

## Title 17 - ZONING

## Chapter 17.04 - GENERAL PROVISIONS AND DEFINITIONS

## 17.04.010 - Purpose.

The purpose of the ordinance codified in this title is classifying, regulating and restricting the locations of trades and industry and the location of buildings designed for specific uses; regulating and limiting the height and bulk of buildings hereafter erected or altered; regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of yards, courts and other open spaces within and surrounding such buildings; establishing the boundaries of districts for such purposes; and prescribing penalties for the violation of its provisions.

(Editorially amended during 2004 codification; prior code § 182.1)

## 17.04.020 - Definitions.

For the purpose of this title, certain terms and words are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; the word "building" includes the word "structure".

"Block" means that property abutting on one side of a street between the two nearest intersecting streets, railroad right-of-ways or natural barriers.

"Building area" means the maximum horizontal projected area of a building and its accessory buildings, excluding open steps, terraces, and cornices projecting not more than thirty (30) inches.

"Depth of rear yard" means the mean horizontal distance between the rear line of the building and the center line of the alley, where an alley exists, otherwise the rear lot line.

"Depth of lot" means the mean horizontal distance between the front and rear lot lines.

"District" means a section of the village for which the regulations governing the height, area and use of buildings and premises are the same.

"Family" means any number of individuals living and cooking together on the premises as a single housekeeping unit.

"Height of building" means the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof; to the deck line for mansard roofs and the mean height level (between eaves and ridges for gable and hip roofs). If a building is located upon a terrace or slope, the height shall be measured from the average ground level at the building wall.

"Height of court or yard" means the vertical distance from the lowest level of such court or yard to the highest point of any bounding wall.

"Length of outer court" means the mean horizontal distance between the open and closed ends of the court.

"Lot" means land occupied or to be occupied by one building and accessory building and uses and including the open spaces required under these regulations. A lot may be land so recorded on the records of the recorder of deeds of Cook County, Illinois.

"Lot lines" means the lines bounding a lot as defined herein.

"Nonconforming uses" means a building or premises occupied for a use that does not conform with the regulations of the district in which it is situated.

"Outer court" means an open unoccupied space on the same lot with a building exiting to and opening upon a street, alley or yard.

"Rear yard" means an open space (unoccupied except for accessory buildings) on the same lot with a building between the rear line of the building and the rear line of the lot, for the full width of the lot, except as modified by side yard restrictions.

"Set back" means the minimum horizontal distance between the street wall of the building and the street line.

"Side yard" means an open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear yard.

"Single-family dwelling" means a detached building having accommodations for and customarily occupied by one family only, and including a private garage with living quarters therein.

"Street wall" means the main wall nearest to and facing a street, including sun-parlors, but not including bay windows nor ground story porches nor premises that are not closed in.

(Prior code § 182.2)

17.04.030 - District regulations.

- A. In order to classify, regulate and restrict the locations of trades and industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yard, courts and other open spaces within and surrounding such building, the village is divided into seven classes of districts. The use, height and area regulations are uniform in each class of districts and the districts shall be known as:

		Code
"A"	Residence districts	Red
"B"	Residence districts	Green
"C"	Six-Flat residence	Brown
"D"	Multiple residence	Blue

"E"	Commercial district	Yellow
"F"	Light manufacturing	Black
"G"	Industrial district	Pink

B. The boundaries of these districts are indicated upon the zoning map of the village, which official map is filed in the office of the village clerk. The zoning map of Melrose Park and all the notations, references and other matters shown thereon shall be a part of this title as if the notations, references and other matters set forth by the map were fully described herein; and that, except as hereinafter provided:

1. No building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises are located.
2. No building shall be erected or altered to exceed in height the limit herein established for the district in which such building is located.
3. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations hereby established for the district in which such building is located.

(Prior code § 182.3)

Chapter 17.08 - ADMINISTRATION AND ENFORCEMENT

17.08.010 - Nonconforming uses.

The lawful use of a building or premises existing at the time of the adoption of the ordinance codified in this title may be continued, although such use does not conform with the provision hereof, and such use may be extended throughout the building or premises lawfully acquired previous to the adoption of said ordinance and in which such use is located. A nonconforming use may be changed to a use of the same or higher classification according to the provisions of this title, and whenever a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of similar or higher classification, provided all other regulations governing the new area are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a use, such use shall not thereafter be changed to a use of lower classification.

No building which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its value shall be repaired or rebuilt except in conformity with the regulations of this title.

(Prior code § 182.12)

17.08.020 - Occupancy permits.

No land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate shall have been issued by the building commissioner stating that the building and use comply with all the building and health laws and ordinances and with the provisions of these regulations. No change of use shall be made in any building or part thereof now or hereafter erected or altered, without a permit having been issued by the building commissioner, and no permit shall be issued to make such changes unless it is in conformity with the provisions of this title or amendments thereto hereafter duly enacted.

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

Certificates for occupancy and compliance shall be applied for coincidentally with the application for a building permit and shall have been completed. A record of all certificates shall be kept on file in the office of the building commissioner and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A fee of two dollars (\$2.00) shall be charged for each original certificate and one dollar (\$1.00) for each copy thereof.

No permit for excavation for or the erection of any building shall be issued before the application has been made for certificate of occupancy and compliance. No building premises shall be occupied until such certificate shall be issued.

(Prior code § 182.19)

#### 17.08.030 - Work may be stopped—Permit cancelled.

The building commissioner is empowered and directed to stop work on any building, structure or portion thereof that is being done in a reckless, unsafe or unsanitary manner, or with the use of defective or improper materials; and on any building, structure or portion thereof proposed for unlawful purposes as regards location, intended use or occupancy; and any work that in any other respect is being done contrary to the provisions of the building code or to the requirements of any other ordinances of the village.

Any person, firm or corporation having charge of, directing, or in any way engaged in work that violates the building code, who shall refuse or fail to promptly desist from such work on written notice from any building officer, or who having desisted on either verbal or written or posted notice shall resume the work before the violation which occasioned the order is corrected or agreed to be corrected satisfactorily to the officer causing the work to be stopped and consistent with the purposes of the building code; or who before having been authorized by the officer causing the same to be stopped resumes work stopped by the building officer, shall be deemed guilty of violating the building code, and shall be subject to the general penalty provided in this code. Permits for work being done in violation of the building code may be canceled or revoked on order of the building commissioner, as is elsewhere provided in this code.

(Prior code § 182.20)

#### 17.08.040 - Certificate of final inspection.

If desired, an official certificate of final inspection may be obtained by the owner, his or her agent or the person in whose name a permit for constructing, erecting, enlarging, remodeling, altering or repairing any building, structure, or major portion thereof, by applying to the building commissioner.

(Prior code § 182.21)

### Chapter 17.12 - BOARD OF APPEALS

## 17.12.010 - State law adopted.

The provisions of the Illinois Municipal Code, 65 ILCS 510/1 et. seq., and, in particular, 65 ILCS 5/11-13-3 et. seq., are incorporated herein by reference.

(Ord. 305 § 3, 1997)

## 17.12.020 - Created.

There is created the zoning board of appeals of the village.

(Ord. 305 § 9, 1997)

## 17.12.030 - Members.

There shall be seven members of the zoning board of appeals, one of whom shall be the chairperson and another the secretary, all of whom shall have the authority to vote on matters before the zoning board of appeals.

(Ord. 305 § 11, 1997)

## 17.12.040 - Appointment of members.

The members of the zoning board of appeals, including those persons designated as the chairperson and secretary, shall be appointed by the village president subject to confirmation by the board of trustees.

(Ord. 305 § 12, 1997)

## 17.12.050 - Appointment of zoning commission members allowed.

The members of the zoning board of appeals may include those persons appointed as members of the zoning commission.

(Ord. 305 § 13, 1997)

## 17.12.060 - Residency of members.

The members of the zoning board of appeals shall reside within the village.

(Ord. 305 § 14, 1997)

## 17.12.070 - Members—Term of office—Succession.

The zoning board of appeals members shall serve, respectively, for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. The successor to each member so appointed shall serve for a term of five years.

(Ord. 305 § 15, 1997)

## 17.12.080 - Compensation.

The zoning board of appeals members shall be paid such compensation, if any, as the president and board of trustees may prescribe by resolution.

(Ord. 305 § 16, 1997)

#### 17.12.090 - Removal.

The appointing authority has the power to remove any appointed member for cause and after public hearing.

(Ord. 305 § 17, 1997)

#### 17.12.100 - Vacancies.

Vacancies shall be filled for the unexpired term of the member whose place has become vacant. Vacancies shall be filled by the appointing authority in the case of an appointed board or by those who would otherwise be the appointing authority in the case of an elected board.

(Ord. 305 § 18, 1997)

#### 17.12.110 - Meetings.

- A. All meetings of the board of appeals shall be held at the call of the chairperson and at other times as the board may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses.
- B. The president and the board of trustees of the village authorize and approve a change in the commencement time for regularly scheduled meetings of the PZBA of the village. Effective December 11, 2003, the regularly scheduled meetings of the PZBA of the village shall commence at six p.m. CST.
- C. Location of Meetings. The regularly scheduled meetings of the PZBA shall be conducted in the Senior Citizens Commons Room of the Melrose Park Library located at 801 North Broadway in the village.

(Ord. 806 §§ 10, 11, 2003; Ord. 305 § 19, 1997)

#### 17.12.120 - Open meetings.

All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of its examinations and other official actions.

