use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

(3) That the proposed special use will comply with each of the applicable provisions of this chapter;

(4) The proposed duration of the special use will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
(Ord. 1994-3, § 2205, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.356 CONDITIONS.

The Board of Appeals may recommend and the Village Board of Trustees may require such conditions or restrictions upon the construction, location and operation of a special use as deemed necessary to secure the general objectives of this chapter. Such conditions or restrictions may include provisions for the protection of adjacent property and the expiration of said special use permit after a specified period of time.
(Ord. 1994-3, § 2206, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.357 ACTION BY VILLAGE BOARD OF TRUSTEES.

(A) A special use permit application shall be acted upon by the Village Board of Trustees by ordinance within 45 days upon receipt of the Board of Appeals' decision. The Village Board of Trustees may affirm, reverse or modify a decision of the Zoning Board of Appeals, provided that if a Zoning Board of Appeals decision recommending denial of a special use permit is reversed or a decision recommending granting of a special use permit is modified, the Village Board of Trustees, on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted, shall make the findings of fact that establish that the circumstances prerequisite to the granting of a special use permit as prescribed in § 152.355 apply.

(B) A special use permit shall be passed by a majority vote of the Village Board. A proposed special use which fails to receive the approval of the Zoning Board of Appeals shall not be granted by the Village Board of Trustees except by the favorable vote of two-thirds of all of the Village Trustees. A proposed special use shall be passed only by the favorable vote of two-thirds of all the Village Trustees if a written protest against the proposed special use is filed with the Village Clerk, signed and acknowledged by the owners of 20% or more of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.

(Ord. 1994-3, § 2207, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06)

§ 152.358 LAPSE OF SPECIAL USE PERMIT.

(A) A special use permit shall lapse and shall become void one year following the date on which the special use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion or the site is occupied.

(B) A special use permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the special use permit originally became effective, an application for renewal of the special use permit is filed with the Zoning Board of Appeals.

(C) The Zoning Board of Appeals may recommend approval or denial of an application for renewal of a special use permit.

(D) An application for renewal of a special use permit shall meet all requirements of an original application for special use permit as contained within this subchapter.
(Ord. 1994-3, § 2208, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.359 REVOCATION.

A special use permit granted subject to a condition or conditions shall be revoked by the Village Board of Trustees if the condition or conditions are not complied with. The Zoning Board of Appeals shall hold a public hearing within 45 days in accord with the procedure prescribed in § 152.352 and § 152.354 and if not satisfied, that the regulation, general provision or condition is being complied with, may recommend revocation of the special use permit or the taking of such action as may be necessary to ensure compliance with the regulation, general provision or condition.
(Ord. 1994-3, § 2209, passed 5-16-94; Am. Ord. 2004-6, passed 3-16-04; Am. Ord. 2004-29, passed 11-16-04)

§ 152.360 NEW APPLICATION.

No application for a special use which has been denied wholly or partly by the Village Board of Trustees shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.
(Ord. 1994-3, § 2210, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.361 SPECIAL USE PERMIT TO RUN WITH THE LAND.

A special use permit granted pursuant to the provisions of this subchapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the special use permit application.
(Ord. 1994-3, § 2211, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

ZONING PERMIT

§ 152.375 PURPOSE AND REQUIREMENTS.

(A) To ensure that each new or expanded use of a structure or site and each new structure or alteration of an existing structure complies with all applicable provisions of this chapter and in order that the village may have a record of each new or expanded use of a structure or site, a zoning permit is required before any building permit may be issued or any structure or site used.

(B) To ensure that each new sign structure subject to design review as set forth in §§ 152.235 *et seq.* and §§ 152.255 *et seq.* or requiring a building permit and each enlargement or change in the design, lighting or movement of a sign subject to design review as set forth in §§ 152.235 *et seq.* and §§ 152.255 *et seq.* or requiring a building permit complies with all applicable provisions of this chapter, a zoning permit is required before the sign may be displayed or altered or before a building permit may be issued.
(Ord. 1994-3, § 2400, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.376 APPLICATION AND ISSUANCE OF ZONING PERMIT.

(A) Application for a zoning permit shall be made on a form prescribed by the Zoning Board of Appeals and shall be accompanied by plans and additional information as necessary, in the opinion of the Zoning Administrator, to demonstrate conformity with this chapter. The Zoning Administrator, prior to granting a zoning permit, shall check the application and all data submitted with it to see that all provisions of this chapter will be complied with. The application shall be accompanied by the appropriate fee to cover the cost of processing the application as prescribed.

(B) If the application for a zoning permit is for remodeling and/or addition to an existing structure there will be no fee charged.

(C) If the application for a zoning permit is for new construction on a vacant lot or parcel of land then a fee of $50 is to be paid at the time of application. The Zoning Administrator shall not issue the zoning permit until payment of the prescribed fee.
(Ord. 1994-3, § 2401, passed 5-16-94; Am. Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.377 ISSUANCE OF BUILDING PERMIT.

The Building Officer shall not issue building permits for signs or structures unless they conform to

an approved zoning permit or a special use permit.
(Ord. 1994-3, § 2402, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.378 ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

No certificate of occupancy as required in the building codes shall be issued by the Building Officer until a certificate of zoning compliance has been issued by the Zoning Administrator for which there is established an appropriate fee.
(Ord. 1994-3, § 2403, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

VARIANCES

§ 152.390 PURPOSE AND AUTHORIZATION.

(A) The Zoning Board of Appeals is empowered to grant variances in order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of the zoning code as would result from a strict or literal interpretation and enforcement of certain of the regulations prescribed by this chapter. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from population densities, street locations or traffic conditions in the immediate vicinity. Cost to the applicant of strict or literal compliance with a regulation shall not be the sole reason for granting a variance.

(B) The power to grant variances does not extend to use regulations because the flexibility necessary to avoid results inconsistent with the objectives of the zoning code is provided by the special use provisions of this chapter.

(C) The Zoning Board of Appeals may grant variances to the regulations prescribed by this chapter, in accord with the procedure prescribed in this subchapter, with respect to fences, walls, hedges, screening and landscaping; site area, width, frontage, depth and coverage; front, rear and side yards; basic floor area; usable open space; height of structures; distances between structures; courts; signs; and off-street parking facilities and off-street loading facilities.

(D) The Village Board of Trustees shall be provided with a copy of all applications for variances and a copy of the decision of the Zoning Board of Appeals regarding all variances. The Board of Trustees, at their next regularly scheduled meeting after any action by the Zoning Board of Appeals, may, upon their own motion, bring the application for variance before the Board to either grant, deny or modify the variance.
(Ord. 1994-3, § 2300, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.391 APPLICATION FOR VARIANCE.

(A) An application for a variance shall be filed with the Zoning Administrator. The Zoning Administrator shall refer the completed application for a variance to the Zoning Board of Appeals.

(B) The application shall contain information as prescribed by the Zoning Administrator including the following information and material:

(1) Name and address of applicant;

(2) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the variance is proposed;

(3) Address or description of the property;

(4) Statement of the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code that would result from a strict or literal interpretation and enforcement of a specific regulation of this chapter, together with any other data pertinent to the findings prerequisite to the granting of a variance as prescribed the section under this subchapter of the zoning code relating to action by the Zoning Board of Appeals;

(5) An accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.

(6) The application shall be accompanied by a fee to cover the cost of processing the application as prescribed:

Number of Acres	***Fee***
Less than 1 acre	$100
1 acre to 5 acres	$350
Over 5 acres	$350, plus $25 for each acre or part thereof over 5 acres not to exceed $600

(Ord. 1994-3, § 2301, passed 5-16-94; Am. Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.392 PUBLIC HEARING: NOTICE.

The Zoning Board of Appeals shall hold a public hearing on an application for a variance within 45 days of the date the application was filed. Notice of the public hearing before the Zoning Board of Appeals and Planning Commission shall be given not less than 15 days nor more than 30 days prior to the date of the hearings by publication in a newspaper of general circulation within the village and by notifying the record title owners of the adjacent property by U.S. Mail at the address from the latest

adopted tax roles. Failure to make said notice by U.S. Mail shall not invalidate the proceedings.
(Ord. 1994-3, § 2302, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.393 REFERRAL TO PLANNING COMMISSION.

The Zoning Administrator shall refer the application for a variance to the Chairman of the Planning Commission at least 15 days before the public hearing for consideration. The Planning Commission shall submit a report and recommendation to the Zoning Board of Appeals and the Village Board of Trustees.
(Ord. 1994-3, § 2303, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.394 PUBLIC HEARING: PROCEDURE.

At the public hearing, the Zoning Board of Appeals shall review the application, statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in § 152.395.
(Ord. 1994-3, § 2304, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.395 ACTION BY ZONING BOARD OF APPEALS.

(A) *Time.* Within 45 days after the close of the public hearing on a proposed variance, the Board of Appeals shall make written findings of fact and submit its recommendation to the Village Board of Trustees.

(B) *Findings.* For the Board of Appeals to make an affirmative recommendation on any proposed variance, as applied for or in modified form, it must find that each of the following items are met:

(1) That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning code.

(2) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district.

(3) That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

(4) That the property in question cannot yield a reasonable monetary return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

(5) That the granting of the variance will not be detrimental to the public health, safety,

welfare or materially injurious to properties or improvements in the vicinity.

(6) The proposed variation will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.

(7) The proposed variation complies with the spirit and intent of restrictions imposed by this section.

(C) *Signs: additional findings.* The Zoning Board of Appeals may recommend granting a variance to a regulation prescribed by this chapter with respect to signs as the variance was applied for or in modified from, if, on the basis of the application and the evidence submitted, the Zoning Board of Appeals makes findings of fact that establish that the circumstances prescribed in the foregoing section of this subchapter apply and the following circumstances also apply:

(1) That the granting of the variance will not detract from the attractiveness or orderliness of the village's appearance;

(2) That the granting of the variance will not introduce an inharmonious visual element into the district in which the sign would be located;

(3) That the granting of the variance will not create a hazard to public safety.

(D) *Parking and loading: additional findings.* The Zoning Board of Appeals may recommend granting a variance to a regulation prescribed by this chapter with respect to off-street parking facilities or off-street loading facilities, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Zoning Board of Appeals makes findings of fact that establish that the circumstances prescribed in the section of this subchapter relating to findings of the Zoning Board of Appeals apply and the following circumstances also apply:

(1) That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation;

(2) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets;

(3) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning code.
(Ord. 1994-3, § 2305, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-20, passed 11-21-06)

§ 152.396 CONDITIONS.

The Board of Appeals may recommend and the Village Board of Trustees may require such conditions or restrictions upon the construction, location and operation of a variance, as deemed

necessary to secure the general objectives of this chapter. Such conditions or restrictions may include provisions for the protection of adjacent property and the expiration of said variance after a specified period of time.
(Ord. 1994-3, § 2306, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.397 ACTION BY VILLAGE BOARD OF TRUSTEES.

(A) A variance application shall be acted upon by the Village Board of Trustees by ordinance within 45 days after receipt of the Board of Appeals' decision. The Board of Trustees may affirm, reverse or modify a decision of the Zoning Board of Appeals on a variance application, provided that if a Zoning Board of Appeals decision recommending denial of a variance is reversed or a decision recommending granting of a variance is modified, the Board of Trustees on the basis of the record transmitted by the Zoning Administrator and such additional evidence as may be submitted shall make findings of fact that establish that the circumstances prerequisite to the granting of a variance prescribed in the section of this subchapter relating to action by the Zoning Board of Appeals apply.