(Ord. 305 § 20, 1997)

#### 17.12.130 - Duties and hearing procedure.

- A. No hearing shall be conducted without a quorum of the board being present. A quorum shall consist of a majority of all the members. Any absent member who certifies that he or she has read the transcript of the proceedings before the board may vote upon any question before the board.
- B. At any hearing, the board of appeals shall afford persons interested an opportunity to be heard, under oath, and the board of appeals shall have the authority to administer oaths and take testimony. A hearing may be adjourned from time to time in order for the board of appeals to fully assess all subject hearing matters.
- C. Every rule or regulation and its amendment or repeal and every order, requirement, decision, or

determination of the board shall immediately be filed in the office of the board and shall be a public record.

- D. The board of appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted under the authority of the zoning and regulatory provisions of the Illinois Compiled Statutes.
- E. The board of appeals shall also hear and decide all matters referred to it or upon which it is required to pass under such an ordinance. The concurring vote of four members of the board is necessary to reverse any order, requirement, decision, or determination of such an administrative official, to decide in favor of the applicant any matter upon which it is required to pass under such an ordinance or to effect any variation in the ordinance, or to recommend any variation or modification in the ordinance to the president and board of trustees.

(Ord. 305 § 21, 1997)

#### 17.12.140 - Changes in zoning ordinances and variations.

No change shall be made in the zoning ordinance nor shall any zoning variation be granted within six months after date upon which an official plan is adopted by the president and board of trustees unless such change in the zoning ordinance or such variation is approved by a two-thirds vote of the president and board of trustees or the zoning board of appeals then holding office, as the case may be.

(Ord. 305 § 22, 1997)

### Chapter 17.16 - "A" RESIDENCE DISTRICT

#### 17.16.010 - Use.

No building or premises shall be used, and no building shall be hereafter erected or altered within any "A" residence district, unless otherwise provided in this title, except for the following uses:

- A. Single-family dwellings;
- B. Libraries;
- C. Churches and temples;
- D. Schools and colleges;
- E. Parks and recreation buildings;
- F. Temporary buildings and uses for construction purposes, for a period not to exceed six months;
- G. Accessory use incident to the above uses, including private garages.

(Prior code § 182.4(a))

#### 17.16.020 - Height.

No building shall hereafter be erected or altered to exceed thirty (30) feet in height.

(Prior code § 182.4(b))

#### 17.16.030 - Area.

- A. Rear Yard. There shall be a rear yard having a depth of not less than fifteen (15) percent of the depth of the lot, p such rear yard shall be not less than ten (10) feet in depth and need not exceed twenty-five (25) feet in depth.
- B. Side Yard. On each side of the building there shall be a side yard having a width of not less than ten (10) percent of the width of the lot.

(Prior code § 182.4(c))

#### 17.16.040 - Intensity of lot.

No building with its accessory building shall occupy in excess of thirty (30) percent of the area of an interior lot, nor in excess of thirty-five (35) percent of the area of a corner lot. No dwelling or group of dwellings shall hereafter be erected or altered to accommodate or make provisions for more than six families on any acre of land, nor make provision for more than a proportional number of families on any fractional part of an acre of land except that a single-family dwelling may be erected on any lot having an area of less than one-sixth of an acre, provided that such lot shall have been duly recorded prior to the passage of the ordinance codified in this title.

(Prior code § 182.4(d))

#### Chapter 17.20 - "B" RESIDENCE DISTRICT

#### 17.20.010 - Use.

No building or premises shall be used and no building shall be hereafter erected or altered within any "B" district, unless otherwise provided for in this title, except for uses permitted in the "A" residence district and the following approved uses:

- A. Two-family dwellings that are located upon parcels that abut an alleyway and meet the minimum lot size requirements of this section. For purposes of this section, parcels abutting an alleyway must have a minimum width of thirty-three (33) feet and length of one hundred twenty-five (125) feet; and
- B. Two-family dwellings that are located upon parcels that do not abut an alleyway and meet the minimum lot size requirements of this section. For purposes of this section, parcels that do not abut an alleyway must have a minimum width of forty (40) feet and length of one hundred twenty-five (125) feet.

(Ord. 1004 § 10, 2006)

#### 17.20.020 - Height.

No building shall hereafter be erected or altered to exceed thirty (30) feet in height.

(Ord. 609 §§ 10, 11, 2001; prior code § 182.5(b))

#### 17.20.030 - Area.

- A. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of a corner lot, and not less than fifteen (15) percent of the depth of an interior lot, provided, however, such rear yard need not exceed fifteen (15) feet.
- B. Side Yard. On each side of the building there shall be a side yard having a width of not less than ten (10) percent of the width of the lot.

(Prior code § 182.5(c), (d))

#### 17.20.040 - Outer court.

An outer court shall be not less than three feet wide, nor less than one-fifth the height of such court, nor less than one-fifth the length of such court from the closed end.

(Prior code § 182.5(e))

#### 17.20.050 - Inner court.

An inner court shall have a width of not less than six feet, nor less than one-fifth the height of such court, nor shall its area be less than twice the square of its required dimensions.

(Prior code § 182.5(f))

#### 17.20.060 - Intensity and use of lot.

No building with its accessory buildings shall occupy in excess of sixty (60) percent of the area of an interior lot, nor in excess of seventy (70) percent of the area of the corner lot. No dwelling shall hereafter be erected or altered to accommodate or make provision for more than fifty (50) families on any acre of land, nor make provision for more than a proportional number of families on a fractional part of any area of land.

(Prior code § 182.5(g))

### Chapter 17.24 - "C" RESIDENCE DISTRICT

#### 17.24.010 - Use.

No building or premises shall be used and no building shall be hereafter erected or altered within any "C" residence district, unless otherwise provided for in this title, and shall have the following uses: six-flat residence dwellings and six-unit condominium buildings.

(Ord. 1032 § 10, 2007: prior code § 182.6(a))

#### 17.24.020 - Height.

No building shall hereafter be erected or altered to exceed thirty (30) feet, except for six-unit condominium buildings that shall not be erected or altered to exceed thirty-seven (37) feet.

(Ord. 1032 § 10.01, 2007: prior code § 182.6(b))

#### 17.24.030 - Area.

- A. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of a corner lot, and not less than fifteen (15) percent of the depth of an interior lot; provided, however, such rear yard need not exceed fifteen (15) feet, except for six-unit condominium buildings.
- B. Side Yard. On each side of the building there shall be a side yard having a width of not less than ten (10)

percent of the width of the lot, except for six-unit condominium buildings where the rear yard set back is greater than seventeen (17) feet.

(Ord. 1032 § 10.02, 2007: prior code § 182.6(c), (d))

#### 17.24.040 - Outer court.

An outer court shall be not less than three feet wide, nor less than one-fifth the height of such court, nor shall its area be less than twice the square of its required dimensions.

(Prior code § 182.6(e))

#### 17.24.050 - Inner court.

An inner court shall have a width of not less than six feet, nor less than one-fifth the height of such court, nor shall its area be less than twice the square of its required dimensions.

(Prior code § 182.6(f))

#### 17.24.060 - Intensity of lot—Use of lot.

No building with its accessory buildings shall occupy in excess of sixty (60) percent of the area of an interior lot, nor in excess of seventy (70) percent of the area of the corner lot, except for six-unit condominium buildings. No dwelling shall hereafter be erected or altered to accommodate or make provision for more than fifty (50) families on any acre of land, nor make provision for more than a proportional number of families on a fractional part of any area of land. No six-unit condominium building shall occupy in excess of seventy (70) percent of the area of the lot.

(Ord. 1032 § 10.03, 2007: prior code § 182.6(g))

#### 17.24.070 - Additional requirements for six-unit condominiums buildings.

For six-unit condominium buildings located within a "C" residence district the following requirements apply.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them in this section:

"Building" means all structures, attached or unattached, containing one or more units.

"Condominium" means a building or group of buildings in which units are owned individually and the structures and common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums do not include the following: apartments, apartment houses, townhouses, single-family dwellings or multiple-family dwellings, whether detached or semi-detached, group homes, hotels, motels, boarding houses, community homes or the like.

"Parking space" means a space: (1) dedicated exclusively to the location or storage of a motor vehicle; and (2) which is in substantial compliance with the requirements of the standards for parking established in this section, the parking code and the village of Melrose Park Municipal Code.

"Six-unit condominium" means a property which contains structures, which have been newly constructed and intended for condominium ownership, which have not been previously, wholly or partially occupied before recording of condominium instruments by persons other than those who have contracted for the purchase of condominiums.

"Unit" means a part of the property designed and intended for any type of independent use.

- B. Every six-unit condominium building under this title must:
  - 1. Be located on a corner lot, which lot shall be adjacent to two highways or streets and abut at least one alley;
  - 2. Not have a building length in excess of ninety-four (94) lineal feet;
  - 3. Not have in excess of three stories;
  - 4. Have at least seventy-five (75) percent of the residential units be owner-occupied; and
  - 5. Have two parking spaces per residential unit.
- C. Every lot or tract of land used for a six-unit condominium building shall have an area of not less than one hundred twenty-five (125) feet by fifty-two (52) feet.
- D. Set Backs. Every six-unit condominium building under this title must:
  - 1. Have a rear yard set back in excess of eighteen (18) feet;
  - 2. Have total side yard set backs of not less than seven total feet, with no one side being less than two feet;
  - 3. Have a front yard set back in excess of thirteen (13) feet; and
  - 4. In the event that the terms of this section of this chapter and any other section of this chapter conflict, the terms of this section shall in all instances govern and control.
- E. Every six-unit condominium building under this chapter must contain a sprinkler system in the garage area and, if duly required, in all "Common Elements" as defined in the Condominium Property Act (765 ILCS 605/1, et seq.).
- F. Six-unit condominium buildings shall comply with all applicable laws, statutes, ordinances, rules, regulations, provisions and orders including, but not limited to, all applicable sections of the Illinois Condominium Property Act (765 ILCS 605/1, et seq.) and all other applicable provisions of Chapter 17 of the Melrose Park Municipal Code.