(B) A variance shall be passed by a majority vote of the Village Board. A proposed variance which fails to receive the approval of the Zoning Board of Appeals shall not be granted by the Village Board of Trustees except by the favorable vote of two-thirds of all of the Village Trustees. A proposed variance shall be passed only by the favorable vote of two-thirds of all the Village Trustees if a written protest against the proposed variance is filed with the Village Clerk, signed and acknowledged by the owners of 20% or more of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley therefrom, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered.
(Ord. 1994-3, § 2307, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06)

§ 152.398 LAPSE OF VARIANCE.

(A) A variance shall lapse and shall become void one year following the date on which the variance became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion.

(B) A variance may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the Zoning Board of Appeals.

(C) The Zoning Board of Appeals may recommend approval or denial of an application for renewal of a vacation.

(D) An application for renewal of a variance shall meet all of the requirements of an original application for variance as contained within this subchapter.

(E) If, in the event, the building or other structure for which a variance was applied is damaged or destroyed by fire or act of God to an extent of 51% of its replacement cost, the property owner must

apply for a new variance as provided in this subchapter.
(Ord. 1994-3, § 2308, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.399 REVOCATION.

(A) A variance granted subject to a condition or conditions shall be revoked by the Village Board of Trustees if the condition or conditions are not complied with. The Zoning Board of Appeals shall hold a public hearing within 45 days in accord with the procedure prescribed in §§ 152.352 and 152.354 and
if not satisfied, that the regulation, general provision or condition is being complied with, may recommend revocation of the variance or such action as may be necessary to ensure compliance with the regulation, general provision or condition.

(B) The Board of Trustees shall review the recommendation of the Zoning Board of Appeals on the revocation and render a decision as prescribed in this subchapter. The decision shall become effective on the date on which the variance was acted upon by the Board of Trustees.
(Ord. 1994-3, § 2309, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.400 NEW APPLICATION.

No application for a variance which has been denied wholly or partly by the Village Board of Trustees shall be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.
(Ord. 1994-3, § 2310, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

NONCONFORMING BUILDINGS AND USES

§ 152.410 CONTINUANCE OF USE.

(A) Any lawfully established use of a building or land, on the effective date of this chapter, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

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

(C) Any building for which a building permit has been lawfully granted prior to the effective date of this chapter, or of amendments hereto, may be completed in accordance with the approved plans; provided construction is started within 90 days and diligently prosecuted to completion. Such building

shall thereafter be deemed a lawfully established building.
(Ord. 1994-3, § 2500, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.411 DISCONTINUANCE OF USE.

(A) Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this chapter, such premises shall not thereafter be used or occupied by a nonconforming use, even though the building may have been originally designed and constructed for the prior nonconforming use.

(B) Whenever a nonconforming use of a building, structure or part thereof has been discontinued, or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use for a period of six consecutive months, or in such cases where the owner had applied for and obtained an extension of time not to exceed six additional months by the granting of a special use permit as authorized or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the district.

(C) Where no enclosed building is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment and shall not hereafter be used in a nonconforming manner.

(D) A use not legally authorized by the provisions of the village zoning code in existence prior to the time this chapter becomes effective, shall be deemed a violation and discontinued unless such use or structure is in conformance with the provisions of this chapter.
(Ord. 1994-3, § 2501, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.412 CHANGE OR CONVERSION OF NONCONFORMING USE.

The nonconforming use of any building, structure or portion thereof, which is designed or intended for a use not permitted in the district in which it is located, may not be occupied by another similar or less intense nonconforming use except by the granting of a special use permit as authorized by the respective subchapter of this zoning code relating to special uses.
(Ord. 1994-3, § 2502, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.413 TERMINATION AND REMOVAL OF NONCONFORMING USES, BUILDINGS AND STRUCTURES IN RESIDENTIAL DISTRICTS.

(A) The period of time during which the following nonconforming uses of buildings, structures or land may continue or remain in Residential Districts shall be limited to two years from the effective date of this chapter, or of any amendment hereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the two-year period.

(B) Any nonconforming use of a building or structure having an assessed valuation not in excess of $500 on the effective date of this chapter.

(C) All nonconforming signs, billboards and outdoor advertising structures.

(D) Any nonconforming uses of land where no enclosed building is involved, or where the only buildings employed are accessory or incidental to such use, or where such use is maintained in connection with a conforming building.
(Ord. 1994-3, § 2503, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.414 REPAIRS AND ALTERATIONS.

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

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

(1) When the alteration is required by law;

(2) When the alteration will actually result in eliminating the nonconforming use;

(3) When a building in a Residential District containing residential nonconforming uses may be altered in any way to improve livability, provided no structural alteration shall be made which would increase the number of dwelling units or the bulk of the building.
(Ord. 1994-3, § 2504, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.415 DAMAGE AND DESTRUCTION.

(A) In the event that a building or other structure containing a nonconforming use is damaged or destroyed by fire or act of God to an extent of:

(1) Not more than 50% of its replacement value, the building or structure may be restored only to its original condition and floor area and the occupancy or use of such building may be continued which existed at the time of such partial destruction;

(2) More than 50% but less than 75% of its replacement value, the building or structure may be restored only to its original condition and floor area and the occupancy or use of such building may be continued which existed at the time of such partial destruction only if an approved special use permit is applied for and secured from the village in accordance with the provisions of the subchapter of this zoning code relating to special uses;

(3) More than 75% of its replacement value, the building or structure may be rebuilt and used

thereafter only for a conforming use and in compliance with the provisions of the district in which it is located.

(B) When the provisions of division (A)(1) or (A)(2) are applicable, the restoration or repair of the building or other structures must be started within a period of six months from the date of damage or

destruction and diligently pursued to completion. Failure to exercise the options herein provided within the time specified shall be considered a voluntary abandonment and buildings and structures may be rebuilt and used thereafter only for a conforming use and in compliance with provisions of the district in which it is located.
(Ord. 1994-3, § 2505, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.416 ADDITIONS AND ENLARGEMENTS.

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

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

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

(D) A building or structure which is nonconforming with respect to yards, floor area ratio or any other element of bulk regulated by this chapter shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
(Ord. 1994-3, § 2506, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

ADMINISTRATION

§ 152.425 OFFICE OF ZONING ADMINISTRATION.