(Ord. 1032 § 10.04, 2007)

#### Chapter 17.28 - "D" RESIDENCE DISTRICT

##### 17.28.010 - Use.

No building or premises shall be used and no building shall be hereafter erected or altered within any "D" residence district, except for the uses permitted and for the following uses: multiple-family dwellings.

(Prior code § 182.7(a))

##### 17.28.020 - Height.

No building shall hereafter be erected or altered to exceed forty-five (45) feet.

(Prior code § 182.7(b))

##### 17.28.030 - Area.

- A. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of a corner lot, and not less than (15) percent of the depth of an interior lot, provided, however, such rear yard need not exceed fifteen (15) feet.
- B. Side Yard. On each side of the building there shall be a side yard having a width of not less than ten (10) percent of the width of the lot.

(Prior code § 182.7(c), (d))

#### 17.28.040 - Outer court.

An outer court shall be not less than three feet wide, nor less than one-fifth the height of such court, nor shall its area be less than twice the square of its required dimensions.

(Prior code § 182.7(e))

#### 17.28.050 - Inner court.

An inner court shall have a width of not less than six feet, nor less than one-fifth the height of such court, nor shall its area be less than twice the square of its required dimensions.

(Prior code § 182.7(f))

#### 17.28.060 - Intensity and use of lot.

No building with its accessory buildings shall occupy in excess of sixty (60) percent of the area of an interior lot, nor in excess of seventy (70) percent of the area of the corner lot. No dwelling shall hereafter be erected or altered to accommodate or make provision for more than fifty (50) families on any acre of land nor make provision for more than a proportional number of families on a fractional part of any area of land.

(Prior code § 182.7(g))

### Chapter 17.32 - "E" COMMERCIAL DISTRICT

#### 17.32.010 - Use.

A building or premises shall be used only for the following purposes:

Amusement places.

Animal hospitals and kennels.

Antique shops.

Art galleries and studios.

Art schools.

Auction rooms.

Automobile accessory, sales, repair and service shops, stores and departments.

Automobile laundries and car washes.

Bakeries.

Banks and financial institutions.

Barbershops and beauty parlors.

Bicycle sales, rental and repair shops.

Blue printing and photostating establishments.

Boat showrooms.

Book and stationery stores and departments.

Bowling establishments.

Bus passenger stations and terminals.

Business or commercial schools; dancing or music academies.

Business and machines and service thereof.

Camera and photography supplies and sales stores.

Carpet and rug stores.

Cartage and express facilities.

Catalogue stores or departments.

Catering establishments.

China and glassware stores.

Curtain cleaning and rug cleaning stores not employing more than eight persons.

Clothing cleaning and pressing establishments.

Clothing and costume rental stores.

Clubs, private—profit or nonprofit.

Coin and philatelic stores.

Convention halls.

Clothing stores.

Currency exchanges.

Custom dressmaking.

Department stores.

Discount stores.

Dressmaking establishments.

Drive-in restaurants.

Driving schools.

Drug stores or departments.

Dry cleaning, laundry and dyeing establishments.

Dry cleaning and laundry receiving stations.

Dry goods stores.

Electrical and household appliance stores, including computer, audio and television sales.

Electric repair shops.

Electric substations.

Employment agencies.

Exhibition halls.

Exterminating shops.

Filling stations, motor vehicle service and repairs, sales of fuel and lubricants, accessories, equipment and supplies.

Fire stations.

Florist shops and conservatories.

Food stores, grocery stores, meat markets, fish markets, bakeries and delicatessens.

Frozen food lockers.

Frozen food stores, including locker rental in conjunction therewith.

Fruit or vegetable stores.

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

Fur storage vaults.

Furrier shops for the sale, repairing or conditioning of furs.

Furnace, heating, and sheet metal shops.

Furniture stores, including upholstery.

Garages or departments for storage, repair, equipping and servicing of motor vehicles, including body and chassis rebuilding and repair, painting, engine rebuilding, sales of fuels and lubricants, sale of accessories, sale of tires and batteries, washing facilities, facilities for chassis and gear lubrication, wheel alignment and balancing and undercoating of motor vehicles.

Garden supply and seed stores.

Gas regulator stations.

Gift shops.

Glass sales and repair shops.

Greenhouses—retail and wholesale.

Hardware stores.

Haberdasheries.

Hobby shops, for retail or items to be assembled or used away from the premises.

Hosiery shops.

Hospitals and sanitariums.

Ice cream stores, parlors or soda fountains.

Ice cream and candy or confection plants for the manufacture of ice cream or confections.

Interior decorating shops.

Jewelry stores.

Kindergarten and nursery schools.

Knit shops—including sales of yarns and finished products.

Laboratories, medical and dental.

Laundries.

Launderettes, automatic, self-service only or hand laundries.

Lawn mower sales or repairs.

Leather goods and luggage stores.

Libraries.

Linen, towel, diaper and other supply services.

Liquor stores, departments or package.

Live bait stores.

Locksmith shops.

Machine shops or woodworking shops.

Mail order houses.

Medical and dental clinics.

Meeting halls.

Millinery shops.

Monument sales and sales lots including engraving of monuments.

Musical instrument sales and repair.

New construction, mixed use, multi-unit condominium buildings.

Newspaper distribution agencies, for home delivery and retail trade.

Offices, business or professional or other types and kinds generally.

Office supply stores.

Optician sales.

Orthopedic and medical appliance stores including the assembly and repair of such articles.

Indoor display for sale or rent, etc., of new or used motor vehicles, merchandise, machinery, equipment and other items or chattels generally.

Paint and wallpaper stores.

Parking buildings, other than accessory, for the storage of motor vehicles.

Public parks or playgrounds.

Philanthropic and eleemosynary institutions.

Phonograph record and sheet music stores.

Photo engraving establishments.

Photograph studios.

Physical culture and health services, gymnasiums, reducing salons, massage salons and public baths.

Picture framing.

Police stations.

Post offices.

Plumbing and heating showrooms and shops—gas, steam or water fitting shops.

Printing plant.

Publishing plant.

Public utility service substations—electric, gas, telephone and water.

Radio, television and computer sales, service and repair shops.

Real estate and insurance offices.

Research, experimental, process or product development laboratories and facilities.

Recording studio.

Religious institutions—churches, chapels, temples and synagogues.

Rest homes and nursing homes.

Restaurants including live entertainment and dancing and the sale of alcoholic beverages.

Retail and wholesale sales of goods, wares and merchandise.

Roofing or plastering shops.

Schools—general educational, colleges and universities.

Schools—commercial or trade.

Schools—music, dance or business.

Sewing machine sales and service.

Shoe stores.

Shoe, clothing and hat repair stores.

Shopping centers.

Shops for making draperies, slip covers and other similar articles.

Sharpening or grinding shops.

Snack or sandwich shops.

Sporting goods stores.

Stores or shops or buildings or plants for developing film and pictures.

Tailor shops.

Taverns, including liquor, live entertainment and dancing.

Taxidermists.

Telegraph offices.

Telephone booths and coin telephones (outdoor).

Telephone exchanges.

Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located.

Telephone transmission equipment buildings and microwave.

Tennis and handball courts.

Ticket agencies, amusement.

Theaters—indoor, vaudeville or motion picture.

Tin smith shops.

Tire repair shops.

Tobacco shops.

Tool shops.

Toy shops.

Travel bureau and transportation ticket offices.

Undertaking establishments and funeral parlors.

Upholstery shops.

Variety stores.

Vending machines, including ice and milk sales.

Video games.

Watch repair shops.

Water works, reservoir, pumping station and filtration plants and other public utilities.

Wearing apparel shops.

Welding shops.

(Ord. 997 § 10, 2006; Ord. dated 4/11/83 § 1 (part): prior code § 182.8(a))

#### 17.32.020 - Height.

There shall be a seventy-five (75) foot limitation on the height of a building in a "E" commercial district.

(Ord. dated 4/11/83 § 1 (part): prior code § 182.8(b))

#### 17.32.030 - Parking.

Off-street parking must be provided.

Notwithstanding the foregoing, new construction, mixed use, multi-unit condominium buildings located within an "E" commercial district the following parking requirements apply. That the new construction, mixed use, multi-unit condominium buildings have two off-street parking spaces provided per one residential unit. In sole discretion of the director of public works, a waiver of this requirement may be granted if a determination is made that such waiver is in the best interests of the village of Melrose Park and by payment of a fee in the amount of five thousand dollars (\$5,000.00) per parking space deficiency, which amount shall be deposited into the Melrose Park parking reserve fund. The waiver can be applied to no more than ten (10) percent of the parking spaces required under this section. That the new construction, mixed use, multi-unit condominium buildings have one guest parking spot provided per every six residential units. The guest parking spot may be an on-street parking spot. In sole discretion of the director of public works, a waiver of this requirement may be granted if a determination is made that such waiver is in the best interests of the village of Melrose Park and by payment of a fee in the amount of five thousand dollars (\$5,000.00) per parking space deficiency, which amount shall be deposited into the Melrose

Park parking reserve fund. The waiver can be applied to no more than ten (10) percent of the parking spaces required under this section. Off-street parking must be provided for every commercial unit located in a new construction, mixed use, multi-unit condominium building.

(Ord. 997 § 10.01, 2006: Ord. dated 4/11/83 § 1 (part): prior code § 182.8(c))

17.32.040 - Area regulations—Set back or yard regulations.

For any "E" commercial district property, except for new construction, mixed use, multi-unit condominium buildings, fronting any numbered state or federal highway, there shall be a twenty (20) foot setback for buildings only from such roads. For any new construction, mixed use, multi-unit condominium buildings fronting any numbered state or federal highway, there shall be a five-foot setback for buildings only from such roads. "Buildings," for the purpose of this section only, means buildings which are affixed into the land.

- A. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of the lot; provided, however, that such rear yard need not exceed ten (10) feet in depth for all buildings, excluding new construction, mixed use, multi-unit condominium buildings. A rear yard shall be not less than ten (10) feet wide for all new construction, mixed use, multi-unit condominium buildings.
- B. Side Yard. A side yard, if provided, shall be not less than three feet wide for all buildings excluding new construction, mixed use, multi-unit condominium buildings. A side yard shall be not less than five feet wide for all new construction, mixed use, multi-unit condominium buildings.
- C. Outer Court. An outer court shall be not less than three feet wide, nor less than one-ninth the length of such court from the closed end.
- D. Inner Court. An inner court shall be not less than six feet wide, nor shall its area be less than twice the square if its required least dimensions.
- E. Front Yard. There shall be a front yard of not less than five feet wide for all new construction, mixed use, multi-unit condominium buildings.

(Ord. 997 § 10.02, 2006: Ord. dated 4/11/83 § 1 (part): prior code § 182.8(d))

17.32.050 - Intensity of use.

When a lot is improved, there shall be a ninety (90) percent limitation on intensity of use in "E" commercial districts.

(Ord. dated 4/11/83 § 1 (part): prior code § 182.8(e))

17.32.060 - Additional requirements for new construction, mixed use, multi-unit condominium buildings.

For new construction, mixed use, multi-unit condominium buildings located within an "E" commercial district the following requirements apply.

- A. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

"Building" means all structures, attached or unattached, containing one or more units.

"Common elements" means all portions of the property except the units, including limited common elements unless otherwise specified.

"Condominium" means a building or group of buildings in which units are owned individually and the structures and common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums do not include the following: apartments, apartment houses, townhouses, single-family dwellings or multiple-family dwellings, whether detached or semi-detached, group homes, hotels, motels, boarding houses, community homes or the like.

"Mixed use" means a building primarily intended to accommodate vertical mixed uses that contain active ground floors. Such ground floors are intended to accommodate small-scale commercial uses, which uses are otherwise permitted under this chapter, with single-family residential units above said ground floors.

"Multi-unit" means a building that is comprised of no less than twenty-five (25) residential units. No less than sixty (60) percent of the twenty-five (25) residential units must be owner-occupied.

"New construction" means a building that is totally constructed on vacant land or on land where all buildings and/or improvements, which previously existed on said land, have been completely demolished prior to the commencement of construction. New construction shall not include condominium conversions, which are defined as properties that contain structures, excepting those newly constructed and intended for condominium ownership, which are, or have previously been, wholly or partially occupied before recording of condominium instruments by persons other than those who have contracted for the purchase of condominiums. New construction shall not include add-on condominiums, which are defined as property to which additional property may be added in accordance with condominium instruments and the Condominium Property Act (765 ILCS 605/1, et seq.).

"Parking space" means a space: (1) dedicated exclusively to the location or storage of a motor vehicle; and (2) which is in substantial compliance with the requirements of the standards for parking established in this chapter, the parking code and the village of Melrose Park Municipal Code.

"Unit" means a part of the property designed and intended for any type of independent use.

- B. The new construction, mixed use, multi-unit condominium buildings are primarily intended to accommodate vertical mixed uses that contain active ground floors. Such ground floors are intended to accommodate small-scale commercial uses with single-family, residential units above said ground floors.
- C. Prior to commencing construction, the developer of any new construction, mixed use, multi-unit condominium building shall apply for and receive any and all necessary building permits, parking waivers, variances, zoning relief or other requirements of the village.
- D. Every lot or tract of land used for a new construction, mixed use, multi-unit condominium building shall have an area of not less than one square acre or forty-three thousand five hundred sixty (43,560) square feet.
- E. Every new construction, mixed use, multi-unit condominium building under this chapter must contain fire sprinklers, an elevator, a fire pump and at least one generator for emergency power use.
- F. New construction, mixed use, multi-unit condominium buildings shall be in compliance with all applicable laws, statutes, ordinances, rules, regulations, provisions and orders including, but not limited to, all applicable sections of the Illinois Condominium Property Act (765 ILCS 605/1, et seq.).

(Ord. 997 § 10.03, 2006)

## 17.36.010 - Use.

No building or premises shall be used and no building shall be erected or altered, within any "F" light manufacturing district, unless otherwise provided in this chapter, except for uses permitted in other districts, but not the "IO" industrial overlay district, and the following uses:

Bakeries, employing more than eight persons.

Blacksmith or horse shoeing shops.

Building material storage yards.

Carting, express, hauling or storage yards.

Contractors, plant or storage yards.

Coal, coke or wood yards.

Dyeing and cleaning works, employing more than five persons.

Laundries, employing more than five persons.

Printing shops employing more than five persons.

Public service buildings and use.

Public stables.

Lumber yards.

Milk bottling and distributing stations.

Stone yards.

Storage warehouses and storage yards.

Light manufacturing establishments of a nature which create no objectionable noise, odor, smoke fumes, gas or vapor.

(Ord. 836 § 10(A), 2004; prior code § 182.9(a))

## 17.36.020 - Height.

No building shall hereafter be erected or altered to exceed seventy-five (75) feet in height.

(Ord. 836 § 10(A), 2004; prior code § 182.9(b))

## 17.36.030 - Area.

- A. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of the lot, provided, however, such yard need not exceed ten (10) feet in depth.
- B. Side Yard. A side yard, if provided, shall be not less than three feet wide.
- C. Outer Court. An outer court shall be not less than three feet wide, nor less than one-ninth the length of such

court from the closed end.

- D. Inner Court. An inner court shall be not less than six feet wide, nor shall its area be less than twice the square of its required least dimensions.

(Ord. 836 § 10(A), 2004; prior code § 182.9(c) (part))

#### 17.36.040 - Intensity and use of lot.

No building, with its accessory buildings to be used for business of light manufacturing purposes, shall occupy in excess of ninety (90) percent of the area of the lot. Buildings or parts of buildings used wholly for residential purposes shall conform to the restrictions provided for such buildings in the "B" residence districts.

(Ord. 836 § 10(A), 2004; prior code § 182.9(c) (part))

### Chapter 17.40 - "G" INDUSTRIAL DISTRICT

#### 17.40.010 - Prohibited uses.

In the "G" industrial district all buildings and premises may be used for any purpose, except the following:

Abattoirs.

Acetylene gas manufacture.

Acid manufacture.

Adult entertainment establishments.

Ammonia, bleaching, powder or chloride manufacture.

Asphalt manufacture or refining.

Candle manufacture.

Celluloid manufacture.

Disinfectants manufacture.

Exterminator and insect poison manufacture.

Fish smoking and curing.

Gas (illuminating or heating) manufacture.

Glue, size or gelatin manufacture.

Gunpowder manufacture or storage.

Fireworks or explosive manufacture or storage.

Stockyards.

Sulpheric, nitric or hydrochloride acid manufacture.

Tallow, grease or lard manufacture or refining.

Tanning, curing or storage of leather, rawhides or skins.

Tar distillation or manufacture.

Vinegar manufacture.

Wool pulling and scouring.

Yeast plant.

And in general those uses which are in fact nuisances or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

(Ord. 836 § 10(B), 2004; prior code § 182.10)

#### Chapter 17.44 - "IO" INDUSTRIAL OVERLAY DISTRICT

##### 17.44.010 - Location.

Any of the following property that is located in the "G" industrial district may, after proper notice, hearing and approval by the board of trustees, also be zoned in the "IO" industrial overlay district.

Legal description of property at the northeast corner of Armitage Avenue and 17th Avenue, Melrose Park, Illinois.

That part of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northeast Fractional  $\frac{1}{4}$  of Section 34, Township 40 North, Range 12 East of the Third Principal Meridian, lying south of the Indian Boundary Line, that is west of the East 330 feet of said East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northeast Fractional  $\frac{1}{4}$  of Section 34, south of the southwesterly right-of-way line of the Minneapolis, St. Paul and Sault Ste. Marie Railroad, and north of the north line of Armitage Avenue, excepting therefrom the west 33.00 feet of the south 1163.28 feet (as measured along the east line of the west 33.00 feet thereof) as dedicated for roadway by Documents 21793624, 21793625, 21793627, 21793628 and 21793629, recorded February 1, 1972, and Document 21810639 recorded February 17, 1972, in Cook County, Illinois.

Together with the following:

Lots 1, 2 and the east 100 feet of the south 1287 feet of Lot 3 in Block 3 of Franklin Farms, being a subdivision of the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  and the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of Section 34, Township 40 North, Range 12 East of the Third Principal Meridian, lying south of the Indian Boundary Line and except that part taken for railroad, according to the plat thereof recorded September 3, 1918 as Document 6385019, excepting therefrom the east 33 feet of the south 1163.50 feet of said Lot 1 (as measured along the west line of the east 33 feet thereof) as dedicated for roadway by Document 21793626 recorded February 1, 1972, and also excepting therefrom that part of Lots 1, 2 and the east 100 feet of the south 1287 feet of Lot 3 in Block 3 of said Franklin Farms lying southwesterly of an arc, concave to the southwest, having a radius of 500.00 feet, the center of said arc being the northeast corner of Lot 3 in North Avenue Home Acres, a subdivision of the East 56 acres of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 34, Township 40 North, Range 12 East, said northeast corner of Lot 3 being the southwest corner of Armitage Avenue and 17th Avenue, said arc crosses the south line of Lot 1 at a point that is 129.5 feet, more or less, east of the southwest corner of said Lot 1, and the tangent of said arc crosses the west line of the east 100 feet of Lot 3 at a point that is 427.00 feet, more or less, north of the south line of Lot 3, all in Cook County, Illinois.