(A) *Creation.* The Office of Zoning Administration is hereby created, and under the direction of a Zoning Administrator, shall have the responsibility of administering and enforcing the provisions of this chapter.

(B) *Appointment.* The Zoning Administrator shall be appointed by the President of the Village Board of Trustees with the approval of the Village Board.

(C) *Term.* The term of the Zoning Administrator shall be two years and shall coincide with the

term of the Village President.

(D) *Removal*. The Village Board of Trustees shall have the power to remove the Zoning Administrator for cause and after a public hearing.

(E) *Compensation.* The Zoning Administrator's monetary compensation shall be determined by the Village Board of Trustees.

(F) *Powers and duties.* The Office of Zoning Administration shall enforce the provisions of this chapter and in addition thereto and furtherance of said authority shall:

(1) The Zoning Administrator shall be the official responsible for the enforcement of this chapter. The Zoning Administrator may serve notice requiring the removal of any structure or use in violation of this chapter on the owner or his or her authorized agent, on a tenant, or on an architect, builder, contractor or other person who commits or participates in any violation. The Zoning Administrator may call upon the Village Attorney to institute necessary legal proceedings to enforce the provisions of this chapter and the Village Attorney is hereby authorized to institute appropriate actions to that end. The Zoning Administrator may call upon the Chief of Police and his or her authorized agents to assist in the enforcement of this chapter;

(2) Examine and approve any application pertaining to the use of land, buildings or structures to determine if the application conforms with the provisions of this chapter;

(3) Issue all zoning certificates and keep permanent records thereof;

(4) Issue all zoning permits and keep permanent records thereof;

(5) Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the terms of this chapter;

(6) Receive, file and forward for action all applications for appeals, variations, special uses and amendments to this chapter which are filed in the zoning office;

(7) Initiate, direct and review, from time to time, a study of the provisions of this chapter and make reports of his or her recommendations to the Village Board of Trustees not less frequently than once a year;

(8) Revoke certificates of zoning compliance where provisions of this chapter are being violated;

(9) Issue certificate of zoning compliance for nonconforming uses existing at the time of passage of this chapter or any amendment thereto;

(10) Keep records regarding the term of office of members of the Zoning Board of Appeals, notify the Village President and the Board of Trustees as to vacancies on the Zoning Board of Appeals and notify the Village President and the Board of Trustees regarding any changes in positions of

Chairman, Vice-Chairman and Secretary of the Zoning Board of Appeals;

(11) Any additional powers and duties as set forth by this chapter or any other ordinance or regulation of the village.

(Ord. 1994-3, § 2600, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.426 PLANNING COMMISSION.

(A) *Creation and membership.*

(1) A planning commission is hereby created, such commission to consist of seven members appointed by the Village President, subject to confirmation by the Board of Trustees. The word ***COMMISSION*** when used in this section shall be construed to mean the Planning Commission. All members of the Commission shall be residents of the village. No voting member of the Planning Commission shall hold an elective office on the Village Board of Trustees.

(2) The initial members of the Commission shall serve for a term of five years and/or until their respective successors are appointed and confirmed.

(3) Thereafter, as their terms expire, each new member shall serve for a term of five years. The Planning Commission, at its annual meeting shall elect three of their members to serve as Chairman, Vice-Chairman and Secretary for the next succeeding year.

(4) The Village President, subject to confirmation by the Village Board of Trustees, shall have the power to remove any member of the Planning Commission for cause and after a public hearing. Vacancies upon the Commission shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such members. The Planning Commission may give notice to the Village Board of Trustees that a vacancy exists for any member who fails to attend three meetings in any one calendar year, and the Village Board of Trustees may remove the member and fill the vacancy.

(B) *Meetings and rules.* All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine. All hearings conducted by said Commission shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. The Chairman, or in his or her absence, the acting chairman, may administer oaths and request the attendance of witnesses. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Commission shall be filed immediately in the Office of Zoning Administration and shall be a public record. The Commission shall adopt its own rules of procedure not in conflict with this chapter or with the applicable Illinois Statutes, a copy of which shall be filed in the Office of Zoning Administration.

(C) *Offices.* The Board of Trustees shall provide suitable offices for the holding of hearing and the presentation of records, documents and accounts.

(D) *Appropriations.* The Board of Trustees shall appropriate funds to carry out the duties of the Commission, and the Commission shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized herein.

2008 S-2

(E) *Compensation.* The members of the Commission shall serve without salary.
(Ord. 1994-3, § 2601, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-15, passed 11-21-06)

§ 152.427 ZONING BOARD OF APPEALS.

(A) *Creation and membership.*

(1) A Zoning Board of Appeals is hereby created, such Board to consist of seven members appointed by the Village President subject to confirmation by the Village Board of Trustees. The word ***BOARD*** when used in this section shall be construed to mean the Zoning Board of Appeals. All members of the Zoning Board of Appeals shall be residents of the village. No voting member of the Zoning Board of Appeals shall hold an elective office on the Village Board of Trustees.

(2) The members of the Board shall serve for a term of five years and/or until their respective successors are appointed and qualified.

(3) Thereafter, as their terms expire, each new appointment shall be for a term of five years. The Zoning Board of Appeals, at its annual meeting shall elect three of their members to serve as Chairman, Vice-Chairman and Secretary for the next succeeding year.

(4) The Board of Trustees shall have the power to remove any member of the Board for cause and after a public hearing. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant, in the manner herein provided for the appointment of such members. The Zoning Board of Appeals may give notice to the Village Board of Trustees that a vacancy exists for any member who fails to attend three meetings in any one calendar year, and the Village Board of Trustees may remove the member herein provided for the appointment of such members.

(B) *Meetings and rules.* All meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. The Chairman, or in his or her absence, the acting Chairman, may administer oaths and request the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed immediately in the Office of Zoning Administration and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with this chapter or with the applicable Illinois Statutes, a copy of which shall be filed in the Office of Zoning Administration.

(C) *Offices.* The Board of Trustees shall provide suitable offices for the holding of hearings and the presentation of records, documents and accounts.

(D) *Appropriations.* The Board of Trustees shall appropriate funds to carry out the duties of the Board, and the Board shall have the authority to expend, under regular procedure, all sums appropriated to it for the purposes and activities authorized herein.

(E) *Compensation.* The members of the Board shall serve without salary.

(F) *Jurisdiction.* The Board of Appeals is hereby vested with the following jurisdiction and authority:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator under this chapter. In hearing and deciding appeals, the Board may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from the Zoning Administrator to the extent and in the manner that the Board may decide to be fit and proper, and to that end, the Board shall also have all the powers from the Officer from whom the appeals are taken;

(2) To hear and decide all matters referred to it or upon which it is required to pass under this chapter;

(3) To hear and pass upon application for special use permits and variations from a strict application of the terms of this chapter, in the manner and subject to the standards set out in this chapter;

(4) No rehearing shall be held on a denied appeal or application for variation or special use permit for a period of 12 months from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Board of Appeals.

(G) *Decisions of the Board of Appeals.* The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render decisions. All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" of the Illinois Statutes.
(Ord. 1994-3, § 2602, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-15, passed 10-3-06)

§ 152.428 APPEAL OF ZONING ADMINISTRATOR'S DECISION.

(A) *Appeals generally.* An appeal may be taken to the Zoning Board of Appeals by any persons, firm, corporation, or office, department, board, or bureau affected by a decision of the Office of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board

by general rules adopted by it, and shall be taken by filing with the Zoning Administrator a notice of appeal, specifying the ground thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Board. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed was taken.

(B) *Hearing of appeals.* The Board shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the Officer from whom the appeal is taken. It shall hear and decide the appeal within 15 days of the date when the appeal was filed unless otherwise specified by this or any other ordinance of the village. At the hearing, parties of interest may appear in person or by agent or attorney to testify.

(C) *Stay of proceedings.* The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals, after notice of appeal has been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such a case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by Court of Record on application, with notice of the Officer from whom the appeal is taken and all due causes shown.
(Ord. 1994-3, § 2603, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.429 ENFORCEMENT.

All officials, departments and employees of the village vested with the authority or duty to issue permits, certificates or licenses shall comply with the provisions of this chapter and shall issue no permit, certificate or license which conflicts with the provisions of this chapter. Any permit, certificate or license issued in conflict with the provisions of this chapter shall be void.
(Ord. 1994-3, § 2604, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

AMENDMENTS

§ 152.440 PURPOSE.

This chapter may be amended by changing the boundaries of any district (zoning change), by changing any district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision thereof in accord with the procedure prescribed in this subchapter.
(Ord. 1994-3, § 2000, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.441 INITIATION.

(A) A change in the boundaries of any district (zoning change) may be initiated by the owner or the authorized agent of the owner of the property filing an application for a change in district boundaries as prescribed in § 152.442. If the property for which a change of district is proposed is in

more than one ownership, all the owners or their authorized agents shall join in filing the application.

(B) A change in boundaries of any district (zoning change) or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provisions may be

initiated by action of the Zoning Board of Appeals or Village Board of Trustees, provided that in either case the procedure prescribed in §§ 152.443 through 152.445 shall be followed.

(C) A proposal for a change in boundaries of any district (zoning change) initiated by the Board of Trustees and one initiated by a property owner for all or part of the same area may be considered simultaneously.
(Ord. 1994-3, § 2001, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.442 APPLICATION AND FEE.

(A) *Data to be furnished.* A property owner or his or her authorized agent desiring to propose a change in the boundaries of the district in which his or her property is located (rezoning) may file with the Zoning Administrator an application for a change in district boundaries on a form prescribed by the Zoning Board which shall include the following data:

(1) Name and address of the applicant;

(2) Statement that the applicant is the owner or the authorized agent of the owner of the property for which the change in district boundaries is proposed;

(3) Address or description of the property;

(4) Any additional information proscribed in this chapter for the particular rezoning request or required by the Zoning Board of Appeals or Plan Commission.

(B) *Map.* The application shall be accompanied by an accurate scale drawing of the site and the surrounding area for a distance of at least 300 feet from each boundary of the site showing the location of streets and property lines.

(C) *Application for zoning map amendment.* The application shall be accompanied by a fee to cover the cost of processing the application as prescribed in this subchapter.

Number of Acres	***Fee***
Less than 1 acre	$100
1 acre to 5 acres	$350
Over 5 acres	$350, plus $25 for each acre or part thereof over 5 acres not to exceed $600

(Ord. 1994-3, § 2002, passed 5-16-94; Am. Ord. 1996-28, passed 12-16-96; Am. Ord. 2004-29, passed 11-16-04)

§ 152.443 ACTION OF ZONING BOARD.

(A) *Public hearing: notice.* The Zoning Board of Appeals shall hold at least one public hearing on each application for a change in district parking or loading facilities requirement, general provision, exception or other provision of this chapter within 45 days of the date the application was filed or the proposal was initiated. Notice of the public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation in the village and by notifying the record title owners of the adjacent property by U.S. Mail at the address from the latest adopted tax roles. Failure to make said notice by U.S. Mail shall not invalidate the proceedings.

(B) *Public hearing: procedure.* At the public hearing, the Zoning Board of Appeals shall review the application or proposal and may receive pertinent evidence as to how the proposed change is consistent with the objectives of the zoning code prescribed in § 152.001.

(C) *Referral to Planning Commission.* The Zoning Administrator shall refer the application for an amendment to the Chairman of the Planning Commission at least ten days before the public hearing for consideration. The Planning Commission shall submit a report and recommendation to the Zoning Board of Appeals and the Village Board of Trustees.