(Ord. 836 § 10(C) (part), 2004)

17.44.020 - Permitted uses.

In addition to the uses permitted in the "G" industrial district and subject to any licensing requirements of the village, the following uses shall be permitted in the "IO" industrial overlay district: adult entertainment establishments.

Subject to the provisions in this zoning ordinance for legal nonconforming uses, adult entertainment establishments shall only be permitted on property classified in the "IO" industrial overlay district. No patron, employee, live entertainer, live performer or any other person shall appear nude or in a state of nudity in an adult entertainment establishment. No patron, employee, live entertainer, live performer or any other person in an adult entertainment establishment shall perform or conduct any specified sexual activity with any patron, employee, live entertainer, live performer or any other person in an adult entertainment establishment. Nor shall any patron, employee, live entertainer, live performer or any other person in an adult entertainment establishment engage in actual masturbation.

(Ord. 836 § 10(C) (part), 2004)

17.44.030 - Definitions.

For the purposes of this zoning ordinance, the following terms, phrases, and words shall have the meanings given herein.

"Adult booth" means any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

"Adult entertainment establishment" means any of the following commercial establishments, as defined herein:

1. "Adult cabaret" means any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:
  - a. Persons who appear semi-nude;
  - b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities;
  - c. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.
2. "Adult store" means any commercial establishment: (a) that contains one or more adult booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or (c) that has a segment or section devoted to the sale or display of adult materials.
3. "Adult theater" means any commercial establishment that as a substantial or significant portion of its business features or provides: (a) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual

activities; or (b) live performances that are distinguished or characterized by an emphasis on the exposure, depictions, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

"Adult material" means any of the following, whether new or used:

1. a. Books, magazines, periodicals, or other printed matter, or digitally stored materials, or
- b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind,

that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified anatomical areas.

2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

"Commercial establishment" means any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

"Nude" or "state of nudity" means a state of dress or undress that exposes to view: (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Semi-nude" means a state of dress or undress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

"Specified anatomical areas" means any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

"Specified sexual activities" means any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal, or tumescence;
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1, 2, 3, or 4 of this definition.

(Ord. 836 § 10(C) (part), 2004)

## Chapter 17.48 - "SR" SENIOR CITIZEN HOUSING DISTRICT

### 17.48.010 - Interpretation.

Where the definitions or conditions imposed by any provision of this chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(Ord. 555 § 10(part), 2000: prior code § 182.22(a))

### 17.48.020 - Purpose.

The senior citizen housing district is established to provide an area in which development may occur for the purpose of providing decent, safe and sanitary housing for senior citizens and to provide regulations to ensure adequate open space exists between permitted uses within this district.

(Ord. 555 § 10(part), 2000: prior code § 182.22(b))

### 17.48.030 - Definitions.

As used herein, the following words and phrases shall be given the respective definitions set forth below:

"Accessory building or use" is one which is: (1) subordinate to and serves a main building or main use; (2) subordinate in area, extent or purpose to the main building or main use served; and (3) located on the same lot as the main building or main use served, with the single exception of such accessory off-street parking facilities as are permitted to be located other than on the same lot with the building or use served.

"Building" means any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or property.

"Depth of rear yard" means the mean horizontal distance between the rear line of the building and the rear lot line.

"Dwelling unit" means a group of rooms or a room occupied or intended for occupancy as separate living quarters by one or more senior citizen which meets the requirements of the applicable village ordinances.

"Front setback" means the minimum horizontal distance between the street wall of the building and the street line.

"Height" means the vertical distance from the street grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. Where the buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

"Intensity and use of lot" means the percentage of the lot area that is occupied by the ground area of a building and any accessory buildings.

"Lot" means a parcel of land occupied or intended for occupancy by a main building or buildings together with their accessory buildings, the open spaces and parking spaces. The word "lot" shall include the words "piece" and "parcel," the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

"Lot line" means the lines bounding a lot.

Lot Line, Front. "Front lot line" means a lot line which is along a street line.

Lot Line, Rear. "Rear lot line" means that line or lot lines most distant from and parallel, or most nearly parallel, to the front lot line.

Lot Line, Side. "Side lot line" means any lot line which is not a front lot line or a rear lot line.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Multiple dwelling" means a building containing two or more dwelling units.

"Open space" means the total horizontal land area of a lot or development excluding roadways, streets, parking areas, loading areas or buildings.

"Rear yard" means an open space (unoccupied except for accessory buildings) on the same lot with a building between the rear line of the building and the rear line for the lot, for the full width of the lot.

"Side yard" means an open unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear yard.

"Street" means all property dedicated as or intended and used as a right-of-way which affords the principal means of access to abutting property. The right-of-way is to include provision for both vehicular and pedestrian traffic.

"Yard" means an area on the same lot with a main building, unoccupied and unobstructed from the ground upward.

(Ord. 555 § 10(part), 2000: prior code § 182.22(c))

#### 17.48.040 - Permitted uses.

No building or premises shall be used and no building shall be hereafter erected or altered within a "SR" senior citizen housing district, except for the following permitted uses:

- A. Multiple dwelling independent living units to be occupied by senior citizens;
- B. Multiple dwelling assisted living units to be occupied by senior citizens;
- C. Multiple dwelling condominium units to be occupied by senior citizens.

(Ord. 555 § 10(part), 2000: prior code § 182.22(d))

#### 17.48.050 - Building or height limit.

No building or premises shall hereafter be erected or altered to exceed fifty-five (55) feet in height.

(Ord. 555 § 10(part), 2000: prior code § 182.22(e))

17.48.060 - Front setback requirement.

A lot adjoining a street on the front lot line shall have a setback of at least thirty (30) linear feet. A lot adjoining a common open space area on the front lot line shall have a setback of at least fifteen (15) linear feet.

(Ord. 555 § 10(part), 2000: prior code § 182.22(f))

17.48.070 - Rear yard requirement.

There shall be a rear yard equal to ten (10) percent of the depth of the lot, provided, however, such rear yard need not exceed twenty (20) linear feet.

(Ord. 555 § 10(part), 2000: prior code § 182.22(g))

17.48.080 - Side yard.

A lot adjoining a street on one or more of the side lot lines shall, on each side of the building(s) measuring from the side lot line to the side wall of the building, have a side yard width equal to ten (10) percent of the width of the lot, provided, however, such side yard need not exceed twenty (20) linear feet. A lot adjoining a common open space area on both side lot lines shall, on each side of the building(s) measuring from the side lot line to the side wall of the building, have a side yard width equal to ten (10) percent of the width of the lot, provided, however, such side yard need not exceed twenty (20) linear feet.

(Ord. 555 § 10(part), 2000: prior code § 182.22(h))

17.48.090 - Lot area.

Lot area shall be no less than one acre.

(Ord. 555 § 10(part), 2000: prior code § 182.22(i))

17.48.100 - Intensity of lot.

No building, including any accessory buildings, shall occupy in excess of seventy (70) percent of the lot area.

(Ord. 555 § 10(part), 2000: prior code § 182.22(j))

17.48.110 - Compliance with other laws.

The requirements contained herein with respect to a building, complex or development designed for senior citizen housing are not exclusive and shall be in addition to any other requirements imposed by state law, village ordinance, resolution, code provision, rule, regulation, or the like now existing or hereinafter adopted by the village and/or the state of Illinois.

(Ord. 555 § 10(part), 2000: prior code § 182.22(k))

## Chapter 17.52 - PLANNED UNIT DEVELOPMENTS

## 17.52.010 - Definitions and interpretation.

- A. "Planned development" means a tract of land containing not less than 3.50 acres, which fronts on or is immediately adjacent to a major arterial roadway sufficient to distribute traffic to and from the site, comprehensively planned as an entity via a unitary plan which permits flexibility in building, mixture of housing types and land uses, not less than forty (40) percent of the total site acreage being usable open spaces and the preservation of significant natural features. The president and board of trustees, in its sole discretion, may modify or waive the acreage restriction upon request.
- B. "Planned unit development committee" or "PUD committee" means an internal review committee of the village which shall consist of the director of public works, village engineer and the village president, as an ex-officio member.
- C. Interpretation. Where the definitions or conditions imposed by any provision of this chapter (or any rule, regulation or restriction subsequently promulgated in connection herewith) upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of the village code, or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

(Ord. 748 § 10.1-1, 2003)

## 17.52.020 - Purpose.

The purposes of this planned development chapter are:

- A. To promote flexibility in design and permit planned diversification in the location of structures;
- B. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
- C. To preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a fashion harmonious with the planned development;
- D. To provide for more usable and suitably located recreational facilities and other public and common facilities than would otherwise be provided under conventional development procedures;
- E. To combine and coordinate architectural styles, building forms and building relationships within the planned development;
- F. To insure a quality of design and construction for developments within the village and to provide greater amenities, flexibility and other benefits in the best interest of the village; and
- G. To give developers reasonable assurance of approval before they expend complete design moneys, while providing village officials with assurance that the project will retain the character envisioned at the time of approval.

(Ord. 748 § 10.1-2, 2003)

## 17.52.030 - Application procedures.

- A. The following shall be required for all planned developments. Prior to filing a formal application for approval, the petitioner shall request a pre-application conference with the planned unit development (PUD) committee. No such conference shall be binding upon the village. The purpose of the pre-application conference is to advise and assist the petitioner in the presentation of the development plan, so that the petitioner may determine:
1. Whether the proposed planned development appears, in general, to be in compliance with the provisions of the zoning and other applicable ordinances;
  2. Whether it appears that any zoning amendment or variance is required;
  3. Whether it appears that the proposed planned development will be in conformity with the comprehensive development plan of the village.
- B. The pre-application conference is mandatory, but does not require formal application, fee or filing of a planned development.