(D) *Findings of fact and recommendation of the Zoning Board.* Within 45 days following the public hearing, the Zoning Board shall make a specific finding as to whether the change is consistent with the objectives of the zoning code prescribed in § 152.001. The Zoning Board shall transmit a report to the Board of Trustees recommending that the application be granted, granted in modified form, denied or that the proposal be adopted, adopted in modified form or rejected together with a copy of the application, resolution of the Zoning Board, or request of the Board of Trustees; the scale drawing of the site and the surrounding area and all other data filed therewith; the minutes of the public hearing and the findings of the Zoning Board.
(Ord. 1994-3, § 2003, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.444 ACTION OF THE VILLAGE BOARD.

The Board of Trustees shall review the application or proposal and the report of the Zoning Board and the report of the Planning Commission and may receive additional evidence. The Board of Trustees shall make a specific finding as to whether the change is consistent with the objectives of the zoning code prescribed in § 152.001. If the Board of Trustees finds that the change is consistent, it shall enact an ordinance amending the regulations of this chapter. If the Board of trustees finds that the change is not consistent, it shall deny the applicant or reject the proposal. An amendment which fails to receive the approval of the Zoning Board of Appeals shall not be granted by the Village Board of trustees except by the favorable vote of two-thirds of all the Village Trustees who are present. If a

written protest against the proposed amendment is filed with the Village Clerk, signed and acknowledged by the adjoining property owners of 20% or more of the perimeter of the subject parcel, then the amendment shall not be granted by the Village Board of Trustees except by the favorable vote of two-thirds of all the Village Trustees who are present.
(Ord. 1994-3, § 2004, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04; Am. Ord. 2006-16, passed 11-21-06)

§ 152.445 NEW APPLICATION.

Following the denial of an application for a change in district boundaries, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Board.
(Ord. 1994-3, § 2005, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 152.446 DEVELOPMENT FEES.

(A) It shall be the Board policy that no annexation agreement shall be entered into without a commitment from the developer or annexing party, at a minimum, to provide funds sufficient to enable each affected school to respond fully to the effect of each new residential or commercial development in the annexed territory.

(B) The dollar amount to be collected from the developers or annexing party for the benefit of each affected school district will be a subject of contractual negotiation between the parties seeking to annex property and the village, but will not be less than $2,500 per residential lot or $2,500 per commercial building up to 10,000 square feet in size. If however, more than two units per residential lot are planned then:

(1) If the units are attached to any other unit within the same building, the fee will be $2,500 per unit in excess of two units per building.

(2) If the units are unattached to any other unit within a single building, the fee will be $2,500 per unit in excess of two units per lot.

(3) Additionally, if more than 10,000 square feet of commercial building is planned then: an additional $.025 over square feet of building will be charged in addition to the $2,500 charged the first 10,000 square feet.
(Res. 2006-107, passed 11-6-06)

§ 152.999 PENALTIES.

(A) Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $500. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued or permitted by the

person, firm, corporation or organization and shall be punishable as herein provided.

(B) Any structure or sign erected, moved, altered, enlarged or maintained and any use of a site contrary to the provisions of this chapter shall be and is hereby declared to be unlawful and a public nuisance. The Village Attorney shall immediately institute necessary legal proceedings for the abatement,

removal and enjoyment thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends. The Village Attorney shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure, sign or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering or enlarging the structure or sign or using the site contrary to the provision of this chapter.
(Ord. 1994-3, § 2604, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

2008 S-2

APPENDIX: TABLES

Section

1 Zoning schedule
2 Schedule of required off-street parking spaces
3 Uses allowed in commercial districts

2005 S-1

§ 1 ZONING SCHEDULE.

Minimum Site				Minimum Yards						Accessory	
Districts	***Area***	***Width-Interior Lot***	***Depth***	***Front and Corner Side***	***Interior Side Lot Line***	***Rear***	***Max. Site Coverage***	***Max. Height-Main Structures***	***Site Area per Dwelling Unit***	***Max. Height***	***M Dist to S Lot***
AG Agricultural	5 acres	250 ft.	400 ft.	½ row	12 ft.	75 ft.	30%	35 ft.	5 acres	20 ft.	12 ft.
UT Urban Transitional	5 acres	250 ft.	400 ft.	½ row	25 ft.	75 ft.	25 %	35 ft.	5 acres	20 ft.	25 ft.
RE Rural Estates	2.5 acres	200 ft.	400 ft.	½ row	12 ft.	75 ft.	25%	35 ft.	2.5 acres	20 ft.	12 ft.
R1 Residential	12,500 sq. ft.	75 ft.	150 ft.	½ row	12 ft.	30 ft.	30%	35 ft.	12,500 sq. ft.	20 ft.	12 ft.
R2 Two-Family Residential	12,500 sq. ft.	75 ft.	150 ft.	½ row	12 ft.	30 ft.	35%	35 ft.	6,250 sq. ft.	20 ft.	12 ft.
RM Multi-Family Residential	19,500 sq. ft.	130 ft.	150 ft.	½ row	12 ft.	30 ft.	40%	Permitted: 35 ft. Special use: 45 ft.	Permitted: as little as 5,400 sq. ft. Special use: as little as 2,700 sq. ft.	20 ft.	12 ft.
RM-C Condo Residential	19,500 sq. ft.	130 ft.	150 ft.	½ row	12 ft.	30 ft.	50%	Permitted: 35 ft. Special use: 75 ft.	Permitted: as little as 5.400 sq. ft. Special use: no minimum	20 ft.	12 ft.
CR Central Retail District	—	—	—	—	—	—	100%	45 ft.	same as RM Dist.	20 ft.	—
CG General Commercial District	20,000 sq. ft.	120 ft.	150 ft.	30 ft.	10 ft.	30 ft.	60%	45 ft.	dwellings not permitted	35 ft.	10 ft.

Minimum Site				*Minimum Yards*						*Accessory St*	
Districts	***Area***	***Width-Interior Lot***	***Depth***	***Front and Corner Side***	***Interior Side Lot Line***	***Rear***	***Max. Site Coverage***	***Max. Height-Main Structure***	***Site Area per Dwelling Unit***	***Max. Height***	***Min. Distanc to Side Lot Lin***
CH Highway Commercial District	30,000 sq. ft.	120 ft.	200 ft.	25 ft.	10 ft.	10 ft.	60%	45 ft.	same as RM Dist	35 ft.	10 ft. (2 ft. to res lot line)
IL Light Industrial District	10,000 sq. ft.	75 ft.	120 ft.	20 ft.	—	30 ft.	60%	50 ft.	dwellings not permitted	35 ft.	30 ft.
IG General Industrial District	20,000 sq. ft.	120 ft.	150 ft.	30 ft.	—	30 ft.	75%	50 ft.	dwellings not permitted	35 ft.	30 ft.
IH Heavy Industrial District	40,000 sq. ft.	120 ft.	200 ft.	—	—	50 ft.	75%	100 ft.	dwellings not permitted	100 ft.	50 ft.

(Ord. 1994-3, passed 5-16-94; Am. Ord. 2004-29, passed 11-16-04)

§ 2 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES (MINIMUM STANDARDS)		
Use	***No. of Parking Spaces Required per Unit of Measurement***	
	Number	***Unit***
Residential		
Guest, boarding or lodging house	1.0	Dwelling units and lodging unit
Dwellings, 1-family and 2-family and mobile home	2.0 3.0	Dwelling units under 1,200 square feet; Dwelling units over 1,200 square feet
Dwellings, multi-family (except elderly)	1.5	Dwelling unit
Dwellings, multi-family which are specifically designed and occupied exclusively by persons 60 years of age or older	1.0	Dwelling unit
College dormitories	1.0	Two occupants
Motels, hotels	1.0	Sleeping unit
Educational, cultural and institutional		
Auditoriums and other places of assembly	1.0	4 seats
Churches, temples and other places of worship	1.0	2 seats
Elementary and nursery schools, care and rehabilitation centers	1.0	Each employee plus 1.0 for each 50 students or clients enrolled
Convalescence or nursing homes	1.0	3 beds plus 1.5 per 2 employees of the largest shift
Hospitals	1.5	Bed

SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES (MINIMUM STANDARDS)		
Use	***No. of Parking Spaces Required per Unit of Measurement***	
Junior and senior high schools and colleges	1.0	Each employee plus 1.0 for 5 students or 1.0 for each 5 seats in auditorium, stadium, and the like, whichever is larger
Art galleries, museums and the like	1.0	300 square feet floor area

Use	*No. of Parking Spaces Required per Unit of Measurement*	
	Number	***Unit***
<u>Commercial and Industrial</u>		
Bowling alley	4.0	Per alley
Funeral homes	1.0	2 seats
Offices, banks and public administration	1.0	300 square feet floor area
Service garages	3.0	Stall
Drive-ins and roadside services	1.0 1.0 3.0	20 square feet gross floor area; or Each 4 patron seats; or Per employee of largest work shift, whichever is greatest
Automobile or machinery sales	1.0	800 square feet floor area
Medical clinics and service establishments	1.0	200 square feet floor area
Furniture and appliance stores	1.0	600 square feet floor area
Retail stores	1.0	200 square feet floor area
Shopping centers	3.0	1,000 square feet floor area
Theater	1.0	4 seats
All other commercial	1.0	300 square feet floor area
Industrial, warehousing, utilities	1.0	1½ employees of the largest shift

(Ord. 1994-3, passed 5-15-94; Am. Ord. 2004-29, passed 11-16-04)

2005 S-1

§ 3 USES ALLOWED IN COMMERCIAL DISTRICTS.

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Accessory structures and accessory uses, if on the same site as a permitted or special use, including parking but not including warehouses	P	P	P	P
Accessory structures, general			P	P
Ambulance service		S	P	P
Amusement parks				S
Art and craft schools	P	P	P	P
Art galleries and stores selling objects of art	P	P	P	P
Artist supply stores	P	P	P	P
Auction sales rooms			S	S
Bakeries, general		S	P	P
Bakeries, including baking for sale on premises only	P	P	P	P
Banks and savings and loan offices (special use permit for drive-thru lanes)	P	P	P	P
Barber shops and beauty shops	P	P	P	P
Bed and breakfast establishments	S	S	S	S
Bicycle shops	P	P	P	P
Billiard parlors and pool rooms (special use permit for alcohol sales)	P	P	P	P
Blacksmith and/or welding shops			S	S
Blueprint and Photostat shops	P	P	P	P
Boat marinas and launching ramps				S
Book binding		S	P	P
Book stores and rental libraries	P	P	P	P
Bottling works			S	S
Bowling alleys (special use permit for alcohol sales)				P

Bus depots		S	S	S
Cabinet shops		S	P	P

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Camping grounds, but not including provisions for use of trailer coaches, travel trailers, or mobile homes				S
Candy stores	P	P	P	P
Carnivals, circuses and other transient amusement enterprises		S	S	S
Carpenter's shops		S	P	P
Catering shops		S	P	P
Charitable institutions, not including religious institutions	S	S	S	S
Christmas tree sales lots	P	P	P	P
Churches, parsonages, parish houses, monasteries, convents and other religious institutions	S	S		
Cigar stores	P	P	P	P
Cleaning and dyeing, including carpets or garments			S	S
Cleaning and laundry agencies	P	P	P	P
Clinics, hospitals, sanitariums and nursing homes (people and household pets)	S	S	S	S
Clothing and costume rental establishments	P	P	P	P
Clothing stores	P	P	P	P
Coffee shops and similar establishments (except for alcohol sales)	P	P	P	P
Cold storage plants			S	S
Dairy products plants			S	S
Dance halls or studios, not including adult entertainment establishments	S	S	S	P
Day care centers	P	P	P	P
Department stores	P	P	P	P
Diaper supply services		S	P	P
Drug stores without drive-through lanes (see "In-vehicle sales or service" for drive-through)	P	P	P	P
Dry goods stores	P	P	P	P