(Ord. 748 § 10.1-3, 2003)

#### 17.52.040 - Application requirements.

Application for preliminary plan approval of a planned development shall be filed with the village clerk accompanied by sufficient copies of the preliminary development plan in such number as may be determined by the village clerk. The filing fee shall be submitted for all or specified phases of the planned development as required by the village. The following information shall be required for all preliminary plans:

- A. Evidence of ownership indicating the entire site of the planned development shall be under single ownership and/or unified control;
- B. Names and addresses of the person to whom notices of hearings shall be sent including the petitioner, the designers of the subdivision and the owners of the land within two hundred fifty (250) feet, exclusive of public right-of-way, of the planned development;
- C. A boundary survey and legal description of the area prepared and certified by a registered Illinois land surveyor, showing thereon the total acreage to the nearest one-hundredth of an acre, a true north point and the date of preparation;
- D. A description of the requested modifications, exceptions and variances of and from this chapter or the village's subdivision control ordinance;
- E. An executive summary of proposed covenants and restrictions, including by-laws structure, that are intended to be filed in the office of the recorder of deeds of Cook County prior to the disposition of any land in the planned development. The village shall require such covenants and adequate provisions to assure proper maintenance and repair of all areas and facilities under common ownership, including the payment therefor and enforceability thereof by or on behalf of the village.
- F. Site Plan and Supporting Maps. A site plan and any maps necessary to show the major details of the proposed planned development must contain the following minimum information:
  1. The existing site conditions, including all improved structures and significant natural features with one foot topographical contours,
  2. Proposed lot lines,
  3. The location and floor area size of all proposed buildings, structures and other improvements, including maximum heights, types of dwelling units, density per type and nonresidential structures, including commercial facilities,

4. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as cor public parks, recreational areas, school sites or similar public and semipublic uses,
  5. The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas, service areas, loading areas and major points of access to public right-of-way (including major points of ingress and egress to the development),
  6. The existing and proposed pedestrian circulation system,
  7. The existing and proposed utility systems including sanitary sewers, storm sewers, water and easements,
  8. A general preliminary landscape plan indicating the treatment of materials used for private and public open spaces,
  9. General street and public area lighting plan;
- G. A development schedule indicating the approximate date when construction of the planned development and phases of the planned development can be expected to begin and be completed;
- H. An explanation of the character of the area covered by the preliminary plan and the reasons why it is suitable for a planned development;
- I. Statement on the type and amount of ancillary and nonresidential uses in a residential development, including the amount of common open space, recreational areas and facilities;
- J. Floor plans and elevations of proposed structures.

(Ord. 748 § 10.2-2, 2003)

#### 17.52.050 - Public hearings.

The zoning board of appeals shall hold a public hearing on the application for a planned development and preliminary plan. Notice shall be given of the time and place of the hearing by publishing a notice thereof at least once in a newspaper of general circulation in the village, such publication to be not more than thirty (30) days nor less than fifteen (15) days prior to the day of hearing. Notice shall be provided owners of record within two hundred fifty (250) feet, exclusive of public right-of-ways, of the planned development not more than thirty (30) days nor less than fifteen (15) days prior to the date of hearing. The form of notice to be provided by the village clerk shall be either certified or registered mail, return receipt requested.

(Ord. 748 § 10.3, 2003)

#### 17.52.060 - Zoning board of appeals action.

Within thirty (30) days after the close of public hearing, the zoning board of appeals shall give a written opinion to the president and board of trustees recommending approval, modification or disapproval of the preliminary plan of development.

(Ord. 748 § 10.4, 2003)

#### 17.52.070 - President and board of trustees action.

The president and board of trustees, after receipt of the preliminary development plan of the development, shall approve, modify or disapprove such plan. The president and board of trustees may require such special conditions as they may deem necessary to insure conformity with the intent and purpose of all village ordinances. Upon approval by the president and board of trustees of the plan by an ordinance, a record shall be prepared, including finds of fact, setting forth

the terms of relief and/or variances granted from existing ordinance in general and specifically from the subdivision and other improvement ordinances. Approval of a preliminary plan shall not constitute approval of the final plan. The president and board of trustees shall notify the zoning board of appeals and applicant of its action.

(Ord. 748 § 10.5, 2003)

#### 17.52.080 - Status of approved preliminary plan.

Approval of a preliminary plan by the president and board of trustees shall not constitute approval of the final plan nor qualify a plat of the planned development for recording. In the event that a preliminary plan is approved and thereafter, but not prior to final approval, the petitioner shall choose to abandon such plan and notify the zoning board of appeals in writing, or fail to file application for final plan approval within the required time period or any extension thereof, the preliminary plan approval shall be deemed to be revoked, and all that portion of the area included in the plan for which final approval has not been given shall be subject to all applicable ordinances. No building permit shall then be issued for any structure until approval for the issuance has been given by the president and board of trustees of the final plan.

(Ord. 748 § 10.6, 2003)

#### 17.52.090 - Final development—Purpose.

The purpose of the final development plan is to:

- A. Designate the land subdivided into lots;
- B. Designate the division of other lands into common open building areas;
- C. Designate and limit the specific use of land, buildings and structures thereon.

(Ord. 748 § 10.7-1, 2003)

#### 17.52.100 - Final development—Requirements.

The final plan of the planned development shall substantially conform to the preliminary plan as approved. It may be submitted in stages with each stage being a portion of the approved preliminary plan which is to be developed and recorded; each such portion shall conform to all requirements of this chapter. After reviewing the final plan and supporting data, the zoning board of appeals shall approve or disapprove the plan within thirty (30) days. The required procedure for approval of the final plan of a planned development shall be as follows:

- A. Within twelve (12) months after approval of the preliminary development plan, the petitioner shall submit a final plan for approval.
- B. Application, final plan and supporting data shall be filed with the village clerk with sufficient copies of the plan as determined by the village clerk. The zoning board of appeals shall certify that the final plan is in conformity with this section and in agreement with the approved preliminary plans.
- C. Final plans for all or part of the planned development shall be submitted to the village clerk. Such plans shall be in substantial compliance with the development schedule.
- D. If the planned development constitutes a subdivision, a final subdivision plat shall be required. Any such final subdivision plat shall set forth suitable dedications of permanent open and recreational space to be owned in common, rights-of-way and other requirements of the ordinances and statutes, as the same may be in force from time to time.

- E. The final version of the plan of the planned development shall be filed indicating the locations of all building loading spaces and any other special structure, facility or feature approved or required by the president and trustees.
- F. All final plans shall be prepared in such detail as may be required by the PUD committee, including, but not limited to:
  - 1. Sanitary and storm sewer systems;
  - 2. Water supply system;
  - 3. Street and public area lighting systems;
  - 4. Sidewalks, trails and paths; and
  - 5. Landscape plan.
- G. Final floor plan and elevations of proposed structures.

(Ord. 748 § 10.7-2, 2003)

#### 17.52.110 - Review standards.

In reviewing the preliminary plans and final plans, the zoning board of appeals and the president and board of trustees shall be guided by the following standards:

- A. All plans shall be designed so that the public health, welfare and safety shall be protected.
- B. The proposed development shall be such that it does not cause substantial injury to the value of other property in the immediate area.
- C. All plans shall provide for protection of both the aesthetics and function of the natural environment, including, but not limited to, conditions pertaining to flood plains, soil and geologic characteristics, air quality and preservation of vegetation.
- D. The proposed development shall provide for the orderly and creative arrangement of all land uses with respect to each other and to the entire village.

(Ord. 748 § 10.8, 2003)

#### 17.52.120 - Final plans and covenants to limit and control development—Failure to maintain development schedule.

All planned developments shall be developed in strict compliance with the recorded final plan and supporting data. All final plans and covenants filed and recorded hereunder shall be contractual undertakings by and shall be binding upon the applicant thereof, the owners of the land covered by such planned development, their successors and assigns, and shall limit and control the construction location and use and operation of all land in such planned development and all improvements and structures to be located thereon.

- A. Approval of any planned development by the president and board of trustees shall carry with it approval of the development for completion of each phase or segment thereof as contained in the application, including any changes or amendments imposed by the village president and board of trustees and accepted by the applicant.

In the event any portion of such development schedule is not met, the president and board of trustees, upon a written request by the applicant for an extension of time, delivered to the president and board of trustees, at least twenty (20) days prior to the expiration of the completion date for which such extension is requested, may, for good

cause shown, extend the completion date for such length of time as the president and board of trustees, in their sole discretion, deem justified by the circumstances.

Upon the failure of an applicant to satisfactorily meet any phase or segment of the development schedule within thirty (30) days after the expiration thereof, or within thirty (30) days after any extension thereof granted by the president and board of trustees, the planned development granted as a special use hereunder shall forthwith lapse, terminate and become null and void, and the tract of land subject to such special use shall retain its underlying zoning classification; provided, however, that the president and board of trustees shall permit such portion of the planned development special use to remain in effect with respect to such tract as is reasonably warranted by the then current state of development so as to avoid manifest injustice to the applicant and his or her successors in title.

The applicant may apply for approval of a new planned development or for rezoning of the subject premises within sixty (60) days after termination. In the event the applicant does not make such application within a sixty (60) day period, the president and board of trustees shall initiate consideration of rezoning of the subject property by referring the matter to the zoning board of appeals for public hearing and recommendations.

- B. Upon issuance of a special use permit and the necessary building permits, no major changes may be made, during or after development in accordance with the final plan as approved and recorded; however, such major changes may be made pursuant to Section 17.52.180, Plan changes.

(Ord. 748 § 10.9, 2003)

#### 17.52.130 - Revocation.

In any case where a planned development has not been substantially commenced within one year from the date of granting thereof, the zoning board of appeals may recommend and the president and board of trustees, after notice and public hearing thereon, may repeal the ordinance authorizing any such planned development.

(Ord. 748 § 10.10-1, 2003)

#### 17.52.140 - Use exceptions.

The zoning board of appeals may recommend and the president and board of trustees may authorize specified uses permitted in part of the area of a proposed planned development, which are not permitted by the use regulations of the district in which the development is located, provided, that the zoning board of appeals shall find:

- A. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the preliminary purpose of the planned development; and
- B. That the uses permitted by such exception are not of such a nature or so located as to be a detrimental influence on the surrounding neighborhood.

(Ord. 748 § 10.10-2, 2003)

#### 17.52.150 - Bulk regulations.

In the case of any planned development, the zoning board of appeals may recommend and the president and board of trustees may authorize exceptions to the bulk regulations of the zoning ordinance within the boundaries of such planned developments, provided that the petitioner shall present sufficient evidence to the zoning board of appeals that such

exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents of occupations of such development as well as the neighboring property, than would be obtained under the bulk regulations of this chapter for building developed on separate zoning lots.

(Ord. 748 § 10.10-3, 2003)

#### 17.52.160 - Maintenance of recreational space and common open spaces.

In the event that the organization established to own and maintain common open space, recreation areas and related facilities, or any successor organization, shall at any time after establishment of the planned development fail to maintain the common open space, recreation areas and related facilities in reasonable order and condition, in accordance with the plan, the village may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the space in a reasonable condition and the notice shall include the following:

A demand that such deficiencies of maintenance be cured within thirty (30) days. If such deficiencies are not cured within thirty (30) days, the village shall serve notice of hearing. The notice shall state the date and place of hearing and shall be sent via U.S. mail not less than five days from the hearing date. At the hearing, if the village finds the deficiencies cannot be cured by the responsible party, the village, in order to preserve the taxable values of the properties within the planned development and to protect the common open space, may call a public hearing upon notice to such organization, or to the residents of the planned development to show cause why such maintenance by the village shall not, at the election of the village, continue for the succeeding year. The decision of the president and board of trustees in any case shall constitute a final administrative decision, subject to review in accordance with appropriate provisions of this section. The cost of such maintenance by the village shall be assessed against the properties within the planned development that have a right of enjoyment of the common space and recreation space. The village may pursue such payments by appropriate legal action.

(Ord. 748 § 10.10-4, 2003)

#### 17.52.170 - Preliminary and final approval.

A petitioner, pursuant to the terms of this chapter, may apply and the village president and board of trustees may approve both a preliminary and final plan under a single application.

(Ord. 748 § 10.10-5, 2003)

#### 17.52.180 - Plan changes.

- A. Major Changes. Changes which alter a concept of the planned development, including, but not limited to, changes in density, type and location, height of buildings and proposed open space, must be approved by submission of preliminary and final development plans pursuant to the provisions of this chapter and provisions for a public hearing under Section 17.52.050.
- B. Minor Changes. Minor changes in locations, siting or character of buildings may be authorized by the PUD committee if required by engineering and architectural constraints, or other circumstances not foreseen at the time the final development plan was approved. The PUD committee may not authorize as a minor change, except as provided herein, any increase in the size of a building or structure. The PUD committee may authorize as a minor change, changes in the location of any building or structure in any direction up to ten (10)

feet; further, any such changes in the location of a building or structure exceeding ten (10) feet may be approved by the PUD committee, provided such change is subsequently ratified and approved by the president and board of trustees.

(Ord. 748 § 10.11, 2003)

#### 17.52.190 - Permits required.

Building, zoning and occupancy permits shall be required for each structure in a planned development. No building permit relating to any part of a planned development shall be issued prior to the approval of a final plan of such part of the planned development.

(Ord. 748 § 10.12, 2003)

#### 17.52.200 - Effect of other ordinances.

All other subdivision and improvement ordinances of this municipality shall remain in full force and effect, unless otherwise varied by this chapter.

(Ord. 748 § 10.13, 2003)

#### 17.52.210 - Compliance with other laws.

The requirements contained herein are not exclusive and shall be in addition to any other requirements imposed by state law, village ordinance, resolution, code provision, rule, regulation or the like now existing or hereinafter adopted by the village and/or the state of Illinois.

(Ord. 748 § 10.14, 2003)

### Chapter 17.56 - DESIGN AND IMPROVEMENT STANDARDS

#### 17.56.010 - Parking.

Whenever any dwelling unit, building or structure is erected in the "A", "B", "C" or "D" residence districts, no permit shall be issued unless the plans and specifications shall provide for adequate parking space or garage.

- A. Size of Parking Area. Whenever a dwelling, building or structure is erected, there shall be provided accessible parking space, or garage on the lot or tract of land, adequate to accommodate not less than one and one-half car for each dwelling unit in the structure. Parking spaces shall be in the minimum size of fifteen (15) by twenty (20) feet and there shall be sufficient area to allow ingress and egress to public street or alley.
- B. Penalty. Any person or persons violating the provisions of this section shall be fined a sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense.

(Prior code § 182.11)

#### 17.56.020 - Height and area exceptions and regulations.

- A. The foregoing requirements in the height regulations set out in this title shall be subject to the following

exceptions and regulations:

1. Public, semi-public or public service buildings, churches, hospitals, sanitariums, or schools may be erected to a height not exceeding seventy-five (75) feet, provided that if such building is located in any residence district it shall be set back from each property line at least one foot for each foot of additional building height above the limit for the district in addition to the other requirements of this title.
  2. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers, or scenery lofts, tanks, watertowers, ornamental towers and spires, wireless towers or necessary mechanical appurtenances may be erected to a height in accordance with the existing or hereafter adopted ordinances of the village.
- B. The foregoing requirements in the area regulations shall be subject to the following exceptions and regulations:
1. In the case of buildings upon lots running through from street to street, the requirements for a rear yard may be waived when such buildings comply with the percentage of lot occupancy by furnishing other open spaces in lieu of such required rear yard.
  2. In computing the depth of a rear yard or the width of a side yard or open court for any building where such yard or court opens to an alley, one half of the alley width may be assumed to be a portion the yard or court.
  3. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sky lights above the bottom of such yard or court, and except for the projection of sills, belt courses, cornices and ornamental features not to exceed four inches.
  4. Open or lattice enclosed fire escapes, fire proof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet or into a court not more than three and one-half feet, and the ordinary projections of chimneys and flues shall be permitted.
  5. No yard, court or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other space for another building.
  6. In "A" residence districts no accessory buildings shall be located within ten (10) feet of its rear or side lot line where either such line forms part of the front half of the side line of an adjacent lot, but the foregoing rule shall not prohibit the erection of an accessory building eighty (80) feet or more from any street bounding on the block.

(Prior code § 182.13)

#### 17.56.030 - Building line setback.

No building shall be erected or altered in any "A" residence district so as to place its street wall nearer than twenty-five (25) feet from the street line, no building shall be erected or altered in any "B" residence district so as place its street wall nearer than ten (10) feet from the street line; provided that:

- A. Where a block is occupied or partially occupied by buildings which existed in the block at the time of the passage of the ordinance codified in this section, the average of the distance of the street line shall be the established building line; but no building shall be required to be set back in any case more than forty (40) feet in any "B" residence district.
- B. Where a lot on which a building line set back is required adjoins a district with a smaller or no set back requirement, the buildings on such lot, for a distance of not more than fifty (50) feet from the district line, shall be required for the lot.

- C. Where owners of all properties in a block petition in writing for the establishment of a building line within the building line differs from that which would otherwise be established by the provisions of this section, the board may, after due notice and hearings, recommend to the village board of trustees the adoption of the building line by the petitioners.

(Prior code § 182.14)

#### 17.56.040 - Construction of storage sheds.

That no person, or persons, corporation or corporations firm or firms organization, or organizations, shall maintain, erect or construct, or caused to be maintained, erected or constructed, any storage shed unless it complies with the following provisions:

- A. Height. Height of a storage shed shall not exceed eight feet. Height of the storage shed shall be measured from the highest point of the roof to grade.
- B. Size. The size of a storage shed shall not exceed one hundred (100) square feet.
- C. The village building department and the building commissioner must approve the location of any storage shed.
- D. In order to construct a storage shed, a village building permit must be obtained from the village building department. Applicants for a village building permit to construct a storage shed must submit plans, a plat of survey and any additional reasonably requested documents indicating the size and location of the proposed storage shed prior to construction of said storage shed.

Any person, corporation, firm, or organization violating any provision of this section, shall upon conviction thereof, be punished by a fine of seven hundred fifty dollars (\$750.00) and a separate offense shall be deemed committed on each day during, or on which a violation occurs, or continues.

(Ord. No. 1747, § 10.00, 6-24-2013; Ord. 943 § 10, 2005)

### Chapter 17.60 - TELECOMMUNICATIONS FACILITIES

#### 17.60.010 - Purpose.

The purpose of this chapter is to provide specific regulations for the placement, construction and modification of telecommunications facilities. It is desired that a rational and reasonable balance amongst and between the interests of the residents and businesses of this community, those telecommunications providers desiring to provide services and this community's obligations under applicable antenna siting provisions contained in the federal Telecommunications Act of 1996 shall be fairly satisfied. It is the intent and goal of this chapter to encourage the location of telecommunications facilities in nonresidential areas. Further, where appropriate, location upon municipally owned lands and structures is desired, it being the opinion of the president and board of trustees that the public burden associated with the visual impact of a telecommunications facility may be offset or balanced by the public benefit generated by the leasing of municipally owned facility space. Providers are further encouraged, through the operation of these regulations, to limit the number of new tower sites and to encourage designs, locations and configurations that minimize adverse visual impact.