Dwelling unit, within the same building in the rear or on the second or higher floor subject to RM District criteria	P	P	S	S
Dwelling unit, incidental to and on the same site with a permitted or special use subject to RM District criteria	S	S	S	S
Electrical appliance sales and repair stores, provided that repair services shall be incidental to retail sales	P	P	P	P

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Electrical appliance sales and repair shops, general			P	P
Exterminators			S	S
Finance companies; Financial institutions without drive through lanes	P	P	P	P
Financial institutions with drive-through lanes	S	S	S	S
Florists	P	P	P	P
Food lockers	S	S	S	P
Food stores and delicatessens	P	P	P	P
Furniture stores	P	P	P	P
Garden shops	P	P	P	P
Gift shops	P	P	P	P
Glass shops		S	P	P
Golf courses, driving ranges, and miniature golf				S
Governmental and civic uses, not including public utility uses	P	P	P	P
Gun clubs				S
Gunsmith shops		S	P	P
Hardware stores	P	P	P	P
Heating and ventilating shops			S	S
Hiking trails	P	P	P	P
Hobby shops	P	P	P	P
Horse and pony stables, riding rings and trails				S
Hotels and motels		S	S	S
Household, office equipment, and machinery repair shops		S	P	P
Household appliance store	P	P	P	P
Ice storage houses			S	S
In-vehicle sales or service operations (see also “Financial institutions” and “Service stations”)	S		S	S

Interior decorating shops	P	P	P	P
Jewelry stores	P	P	P	P
Laboratories			S	S

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Laundries and dry cleaning establishments, full-service or self-service	S	S	S	S
Leather goods and luggage stores	P	P	P	P
Light industrial uses, listed as permitted by right uses in the IL District			S	S
Linen supply services		S	P	P
Locksmiths	P	P	P	P
Lumber yards, provided that outdoor storage does not result in debris/litter			S	S
Mattress sales, assembly, and repair shops		S	P	P
Meeting halls	S	S	P	P
Messenger offices	P	P	P	P
Millinery shops	P	P	P	P
Motor vehicle, trailer, & boat sales		S	S	P
Mortuaries				P
Motor vehicle, trailer, & mobile home repair and services			S	S
Museums	S	S	S	S
Music stores and instrument repair shops	P	P	P	P
Natural exhibition facilities, including planetaria, aquariums, botanical gardens, arboretums and zoos				S
Newsstands	P	P	P	P
Nurseries and garden supply stores, general (fertilizer packaged only)			P	P
Nurseries and garden supply stores, with plants as only outdoor item (fertilizer packaged only)	P	P	P	P
Off-street parking facilities located on separate site	S	S	S	S
Offices and office buildings	P	P	P	P
Optician and optometrist shops	P	P	P	P

Paint and wallpaper stores, provided that no manufacturing of either is performed on-site	P	P	P	P
Parcel delivery services		S	P	P
Pet and bird stores	P	P	P	P

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Photography studios, including developing and printing	S	S	P	P
Picnic areas	P	P	P	P
Picture framing shops	P	P	P	P
Plumbing shops and showrooms		S	P	P
Post offices	P	P	P	P
Printing, lithographing and engraving		S	P	P
Public garage		S		P
Parking located on a separate site from the principal use	S	P	S	S
Public parking lots, meeting off-street parking standards	P	P	P	P
Public utility facility and services	S	S	S	S
Radio and TV broadcasting studios		S	P	P
Radio and television repair shops	P	P	P	P
Realtors and real estate offices	P	P	P	P
Refrigeration equipment sales and service		S	P	P
Restaurants and cafes which include alcohol sales as 40% or less of total revenues (special use permit required for drive-thru and drive-in restaurants)	S	P	P	P
Restaurants and cafes without alcohol sales, not including drive-in or drive-through restaurants (special use permit required for drive-thru and drive-in restaurants)	P	P	P	P
Safe and vault repairing		S	P	P
Scientific instrument stores	P	P	P	P
Seasonal farm open air markets for products not produced on site	P	P	P	P
Secondhand sales conducted entirely inside a building	S	S	S	S
Service stations in existence prior to January 1, 2005, including light automotive repair services (see also “In-vehicle sales or service” for other service stations)	S	S	S	S
Sheet metal shops		S	S	S

Shoe repair shops	P	P	P	P
Shoe stores	P	P	P	P
Shopping centers	S	S	P	P
Skating rinks within buildings				P

TYPE OF USE	*CN*	*CR*	*CG*	*CH*
Solar or wind-operated energy devices with a limit of one per site	S	S	S	S
Sports stadiums or arenas			S	S
Sporting goods stores	P	P	P	P
Stamp and coin stores	P	P	P	P
Stationery stores	P	P	P	P
Stone and monument yards			S	S
Swimming and beach facilities				S
Swimming pools, non-municipally owned			S	S
Tailor and dressmaking shops	P	P	P	P
Tanning booths	P	P	P	P
Tattoo parlors		S	S	S
Taverns, nightclubs, and similar establishments		S	S	S
Taxidermists		S	P	P
Telegraph offices	P	P	P	P
Telephone exchanges		S	P	P
Theaters, drive-in			S	S
Theaters and auditoriums within buildings, not including those housing adult entertainment establishments (see also “Theaters, drive-in”)	S		S	S
Tire sales, re-treading, and recapping		P	P	P
Tool or cutlery sharpening or grinding		S	P	P
Toy stores	P	P	P	P
Travel agencies	P	P	P	P
Variety stores	S	P	P	P
Vending machine service		S	P	P
Video rental facilities	P	P	P	P
Watch and clock repair shops	P	P	P	P

Wholesale establishments, without outdoor storage			S	S
Any other use determined by the Village Board of Trustees to be similar than one of the above uses may be allowed as a permitted-by-right or special use.				

(Permitted use = P; Special use = S; Not permitted = blank)

(Ord. 2004-29, passed 11-16-04; Am. Ord. 2011-10, passed 3-22-11)