(Ord. 299 § 4 (part), 1997; prior code § 182.100(1))

## 17.60.120 - Definitions.

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

"Antenna" means an antenna device by which radio signals are transmitted, received, or both.

"Antenna support structure" means a structure, whether an antenna tower or other type of structure, that supports one or more antennas as part of a facility.

"Antenna tower" means a structure designed, manufactured and constructed primarily for the purpose of supporting one or more antennas; including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, cellular and/or PCS towers and the like.

"FAA" means the Federal Aviation Administration of the United States Department of Transportation.

"FCC" means the Federal Communication Commission.

"Governing authority" means the president and board of trustees of the village.

"Horizontal separation distance" means the distance measured from the center of the base of the antenna support structure to the point where the ground meets a vertical wall of a principal residential building.

"Lot line setback distance" means the distance measured from the center of the base of the antenna support structure to the nearest point on the common lot line between the telecommunications facility lot and the nearest residentially zoned lot.

"Nonresidential zoned lot" means a zoning lot in a nonresidential zoning district.

"Nonresidential zoning district" means all areas under the village's zoning jurisdiction except those portions within any residential zoning district.

"Residential zoned lot" means a zoning lot in a residential zoning district.

"Residential zoning district" means a zoning district that is designated under the village's zoning ordinance as an "A" (residence), "B" (residence), "C" (six-flat residence) or "D" (multiple residence) district.

"Telecommunications carrier" means a telecommunications provider or carrier as defined in the Public Utility Act of the state of Illinois (as of January 1, 1997), a mobile services provider or carrier as defined in the Federal Telecommunications Act of 1996 and may more broadly be described as a provider, carrier, seller or supplier of cellular, PCS (personal communication services, two-way radio, specialized mobile radio, wireless local loop or other form of radio telephone or wireless communications service under a license from the FCC).

"Telecommunications facility" means any antenna, antenna support structure or tower, including any related equipment boxes, shelters and buildings required by a telecommunications carrier to provide telecommunications services.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(2))

## 17.60.030 - Uses allowed.

All new telecommunications facilities shall comply with the ordinance codified in this chapter upon the date of passage. All telecommunications facilities existing on the date of passage of said ordinance shall be allowed to continue their usage as they presently exist. New construction, other than routine maintenance, on existing telecommunications facilities shall comply with the requirements of this chapter.

- A. Specific Permitted Uses. The following uses are specifically permitted:
1. Pursuant to Section 17.60.070, telecommunications facilities are exempted from the provisions of this chapter and may be freely located regardless of the zoning district or type (building mounted, new tower, water tower, etc.) of installation proposed;
  2. Locating an antenna tower in any nonresidential zoning district; provided, however, that any such tower be constructed so as to provide a horizontal separation distance from the nearest principal residential building a distance equal to its height. At minimum, any such antenna tower shall provide a lot line setback a distance at least equal to one-half its height from the nearest adjoining residential lot line, regardless of the existence or location of the nearest principal residential building. Further, the established setback requirements for buildings and structures in the relevant underlying zoning districts shall also be complied with;
  3. Installing a telecommunications facility upon an existing tower, building, water tower, or other structure, including the placement of additional buildings, shelters, cabinets, boxes or other supporting equipment used in connection with such antenna, as long as the addition of the antenna or antennas adds no more than twenty (20) feet to the height of the existing tower, building rooftop, water tower or other structure. This provision shall pertain to existing structures in any zoning district, except that placement upon existing structures located in residentially zoned districts shall be built only on those structures in excess of forty (40) feet in height. Additions to existing antenna towers may exceed twenty (20) feet as provided in Section 17.60.060(B).
- B. Special Use Permits. The following uses require special use permission:
1. If this chapter applies, and proposed antenna tower is not a permitted use under subsection A of this section, then a special use permit shall be required.
  2. In gaining a special use permit, the governing authority may impose zoning conditions to the extent the governing authority concludes such conditions are necessary to buffer or otherwise minimize any adverse effect of the proposed antenna tower on adjoining properties.
  3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a qualified professional engineer.
  4. Any applicant requesting a special use permit under this chapter shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, scaled by appropriate professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency converge, tower height requirements, setbacks, drives, parking, landscaping, adjacent used, and other information necessary to assets compliance with this chapter.
  5. Special use permits shall be granted only upon approval by the president and board of trustees, after public hearing before and recommendation by the board of zoning appeals.
  6. Factors Considered in Granting Special Use Permits. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if in the sole discretion of the governing authority, the goals of this chapter are better served thereby:
    - a. Height of the proposed tower;
    - b. Proximity of the tower to existing residential structures;
    - c. Nature of uses on adjacent and nearby properties;

- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Designs of the tower, with particular characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
- g. Availability of suitable existing towers and other structures in the vicinity. No new tower shall be permitted pursuant to the special use process unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna or antennas. Appropriate evidence used to demonstrate the lack of availability of any such structure may consist of the following:
  - i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures, would cause interference with the applicant's proposed antenna.
  - v. The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
  - vi. Property owners or owners of existing towers or structures are unwilling to reasonably accommodate the applicant's needs.
  - vii. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable;
- h. Setbacks and Separation. The following setbacks and separation requirements shall apply to all antenna towers and antennas for which a special use permit is required; provided, however that the governing authority may, in its sole discretion, reduce the standard setback requirements if the goals of this chapter would be better served thereby.

Antenna towers must be setback a distance equal to the height of the tower from any off-site residential structure. At minimum, any such antenna tower shall provide a lot line setback at least equal to one-half its height from the antenna all adjoining residential lot line;

- i. Security Fencing. Antenna towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate and climbing device; provided, however, that the governing authority may, in its sole discretion, waive such requirements, as it deems appropriate;
- j. Landscaping. The following guidelines shall govern the landscaping surrounding antenna towers for which a special use permit is required; provided, however, that the governing authority may, in its sole discretion, waive such requirements if the goals of this chapter be better served thereby.
  - i. The ground surrounding the fenced area of a telecommunications facility containing an antenna tower shall be landscaped with a buffer of plant materials that effectively

screens the view of the fencing equipment shelter, cabinets or boxes of the telecommunications facility from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the facility.

- ii. In locations where the visual impact of the antenna tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- iii. Existing mature tree growth and natural land forms on the site shall be presented to the maximum extent possible. In some cases, such as antenna towers site on large, wooded lots, natural growth around the facility or property perimeter may provide a sufficient buffer.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(3))

#### 17.60.040 - Site selection and protocols.

The governing authority encourages and desires that the following list of pointers for new telecommunications facility be observed and the telecommunications providers and carriers endeavor in good faith to use their best efforts to locate their facilities in accordance herewith:

- A. Place telecommunications facilities upon property and structures owned by the village;
- B. Place telecommunication facilities upon appropriate existing structures such as buildings, communications towers, water towers and smokestacks;
- C. Place telecommunications facilities upon property or structures within "F" (light manufacturing) and "G" (industrial) district properties.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(4))

#### 17.60.050 - Co-location—Abandonment.

- A. In order to reduce the number of antenna support structures needed in the village in the future, any new support structure shall be designed to accommodate antennas for at least two users, unless the applicant demonstrates in writing why such design is unfeasible for technical or physical reasons.
- B. Any antenna or antenna tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within the ninety (90) days, the governing authority may remove such antennas or tower at the owner's expense. If there are two or more users of a single tower, than this provision shall not become effective until all users cease using the tower.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(5))

#### 17.60.060 - Design criteria.

All telecommunications facilities must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate such facilities. In addition, the following regulations, limitations and restrictions shall apply:

- A. The maximum height for any antenna tower, whether permitted by right or special use permit shall be as follows:

1. One hundred eighty (180) feet on any property zoned "G" (industrial);
  2. One hundred fifty (150) feet upon any property zoned "F" (light manufacturing);
  3. One hundred twenty (120) feet upon any property zoned "C" (commercial); and
  4. One hundred (100) feet upon all other properties.
- B. The height of an existing antenna tower may be increased for the purpose of co-location or improvement of service and transmitting and receiving efficiency, as long as the overall height of the structure does not exceed the above stated maximums. No special use or height variation zoning process shall be required for any such height increase.
- C. The maximum heights stated hereinabove may be exceeded only upon approval by variation by the governing authority after a proper public hearing and recommendation by the board of zoning appeals.
- D. All antenna towers shall have a noncontrasting galvanized steel, blue, gray, or black finish, or a similar color that minimizes their visibility, unless a different color is required by the FCC or FAA.
- E. No signals, lights or signs shall be permitted on antenna towers, unless required by the FCC or FAA.
- F. All telecommunications facilities shall be built according to the standards of the Electronics Industry Association and all applicable construction and building codes.
- G. Building mounted telecommunications facilities should be architecturally compatible with the building upon which they are mounted.
- H. No telecommunications facility shall cause interference with the reception of television and radio broadcasting to the property on which they are located or to surrounding properties.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(6))

#### 17.60.070 - Exemptions.

Antennas or towers located on publicly owned property shall be exempt from the requirements, rules and regulations of this title, as amended from time to time; including the terms, provisions, conditions and regulations in this chapter, provided a license or lease authorizing such antenna, tower or facility has been approved by the governing authority. "Publicly owned property" includes but is not limited to: parks, schools, water towers, existing communication structures, public works, yards, police and fire stations, village and other administrative offices, and the like. This provision shall include exemption from both use and bulk (height and setback) regulations pertaining to telecommunications facilities, regardless of location or zoning district, and regardless of the type (building mounted, water tower mounted, new monopole or lattice tower, etc.) of facility to be installed.

(Ord. 299 § 4 (part), 1997: prior code § 182.100(7))